

**Motor Fuel Ltd
Bloxham Service Station
South Newington Road
Bloxham
Banbury
OX15 4QF**

18/00814/ADV

Applicant: Motor Fuel Group Motor Fuel Group Motor Fuel Group

Proposal: 1 x PID internally illuminated, 2 x Banners and 5 x free standing display – Part Retrospective

Ward: Adderbury, Bloxham And Bodicote

Councillors: Cllr Mike Bishop
Cllr Chris Heath
Cllr Andrew McHugh

Reason for Referral: Member call-in due to local interest

Expiry Date: 10 July 2018 **Committee Date:** 21 June 2018

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in the south of the village of Bloxham on the east side of South Newington Road (A361). The site is used as a petrol station, currently run by Motor Fuel Ltd.

2. DESCRIPTION OF PROPOSED ADVERTISEMENTS

- 2.1. Advertisement consent is sought for the erection of 8 signs across the site. Three poster boards would be located on the grassed verge to the front of the site, which runs parallel to South Newington Road. One poster board would be located to the north side of the entrance. A banner is located on a timber fence to the north of the site and another on a timber fence to the east of the site. An unauthorised totem sign located on a grassed area to the front of forecourt is approximately 6.5m in height, is internally illuminated.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
02/00432/ADV	1 No. double sided free standing internally illuminated display unit (retrospective)	Application Refused

- 3.2. This sign referred to above was located in a similar location to 'poster 4' as shown on the plans for the current application. The 2002 application was refused by the Council for two reasons: harm to the visual amenity of the area; and that the sign would be a distraction to motorists on the A361.

- 3.3. This decision was appealed. The Inspector considered that the modern appearance of the sign and its full illumination would cause harm to the amenities of the area and the appeal was dismissed.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal, however there has been an enforcement investigation at the site which has resulted in the submission of this application.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice 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. The final date for comments will be 19.06.2018. Any comments received after the publication of this report shall be included as a written update.

- 5.2. The comments raised by third parties are summarised as follows:

- The signage is excessive and out of character for a rural village.
- The totem sign is too large.
- The illuminated signage causes a nuisance to neighbours.
- The development would have an impact on highway safety.
- The development would have an impact on the setting of the nearby listed building and conservation area.
- The banner in the east of the site is attached to a fence not owned by the applicant.
- The development would conflict with the Bloxham Neighbourhood Plan.
- The 24 hour alcohol licence is not necessary (not a material consideration to this application).
- The petrol station has excessive lighting in the forecourt (not a material consideration to this application).

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

6. RESPONSE TO CONSULTATION

- 6.1. 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.

PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. BLOXHAM PARISH COUNCIL: No comments received.

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **Objects.** Signs 4, 5 and 7 would obscure the visibility splay of vehicles egressing from the site.
- 6.4. The proposed site layout shows signs 4 and 5 will affect the visibility splay when egressing the site, presenting a risk to highway users given the size and positing of the proposed signs.
- 6.5. The plan indicates an exit / entrance arrangement. However, this is not explicit within the application documents and no signage to enforce this exit strategy is within the application documents. It is a known factor that regardless of said signage, an entrance / exit arrangement is often flouted and cannot be relied upon.
- 6.6. The land on which the free-standing signs and totem are located is on highway's land.

NON-STATUTORY CONSULTEES

- 6.7. CONSERVATION: No comments received.
- 6.8. ENVIRONMENTAL PROTECTION: No comments received.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for advertisement consent must be determined in accordance with the development plan and any other relevant factors.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th 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

CHERWELL LOCAL PLAN 1996 (Saved Policies)

- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause detrimental levels of pollution

BLOXHAM NEIGHBOURHOOD PLAN 2015 - 2031

- BL9 – Policy on Regard for the Amenity of Existing Residents

- 7.3. 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)
 - Planning Practice Guidance (PPG)

8. APPRAISAL

- 8.1. 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

- 8.2. 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.*
- 8.3. Paragraph 67 of the NPPF recognises that: *poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.* However it goes on to state 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.*
- 8.4. Advertisement consent is sought for the erection of five free-standing signs, two banners and the internally illuminated totem sign to the front of the site. The signage is located in a rural settlement, with the petrol station being situated on the southern edge of the village of Bloxham, in a predominately residential area. The surrounding area has no illuminated signage and has a simple, rural character. The site abuts the Bloxham Conservation Area and there is a Grade II listed building on the opposite side of the road. It is therefore concluded that the application site is located within an architecturally sensitive location.
- 8.5. The internally illuminated totem sign is 6.5m in height, approximately 1 metre higher than the totem that it replaced. Not only was the previous totem shorter it was also not fully illuminated. At the time of writing this report no comments have been received from the Environmental Protection Officer. However it is Officer opinion that given the scale of the sign and that the entirety of the signage is internally illuminated, that the totem causes some harm to the amenities of occupiers of neighbouring dwellings, particularly the occupants of Killowen House and 1 Hartshill Close, both of whom have objected to the proposal on these grounds.
- 8.6. In addition although the Conservation Officer has yet to provide formal comments, they indicated that they agreed with Officer concerns that the totem and the free-standing signs cause or would cause 'less than substantial harm' to the setting of both the listed building and the Bloxham Conservation Area. This would be by virtue of the height, siting and illumination of the proposed totem and the number of free standing signs located across the site would undermine the character and appearance of the area.
- 8.7. The proposal is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Policies C28 and ENV1 of the Cherwell Local Plan 1996, Policy BL9 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance contained within the NPPF.

Public Safety

- 8.8. 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.
- 8.9. The Highways Officer has objected to the proposals. The Highways Officer has stated that free-standing sign numbers 4, 5 and 7 would cause harm to the safety of the local highway network, as the signs would obscure the visibility splays of motor vehicles egressing the site.

- 8.10. The submitted plans show an exit and entrance arrangement, however no further information has been supplied regarding this and often regardless of any signage regarding this, an exit and entrance arrangement is often not adhered to.
- 8.11. It is therefore considered that the proposed free-standing signs to the front of the site would cause harm to highway safety by failing to provide adequate visibility splays when egressing the site.
- 8.12. Notwithstanding the above a number of the signs would/are located on land that is owned by the Highway Authority (the grassed area to the front of the site in which signs 5, 6 and 7 and the totem are proposed). The garage may own the subsoil, however the garage would not control it and the applicant would need to apply the County Council to retain signage on this area, in the event of an approval.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The proposed development would cause harm to the amenities of neighbouring residents and the character and appearance of the area, by reason of the large, illuminated totem sign at the front of the site and the visual harm that would result from the free-standing signs to the front of the site. Furthermore, the signage would fail to provide adequate visibility splays for the users of motor vehicles when egressing the site and would cause harm to the safety of the local highway network in this regard.

10. RECOMMENDATION

That permission is refused, for the following reasons:

1. The totem advertisement, by reason of its height, prominent siting and illumination, and the freestanding signs by reason of their prominent location and size would have a negative impact on the visual amenity of the area and the street scene and would cause less than substantial harm to the setting of the nearby Grade II listed building, 'Killowen House', and the Bloxham Conservation Area. The proposal is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
2. The totem advertisement, by reason of its height, prominent siting and illumination would result in harm being caused to the amenities of the occupiers of Killowen House and 1 Hartshill Close. It is therefore contrary to Policy ENV1 of the Cherwell Local Plan 1996, Policy BL9 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance contained within the National Planning Policy Framework.
3. The proposed free-standing signs to the front of the site, by reason of their height and siting in close proximity to the highway, would affect the visibility splays when egressing the site, which would present a risk to highway users. The development would therefore be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754