

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

|               |                                   |  |            |               |               |              |  |               |               |             |            |               |               |              |
|---------------|-----------------------------------|--|------------|---------------|---------------|--------------|--|---------------|---------------|-------------|------------|---------------|---------------|--------------|
| 1.            | Reference No:                     | 4/24/2199/0A1  |            |               |               |              |  |               |               |             |            |               |               |              |
| 2.            | Proposed Development:             | EXISTING SIGN HEAD TO BE REUSED ON A NEW POLE TO REPLACE THE CURRENT TOTEM   |            |               |               |              |  |               |               |             |            |               |               |              |
| 3.            | Location:                         | MCDONALDS, BRIDGES RETAIL PARK, FLATT WALKS, WHITEHAVEN  |            |               |               |              |  |               |               |             |            |               |               |              |
| 4.            | Parish:                           | Whitehaven   |            |               |               |              |  |               |               |             |            |               |               |              |
| 5.            | Constraints:                      | ASC;Adverts - ASC;Adverts,<br><br>Flood Area - Flood Zone 2,<br><br>Coal - Standing Advice - Data Subject To Change  |            |               |               |              |  |               |               |             |            |               |               |              |
| 6.            | Publicity Representations &Policy | Neighbour Notification Letter: NO<br><br>Site Notice: NO<br><br>Press Notice: NO<br><br>Consultation Responses: See report<br><br>Relevant Planning Policies: See report   |            |               |               |              |  |               |               |             |            |               |               |              |
| 7.            | Report:                           | <b>SITE AND INTRODUCTION</b><br><br>This application relates to the fast food restaurant McDonalds which is situated at the Bridges Retail Park off Flatt Walks in Whitehaven. There is a large car park to the west of the site with commercial properties beyond. Flatt Walks is situated to the east.<br><br><b>PROPOSAL</b><br><br>Advertisement Consent is sought for the replacement of the existing totem with a new pole. The existing sign head is to be reused on top of the totem pole. The details are summarized below:- <table><tr><td>Advertisement</td><td>Height, width</td><td>Height from</td><td>Projection</td><td>Max height of</td><td>Materials and</td><td>Illumination</td></tr></table> |            |               |               |              |  | Advertisement | Height, width | Height from | Projection | Max height of | Materials and | Illumination |
| Advertisement | Height, width                     | Height from  | Projection | Max height of | Materials and | Illumination |  |               |               |             |            |               |               |              |

| type       | and depth                         | ground to base |     | individual letters | colour   |     |
|------------|-----------------------------------|----------------|-----|--------------------|--|-----|
| Totem sign | 1.95m<br>x<br>1.99m<br>x<br>0.52m | 10m            | N/A | N/A                | Existing acrylic yellow golden arch above acrylic red McDonald's panel with moulded opal text. | Yes |

#### RELEVANT RECENT PLANNING APPLICATION HISTORY

Refurbishment of restaurant and patio area, changes to elevations and removal of drive through booth, approved in June 2010 (application reference 4/10/2189/0F1 relates);

Various advert signs – 2 fascias, 5 freestanding signs, 2 post mounted banners, 1 wall mounted banner and 1 customer order display, approved in June 2010 (application reference 4/10/2190/0A1);

Advertisement consent for the installation of a goal post height restrictor and 2 no. customer order displays and a reconfigured signage suite, approved in November 2014 (application reference 4/14/2410/0A1 relates);

Reconfiguration of car park and drive thru lane to provide side-by-side order point and relocation of a booth window, approved in November 2014 (application reference 4/14/2418/0F1 relates);

New drive thru signage, approved in November 2015 (application reference 4/15/2425/0A1 relates);

Reconfiguration of the car park and drive thru to facilitate the installation of a side by side drive thru lane and the removal of 11 no. parking spaces, approved in November 2015 (application reference 4/15/2426/0F1 relates);

Reconfiguration of the car park and drive thru lane, approved in January 2016 (application reference 4/15/2515/0F1 relates);

Advertisement consent for signage, approved in January 2016 (application reference 4/15/2516/0A1 relates);

Installation of 4 no. new digital freestanding signs and 1 no. 15 inch digital booth screens, approved in December 2019 (application reference 4/19/2384/0A1 relates);

Refurbishment of the restaurant with alterations to elevations to include extensions totalling



## Cumberland Council

6.2sqm incorporating a new entrance lobby, approved in June 2024 (application reference 4/24/2131/0F1 relates).

### **CONSULTATION RESPONSES**

#### Whitehaven Town Council

No objections.

#### Cumbria County Highways and Local Lead Flood Authority

The luminance levels have been included in the application 600cd/m2. Please insure that they do not exceed (600cd/m2).

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

#### Conservation and Design Officer

No comments.

### **PLANNING POLICIES**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

#### **Development Plan**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

#### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM27 – Built Heritage and Archaeology

Policy DM29 – Advertisements

**Emerging Copeland Local Plan (ELP):**

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or ‘modifications’ that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The following policies are relevant to this proposal:

- Strategic Policy DS1PU: Presumption in favour of Sustainable Development
- Policy DS6PU: Design and Development Standards
- Policy BE6PU: Advertisements
- Strategic Policy BE1PU – Heritage Assets
- Policy BE2PU – Designated Heritage Assets

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

## **ASSESSMENT**

### Principle

The addition of new signage is required to advertise the continued function of the building. In principle, signage is acceptable in this location as the building is situated within the town centre where there are many existing examples of signage and it is a functional requirement for the business in terms of identification.

Policy DM29 of the Core Strategy (CS) relating to Advertisements states that outside areas of Special Advertisement Control, advertisements will be granted consent if all of the following criteria are met:

- i) They would not be obtrusive or dominant features in the street scene;
- ii) They would not create clutter on a building or within the street scene;
- iii) They would not harm public safety;
- iv) Where attached to a building, they would respect its scale, proportions and architectural features.

These requirements are repeated within Policy BE6PU of the emerging local plan (ELP).

Policy DM10 of the local plan and DS6PU of the ELP require good design.

The main considerations are the scale and design of the signage and any effect on the highways and public safety.

### Design and Siting adjacent to the Conservation Area

The signage will be located adjacent to the Conservation Area boundary and will be visible from various public vantage points. Policies ENV4 and DM27 of the CS and Policies BE1PU and BE2PU of the ELP seek to reduce the impact of any development on the Conservation Area and maintain the character of the area.

Policies within the CS and ELP seek to ensure that signage does not affect public safety, will not be obtrusive or create clutter and is of a reasonable scale and appearance.

This application seeks approval for the signage associated with the business name – the “Golden Arches” are recognized globally as branding for the McDonald’s chain.

The proposed signage will be located adjacent to the restaurant building and will replace the existing totem sign. It will be viewed in context with the building and provide a function in association with its use. The signage is considered to be modest in scale and will not be

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|  | <p>intrusive. It will be viewed in context with the existing signage within the retail estate and it will not be obtrusive in this regard. Furthermore, the signage will not materially change the existing situation as it will be very similar to the current totem sign.</p> <p>The Council's Conservation and Design Officer has raised no objections to the proposal.</p> <p>The sign is proposed to be illuminated. The Highways Officer has requested that the illumination levels do not exceed 600cd/m2. A planning condition can be imposed to ensure this level of illumination is applied.</p> <p>Overall, it is considered that the proposed signage complies with Policy DM29 of the CS and Policy BE6PU of the ELP with respect to its design and siting and Policies ENV4 and DM27 of the CS and BE1PU and BE2PU of the ELP with respect to the surrounding Conservation Area.</p> <p><u>Public Safety</u></p> <p>The signage will be erected where it does not pose an issue to passing motorists or pedestrians, ensuring the safety of highway users. As the signage will be attached to a totem pole, no risk to public safety is posed.</p> <p>It is considered that the proposal accords with Policies ST1 and DM29 of the Local Plan and Policy BE6PU of the ELP and protects the surrounding amenity.</p> <p><u>Planning Balance and Conclusion</u></p> <p>On balance, whilst the proposal may create some harm to the visual amenity of the area due to its siting adjacent to the Conservation Area, this is likely to be negligible and the current situation will not materially change.</p> <p>No objections have been received to the application</p> <p>Overall, this is considered to be an acceptable form of advertisement on a commercial site which accords with policies ST1 and DM29 of the Copeland Local Plan and Policy BE6PU of the emerging Local Plan.</p> |
| 8.   | <p><b>Recommendation:</b></p> <p>Approve Advertisement Consent</p>   |
| <p><b>Case Officer: Sarah Papaleo</b></p>        |  |
| <p><b>Date : 22/07/2024</b></p>                  |  |
| <p><b>Authorising Officer: N.J. Hayhurst</b></p> |  |
| <p><b>Date : 23/07/2024</b></p>                  |  |
| <p><b>Dedicated responses to:- N/A</b></p>       |  |