

Unit A3, Pioneer Centre, Bure Place, Bicester

13/00742/ADV

Ward: Bicester Town

District Councillor: Cllrs Mrs Diana Edwards
& Cllr D M Pickford

Case Officer: Rebecca Horley

Recommendation: Approval

Applicant: Sports Direct, Mr Newton Fraser, Unit A Brook Park East, Shirebrook

Application Description: 1 No. illuminated fascia

Committee Referral: Council's interest in the land

1. Site Description and Proposed Development

- 1.1 The site is one of the new units which are part of the town centre redevelopment. A new pedestrian walkway passes along the east elevation where the fascia sign is to be located. The sign is proposed to be internally illuminated to each letter (not the whole fascia) and the original submission showed that the illuminance level would be 400 cd/m but is now proposed to be below 60 cd/m. The background of the fascia is proposed to be white and the text in red and blue
- 1.2 The site is constrained only by its proximity to the Conservation Area. It is not within the Conservation area but the boundary faces the new unit so may affect its setting.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and press notice. The final date for comment was 11th July 2013. No letters of representation have been received as a result of this.

3. Consultations

- 3.1 **Bicester Town Council:** No objection.

Cherwell District Council Consultees

- 3.2 None

Oxfordshire County Council Consultees

- 3.3 **Highways:** No objection.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

No relevant policies

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan - Proposed Submission Draft (August 2012) and changes (March 2013)

The consultation to the draft Local Plan is now concluded. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

ESD16: The Character of the Built and Historic Environment

5. Appraisal

5.1 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental. Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, in order to reflect the thrust of the guidance for a *presumption in favour of sustainable development*, planning permission should be granted unless harm can be identified. As there are no development plan policies specifically relating to this proposal, the key interests are considered to be as follows:

- Public safety
- Amenity

Public Safety

5.2 Oxfordshire County Council Highways raises no objections to the application on the grounds of highway safety. It is considered that the application will not have a detrimental impact on public safety in accordance with Government guidance contained within the NPPF.

Amenity

5.3 Paragraph 67 of the NPPF states that 'only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the Local Planning Authority's detailed assessment'. Where there is a historic context, para 126 states that LPAs should take into account the desirability of sustaining and enhancing the significance of heritage assets with the desirability of new development making a positive contribution to local character and distinctiveness. It is clear also from para 56, that the Government attaches great importance to the design of the built environment. Development should contribute positively to making places better for people.

5.4 Although internal illumination is not a favoured lighting solution for advertisements, in this case it is considered that the application represents one which is acceptable in a modern and new shopping area. At a revised level of illuminance of below 60 cd/m, this is now more in line with the new Sainsburys sign (73 cd/m) so will not be so visually intrusive. Whilst there is a historic context nearby, it is considered that the relationship to the historic core of Sheep Street is not a strong link and the proposal will

not harm the visual amenities of the area. It is considered to be compliant with policy and central Government guidance, hence the recommendation for approval.

Engagement

5.5 With regard to the duty set out in paragraphs 186 and 187 of the National Planning Policy Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the approval of development that accords with sustainable development principles as set out in the NPPF.

Conclusion

5.6 Having considered the issues arising, namely effect on public safety and amenity it is considered that the advertisement proposal is acceptable and ought to be approved, subject to conditions.

6. Recommendation

Approval, subject to the following conditions:

1. At the end of a period of five years from the date of this decision, this consent for the display of advertisements will lapse.

Reason - By virtue of Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Drawing nos. HLP/454/10 Rev H received with the application and 454/05 Rev J received on 21 June 2013.

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

3. (a) No advertisement shall be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

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

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

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

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

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

Reason - By virtue of Regulation 14 (1) (a) and Schedule 2, of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. The maximum luminance of the internally illuminated sign hereby approved shall not exceed 100 cds per sqm.

Reason - In the interests of amenity and to comply with Government guidance contained within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.