

## Delegated Report

**Planning Ref: 23/00412/ADV**  
**Applicant: MCDONALD'S RESTAURANTS LIMITED**  
**Ward: Hinckley DeMontfort**



Hinckley & Bosworth  
Borough Council

**Site: McDonalds, Wheatfield Way, Hinckley**

**Proposal: Repositioning of fascia sign**

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### **1. Recommendations**

#### **1.1. Grant advertisement consent subject to:**

- Planning conditions outlined at the end of this report

### **2. Planning application description**

- 2.1. The application is for advertisement consent for the relocation of the illuminated McDonald's fascia sign. The sign will retain its luminance of 600cd/m2.

### **3. Description of the site and surrounding area**

- 3.1. The application site is located within an industrial estate on Wheatfield Way. The site is bound by the A47 to the north and is located next to Fields Fitness, and other business and industrial uses to the east, south and west. The site has existing car parking and drive through facilities.

### **4. Relevant planning history**

#### **20/00296/ADV**

x3 internally illuminated freestanding signs and x1 internally illuminated projecting sign  
Advertisement Consent Granted

### **5. Publicity**

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site.
- 5.2. No responses have been received.
- 5.3. Consultation
- 6.1. No responses.

### **6. Policy**

- 7.1. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM10: Development and Design
  - Policy DM17: Highways and Transportation
  - Policy DM23: High Quality Shop Fronts and Advertisements
- 7.2. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
  - Planning Practice Guidance (PPG)
- 7.3. Other relevant guidance
- Good Design Guide (2020)

- National Design Guide (2019)

## 7. Appraisal

### 8.1. Key Issues

- Impact upon the character of the area
- Impact upon highway safety

Impact upon the character of the area

- 7.2 Paragraph 136 of the National Planning Policy Framework (NPPF) states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.
- 7.3 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features.
- 7.4 Policy DM23 of the SADMP sets out the circumstances in which applications for outdoor advertisements will be approved by the Borough Council. The circumstances include the requirement for advertisements to reflect local character and materials, to be appropriately scaled and to be of an acceptable level of luminosity so not as to lead to obtrusive light.
- 7.5 The advertisement is to be located in a similar position to the existing sign, facing onto Cornfield towards Fields Health & Fitness Club. It is considered that the relocation of the advertisement would not cause any impacts nor be out of character with the area when considering the existing location, size and luminance.
- 7.6 It is considered the signs would have a neutral impact and that the proposal would preserve the character and appearance of the area, and subsequently the proposal complies with Policies DM10, and DM23 of the SADMP.

Impact upon highway safety

- 7.7 Policy DM17 of the SADMP requires development to not have a significant impact upon highways safety.
- 7.8 Policy DM23 of the SADMP also requires advertisements to be of an acceptable level of luminosity so not as to lead to obtrusive light.
- 7.9 The road the proposal is situated along is Wheatfield Way with the advertisement facing onto Cornfield. The level of luminance proposed is less than 600cd/m<sup>2</sup> which is acceptable, subject to a condition that the proposed adverts do not exceed this limit. The size and position of the signs would not give rise to an unacceptable level of pedestrian or vehicular safety. It is also considered against the existing advertisement and luminance levels, as the proposal seeks to relocate the advertisements in line with the proposals under 23/00411/FUL.
- 7.10 It is therefore considered that the proposed advertisement would not cause any material impacts upon pedestrian or vehicular safety in compliance with policies DM17 and DM23 of the SADMP.

Equality implications

- 7.11 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.12 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 7.13 There are no known equality implications arising directly from this development.
- 7.14 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## 8. Conclusion

- 9. Overall the proposal is deemed acceptable within the context of the street scene and would preserve the character and appearance of the area. The illumination and projection of the advertisement would not cause any significant impacts upon pedestrian or vehicular safety. The proposed development is therefore deemed acceptable in accordance with policies DM1, DM10, DM17, DM23 of the SADMP and the wider policies of the NPPF

## 10. Recommendation

- 11.1 **Grant advertisement consent** subject to:

- Planning conditions outlined at the end of this report

## 11.2 Conditions and Reasons

- 1. The grant of express consent shall expire at the end of a period of five years from the date of this notification.

**Reason:** To comply with the requirements of Regulation 16(2) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2. All advertisement consents are subject to five standard conditions specified in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which are as follows: -

- a) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission

- b) No advertisement shall be sited or displayed so as to:-

- (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
- (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air
- (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site

d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public

e) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

**Reason:** To comply with the requirements of Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. The sign permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

**Reason:** To comply with the requirements of Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. The illuminated advertisements hereby permitted shall only be statically illuminated and shall not have a degree of brightness exceeding 600 candelas per square metre.

**Reason:** In the interests of the visual amenities of the locality and the character and appearance of the area and so that drivers of vehicles on the highway are not dazzled or distracted in accordance with Policy DM23 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The advertisement(s) hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Sign details Drg No. 002/2008
- Site location plan Drg No. 0001
- Block plan Drg No. 0002
- Existing and proposed elevations Drg No. 0009

**Reason:** To protect the visual amenity of the area to accord with Policies DM1 and DM23 of the Site Allocations and Development Management Policies Development Plan Document.

### 11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.