

**DC/2014/00999**

**6 NO. FASCIA SIGNS IN ASSOCIATION WITH PROPOSED MACDONALDS DRIVE THROUGH RESTAURANT**

**WESTGATE, LAND OFF MERTHYR ROAD, LLANFOIST**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham

Date Registered: 15<sup>th</sup> September 2014

**1.0 APPLICATION DETAILS**

This is an application for advertisement consent to display six fascia signs on a proposed McDonalds drive through restaurant on the former Westgate Farm site on the edge of Llanfoist. The site fronts the Heads of the Valleys Road and forms part of a wider 'commercial' development approved under outline consent DC/2008/00818 granted on 14th October 2010. Access to the site is provided via a spine road serving the wider development site secured through Reserved Matters consent DC/2013/00266.

The proposed McDonalds unit will have a floor space of approximately 405 sq. metres and would offer customers the choice of eating within the restaurant or taking away from either the counter or from the drive-through lane. The restaurant itself would have seating for up to 100 diners at any one time. An outdoor area is also proposed which would include furniture for dining outside on a patio. The proposed restaurant could potentially operate 24 hours per day, 7 days a week, in order to maximise passing trade from travellers using the Heads of the Valleys trunk road as well as other customers that wish to use the facility outside normal business hours.

To ensure uniformity throughout the world, all franchises use standardised McDonalds branding, menus, design layouts and administrative systems.

The proposed building is orientated on a north east/south west axis with the car park and main approach being toward the south eastern elevation (labelled 'Elevation A' on the drawings). The fascia signs proposed comprise an illuminated white name fascia and 'golden arch' symbol on the south east elevation together with two other fascia name signs on the two end elevations (north east and south west elevations). The north western elevation contains the drive through payment and collection windows and would feature two illuminated khaki squares with a yellow 'golden arch' symbol on a white background. These will be set back flush against the wall of the building rather than on the upper section of the canopy as is the case for the other signs. The proposed fascia signs displaying the name of the restaurant would measure 5.4m long and 0.6m high. The two proposed signs displaying the McDonalds emblem (the 'golden arch') on a khaki coloured background on the drive through elevation would be 1.4m across and 1.4m high and the internally illuminated yellow 'golden arch' would be 1.m across and 0.9m high.

The number of signs has been reduced from nine, as originally submitted, including the omission of an illuminated name fascia on the north-west elevation.

The signage proposed in this application should be considered on its own merits and therefore separately to the principle of developing the restaurant itself.

## **2.0 RELEVANT PLANNING HISTORY**

DC/2008/00818 - A) residential and commercial development (outline) B) Alterations and improvements to the existing highway network, improvements to the drainage network (detailed application) - Approved 14/10/10

DC/2013/00266 - Approval of reserved matters relating to the access arrangements for the entire site, and full details of all reserved matters (layout, scale, external appearance, access and landscaping) relating to the residential element of the site, as permitted by outline planning permission DC/2008/00818; Approved September 2013

DC/2013/00856 - Erection of 61 bedroom hotel (Class C1) and associated restaurant / public house (Class A3) plus associated access, car parking and landscaping; Approved January 2014

DC/2013/00871 – Costa Coffee restaurant with drive-through facility; Approved August 2015

DC/2014/00998 – Various signs associated with McDonalds restaurant; recommended for approval (also on this agenda)

DC/2014/01000 – Freestanding restaurant with associated drive-thru lane, car parking and landscaping; installation of 2 no. customer order display and canopy; recommended for approval (also on this agenda)

DC/2014/01001 – Installation of a freestanding 8m totem sign; recommended for refusal (also on this agenda)

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S8 - Enterprise and Economy  
S17 – Place Making and Design

### Development Management Policies

DES3 – Advertisements  
LC2 – Blaenavon Industrial Landscape World Heritage Site  
LC3 – Brecon Beacons National Park

## **4.0 REPRESENTATIONS**

### 4.1 Consultation Responses

Torfaen County Borough – No objections to the basic design of this proposal.

Given the size of the car park, the application lacks a comprehensive lighting scheme. The lighting requires careful consideration and perhaps moderation, especially given its potential impact on the BILWHS

It is considered that the illuminated signs should be considered within the overall lighting plan described above.

Brecon Beacons National Park Authority – Objects to the proposed development on grounds that the proposed restaurant and associated advertisement proposals would have a detrimental landscape and visual impact on both views into and out of the National Park to the detriment of its special qualities.

The Environment Act (1995)

Section 63 of the Environment Act (1995) sets out the statutory purposes of the National Park as follows:-

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

In accordance with section 62(2) of the Environment, any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

### *Policy Context*

Planning Policy Wales 7th edition 2014 (PPW) acknowledges the statutory purposes of National Parks and reinforces the "Sandford Principle", whereby if there is a conflict between the statutory purposes, greater weight shall be given to the first purpose of conserving and enhancing the natural environment. In particular, PPW states that National Parks "*must be afforded the highest status of protection from inappropriate developments*" (paragraph 5.3.6) and that issues are not confined by administrative boundaries and that the duty to have regard to National Park purposes applies to activities affecting these areas, whether those activities lie within or outside the designated area (paragraph 5.3.7).

The Brecon Beacons National Park Management Plan (2010) defines the special qualities of the National Park as:

- Peace and tranquillity - opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.
- Vitality and healthfulness - enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods.
- Sense of place and cultural identity - "Welshness"
- Sense of discovery
- Sweeping grandeur and outstanding natural beauty
- Contrasting patterns, colours, and textures
- Diversity of wildlife and richness of semi-natural habitats

- Rugged, remote and challenging landscapes.
- Enjoyable and accessible countryside
- Intimate sense of community

The development plan for the area is the Brecon Beacons National Park Authority Local Development Plan 2007-2022 (LDP). Section 3.1.3 of the LDP sets out that whilst the National Park is a landscape designation there are instances where strict application of the boundary in making decisions is not appropriate. As previously set out section 62 (2) of the Environment Act (1995) places a duty on LDPs to have regard to the National Park purposes in making planning decisions which may impact on the National Park. The Authority will use LDP policy SP1 in commenting on proposals that impact on the National Park. Policy SP1 sets out the following:-

*Development in the National Park will be required to comply with the purposes and statutory duty set out in legislation, and will be permitted where it:*

- a) Conserves and enhances the natural beauty, wildlife and cultural heritage of the Park; and/or*
- b) Provides for, or supports, the understanding and enjoyment of the special qualities of the National Park in a way that does not harm those special qualities; and*
- c) Fulfils the two purposes above and assists the economic and social well-being of local communities.*

Similarly Policy LC3 of the Monmouthshire Local Development Plan states that development in the vicinity of the Brecon Beacons National Park should only be permitted where it would:

- a) preserve or enhance the landscape setting, as defined through the LANDMAP process;*
- b) have no serious adverse effect on significant views into and out of the National Park*

and that “development that would cause unacceptable harm to the qualities that justify the designation of the Brecon Beacons National Park or its setting will not be permitted”.

Policy LC2 of the Monmouthshire Local Development Plan places similar requirements on developments that affect the setting of a World Heritage Site.

### *Proposal*

The application site is located in an elevated position, and at its nearest, is approximately 1km east of the Brecon Beacons National Park boundary which at this point follows the Brecon and Monmouthshire Canal before turning north towards the southern boundary of Neville Hall Hospital. The Blaenavon World Heritage Site also partly shares the National Park’s boundary at this location. It is understood from the application documentation that the proposal involves the erection of a freestanding restaurant and associated advertisements, including an internally illuminated totem pole, on a site area of 0.3ha.

The information provided as part of the application is generally poor and limited detail has been provided in terms of the landscape and visual impact that this development would have despite its elevated position adjacent to the A465 and in

close proximity to the Brecon Beacons National Park, and Blaenavon World Heritage Site. It is acknowledged that this proposal is located within a wider area that is designated within the Monmouthshire Local Development Plan for employment purposes even though it has benefit of outline planning permission for residential and commercial uses. However, significant concerns are raised in relation to the landscape and visual impact of this development on the National Park based on the information submitted at present.

The Landscape and Character Assessment for the Brecon Beacons National Park (2012) seeks to identify specific landscape characteristics of the National Park and particularly seeks to inform means in which these landscape characteristics should be protected and/or enhanced. The application site is generally at its nearest to the Bloreng Hill and Slopes Landscape Character Area where the impact of surrounding settlements outside of the National Park is acknowledged and the need to reduce the visual impact of development on the National Park is highlighted.

Whilst it is understood that the proposal will result in the removal of existing unsightly buildings, concerns are raised in relation to the proposed restaurant in terms of its elevated siting, landscaping treatment, external lighting and the erection of a 12m illuminated totem pole. In particular, it is considered that the proposal would interrupt views into and out of the National Park and would introduce a highly visible vertical feature, in the form of the 12m illuminated totem pole, that would break the existing skyline and would also introduce a feature that would be highly visible at night to the detriment of the overall character of this area and the setting of the National Park and the area of the Blaenavon World Heritage site situated within. The proposal would, by reason of its elevated position, 24 hour illumination and what appears to be a lack of landscaping, in the Authority's opinion, create an intrusive feature in the skyline interrupting views of the National Park to the detriment of its special qualities.

Whilst the submission of additional information may allay some of the above concerns, at present based upon the information submitted, the Authority **objects** to the proposal as it would result in the introduction of an intrusive form of development in an elevated position, illuminated for a 24 hour period, with limited landscaping that would interrupt views into and out of the National Park to the detriment of its special qualities.

Notwithstanding the above, if the Council is minded to approve the proposals, it is respectfully requested that the following conditions are imposed and that the National Park Authority are consulted when the relevant detail is submitted in pursuance of the conditions:

*No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of both hard and soft landscaping, with a particular emphasis on the provision of landscaping that would assimilate the development within its wider setting having regard to its proximity to various public vantage points and the Brecon Beacons National Park Authority. The development shall be carried out strictly in accordance with the approved details.*

*No development shall take place until an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed external lighting as well as details of their use. The development shall be carried out strictly in accordance with the approved details.*

*No development shall take place until a plan indicating the proposed ground levels and finished floor levels is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.*

Llanfoist Community Council – recommends refusal.

Following extensive consultation with the local community, LFCC wish to make the following representations to Monmouthshire County Council Planning Committee.

General Observations:

The application itself is of surprisingly poor quality in terms of accessibility of information and visualisation of impact in the surrounding area. Significant work has been done by members of the community to interpret the plans and enable people to get a sense of what they would mean for the area. We would argue that Monmouthshire County Council have failed in its duty to ensure that proper consultation takes place by allowing the applicant to submit plans which have such startling inadequacies - no 3D modelling, no context in relation to other proposed buildings on site, no overall site plan - in fact plans which are in essence incomplete.

Monmouthshire County Council Planning Committee will no doubt be aware of the intense public debate which this application has sparked and therefore the need for members of the public to access clear concise and accurate information. Llanfoist Fawr Community Council are aware of some support for the application based on the perception of job creation and a space for young people to gather in the absence of other facilities in the area. We would re-iterate the request made in 2013 when the Premier Inn application was made for land adjacent to proposed McDonald's site for there to be proper engagement with the communities of Llanfoist and Abergavenny to design an area which meets the needs of these communities for both housing, recreational and employment purposes and does not simply encourage a one size fits all model which will destroy the very distinctive landscape and its historical, cultural ecological and geographical heritage.

The application appears to be in contradiction to many of Monmouthshire County Council's stated policies set out in the recently published Local Development Plan - these are referred to throughout our objection.

Areas of Concern:

We have headed our objections under the themes of Visual Impact, Impact on Environment, Traffic and Transport, Sequential Test, and Health and Safety of Children. There are clearly areas of overlap within all of these and we would urge the Planning Committee to examine these carefully against their own policy statements.

## Visual Impact:

This is the site for McDonalds seen from the top of Bloreng Mountain in the Blaenavon World Heritage Site. Clearly visible



The application includes no assessment of the specific impact of a highly visible – and lit – 24 hour drive through fast food outlet. In 2010 consent was given to application (DC/2008/00818) – titled somewhat misleadingly as Full - Improvements to Highways and Drainage Networks and Outline – Residential Development .The outline consent application makes very broad reference to commercial development and employment use. It is only in the Addendum to the Transport Assessment that references to specific types of development are made and these are only as a basis for calculating traffic data. The traffic projections have been based on the following: - builders' merchant, 70 Bedroom Hotel with restaurant and leisure facilities 65 private dwellings Fast Food Outlet Business Park (27 units).

We re iterate that the application for a 24 hour drive through facility is a very significant and material departure from the outline planning permission granted in 2010 and the hybrid planning approval DC/2014/00818.

The issue of the impact of lighting has not been considered in relation to the coveted Dark Skies status awarded to the Brecon Beacons National Park - an issue which requires consideration for the entire site not just this application – and is relevant to policies on Visitor Economy which are crucial also considerations at the gateway to a market town which thrives on the promotion of its food credentials.

Thus we believe the application to be in direct conflict with policy LC2 which clearly states that development in the vicinity of the Blaenavon World Heritage Site will only be permitted where it would:

- a) preserve or enhance the landscape setting; and
- b) have no serious adverse effect on significant views into and out of the World Heritage site.

The location is highly sensitive given its position in the Usk Valley opposite Abergavenny and adjacent to Llanfoist, with its proximity to the World Heritage site and National Park. This unique valley set between the Sugarloaf, Blorenge, Skirrid and Deri and approaching from the Midlands this is the real first place you sense you have arrived at the mountain-scape of Wales. We consider the application to have failed in relation to Policy S13 (Landscape, Green Infrastructure and the Natural Environment) which states that a development must

- (ii) protect areas subject to international and national landscape designations*
- (iii) preserve local distinctiveness, sense of place and setting*

We conclude that the design and material language of the building and its associated signage is totally unsuitable for such a sensitive location.

#### Impact on Environment:

There is considerable confusion as to whether a full ecological impact assessment has been completed for this significantly different application to that approved at outline level. The current application does not meet basic statutory requirements in relation to ecological information (the Biodiversity and Ecology officer has stated that ‘This application is not valid as there is no ecological information’).

The application has failed to demonstrate that it would not cause unacceptable harm to the communities of Llanfoist and Abergavenny in respect of light pollution, noise pollution and litter both in the immediate and wider environs. These are key factors in Policy S13:4 which clearly states that an application should seek to integrate landscape elements, green infrastructure, biodiversity features and ecological connectivity features, to create multifunctional, interconnected spaces that offer opportunities for recreation and healthy activities such as walking and cycling.

Those travelling along the A465 who require food / drink/toilets would naturally head into Abergavenny which is a thriving town with much higher letting rates and footfall than other comparable market towns. (Towns Alive 2014 Report). The proposal for a drive through McDonald’s and other associated food outlets would therefore appear to the casual visitor as the first – and last! – thing on offer in the area, making people suspect that the town itself is not worth visiting. Cafes and restaurants are surveyed as one of the primary reasons visitors visit Abergavenny. There is an argument that this is a product of there currently being no out of town alternatives, unlike other comparable towns which are now (proven by similar studies), ghost towns. Logic says that if people are given a ‘lazy’ out of town alternative, this can only reduce the visitors to the town centre thereby reducing its vitality. This is in direct contravention of Policy S6 Retail hierarchy ‘Proposals which undermine the retail hierarchy will not be permitted’.

#### Traffic/Transport Impact:



An application for a Drive through facility is of its very nature car-oriented requiring a significant number of passing vehicles to make it viable (20,000 per day on McDonalds' own assessment). We contest that this is therefore an inappropriate development for an - albeit a roadside site – but one which is surrounded by existing housing and in the middle of a village location.

The pedestrian and cycling infrastructure in Llanfoist and between Llanfoist and Abergavenny is inadequate and unsafe and has long been a topic ignored by Monmouthshire County Council planners – in the building of Llanfoist school (lack of safe school routes) and in the recent residential developments. These proposals based on a drive through by their very nature encouraging car use will have an unacceptable impact on pedestrian and cycle safety. Young people in particular will be attempting to access this site on foot across a major slip road with numerous roundabouts and a minimum of 20,000 vehicular movements a day.

We consider the application to be in contravention of policy S16 ... *'all development proposals shall promote sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision. This will be facilitated by: Reducing the need to travel, especially by car; Promoting public transport, walking and cycling; Improving road safety;'*

The transport assessment in the application relies on base data from the hybrid planning permission DC/2014/2008 which is completely misleading as there have been very significant developments in Llanfoist since then. The assessment acknowledges that McDonald's would result in an increase on the previously assumed traffic levels (i.e. from a fast food outlet rather than a 24 hour drive through). Due to the significant road safety issues in this area, a completely new current transport assessment is required.

### Sequential Test

The sequential test is inconsistent: it doesn't properly consider a town centre appropriate alternative. It is clear that a 'drive though' is not going to work in a town centre location and therefore a sequential test to prove this is wasting everyone's time. If however there is a 'need' for a McDonald's in the area (which we would dispute) there are some town centre outlet opportunities that could have been considered e.g. the former Richards store.

The application has shown no demonstrable need for a drive through in the location proposed at Llanfoist particularly as the Raglan Services now has planning consent with a range of fast food options – that is unless this application is part of a wider as yet undeclared interest in creating a Llanfoist Services Area? The proposal undermines the vitality of Abergavenny town and that of the new Raglan services.

### Health and Safety of Children:

The proposals will create major health and safety issues for the young people of Abergavenny and Llanfoist. A number of objections have been submitted by Health professionals outlining the health issues associated with fast food and especially in a location so close to Llanfoist primary school and on routes to the secondary school

(King Henry) and those further afield accessed via the bus drop off a pick up points in Llanfoist.

The proposed restaurant is in a location primarily design for the convenience of users of the A465 as acknowledged in the applicant's submission. However a fast food restaurant also appeals to a relatively low age demographic group, most of whom cannot drive. The existing pedestrian/cycle route from Abergavenny to Llanfoist is not safe with major hazards at Llanfoist Bridge and the A465 roundabout. There is also a major danger of children from East Abergavenny making their way down and across the A465 to access the restaurant which will be a much shorter route for them.

These objections formed the basis of the McDonald's appeal refusal in 2001 and are as relevant now as they were then.

#### Summary:

We urge the Planning Committee to reject this application and not allow it to follow on the same misguided path as the application for Premier Inn and Brewers Fayre – these were submitted as very detailed design considerations from a very broad outline consent which had assumed low visibility screened buildings.

In rejecting this application the planning committee will be giving the people of Llanfoist and Abergavenny the opportunity to work with Monmouthshire County Council planners on a more innovative and thoughtful development which showcases the beauty and vitality of the area and celebrates its difference not conformity to a national model.

Cadw – Negligible impact on any registered historic landscape or on the Outstanding Universal Values of the World Heritage Site.

Cadw's role in the planning process is not to oppose or support planning applications but to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled ancient monuments or Registered Historic Parks and Gardens. It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission.

The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a statutory consultee. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally archaeological

remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, *Planning and the Historic* proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

This advice is given in response to a planning application for the construction of freestanding restaurant with associated drive through lane, car parking and landscaping. The proposed development is located in the vicinity of the scheduled ancient monument known as;  
MM010 Abergavenny Bridge  
MM056 Abergavenny Castle  
MM193 Abergavenny Roman Fort

The restaurant to which the signs are attached is located some 800m to the south of both designated monuments of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort and will be clearly in view from them on the slope of the hill on the opposite side of the Usk Valley. However, the restaurant is part of a larger development being constructed in this area and as such will not have any additional impact on the settings of either monument during daylight hours. There was a potential concern that the large windows of the restaurant could produce a large light source at night but these are positioned overlooking the car park and not facing the monuments, as such there will be no additional impact on the setting of the designated monuments of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort at night.

The intervening topography and buildings probably blocks views to the proposed development from MM010 Abergavenny Bridge, but if not, the impact on the setting of the bridge will be the same as the impact on the settings of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort.

This proposal also lies within 1km of the historic parks and gardens known as PGW (Gt) 9 Abergavenny Castle, PGW (Gt) 37 New Cemetery, Abergavenny and PGW (Gt) 59 Linda Vista Gardens, Abergavenny, which are included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

It is unlikely that the proposed development will be visible from PGW (Gt) 37 New Cemetery, Abergavenny.

The restaurant to which the signs are attached is located some 800m to the south of the registered park and gardens at Abergavenny Castle and Linda Vista Gardens and it is likely that it will be visible in views from them. However, the restaurant is part of a larger development being constructed in this area and as such will not have any additional impact on the settings of either registered site. The application area is located some 900m to the east of the boundary of the registered historic landscape, HLW (GT) 1 Blaenavon, which at this point includes the slopes of Blorenge It is part of a much larger development including a hotel and housing. The existing buildings of

Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of Bloreng and from the higher slopes it will merge into the urban conglomeration, as such there will be a negligible impact on the registered historic landscape.

The restaurant to which the signs are attached is located some 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which at this point includes the slopes of Bloreng. It is part of a much larger development including a hotel and housing. The existing buildings of Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of Bloreng and from the higher slopes it will merge into the urban conglomeration, as such there will be a negligible impact on the Outstanding Universal Values of the World Heritage Site.

It is noted that in their responses to this application and the associated ones both Torfaen County Borough Council and Brecon Beacons National Park have recommended that a condition, requiring an external lighting plan to be submitted prior to the development commencing in order to limit the impact of the development on the World Heritage Site, should be attached to any planning consent that is granted to this application and we support this recommendation.

MCC Green Infrastructure (GI) Team - On the basis of the information submitted, object to the current proposal.

Elevation of the site and the visual impact of a standardised MacDonald's unit and accompanying illuminated sign upon the surrounding landscape leading to a detrimental impact upon;

- Proximity to National Park, views into and out of
- Proximity to BILWHS views into and out of

As statutory designations;

- Proximity and visual impact upon and from key receptors including; local footpaths, Iron Mountain Trail, National Trails, cycle routes, A465 ( primary route for Heads of the Valleys and gateway to BBNP) historic assets, tourism and leisure facilities, historic Market town of Abergavenny (key landmark features), local dwellings.

In addition the proposal has not provided the following;

- No LVIA has been provided to consider the impacts
- No viewpoints or photomontages to justify proposal
- Mitigation is inappropriate (i.e. shrub planting is insufficient both in height and density – native woodland planting would be required for screening purposes).
- GI has not been considered or integrated into the scheme.

Welsh Government Transport Division – no objections to this proposed development which forms part of the revised proposals submitted in 2009 forming part of DC/2008/00818.

## 4.2 Neighbour Notification

Total of 13 representations received, 4 specific to this application for signage only.  
Object for the following reasons;

- This signage is completely inappropriate for this key gateway site. MCC and WG policy promotes local distinctiveness. This proposal is contrary to this.
- The proposal to light this signage 24 hours a day goes against of the Brecon Beacons Dark Skies area.
- These signs will compete with the key cultural and historic icons of Abergavenny such as the view of the castle and market hall from this section of the A465.
- These signs will distract from the key Wales Gateway views of the Bloreng, Sugar Loaf, Deri and Skirrid.
- For visitors, the first thing they will see as they approach Abergavenny is signage for a global corporation selling dubious quality food. This is not ideal for a town that promotes local food culture, the food festival, and a county that Visit Wales promotes as a food destination
- Light pollution
- Highly prominent position
- Drive-through architecture demands visual cacophony of road signs, road markings, railings and external lighting
- Tree planting on northern edge of site as required previously not mentioned in this application.
- Ruin views over the Bloreng
- Does not protect existing key landscape views and vistas
- Living in the new Barratt's development I would see the horrendous illuminated 'M' from my bedroom window every night which would destroy my view of the Bloreng.
- Concentrated, illuminated and branded development will be an eyesore to the detriment of the tourist industry.
- The elevated position of the proposed development means that all signage is likely to be visible from a great distance. All signs are therefore against the aim to "Conserve and enhance the unique landscape and natural beauty" stated in the local development plan, and while some signs need to be allowed, a concentrated, illuminated and branded development will be a huge eyesore to the detracting to the tourism industry that is so important to Abergavenny and the surrounding area

## 4.3 Other Representations

Abergavenny and District Civic Society – we believe that these applications, as submitted, should be refused. Community opposition should give the County Council the confidence to adopt a ‘take it or leave it’ stance, especially on design and signage issues.

While some of our members may have made personal representations or sympathise with objections made by others to this application, the Society aims to make a response that takes account of the planning history and the scope of planning control (as opposed to public health and other controls) and is consistent with the views expressed at the time of the Whitbread company applications on the Westgate site.

As was the case with these earlier applications, we regret a planning history that appears to make these trunk road services and the road layout incontestable in principle. But for this history of commitment and the extreme improbability of revoking previous decisions and paying compensation, the Society would probably object to this use on this site. If others find a sustainable reason to challenge these commitments we might well support their case. At this time we confine our attention mainly to the design of the proposal, minimising its visual impact and relevant weaknesses in the documents accompanying the application. We note that the Design and Access Statement has misleading content that should not be relied upon when assessing the proposals.

One part of the planning history may be particularly relevant: the 2001 refusal on appeal of an application by McDonalds for a site nearby on the A465. The inspector concluded, in the context of policy at the time, that the proposal did not help to sustain the town centre – as distinct from not detracting from the centre.

We have considered the applicants' sequential test information. They base their case on the proposal being for a 'drive-through' restaurant mainly to serve trunk road users. Yet only a proportion of their customers will use the 'drive-through' element; most will sit in the restaurant and many of these will be local. We believe that a closer examination of their likely patronage is likely to suggest at least that only a smaller restaurant satisfies the sequential test. The majority of their custom would be better served in accordance with policy by a 'walk-in' site in or on the edge of the town centre. Whether or not there is such an opportunity, and whether we would support it, is not our present concern.

Otherwise our main concern is that the elevation and prominence of the proposed building will be unacceptable. The applicants have provided no proposed sections through the site and adjacent land, or drawings showing the relationship of their development to approved or pending buildings to the west, or in the wider landscape setting. They do describe their building as 'elevated above the Heads of the Valleys Road'. This would not square well with the 'respect for views' requirement of LDP Policy DES1. The applicants must be required to provide more information on these matters, and we would wish to comment further.

Furthermore, the orientation of the building, which has a footprint approaching that of the Premier Inn, conflicts with the grain of its surroundings by not being parallel with the A465 and its slip road.

The prominence in a remarkable landscape setting, even if reduced, means that the appearance of the restaurant is a critical consideration. We object to the submitted proposals. To meet the requirements of Policy DES1 this location requires a building that contributes to a sense of place and respects the local characteristics of this edge of the countryside at a gateway to an historic town, a World Heritage Site and a National

Park. The proposed standard corporate image based on a 'natural and neutral' pallet of contemporary materials does not satisfy the needs of this site. The variety of materials and colours, some in substantial blocks and alien in the local context, together with an excessive amount of signage on the building, is inappropriate here. A simpler and less obtrusive building, perhaps more traditional, making use of Pennant sandstone, slate and possibly suitably coloured brick and stained timber should be required. A modest amount of signage on the building would adequately advertise its use. Again, we would wish to comment on any revised proposals for the building.

The Design and Access Statement refers to a 'contemporary twist' in the landscaping and admits that it may not be reflective of the surroundings. The submitted plans appear to show little more than hard surface treatments and grass, where some locally native shrubs and trees could soften the transition between the building and the countryside. As elsewhere on the Westgate site, we would like to see grassland of native plants managed for wildlife and aesthetic benefits.

With regard to Policy DES3, the proposed amount of free-standing signs and advertisements is excessive. Apart from clear signage on the building, there is no need for anything but warning and directional signs for customers. Illumination should be the minimum necessary to promote the business and for safety purposes, and we oppose 24 hour opening in this exposed urban fringe position.

We note that the applicants promise 65 full or part time jobs (probably mostly the latter). Even if much of their custom is captured and new to the area, some will be at the expense of local traders and jobs. Decision-makers should not be unduly swayed by these figures.

We question the suitability of the complex planned road and pedestrian access arrangements. The traffic generation of three refreshment facilities seems likely to exceed the volumes envisaged when the layout was approved and a fresh safety audit is essential. (LDP Policy MV1).

McDonalds are particularly likely to attract young cyclists and pedestrians from Abergavenny. The deficiencies of the highway system for these users are already very evident, particularly when crossing the Usk and the A465 junction. This situation would be aggravated if this part of A4136 became a trunk road. At the very least, if approval for McDonalds and Costa is granted, substantial s106 planning obligation (or CIL) funds should be secured for improvements that enhance pedestrian and cyclist approaches to this commercial area, including the Usk crossing (LDP Policy MV2).

Further comments received following amendments to materials - We agree that the revised materials represent a cosmetic improvement to an otherwise unaltered building, though we ask that the sandstone is not stark red but a more mottled grey, purple and red to be consistent with the Pennant stone generally used locally (and hopefully elsewhere on the Westgate site).

However, the more fundamental concerns and objections stated in our letter of 17 October 2014 remain, despite a number of revisions posted on line since then. The

discussion at Planning Committee when the Costa proposal was approved has led us to take the view that the prominent impact of that building and McDonalds, if approved, can only be lessened, over time, by extensive native woodland planting on the steeper slopes visible from the A465. Customers would be adequately attracted by glimpses of the buildings and a modest amount of signage, preferably coordinated and not including a backlit 8m totem sign at the top of the slope.

SEWBREC Search Results – Various species of bats recorded foraging/commuting and Great Crested Newts within the vicinity of the site.

Wales & West Utilities – Wales & West Utilities apparatus may be directly affected by these proposals. Note to applicant.

#### 4.4 Local Member Representations

Local Member Cllr Hickman – This application is contentious and there seem to be campaigns on both sides now with a fairly even split of for's and against on the online comments. I have always said that I will try and represent the views of the majority of residents of my ward. I will attend the planning meeting and speak on the day, I think with a level head. No doubt that something will eventually be built here, whatever it will be must be right, in keeping with the surroundings, and with design conditions put on whoever the builder is. No large 40 foot high advertising poles etc. I will of course continue to listen and monitor the situation.

## 5.0 EVALUATION

### 5.1 Principle of Development

Local Development Plan Policy DES3 deals specifically with advertisements;

Proposals for advertisements will only be permitted where:

- a) having regard to the existing number and siting of advertisements in the locality the proposal would not result in an unacceptable clutter of advertisements;
- b) if located within the open countryside they would not unacceptably detract from the rural setting of the locality;
- c) if located in a Conservation Area, they would not unacceptably detract from the character or appearance of the area and if a hanging sign, would not result in undue visual clutter. They should be of an appropriate size and materials for the building from which they hang with a traditional bracket;
- d) if located within the open countryside or Conservation Areas, illumination is only appropriate to uses that reasonably expect to trade at night.

The use of the building as a drive through restaurant will clearly require some signage and is acceptable in principle subject to the above criteria that relate to the potential visual impact of signage.



The proposed fascia signs are not considered to be excessive in scale and given that the building to which they will be attached is single storey, it is unlikely that views into and out of the National Park and Blaenavon Industrial Landscape World Heritage Site will be affected by the signage. As such the Policies LC2 and LC3 are not considered to be relevant to this application.

## 5.2 Visual Impact

It is important to view the proposed signage within the context of the wider area that includes the council waste transfer station, a hotel and pub/ restaurant development and land allocated for industrial use as well as the A465 dual carriageway which is lit by street lighting.

With regards to criterion (a) there is currently no signage in the area except for at the entrance to Westgate Yard which is some distance to the west of the application site although there is an extant consent for a Premier Inn, Brewers Fayre and Costa Coffee unit on the adjacent site which will inevitably have some associated signage (although no applications for advertisement consent have been submitted to date). The site as a whole is large and even if the potential signage on the adjacent site is taken into consideration it is not considered that three fascia signs displaying the name of the restaurant, and three signs displaying the McDonalds emblem (the 'golden arch') on this proposed building will result in an unacceptable clutter of advertisements. Any applications for signage on the adjacent site would have to be considered on their own merits having regard to the McDonalds site, should consent be granted.

Criterion (b) requires that advertisements do not detract from the rural setting when located in the open countryside. Given that this site is allocated for office and industrial use in the LDP and the proposed signage is on a single storey building and therefore will have a limited impact on the wider area which is open countryside, it is not considered that this criterion applies.

Criterion (c) refers to advertisements in conservation areas only which is not relevant in this instance.

Criterion (d) requires that in the open countryside illumination is only appropriate to uses that reasonably expect trade at night. Although as described above the application site is not within open countryside, the restaurant clearly expects to trade at night. It should be noted that the applicants have indicated that although a 24 hour licence to serve hot food will be sought, it is unlikely that the restaurant would remain open for the full 24 hours a day, 7 days per week, due to a lack of passing trade overnight. As part of McDonalds' building management system, all illumination would automatically be switched off when the last member of staff has left the building in order to save energy. This can also be conditioned. The level of illumination proposed is roughly half of that normally used in illuminated signage. This aspect can also be conditioned if deemed necessary.

The planting approved under the earlier Section 106 Agreement and that to be implemented by McDonalds will help to screen the proposed building and soften the impact over time (see paragraph below).

### 5.3 Residential Amenity

There are no residential properties in the immediate vicinity of the application site that would be directly affected by the proposed development. Due to the orientation of the building, no signs will face directly onto the A465 or the Barratts development beyond. The closest of the new Persimmon homes currently being constructed elsewhere on the site will be some 140 metres from the site which is an adequate distance for any illuminated fascia not to cause a nuisance. The housing will also be separated from the site by a linear park that will include tree planting as well as potential employment-related development on intervening land.

### 5.4 Landscaping

The application site is elevated and any development including associated signage will have a wider visual impact upon the surrounding landscape as the site can be viewed at distance from local Public Rights of Way, the Iron Mountain Trail, National Trails, cycle routes, A465, historic assets and nearby tourism and leisure facilities.

The landscaping scheme for this site must be implemented in accordance with the ecological framework outlined in the previously approved Great Crested Newt Mitigation Strategy which is part of a Section 106 Legal Agreement for the whole of the Westgate site. This includes an 18 metre belt of new tree and shrub planting on land immediately adjacent to the east of the application site on land outside the applicant's control. As part of the wider site development, the existing road to the Waste Transfer Station will be removed and landscaped over resulting in a more gradual slope upwards from the edge of the slip road to the edge of the site. The slope will be around 10 metres wide and will be planted up with trees and shrubs. A small part of that road running parallel to the Heads of the Valley slip road leading to the waste transfer station will remain in the north eastern corner of the site and therefore the landscape buffer will be reduced.

Within the application site itself, McDonalds are proposing to plant ten native species trees which will be between 4 and 4.5m tall and four smaller 2–2.5m multi stem trees around the edge of the site although additional planting will be required by condition between the proposed drive through area and the A465. A new native hedge is also proposed along the western and northern boundary with the new access road to the waste transfer station. The remainder of the site that is not required for car parking will be grassed.

It is considered that the planting required under the earlier Section 106 Agreement and that proposed by McDonalds will help to screen the proposed building and signage and soften the impact over time when viewed from the Heads of the Valleys road as well as more distant views from Abergavenny Castle. Views from the Blorengre will be against the back drop of the A465, its associated lighting and the substantial housing development beyond and when viewed in context with the approved Premier Inn, Brewers Fayre and Costa, existing Westgate Yard buildings and council waste transfer station, the proposed signage is unlikely to significantly affect the character of the area.

## 5.5 Biodiversity

The site is not recorded as a foraging area or commuting route for bats that are the only species recorded within the vicinity of the site that are sensitive to light.

## 6.0 **RECOMMENDATION: APPROVE**

### Conditions:

|   |  |
|---|--|
| 1 | <ol style="list-style-type: none"><li>1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.</li><li>2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</li><li>3. Where any advertisement is required under the above Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.</li><li>4. 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.</li><li>5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (Civil or Military).</li></ol> |
| 2 | The illumination of the signs hereby authorised shall be non-intermittent.   |
| 3 | The illumination of the signs hereby authorised shall be switched off when all staff have left the associated restaurant.  |