

Ward: Bicester Town

District Councillor: Cllrs D Pickford and
D Edwards

Case Officer: Rebecca Horley

Recommendation: Approval

Applicant: Anytime Fitness c/o Nexus Planning

Application Description: 1 No. illuminated fascia sign and 2 No. illuminated hanging signs

Committee Referral: Council's interest in the land **Committee Date:** 7th August 2014

1. Site Description and Proposed Development

- 1.1 This advertisement application relates to two of the new units, adjacent to Bure Square and facing Wesley Lane in the northern part of the new town centre redevelopment scheme. At the time of writing, there is a resolution to approve the remaining phase (office, community uses and hotel – 14/00403/F refers) on the Franklyn's Yard car park thereby enclosing the north side of the site. The units were purpose built for a retail use as part of the Pioneer Square development and are currently vacant.
- 1.2 The application is for 1 No. illuminated fascia sign which comprises individual letters which are halo illuminated fitted to the rails rather than directly to the glass. No other part of the fascia will be illuminated. 2 No. hanging signs are also proposed: one located between the units and the other centrally located on unit A6. During the course of the application, these signs have been amended to be reduced in size.
- 1.3 The site is constrained by its location within the Bicester Conservation Area and there are listed buildings nearby (along Sheep Street).

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice. The final date for comment was 24th July 2014 and to date no comments have been received.

3. Consultations

- 3.1 Bicester Town Council: Comments awaited.

Cherwell District Council Consultees

- 3.2 Conservation Officer: No objections

Oxfordshire County Council Consultees

- 3.3 Highways Liaison Officer: no objections but with reference to the projecting signs, it is necessary to ensure that the limit of their projection does not extend beyond the bollards.

Other Consultees

- 3.4 None

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

ENV1: Pollution Control

The site is unallocated on the proposals map

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Local Plan (January 2014)

The draft Local Plan has been through public consultation and 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 following policy is relevant to this case:

SLE2: Securing Dynamic Town Centres

Policy ESD16: The Character of the Built and Historic Environment

Proposals Map: Existing Retail Park

Bicester Masterplan Draft (August 2012) – Retail Quarter of the Town Centre Action Area.

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 also makes clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Amenity

- 5.2 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.
- 5.3 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 'Anytime Fitness' 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 signs. 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. Also during the course of the application the hanging signs have been considerably reduced in length to a now acceptable size.

- 5.4 As regards their impact on the Conservation Area, the application has not met with an objection from the Conservation Officer and as the signs are relatively discrete and associated with the modern surroundings which reduces their impact considerably. There is real sense of separation between the historic and modern contexts which would suggest a more modern solution is appropriate here. The listed buildings are obscured from the units by other development so their settings are not considered a constraint to this proposal. Overall, it is considered the significance of the heritage assets (Conservation Area and settings of listed buildings) would not be harmed by this proposal.

Public Safety

- 5.5 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 be recommended to be conditioned for assurance.
- 5.6 It is considered that the application will not have a detrimental impact on public safety in accordance with Government guidance contained within the NPPF.

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 approving an application which represents sustainable development, in accordance with the NPPF's objectives.

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 and settings of the listed buildings will not be harmed and 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. Approval, subject to the following conditions:
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| <p>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.</p> |
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<p>Reason - By virtue of Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.</p>

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| <p>2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Drawing nos. 1184/B (signage location); 1184/B (A-fascia sign) received with the application and 1184/B (B – Projecting sign x 2) received on 8th July 2014.</p> |
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<p>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</p>
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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 Anytime Fitness 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 signs 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.