



Penderfyniad ar yr Apêl

Ymchwiliad a gynhaliwyd ar 14/01/03

Ymweliad â safle a wnaed ar 14/01/03

Appeal Decision

Inquiry held on 14/01/03

Site visit made on 14/01/03

gan/by Ian Osborne BA(Hons) DipTP MRTPI

Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru

an Inspector appointed by the National
Assembly for Wales

Dyddiad/Date - 6 -02- 2003

Appeal 1 - Ref: APP/Z6950/A/02/1097740

Appeal 2 - Ref: APP/Z6950/H/02/514277

Land at Brooklands Terrace Retail Park, Culverhouse Cross, Cardiff

- Appeal 1 is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission and Appeal 2 is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent..
- Both appeals are made by Legal & General Investment Management against the decisions of the Vale of Glamorgan Council.
- The application in Appeal 1 (Ref. 02/00031/FUL) dated 09/01/02 was refused by notice dated 28/02/02.
- The development proposed is the erection of a drive-through restaurant (Use Class A3) together with associated parking, access and landscaping works.
- The application in Appeal 2 (Ref: 02/01307/ADV) dated 18/09/02 was refused by notice dated 01/11/02.
- The consent sought is for signage related to the proposed drive-through restaurant.

Summary of Decision: Appeal 1 is allowed with conditions as set out in the Formal Decision but Appeal 2 is dismissed for the reasons set out below.

Procedural Matters

1. The Council's reasons for refusal in Appeal 1 relate solely to the visual impact of the proposals. At the opening of the inquiry I indicated that the question of whether they would constitute sustainable development was also a main issue, specifically in relation to the generation of car-borne trade. The application which has resulted in this appeal was accompanied by a transportation assessment which dealt with this issue. In addition the Appellants commented on this matter at the inquiry. In accordance with the provisions of section 79 of the 1990 Act I have, therefore, dealt with Appeal 1 as if the application had been made to the National Assembly in the first instance.

Main Issues

2. The main issues in Appeal 1 therefore are: first, whether the proposals would comply with the principles of sustainable development set out in national policy; and second, their effect on the character and appearance of the area, in particular on the amenity of houses in Brooklands Terrace. In Appeal 2 the main issue is the effect of the proposed illuminated signs on the visual amenity of the locality.

Planning Policy

3. The Council consider that only one policy of the draft *Vale of Glamorgan Unitary Development Plan* [UDP] is relevant in this planning appeal. This is Policy ENV25, the latest version of which indicates that new development must have full regard to the context of the local environment but will be permitted where a list of criteria are satisfied. These include (i) that it complements or enhances the local character of buildings and open spaces; (iv) that it minimises any detrimental impact on adjacent areas; and (iv) that it ensures that existing landscaping is protected and complemented by new landscaping.
4. The Appellants consider that Policy SHOP10 of this draft UDP, which specifically deals with new take-aways, is also applicable. The latest version of this policy indicates that such food outlets will be permitted provided that, amongst other things, they would not have an unacceptable effect on residential amenities as the result of any problems caused by traffic, noise, smell or other amenity considerations. Since a substantial part of the proposals would involve the sale of hot food for consumption off the premises, I agree that this policy is applicable, especially as it refers specifically to Class A3 of *The Town and Country (Use Classes) Order 1987* as amended. Both the proposed restaurant and take-away elements of the proposals would be in this Class. Since the draft plan has reached an advanced stage towards its adoption it may be accorded substantial weight.
5. National planning policy is set out in *Planning Policy Wales* [PPW] issued in March 2002. Paragraph 2.1.2 makes clear that section 121 of the *Government of Wales Act 1998* places a duty on the National Assembly to promote sustainable development in the exercise of their functions. Paragraph 8.1.3 indicates that sustainability will be helped by reducing the need to travel, especially by private car; by locating development where there is good access by public transport, walking and cycling; and by locating development near other related uses to encourage multi-purpose trips and reduce the length of journeys.
6. In relation to retail development, paragraph 10.1.1 indicates that the Assembly Government's objectives include the promotion of district centres for retailing and complementary functions. Since the proposals would include a substantial take-away element I consider that they would be a retail use but, in any case, the proposed restaurant would be a complementary function. Annex A of TAN4 on *Retailing and Town Centres* defines a district centre as a group of shops separate from the town centre usually containing at least one food supermarket or superstore, together with non-retail services such as banks, building societies and restaurants. In my view when considered as a whole the substantial amount of shopping and related development at Culverhouse Cross, which includes a food superstore, has the essential characteristics of a district centre. There is no evidence before me that, say for policy reasons, it has some other status.
7. Paragraph 2.9.9 of PPW indicates that the visual appearance of proposed development, its scale and relationship to its surroundings are material planning considerations, and that local planning authorities should reject poor designs. I consider that the aim of this advice is applicable in this appeal. Section 4.5 sets out policy on the control of outdoor advertisement and paragraph 4.5.2 in particular makes clear that, in considering an advertisement's impact on amenity, the test is whether it would affect the appearance of a building or of the immediate neighbourhood where it would be displayed.
8. TAN12 issued in 2002 provides technical guidance on design matters, including in relation to advertisements. This supplements the guidance on TAN7 on *Outdoor Advertisement Control* issued in 1996.

APPEAL 1

Reasons

9. On the first main issue, according to the transportation assessment submitted with the application, some 40% of the trips to the proposed building would be primary trips and a further 15% would be diverted trips. No estimates are given of the total number of weekly or annual trips but, even so, the number of trips unconnected with other visits to this district centre or just passing through it is likely to be substantial. The Appellants estimate that half the trade of the proposed drive-through restaurant would be take-away, of which about a quarter would be by customers on foot. No estimates are given of the proportion of customers who would arrive by public transport but it is acknowledged that this is likely to be small.
10. There are houses and residential caravans in Brooklands Terrace and in the modern housing estate leading off it. In addition substantial numbers of people work in the offices on the opposite side of the A4050 to the site and also in the adjacent television studios. There is also a large hotel opposite the site. These potential sources of custom might therefore generate the substantial number of people who the Appellants estimate would arrive on foot at their proposed restaurant.
11. On the other hand, since there is only a half-hourly bus service past the site, and the busy road system at Culverhouse Cross is not conducive to cycling, I do not consider that more than a very few customers would arrive either by bus or cycle. In practice the site is thus not readily accessible by either of these modes of sustainable transport.
12. In any case, given that the proposals specifically include a drive-through take-away it seems to me that they are largely aimed at car-borne customers. They would thus not constitute sustainable development on transport grounds. Nevertheless, as the site is in the Culverhouse Cross district centre and on part of the car park for existing retail uses which is not now required for its intended purpose, I consider that on balance the proposals would just comply with the principles of sustainable development set out in national policy. Consequently I do not consider that it would be justified to dismiss the appeal on sustainability grounds.
13. Turning to the second main issue, the proposed building would be single storey with a flat-topped roof though with a sloping skirt all round. It would have a gross floor area of some 280m² and its site would occupy about half of the car park at the side of the 3 medium and 2 large retail warehouses on this retail park. These warehouses are flat-roofed but nevertheless are large, prominent buildings. Further, as the main part of their car park is in front of them, this open, largely hard surface is not an attractive feature in the main public view of this development from the A4050 Port Road, including when there are cars parked on it. This adverse impact is mitigated to some degree though by the main road frontage being fairly well planted. In addition, along the Brooklands Terrace frontage there is a bund with a close-boarded wooden fence on top of it. This bund and fence are about 5m high in total and there are also trees growing on the highway side of this visual screen.
14. I acknowledge that some planted areas in the existing car park would be lost in order to erect the proposed building but I do not consider that any of the Port Road frontage planting would need to be removed. The existing frontage planting would be continued around the northern and eastern boundaries of the appeal site. This existing and proposed planting would have the effect of softening the visual impact of this small proposed building, together with the cars which would visit it, when viewed from either Port Road or from the traffic-light controlled access to this retail park. To the extent that Port Road is a gateway to the Vale of

Glamorgan, I do not consider that the proposals would materially detract from the largely built up but reasonably well landscaped appearance of this stretch of the A4050.

15. The terrace of older houses in Brooklands Terrace are all sited at more or less the same ground level. Since this highway falls slightly from its roundabout junction with the A4050, the result is that these houses are elevated by up to about 1.8m above the level of the carriageway towards the eastern end of the terrace. The section shown on the submitted Dwg No 0046/20B in relation to the house at No 9 is thus incorrect. Even so, because of the bund and fence opposite these houses, I estimate that the proposed building would be visible only from their front upstairs windows. Even then it would be about 60m away from these houses. In my opinion, bearing in mind that the present use of the site is as part of a somewhat bleak car park, the visual impact of the proposals when seen from these houses would not be so adverse as to be unacceptable.
16. I find therefore on the second main issue in this appeal that the proposals would not have a harmful effect on the character and appearance of the area, including on the amenity of houses in Brooklands Terrace. As such, they would not conflict with criteria (i) of Policy ENV25 of the draft UDP in that the proposed building would not fail to complement and enhance the character of the locality: nor with criteria (iv) or (v) in that the existing and proposed landscaping would minimise the slight detrimental impact of the proposed building when viewed from adjacent areas and at the same time add to the planting on the site. In addition, the proposals would not conflict with Policy SHOP10 of this draft plan since they would not have an unacceptable effect on visual amenity.
17. I have considered the appeal decision in September 1996 which granted outline permission for this retail park. In particular I have had regard to paragraph 36 where the Inspector indicates that in relation to the development which he permitted it should be possible to site the buildings further away from Brooklands Terrace than would have been the case with proposals which were dismissed on appeal in 1988. In approving the reserved matters following the 1996 outline permission, the Council sought to keep the buildings a substantial distance from most of the older houses in Brooklands Terrace. These are large buildings however and not comparable with that before me. Since I have concluded that the much smaller building in this case would not be unacceptable on this particular part of the site which the previous Inspector dealt with, I do not consider that my findings are inconsistent with his views.
18. I have taken into account the concerns of local residents and also observations of the Wenvoe Community Council. In relation to traffic and parking matters, there is little evidence before me, and none which is persuasive, that either the loss of spaces in this existing car park or the traffic which would be generated by the proposals would seriously add to danger or congestion on the local road system. At the same time there is no technical evidence before me that there is a smell problem with the local sewerage system nor any evidence that litter is a particular local occurrence. Any smells from cooking can be satisfactorily dealt with by a planning condition so as to prevent their escape to the atmosphere.
19. In relation to the design of the proposed building, it would have a fairly standard appearance for this type of development with hardly any elements to reflect the character of buildings in this part of South Wales. Nevertheless, with a careful choice of external materials for its walls and the use of natural slate for the skirt of its roof, I consider that in this district centre where many of the buildings are equally lacking in regional distinctiveness, it would not be justified to dismiss the proposals on design grounds.

Conditions

20. I have considered the conditions suggested by the Council at the inquiry in the light of the advice in Welsh Office Circular 35/95. In addition to the standard time-limit condition I consider that, in order either to match or complement the external materials of the existing buildings on this retail park, the precise details of those to be used for the proposed building will need to be agreed with the Council. For the same reason the precise details of the proposed landscaping, including hard surfaces, will also need to be agreed. The proposed circulation and parking areas will need to be laid out before the use of the building is commenced in order for the drive-through restaurant and take-away to function properly.
21. In the interests of the protection of local amenity, including that of the occupiers of the houses in Brooklands Terrace, conditions are required dealing with the control of cooking smells, hours of opening, delivery hours and external noise. I do not consider, though, that it is necessary for the appeal use to be restricted to the same opening hours as the adjoining retail warehouses, since it would be unduly onerous to require it to close as early as 20.00hrs in the week and 17.00hrs on Sundays. In my view a closing time of 23.00hrs would be acceptable on any day, as would an opening time of 08.00hrs on Sundays.

Conclusion

22. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

APPEAL 2

Reasons and Conclusion

23. The advertisement proposals relate mainly - if not wholly - to illuminated signs. In particular there would be a pole sign some 6m high overall near the entrance to the retail park. This would have a large 'Burgerking' roundel on top and a 'Drive Thru' cross bar just below it. Both the roundel and the cross bar would be illuminated. In addition there would be a substantial column about 3.8m high close to Port Road boundary which would support a vehicle height control gantry but which would also have an illuminated 'Burgerking' roundel. On the building itself there would be some 3 high-level illuminated signs which would be clearly visible from the A4050. There would also be lower level illuminated menu and similar signs between the building and this road, though these would not be particularly visible from it.
24. A characteristic of this retail park is that the only illuminated signs are those attached to the buildings. Whilst these are quite large, nevertheless, they give the existing development a neat appearance by the standards of many retail parks. In my opinion the 2 illuminated signs on the proposed free-standing pole sign and also that on the proposed gantry column would be both prominent and poorly related to the building which they are intended to advertise. Even individually I consider that these signs would cause material harm to public amenity, notwithstanding the substantial number of traffic signs and signals along this stretch of the A4050. Further, because there would be 2 large, high-level illuminated signs on the front elevation of the building, I consider that together they would have a harmful effect on public amenity.
25. However, given the presence of the high-level illuminated signs on the existing buildings on this retail park, I consider that one illuminated sign on each of the north-west and south-west elevations of the appeal building would be acceptable, especially as neither of these would face Brooklands Terrace. I express no preference for which of the 2 proposed signs on the

front elevation would be acceptable but leave this to the commercial judgement of the restaurant operator.

26. At the inquiry the Appellants indicated that none of the proposed signs was severable from the others and that the package should be considered as a whole. Because of the adverse effect on amenity of the 2 proposed illuminated signs on the pole and also that on the proposed gantry column, together with the excessive number of high-level, illuminated signs on the building itself, I consider, therefore, that the advertisement proposals as a whole are unacceptable.
27. I have had regard to the 1999 appeal decision relating to 2 proposed signs on this retail park. One was proposed at its western end near the roundabout junction above the A4232 Cardiff Peripheral Distributor Road and the other close to the access to this retail park from Port Road. It is the latter which is of more interest in the present appeal. The proposed pole was some 7.8m high but as I read the decision letter the signs on it would not have been illuminated. The letter concludes in paragraph 13 that the proposed pole would be excessively tall which would give the signs an over-dominant appearance. It was considered that this would be detrimental to the visual amenity of this commercial location which the decision officer considered possessed a relatively pleasant degree of visual amenity.
28. Although the proposed pole and roundel on top of it before me would be some 1.8m lower than the pole in the 1999 appeal, nevertheless I consider that they would still have a materially detrimental effect on public amenity. Even if my understanding of the proposals in the 1999 appeal is mistaken and the signs would have been illuminated, I still consider that the prominence of the pole and gantry signs now proposed would be detrimental to visual amenity.
29. For the reasons given above and having regard to all other matters raised, I conclude that the display of the both the pole and gantry signs, together with one of the signs on the front elevation of the building would be detrimental to the interests of amenity. Since the Appellants do not wish to have consent for the other proposed signs on their own, I therefore intend to dismiss this appeal.
30. It will thus now be a matter for the Appellants, or any other developer, to submit a fresh advertisement application to the Council if they wish to proceed with the development proposals and at the same time have signs advertising the permitted restaurant and take-away.

FORMAL DECISION

Appeal 2 - Ref: APP/Z6950/H/02/514277

31. In exercise of the powers transferred to me, I dismiss the appeal.

Appeal 1 - Ref: APP/Z6950/A/02/1097740

32. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the erection of a drive-through restaurant (Use Class A3) together with associated parking, access and landscaping works on land at Brooklands Terrace Retail Park, Culverhouse Cross, Cardiff in accordance with the terms of the application (Ref.

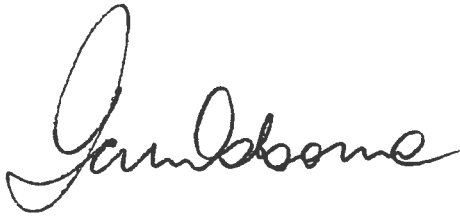
02/00031/FUL) dated 09/01/02 and the plans submitted therewith, subject to the following conditions:

- 1) *The development hereby permitted shall be begun before the expiration of 5 years from the date of this decision.*
- 2) *Notwithstanding the details shown on the submitted drawings, no development hereby permitted shall be commenced until details of all external materials for the proposed building, including samples of such materials, have been submitted to the local planning authority for their approval; and the building shall not be constructed other than wholly in accordance with the approved details.*
- 3) *No development hereby permitted shall be commenced until details of the landscaping of the site have been submitted to the local planning authority for their approval; the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the completion of the building; and any tree or shrub which within a period of 5 years of planting dies, is damaged or becomes seriously diseased shall be replaced with another of the same size and species in the next available planting season unless the local planning authority give their written agreement to any variation.*
- 4) *No development hereby permitted shall be commenced until details of the construction and surfacing of all vehicle circulation and parking spaces on the site have been submitted to the local planning authority for their approval; and the use hereby permitted shall not be commenced until all such spaces have been laid out in accordance with the approved details.*
- 5) *No development hereby permitted shall be commenced until details of the equipment for the filtration of cooking smells and the ventilation of the premises have been submitted to the local planning authority for their approval; the use hereby permitted shall not be commenced until the approved equipment has been installed in good working order; and the equipment shall thereafter be permanently retained and maintained in accordance with the manufacturer's recommended instructions.*
- 6) *Neither the restaurant nor the drive-through take-away hereby permitted shall be open to the public outside the hours of 08.00 to 23.00 on any day.*
- 7) *The loading or unloading of service, delivery or collection vehicles, together with their arrival on and departure from the site, shall not take place outside the hours of 08.00 and 20.00 Mondays to Saturdays inclusive nor outside the hours of 10.00 and 17.00 on Sundays.*
- 8) *With the exception of a single speaker post, which shall be used solely for drive-through customers to place their orders, there shall be no equipment installed on the site for the transmission of sound outside the building hereby permitted.*

Information

33. A separate note is attached setting out the circumstances in which the validity of either of these decisions may be challenged by making an application to the High Court.
34. This planning decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
35. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.

36. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the National Assembly for Wales if that approval is refused or granted conditionally, or if the authority fail to give notice of their decision within the prescribed period.



INSPECTOR

Enc

Yr Arolygiaeth Gynllunio

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49/00152/ADV

Ms P Cole
Town Planning Consultancy
Park House
Greyfriars Road
CARDIFF
CF1 3UE

Your Ref / Eich cyf: 9708W P.COLE

Our Ref / Ein cyf:
APP Z6950/H/99/513061

Date / Dyddiad: 15-07-1999

Dear Madam

TOWN AND COUNTRY PLANNING ACT 1990 (CONTROL OF ADVERTISEMENTS)
REGULATIONS 1992
APPEAL BY: INTERCHANGE INVESTMENTS LTD
SITE AT: BROOKLANDS TERRACE RETAIL PARK, CULVERHOUSE CROSS,
CARDIFF.

1. I have been appointed by the National Assembly for Wales to determine your client's appeal against the decision by the Vale of Glamorgan Council to refuse a grant of express consent for the display of 2 x freestanding main entrance feature signs at the above-mentioned site.
2. I have taken into account the representations made in support of the appeal and those of the Council. I have visited the site.
3. As one of their reasons for refusal the Council considered that the proposed signage would be detrimental to public safety. However, in their letter of 24 April 1999 they withdrew this reason, their remaining reason for refusal being on visual amenity grounds only. In this letter, I will however, consider the appeal from both visual amenity and public safety viewpoints.
4. In both your grounds of appeal and in the Council's statement comparisons have been made with other similar signs existing in the vicinity of the site. However, it should be noted that each display must be considered on its own merits and I have disregarded other such signs in the area by virtue of Regulation 4(1).
5. I accept the general description of the appeal site and its surroundings contained in the Council's written statement of the 30 April 1999.
6. The two appeal signs, signs 1 & 2, were not in position at the time of the site visit. Both signs would be of the same design and dimensions. Each would feature a round section central post with 3 single sided signs fitted around it to form

a triangular arrangement. Each single sided sign would feature 6 panels indicating the name of the retail park and tenant details. Each sign would measure 7800mm in overall height and each single sided panel sign would measure 1800mm wide.

7. Firstly, as to sign (1), and as regards visual amenity. Sign (1) would stand at the western edge of the retail park on a grassed area adjacent to the main Culverhouse Cross interchange roundabout. This is a prominent location very clearly viewed by drivers as they pass around the roundabout.

8. Although the sign would be seen with signage already displayed at the retail park in the background, I consider this signage to be far enough back for the overall view not to be unduly cluttered. Also, at this western end of the retail park, the relationship of the retail park with the other commercial developments around the interchange is clear and I do not consider that the appeal sign would look out of place in this respect.

9. I do not consider the combined effect of the 1800mm width of each of the sign's triangular sided portions to be excessive in this location. However, at 7800mm in overall height I do consider the sign to be excessively tall which would I feel give it an over-dominant appearance. This would be detrimental to this, albeit, commercial location, which I consider possesses a relatively pleasant degree of visual amenity overall.

10. As to public safety. Although sign (1) would serve to mark the location of the retail park in its proposed position it would not indicate the access route into the development. In these circumstances, I do not consider that the sign would offer any significant benefits to public safety.

11. Secondly, as to sign (2) and as regards visual amenity. Sign (2) would be positioned towards the eastern end of the site close to the road junction leading into the retail park itself. This is a prominent location very clearly viewed by drivers as they approach or pass the site along the A4050 road.

12. At this eastern end of the retail park, the relationship of the retail park with the other commercial developments around the interchange is still clear but the site is also overlooked to some extent by residential properties in Brooklands Terrace.

13. Again, I do not consider the combined effect of the 1800mm width of each of the sign's triangular sided portions to be excessive in this location. However, at 7800mm in overall height I again consider the sign to be excessively tall which would I feel give it an over-dominant appearance. This would be detrimental to the visual amenity of this, albeit, commercial location, which I also consider possesses a relatively pleasant degree of visual amenity overall.

14. I formed the opinion at the site visit that this very tall sign would be viewed, from their upstairs front windows, by

several of the occupiers of the houses in Brooklands Terrace, above the landscaped bund and fencing which encloses the retail park. I consider that these views of this very tall sign would represent some loss to these residents' visual amenity.

15. This sign would also be seen with signage already displayed at the retail park in the background. However, in this instance, I consider this signage to be much closer to the appeal sign than for sign (1). Also, the appeal sign would be closely viewed with the forest of traffic signals and lamp standards positioned at the road junction. In all these circumstances, I consider that the addition of the appeal sign would give this location an untidy cluttered appearance.

16. As to public safety. Although the positioning of sign (2) would serve to mark the entrance and access route into the retail park, I consider that this is already easily found as the park is close to the road at this point and its existing signage clearly identifies its existence to drivers passing by. In these circumstances, I do not consider that the sign would offer any significant benefits to public safety.

17. Therefore, I conclude that appeal signs (1) & (2) are unacceptable on visual amenity grounds and would not offer any significant public safety benefits.

18. Accordingly, in exercise of the powers transferred to me, I hereby dismiss your client's appeal.

19. A copy of this letter has been sent to the Vale of Glamorgan Council.

Yours faithfully



J EVANS

Yr Arolygiaeth Gynllunio

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97/01086/FUL

Anthony Bowhill & Associates
4 Leathermarket Street
LONDON
SE1 3HN

Your Ref / Eich cyf: SA/4251

Our Ref / Ein cyf:
APP Z6950/H/97/511406

Date / Dyddiad: 20 MAR 1998

Dear Sir

**TOWN & COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
REGULATIONS 1992 (AS AMENDED)
APPEAL BY: McDONALD'S RESTAURANTS LTD
SITE AT: TY VERLON, BARRY, VALE OF GLAMORGAN.**

1. I have been appointed by the Secretary of State to determine your client's appeal against the decision by the Vale of Glamorgan Council to refuse a grant of express consent for the display of a McDonald's Pole-mounted logo sign at the above-mentioned site.
2. I have taken into account the representations made in support of the appeal and those of the Council. I have visited the site, both in daylight and during the hours of darkness.
3. In both your client's grounds of appeal and in the Council's statement comparisons have been made with similar signs existing at other McDonalds' locations and with previous appeal decisions in other cases. These decisions, however, reflected the individual merits of the cases in question at that time and I would emphasise that each case is considered on its own merits.
4. The appeal site relates to a McDonalds restaurant which is located at the eastern end of the Ty Verlon Industrial Estate, Barry. The estate, in effect, forms the eastern extremity of "built-up" Barry, the land further east, on the far side of the A4231, being totally different in character and forming an attractive section of open countryside separating Barry from Dinas Powis.
5. The appeal sign, which was not in position at the time of the site visit, would be positioned in a landscaped area at the south-eastern corner of the appeal site. It would be relatively close to the McDonalds restaurant premises and close to the roundabout junction of the A4231 and B4267 routes with the Barry to Cardiff via Dinas Powis road. The restaurant itself consists of a single storey low-rise building set in a moderately sized car park. Overall, the site has an open, quite spacious look, and is easily identifiable on all approaches given its distinct design and existing signage.
6. The appeal sign would comprise a McDonalds logo sign measuring 3.075m wide by 3.060m high surmounting a 6m tall pole. The logo sign would be capable of internal illumination.

7. With a total height of just over 9m, the appeal sign would be very tall and as positioned slightly to the east of the single storey restaurant and at the edge of the site it would stand out very prominently against the skyline.
8. Although in terms of its height the appeal sign would be in scale with the tall street lights located nearby, these are by nature slim structures. The appeal sign, particularly its top logo portion is, on the other hand, much bulkier and would be very noticeable.
9. As viewed from the south and east, I consider that the sign would be seen in the context of the restaurant premises and the industrial and commercial premises beyond in the Industrial Estate, while from the north a view of the sign relating to the restaurant premises would also be achieved. I do not consider that the sign would be unduly intrusive in these views.
10. However, from the west the sign would be seen in a rather different context when it would be viewed against the pleasant backdrop of the tree screened, generally flat, open countryside which begins just to the east of the site and runs towards Dinas Powis. Against this setting I consider that the sign would stand out as a very tall, overlarge and over-prominent feature which would be detrimental to the pleasant degree of visual amenity provided by this attractive countryside.
11. The appeal site already displays a generous level of signage some of which is illuminated. When illuminated, the appeal sign would be viewed with the restaurant lighting and the existing illuminated signage around the site and would add appreciably to it. Due to its large size and height, illumination of the appeal sign at night would increase its noticeability and prominence. Overall, I consider it would lead to an excess of illuminated signage at the site detrimental to visual amenity generally.
12. Lastly, in your client's grounds of appeal you suggest that the appeal sign would have a positive effect on public safety by indicating the entrance to the restaurant. However, I consider that the premises' recognised design and existing signage together with the dedicated left turn lane provided by the Highway Authority would adequately indicate the entrance. Hence, I do not consider that the appeal sign has a positive effect on public safety.
13. Therefore, I conclude that the appeal sign is unacceptable on visual amenity grounds.
14. Accordingly, in exercise of the powers transferred to me, I hereby dismiss your client's appeal.
15. A copy of this letter has been sent to the Vale of Glamorgan Council.

Yours faithfully



J EVANS

THE VALE OF GLAMORGAN COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) Regulations 1992

REFUSAL TO DISPLAY ADVERTISEMENTS

Agent:
Planware Ltd.,
The Granary,
First Floor,
37, Walnut Tree Lane,
Sudbury,
Suffolk.
O10 1BD

Applicant:
McDonalds Restaurants Ltd.,
11-59, High Road,
East Finchley,
London.
N2 8AW

**'Hero Poster Board' at McDonalds Restaurant Ltd. Valegate Retail Park,
Culverhouse Cross**

In accordance with the application and plans registered by the Council on 27 January 2012 the Council in pursuance of its powers under the above mentioned Act and Regulations hereby **REFUSES TO GRANT CONSENT** for the display of the proposed advertisement(s) for the following reasons:

1. The 'Hero Poster Board' free standing sign proposed to the north west of the application site would represent an unwarranted sign which is a highly prominent form of advertising which would detract from the visual amenity of the immediate locality at this Gateway location into the rural Vale.

Dated: 21 March 2012



Head of Planning and Transportation

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES
ATTACHED TO THIS FORM.**

VALE OF GLAMORGAN BOROUGH COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) Regulations 1992

REFUSAL TO DISPLAY ADVERTISEMENTS

Agent:
Seymour Harris Partnership,
103, Whiteladies Road,
Clifton,
Bristol,
Avon. BS8 2PB

Applicant:
McDonalds Restaurants Ltd.,
Golden Arches House,
6, Victoria Road,
Sutton Coldfield,
West Midlands.

**Pole mounted sign at McDonalds Restaurant, Vale Gate Retail Park,
Culverhouse Cross, Cardiff**

In accordance with the application and plans received by the Council on 13th January, 1995 the Council in pursuance of its powers under the above mentioned Act and Regulations hereby **REFUSES TO GRANT CONSENT** for the display of the proposed advertisement(s) for the following reasons:

1. The proposed sign by virtue of its overall height in such a prominent location and introducing internal illumination would represent an unduly conspicuous and incongruous form of advertisement material to the detriment of the visual amenities of the area.

Dated: 3rd March, 1995

Peter J. Taylor

Chief Planning and Development Officer

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**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES
ATTACHED TO THIS FORM.**

VALE OF GLAMORGAN BOROUGH COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) Regulations 1989

REFUSAL TO DISPLAY ADVERTISEMENTS

Agent:
Mr. Alan Green,
C/o McDonald's Restaurants Ltd
11-59, High Road,
East Finchley,
London. N2 8AW

Applicant:
McDonald's Restaurants Ltd.,
Golden Arches House,
6, Victoria Road,
Sutton Coldfield.
B72 1XX

**Freestanding pole sign at McDonald's Restaurant, Vale Gate Retail Park,
Culverhouse Cross, Cardiff**

In accordance with the application and plans received by the Council on 18th May, 1993 the Council in pursuance of its powers under the above mentioned Act and Regulations hereby **REFUSES TO GRANT CONSENT** for the display of the proposed advertisement(s) for the following reasons:

1. The proposed sign by virtue of its overall height in such a prominent location, and introducing internal illumination would represent an unduly conspicuous and incongruous form of advertisement material to the detriment of the visual amenities of the area.

Dated: 1st October, 1993

Peter J. Taylor.
Chief Planning and Development Officer
(2)

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ATTACHED TO THIS FORM.**

THE VALE OF GLAMORGAN COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) Regulations 1992

REFUSAL TO DISPLAY ADVERTISEMENTS

Agent:
RPS
Park House
Greyfriars Road
Cardiff
CF10 3AF

Applicant:
Legal and General Investment
Bucklersbury House
3 Queen Victoria Street
London
EC4N 8NH

Signage related to proposed drive thru restaurant at Proposed Burger King Drive-Thru Restaurant, Brooklands Terrace Retail Park, Culverhouse Cross

In accordance with the application and plans received by the Council on 20th September, 2002 the Council in pursuance of its powers under the above mentioned Act and Regulations hereby **REFUSES TO GRANT CONSENT** for the display of the proposed advertisement(s) for the following reasons:

1. The proposed signage will constitute an incongruous form of development adding to the visual clutter of the area to the detriment of the visual amenities of this gateway entrance to the Vale of Glamorgan and to the detriment of the amenities of residents at Brooklands Terrace.

Dated: 1st November, 2002



Head of Planning and Transportation

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES
ATTACHED TO THIS FORM.**

THE VALE OF GLAMORGAN COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) Regulations 1992

REFUSAL TO DISPLAY ADVERTISEMENTS

Agent:
RPS Chapman Warren,
No. 1, Harewood Yard,
Harewood,
Leeds.
LS17 9LF

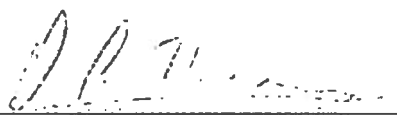
Applicant:
Legal & General Inv. MGMT.,
Bucklersbury House,
3, Queen Victoria Street,
London.
EC4N 8NH

Signage related to proposed drive-through restaurant at Brooklands Terrace Retail Park, Culverhouse Cross, Cardiff

In accordance with the application and plans received by the Council on 14th January, 2002 the Council in pursuance of its powers under the above mentioned Act and Regulations hereby **REFUSES TO GRANT CONSENT** for the display of the proposed advertisement(s) for the following reasons:

1. The proposed signage will constitute an incongruous form of development adding to the visual clutter of the area to the detriment of the visual amenities of this gateway entrance to the Vale of Glamorgan and to the detriment of the amenities of residents at Brooklands Terrace.

Dated: 28th February, 2002



Head of Planning and Transportation

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ATTACHED TO THIS FORM.**

THE VALE OF GLAMORGAN COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) Regulations 1992

REFUSAL TO DISPLAY ADVERTISEMENTS

Agent:
RPS Chapman Warren,
No. 1, Harewood Yard,
Harewood,
Leeds.
LS17 9LF


Applicant:
Legal & General Inv. MGMT.,
Bucklersbury House,
3, Queen Victoria Street,
London.

Signage relating to proposed drive-through restaurant at Brooklands Terrace Retail Park, Culverhouse Cross, Cardiff

In accordance with the application and plans received by the Council on 12th November, 2001 the Council in pursuance of its powers under the above mentioned Act and Regulations hereby **REFUSES TO GRANT CONSENT** for the display of the proposed advertisement(s) for the following reasons:

1. The proposed signage will constitute an incongruous form of development adding to the visual clutter of the area to the detriment of the visual amenities of this gateway entrance to the Vale of Glamorgan and to the detriment of the amenities of residents at Brooklands Terrace.

Dated: 28th February, 2002



Head of Planning and Transportation

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES
ATTACHED TO THIS FORM.**