



The Planning Inspectorate

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Your Ref: CP/AW/3096

Our Ref: APP/A1910/H/95/0196

Date:

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL					
Ref.	26 MAY 1995				Ack.
Dep.	TEPM	DP	CC	CB	FP
Received 01 JUN 1995					
Comments					

Dear Sirs

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992

APPEAL: MCDONALD'S RESTAURANT, BOURNE END LANE,

HEMEL HEMPSTEAD

APPLICATION: 4/1421/94

1. I am directed by the Secretary of State for the Environment to refer to the appeal of your clients, McDonald's Restaurants Limited, against the Dacorum District Council's refusal to permit the display, at the above-mentioned site, of an internally-illuminated, free-standing, pole-mounted "McDonald" sign measuring 1.93m x 1.905m, with a "drive thru" sign below measuring 1.5m x 0.425m, at an overall height of 5.905m. The submissions of the parties to the appeal have been considered and an officer of the Department has inspected the site which lies within an Area of Special Control of Advertisements in accordance with an order made under Regulation 18 of the Town and Country Planning (Control of Advertisements) Regulations and approved by the Secretary of State.
2. The general description of the appeal site and its surroundings, contained in the Council's statement enclosed with their letter dated 29 March 1995, is accepted.
3. The Council's advertisement control policies have been carefully considered, in the light of the requirement, in Regulation 4(1), that they shall exercise their powers only in the interests of amenity and public safety, taking account of any material factors. In referring to their policies, the Council have drawn attention to section 54A of the Town and Country Planning Act 1990 (as amended). This section requires that where, in making any determination under the Planning Acts, regard is to be had to the development plan, it shall be made in accordance with the plan unless material considerations indicate otherwise. However, this appeal is to be determined under the Control of Advertisement Regulations in which, as noted above, Regulation 4(1) requires regard to be had only to amenity and public safety, taking account of any material

factors. Therefore, while the development plan has been taken into account as a material consideration in this appeal, there is no requirement for the determination to be in accordance with it.

4. The proposal concerns the re-positioning of an existing pole-mounted sign for which consent was granted on appeal in 1993. The existing sign is located within the service area, close to the exit from and the egress point onto the east-bound carriageway of the A41 trunk road. The revised location is some 100m further to the east, on the embankment adjoining the restaurant building to which the sign would relate. The service area is a pocket of development comprising a petrol-filling station, motel and your client's restaurant, within an otherwise rural area of undulating land. There is, however, a small industrial estate to the north-east of the service area, which is reached from the access road to the services.

5. As to public safety, it is noted that the earlier objections raised by the Highways Authority have now been withdrawn. Nevertheless, the Council, as the local planning authority, have not advised the Department that they do not wish to pursue their own expressed objections to the sign on these grounds and the issue has therefore been considered by the Secretary of State. The reason for the Council's public safety objection, as expressed in their refusal notice, was that the sign would allegedly distract the attention of drivers on the trunk road because of its size, design, nature and location. However, it is noted, from the Council's statement, that their particular concern is, rather, that, in its proposed revised location, the sign would be too small to be seen far enough in advance of the site to allow drivers to observe it and safely exit from the trunk road. These comments and your counter contention that the repositioned sign would perform an important road safety function are noted. The sign, in its more close and elevated position to the road would be viewed from the higher land in the long descent from the west, appearing forward of the official road sign positioned some 300m from the slip road to the services which, as you say, currently obscures views of your client's existing sign until this point is reached. Although, in longer range views, the sign would be seen as a relatively distant feature in excess of 400 metres away, it is considered that the upper and well-recognised 'M' logo could be picked out over this longer approach. This would enable approaching drivers from the west to be aware of the specific restaurant facility available at the services well in advance of the point at which they would first indicate their intention to exit from the trunk road. It is concluded, therefore, that the sign, in its proposed repositioned location, would not be against the interests of public safety.

6. As to your claimed need for the sign on public safety grounds, the services are signed well in advance, thus forewarning drivers of the need to leave the trunk road at the exit. It is noted that the large official road sign close to the first exit marker post for the exit slip road does not refer to the services at all. Nevertheless, the existing sign for the petrol station on the services site is visible over a longer range than the approximately 300m distance between the position of the official road sign and the exit, thus, to some extent, acting as a confirmatory sign that the exit in question is the one for the services. Whilst it is accepted that the existing pole sign denoting your client's restaurant is not readily visible until the road sign is passed, drivers seeking restaurant facilities would have noted, from the symbols on the advance road sign for the services, the existence of such facilities at the services. In any event, having regard to the advice on stopping

distances in the Highway Code, it is considered that the forward visibility of the existing pole sign for your client's restaurant is adequate to enable any last minute decisions by drivers, upon seeing it and desiring to use those particular restaurant facilities, to safely indicate their intention to leave the trunk road at the exit.

7. As to amenity, the repositioned sign would be identical to the existing approved sign and would be sited closer to your client's restaurant. Nevertheless, the restaurant is set at a low level to the adjoining section of road, from which it is largely screened from view behind a steeply-sloping embankment. The sign, in contrast, would occupy an exposed and elevated position on the embankment where, from both directions along the road, it would be seen above the height of the restaurant and also some distance away from the more obviously visible commercial aspects of the services created by the petrol-filling station and its canopy. In its repositioned and more elevated position, the sign would be viewed over a wider distance than the existing sign and would be seen from the road as a somewhat divorced feature from the service area, against the background setting of the attractive rural surroundings. In these circumstances, and having regard to the designated Green Belt status of the area, as well as the fact of its inclusion within an Area of Special Control, which both exist in order to protect the character and appearance of the area, it is considered that, because of its size and position, the sign would over-emphasise the commercial aspect of the service area and that the impact of its display, emphasised after dark by its internal illumination, would be unduly intrusive in its wider setting generally. For these reasons, it is concluded that its display would be detrimental to the interests of amenity.

8. Accordingly, the Secretary of State dismisses the appeal.

Yours faithfully

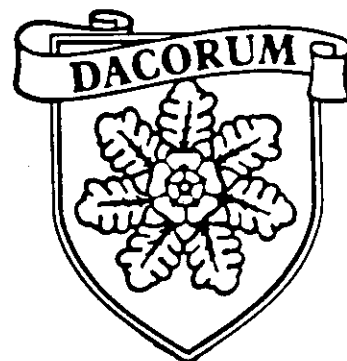


D B LEEMING

Authorised by the Secretary of State
to sign in that behalf

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/1421/94

McDonalds Restaurants Ltd
11-59 High Road
East Finchley
London
N2 8AW

Ramm Brand Architects
10-11 High Street
Uxbridge
Middlesex
UB8 1JN

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

McDonalds Restaurant, Bourne End Lane, Bourne End, Hemel Hempstead

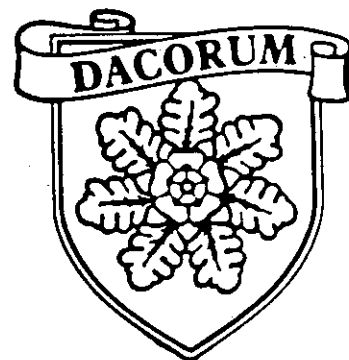
INTERNALLY ILLUMINATED POLE SIGN (DUPLICATE)

Your application for *advertisement consent* dated 01.11.1994 and received on 03.11.1994 has been **REFUSED**, for the reasons set out on the attached sheet.

Director of Planning

Date of Decision: 16.12.1994

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/1421/94

Date of Decision: 16.12.1994

1. The proposed sign, by reason of its size and siting, would form an unduly prominent and incongruous feature to the detriment of the visual amenity and existing rural character of the locality.
2. The proposed sign, by reason of its size, design, nature and location, would result in a distraction to drivers on the A41 trunk road, which would prejudice the safety of traffic on that route.