

Case Officer: Samantha Taylor

Applicant: Cherwell District Council

Proposal: Multiple signage forming part of wayfinding strategy including: 7 x welcome signs, 4 x Vehicle Directional Signs, 4 x Pedestrian Orientation Signs, 14 x Directional Signs and 12 x Identification Signs

Ward: Banbury Cross and Neithrop

Councillors: Councillor Banfield, Councillor Hodgson and Councillor Perry

Reason for Referral: Application affects Council's own land, and the Council is the applicant

Expiry Date: 12 April 2021

Committee Date: 12 August 2021

**SUMMARY OF RECOMMENDATION: GRANT ADVERTISEMENT CONSENT
SUBJECT TO CONDITIONS.**

1. APPLICATION SITE AND LOCALITY

1.1. The application site is the mixed-use Castle Quay 2 retail development site and the existing Castle Quay shopping centre, located adjacent to the Oxford Canal within Banbury Town Centre. The Castle Quay 2 development is currently under construction, falling within the 'Spiceball Development Area'.

2. CONSTRAINTS

2.1. The application site is within the Oxford Canal Conservation Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks advertisement consent for a new wayfinding scheme at the Castle Quay shopping centre and wider Castle Quay 2 development area. The strategy seeks to provide a clear and cohesive directional signage at key locations and comprises 41 different signs including:

- 7 Welcome Signs;
- 4 Vehicle Directional Signs;
- 4 Pedestrian Orientation Signs
- 14 Directional Signs; and
- 12 Identification signs

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

17/00284/REM – Reserved matters application to 16/02366/OUT across the whole development site. Application for approval of reserved matters for scale, layout, appearance and landscaping. Approved

16/02366/OUT - Removal/Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block; and Condition 9 to be removed, as no longer justified. Approved

13/01601/OUT - Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; the erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafés (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road. Approved.

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of site notices displayed near the site, by advertisement in the local newspaper and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **24 March 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2. Comments received from 2 third parties, which are summarised as follows:

- Concerns with illumination and potential for flashing signs
- Opportunity for other directions to other key areas has been missed

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

7.3 BANBURY TOWN COUNCIL: **No objections.**

7.4 OCC HIGHWAYS: **Formal comments to amendments required.** Initially objections were raised to the 4 vehicle directional signs, which have since been amended and are now noted to be of improvement. However, the Highway's Officer is still to confirm following review of the s.278 drawings that are content with the drawings with the s.278 highways improvement works.

Officer Comments: *An update will be provided to the Planning Committee.*

- 7.5 Canals and River Trust: **Concerns raised**, regarding to the positioning of some the signs close to the canal or on the bridge crossing the Oxford Canal.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for advertisement consent must be determined in accordance with the development plan any other relevant factors.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20 July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15 - The Character of the Built and Historic Environment

- 8.3. Other Material Planning Considerations

- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) – “The Advertisement Regulations”
- National Planning Policy Framework (NPPF 2021) – particularly Paragraph 132
- Planning Practice Guidance (PPG)
- CDC Design Guide for Shop Front and Advertisements: Historic Buildings and Conservation Areas.

9. APPRAISAL

- 9.1. Regulation 3 of the Advertisement Regulations limits the Local Planning Authority’s powers in respect of advertisement applications to the consideration of amenity and public safety. Therefore, these are the key issues for consideration in this case.

Amenity

- 9.2. Regulation 3(2a) of the Advertisement Regulations states that: factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
- 9.3. Paragraph 136 (formerly Para.132) of the NPPF 2021 recognises that: “*The quality and character of places can suffer when advertisements are poorly sited and designed*”. However, it goes on to state that: “*Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*”.
- 9.4. The proposed design of the signs has been carefully considered to ensure that the signs are appropriate in scale, size and location on their individual merit and as part of the wider context throughout the Castle Quay 2 development.
- 9.5. The signage is an integral part of the scheme, designed to ensure the successful integration of the current development with the existing shopping centre and town centre, by providing clear wayfinding to key areas in the town centre.

- 9.6. Some of the proposed signs include internal illumination, with a maximum luminance level of 500cd/m² to ensure that at different light levels, the public are able to use the wayfinding signs. Post-11pm, within village or darker suburban locations, a maximum of 500cd/m² is considered acceptable. The proposed internal illuminance will not flash. Given the location of the signs is within an urban area with some adjacent residential properties to the site, the internal illumination proposed is considered acceptable.
- 9.7. Following concern from the Canals and River Trust, the location of 3 of the signs has been amended. Whilst formal comments are awaited, informal confirmation of their acceptability to the new locations has been received by the applicant and it is anticipated an update can be provided in due course.
- 9.8. The proposed signage is considered appropriate to the location and ought not to cause harm to the character and appearance of the Conservation Area. Overall, Having applied great weight to the conservation of the Oxford Canal Conservation Area, Officers consider that the proposed development would not cause harm to the significance of the Oxford Canal Conservation Area. The proposal would result in public benefit arising from the provision of directional signage and aids. Whilst Officers consider that the proposed signage would not cause harm to the significance of the heritage asset, should any harm be identified, it is considered this would be of less than substantial harm and would be outweighed by the public benefits of the proposal.
- 9.9. The amended proposal is therefore, considered acceptable in terms of visual amenity and impact on heritage assets. The proposal complies with paragraph 136 of the NPPF and policy ESD15 of the Cherwell Local Plan 2031.

Public Safety

- 9.10. Regulation 3(2b) of the Advertisement Regulations makes clear that factors relevant to public safety include the safety of persons using the transport network, including the potential for an advertisement to obscure views of transport signage or equipment, and the potential for an advertisement to hinder the operation of any device used for security purposes.
- 9.11. The proposed signage is considered not to present a risk to public safety or highway safety, with regards to its scale and position in relation to the highways and nearby residential properties and given that it also replaces a similar signage. Therefore, the proposed sign complies with paragraph 136 of the NPPF relating to public safety.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. By reason of its design and siting, the amended proposal would not adversely affect public safety or local visual amenity. Therefore, the development complies with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

11. RECOMMENDATION

RECOMMENDATION – GRANT ADVERTISEMENT CONSENT SUBJECT TO THE CONDITIONS SET OUT BELOW

1. This consent to display advertisements shall expire at the end of 5 years, beginning on the date this consent was granted.

Reason: To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the information contained within the application form and the following approved document: 10072 Castle Quay 2, Banbury – External Signage Locations P03 dated 24-06-2021

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the visual amenity of the area and to comply with Government guidance contained within the National Planning Policy Framework.

3. 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.

Reason: To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

4. No advertisement shall be sited or displayed so as to - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

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

Reason: To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

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

Reason: To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

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

Reason: To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).