

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

18/01112/ADV

Applicant: Motor Fuel Group

Proposal: 1 x 5.0m PID - Price Identification Sign with limited illumination for price display digits, 2 x Free standing posters - 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: 16 August 2018 **Committee Date:** 19 July 2018

Recommendation: Approve

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

The application is reported to the Planning Committee as it has been called in by a Councillor

Proposal

Advertisement consent is sought for the erection of two poster boards and a non-illuminated totem pole sign (with the exception of the fuel pricing and this shall be reduced to the minimum illuminance between the hours of 9pm and 6am) at Bloxham Garage

Consultations

No statutory or non-statutory consultees have raised objections to the application
Two neighbour letters have been received objecting to the application

Planning Policy

The application site is located within Bloxham Conservation Area, near to Listed Buildings and residential properties. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- Impact on Amenity
- Impact on Public Safety

The report looks into the key issues in detail, and officers conclude that the proposal is acceptable against the relevant policies

RECOMMENDATION – GRANT ADVERTISEMENT CONSENT

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.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. Advertisement consent is sought for the erection of 3 signs across the site. Two poster boards are proposed, with one to be located to the south of the entrance and the other in close proximity to the pumps on the forecourt. A totem sign is proposed to be located in the same location as the existing unauthorised 6.5m totem sign; however the new sign would be 5m in height. It had been proposed that the sign would be fully illuminated during the hours of 6am to 9pm, however following discussions with the applicant's agent it has been agreed that the sign will not be illuminated, with the exception of the fuel pricing and this shall be reduced to the minimum illuminance between the hours of 9pm and 6am.

2.2. This application has been submitted alongside an application for canopy lighting (18/01113/F relates).

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
18/00814/ADV	1 x PID internally illuminated, 2 x Banners and 5 x free standing display - Retrospective	Application Refused

3.2. 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. 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.

3.3. The 2018 application was refused by the Council for three reasons: harm to the visual amenities of the area, harm to the amenities of neighbours and harm to the safety of the highway network.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

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 02.08.2018. 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 free-standing signs are poorly designed and have a detrimental impact on the visual amenity of the area.
- The totem sign causes harm to the setting of the nearby listed building and conservation area.
- The totem sign is a distraction to motorists.
- The totem sign would cause harm to the amenities of neighbours.

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/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. BLOXHAM PARISH COUNCIL: No comments received.

STATUTORY CONSULTEES

6.3. LOCAL HIGHWAYS AUTHORITY: **No objections.** The freestanding signs would be set back within the site and totem sign would allow sufficient clearance for visibility when egressing the site.

NON-STATUTORY CONSULTEES

6.4. CONSERVATION: No comments received.

6.5. ENVIRONMENTAL PROTECTION: The height is acceptable. The hours of illumination should be 9pm to 7am and the lighting should be at the minimum possible intensity (comments made before amendments to the application).

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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 (CLP 1996)

- 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 two free-standing signs and the totem sign to the front of the site. The site is located in a sensitive area, on the edge of Bloxham in an area that is predominately residential in its 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.
- 8.5. The proposed totem sign is 5m in height, 1.5m lower than the unauthorised sign located on the site at present. Following negotiations with the applicant’s agent, it has been agreed that the sign will not be illuminated, with the exception of fuel pricing display digits. The reduced height of the sign, alongside the limited illumination of the sign would make the sign appropriate for this sensitive location and it is therefore considered that the sign would not cause harm to the setting of

the nearby listed building, the conservation area or the amenities of neighbouring occupiers.

Public Safety

- 8.6. 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.
- 8.7. The Highways Authority have offered no objections to the signage and consider the free-standing signs and the totem sign would not cause harm to the safety of the highway network.
- 8.8. Notwithstanding the above, the totem sign would be located on land that is owned by the Highway Authority and the applicant will need to apply to the County Council for this signage.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Following the amendments to the application, with only the fuel pricing display digits to be illuminated (and to be reduced to the minimum illumination levels between the hours of 9pm and 6am) and the reduced height of the totem sign, it is considered that the proposed development would not cause harm to the amenities of neighbours, the setting of the nearby listed building or conservation area or the wider visual amenities of the area or the safety of the local highway network and is deemed to be acceptable subject to the conditions set out below.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant advertisement consent, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

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).

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'; 'Site Layout'; 'Proposed Site Elevations'; 'Proposed Posters' and 'Proposed Signage Specification'.

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.

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).

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).

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).

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).

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).

8. The totem sign hereby approved shall not be illuminated with the exception of the price display digit sections and between the hours of 9pm and 6am the illumination levels will be reduced to the minimum level allowable.

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

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754