

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

**19/00245/ADV**

**Case Officer:** Matthew Chadwick

**Applicant:** Motor Fuel Group

**Proposal:** Retrospective - 2 No externally illuminated fascia signs (Londis)

**Ward:** Adderbury, Bloxham And Bodicote

**Councillors:** Cllr Mike Bishop  
Cllr Chris Heath  
Cllr Andrew McHugh

---

## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

Retrospective advertisement consent is sought for the erection of two fascia signs on the shop and payment area serving the petrol station.

#### **Consultations**

The following consultees have raised **objections** to the application:

- Bloxham Parish Council

The following consultees have raised **no objections** to the application:

- CDC Conservation, OCC Highways

The following consultees have commented on the application:

- CDC Environmental Protection

Five letters of objection have been received.

#### **Planning Policy and Constraints**

The application site is outside but abuts the Bloxham Conservation Area and is located opposite Killowen House, a grade II listed building.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

#### **Conclusion**

The key issues arising from the application details are the impact on amenity and public safety.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

## **MAIN REPORT**

### **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. The site is situated in close proximity to the edge of the village, with only the dwellings at Hartshill Close to the south separating it from the open countryside.

### **2. CONSTRAINTS**

- 2.1. The application site is outside but abuts the Bloxham Conservation Area and is located opposite Killowen House, a grade II listed building. The site also lies in an area of potentially contaminated land, an area of naturally elevated arsenic and swifts have been located in proximity to the site, which are a protected species.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. Retrospective advertisement consent is sought for the erection of two signs on the shop and payment area serving the petrol station. The signs are approximately 3 metres in length and 1 metre in height and the signs are externally illuminated by an LED trough light.

### **4. RELEVANT PLANNING HISTORY**

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
18/00814/ADV	1 x PID internally illuminated, 2 x Banners and 5 x free standing display - Retrospective	Application Refused
18/01112/ADV	1 x 5.0m PID - Price Identification Sign limited illumination between 9pm and 6am to price display digits, 2 x Free standing posters - Retrospective	Application Permitted
18/01113/F	New recessed forecourt canopy lights - Retrospective	Application Refused

### **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 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 was 21.03.2019, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Five letters of objection have been received during the consultation process. The comments raised by third parties are summarised as follows:
- The lights are too bright and cause harm to the amenities of neighbours.
  - The lights cause harm to the setting of the nearby listed building and conservation area.
  - The lights would distract motorists on the A361.
- 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.

### PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BLOXHAM PARISH COUNCIL: **Objects**. No times of operation are included and no evidence is included to show that the shop needs to be illuminated. The development would cause harm to the amenities of neighbours.

### CONSULTEES

- 7.3. CDC CONSERVATION: **No objections**.
- 7.4. CDC ENVIRONMENTAL HEALTH: **Comments**. The lighting should be limited during the hours of darkness and should comply with the recommendations of the December 2018 Design for Lighting report.
- 7.5. OCC HIGHWAYS: **No objections**.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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 (CLP 1996)

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

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Bloxham Neighbourhood Plan, and the following Policies of the Neighbourhood Plan are considered relevant:

- BL9 – Residential amenity
- BL10 – Bloxham Conservation Area
- BL11 – Residential design

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

8.5. Council Corporate Priorities

Cherwell District Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

## **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

##### *Policy Context*

- 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 132 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.*

##### *Assessment*

- 9.4. Advertisement consent is sought for the erection of two externally illuminated fascia signs. The site is located in a sensitive area, on the edge of Bloxham in an area that is predominately residential in character. The area to the west of the site is agricultural and adds to the rural character of the area. The site abuts the Bloxham Conservation Area and there is a Grade II listed building on the opposite side of the road.
- 9.5. A number of concerns have been raised by neighbours regarding the brightness of the lights subject of the current application. The Environmental Protection Officer has stated that the lights should be operated on a curfew basis. The totem sign was granted advertisement consent under 18/01112/ADV subject to a condition that restricts its illumination between the hours of 9pm and 6am.
- 9.6. The Design for Lighting report submitted with application 18/01113/F noted at paragraph 6.3.6 that *"...there appears to be no benefit to the business of this illuminated signage lighting due to limited commercial competition in the area."*
- 9.7. The luminance of the advertisements is greater than those they replaced and they have a significant visual impact on the amenity of the local area. Along with other lighting at the site, the advertisements subject of this application give the site an urban feel which is at odds with its rural context. The site is in a sensitive location in close proximity to a number of dwellings and heritage assets. Given their nature the impact is after sunset.
- 9.8. It is therefore considered reasonable to impose a curfew similar to that on the consent for the totem sign and it is considered that with this condition the development would not cause harm to amenities of the area.

##### *Conclusion*

- 9.9. It is considered that subject to the conditions set out below the development would not cause harm to local amenity and is acceptable in this regard.

#### Public safety

##### *Policy Context*

- 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.

#### *Assessment*

- 9.11. The Highways Authority has offered no objections to the signage and considers that the signage and lighting would not cause harm to the safety of the highway network.

#### *Conclusion*

- 9.12. It is considered that subject to the conditions set out below the development would not cause harm to public safety and is acceptable in this regard.

#### Human Rights and Equalities

- 9.13. The Human Rights Act 1998 (“HRA”) sets out fundamental freedoms which have been laid out by the European Convention on Human Rights (“ECHR”). In making any decisions, Cherwell District Council (“the Council”) should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.

- 9.14. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

#### *Article 6*

- 9.15. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. [In addition, third parties were invited to the public meeting of the Planning Committee and had the opportunity to speak]. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

#### *Article 8 and Article 1 of the First Protocol*

- 9.16. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours’ property.

#### *Duty under The Equalities Act 2010*

- 9.17. S149 of the Equalities Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not

share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

- 9.18. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## **11. RECOMMENDATION**

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

### CONDITIONS

#### **Time**

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).

#### **Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Location and Block Plan (CD31); Site Layout (CD32); Proposed Site Elevations (CD33) and signage details prepared by Impact Signs Ltd dated 04/01/2019.

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

#### **Permission of owner**

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).

#### **Signage not endangering, obscuring or hindering**

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).

**Signage to be maintained**

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).

**Structure or hoarding to be maintained**

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).

**Site shall be left in good visual condition**

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).

**Hours of use**

8. The fascia signs hereby approved shall not be illuminated whatsoever between the hours of 9pm and 6am.

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