

**Site Address: Deans Diner, Unit A2,  
Pioneer Square, Bure Place, Bicester**

**Application No: 13/01517/ADV**

**Ward:** Bicester Town

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

**Case Officer:** Rebecca Horley

**Recommendation:** Approval

**Applicant:** Newultra T/A Villagio c/o Agent Technical Signs

**Application Description:** 2 No. internally illuminated fascia signs and 1 No. internally illuminated projected sign

**Committee Referral:** Council's interest in the land

**Committee Date:** 31.10.13

## **1. Site Description and Proposed Development**

- 1.1 This advertisement application relates to one of the new units, adjacent to Bure Square central to and part of the new town centre redevelopment scheme. The unit is double fronted and the projecting sign will be centrally located in line with the fascia.
- 1.2 The site is constrained by its proximity to the Bicester Conservation Area boundary but the unit is not within the Conservation Area nor are there any listed buildings nearby.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of a site notice. The final date for comment is 14<sup>th</sup> November 2013 and to date no comments have been received.

## **3. Consultations**

- 3.1 **Bicester Town Council:** Comments awaited.

### **Cherwell District Council Consultees**

- 3.2 None.

### **Oxfordshire County Council Consultees**

- 3.3 **Highways:** No objection provided the projecting sign is wholly contained within the area between the face of the building and the bollards along the frontage.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

ENV1: Pollution control

### **4.2 Other Material Policy and Guidance**

## National Planning Policy Framework

### Draft Submission Local Plan (October 2013)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the draft plan was undertaken from March to May 2013. On 7 October 2013, the Draft Submission Plan was approved by the Council's Executive. The Plan is scheduled to be presented to Full Council on 21 October 2013 for endorsement as the Submission Local Plan.

At the present time the Plan carries limited weight. Once formally 'Submitted' to the Secretary of State for Communities and Local Government for Examination, the weight that can be attached to the Plan will increase. However, it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council (anticipated mid 2014).

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. The NPPF further advises that 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 though this is on the basis that the projecting sign does not protrude further than the street bollards. The sign will protrude by approximately 931mm which is just within the limits of the bollards as measured on site but has also been recommended to be conditioned for assurance.

5.3 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**

5.4 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.

- 5.5 This unit is considered to be part of the new and modern town centre and this is reflected by the proposal. The illuminated elements of the fascia and the projecting sign relate only to the 'Dean's Diner' lettering. The fascias themselves on which the letters are positioned are not illuminated. The levels of luminance are recommended to be restricted to no more than 300 cd/ms on the fascia sign and no more than 200 cd/ms on the projecting sign. The company use high quality, low energy small LEDs with less light pollution. It is considered that the fascias are quite discrete, not dominating the whole of the frontage and of a contemporary design which sits well within the immediate modern surroundings.
- 5.6 There is a clear separation from the Conservation Area to the east in the form of a slatted wooden fence and it is considered that the significance of the setting of the Conservation Area would not be harmed.

### **Engagement**

- 5.7 With regard to the duty set out in paragraphs 186 and 187 of the 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**

- 5.8 Having considered the issues arising, namely effect on public safety and amenity it is considered that the advertisement proposal is acceptable in terms of its compliance with policy and central Government guidance. The visual amenities of the area will not be harmed and the setting of the Conservation Area will be sustained and enhanced. Further, there is no concern raised with regard to public safety. The application is recommended for approval, subject to conditions.

## **6. Recommendation**

**Approval**, subject to:

- i) expiry of consultation period (14<sup>th</sup> November); and
- ii) 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. 388488-2, 3 and 4 received with the application.

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. Only the 'Deans Diner' lettering shall be illuminated within any of the signs and the maximum luminance of the fascia signs hereby approved shall not exceed 300 candelas per sqm and the maximum luminance of the projecting sign and hereby approved shall not exceed 200 candelas per sqm.

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

5. That the projecting sign shall be wholly contained within the area between the face of the building and the bollards along the frontage.

Reason - In the interests of highway safety 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.