

Our ref: Q230708
Your ref: PP-12425401
Email: gregory.blaxland@quod.com
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Cherwell District Council Planning Services
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

For the attention of Andrew Thompson

Dear Andrew

Town and Country Planning (Control of Advertisements) (England) Regulations 2007
Begbroke Science Park and land east of the A44
Proposal for the erection of temporary moveable artistic installations

On behalf of Oxford University Development ('OUD' or 'the Applicant'), please find enclosed an advertisement consent application ('the Application') for the erection of temporary, moveable artistic installations on land within and surrounding the Begbroke Science Park, Yarnton, OX5 1PF ('the Site').

Specifically, advertisement consent is sought for the following:

Display and use of 5no. moveable artistic installations within the Begbroke Science Park and surrounding land for a temporary period of no more than 5 years.

The Application has been submitted via the Planning Portal (ref: PP-12425401) and includes the following information consistent with statutory and local validation requirements:

- Requisite **advertisement consent application form**, duly dated and completed;
- **Site location plan** at a scale of 1:12500 (ref: BID-0001);
- **Design Document** that includes full information on dimensions and materiality of the installations, as well as their potential uses; and
- This **Covering Letter**, which provides an assessment of the proposals against relevant policy and legislation.

An online payment of £462.00 has also been paid to the Council via the Planning Portal.



1 Background and Site Description

The Site measures approximately 35.8 hectares and encompasses the existing Begbroke Science Park, which is accessed from the A44 via Begbroke Hill, and surrounding land that stretches north to Rowel Brook and south to Sandy Lane. An extract of the Site Location Plan is provided at **Figure 1**.

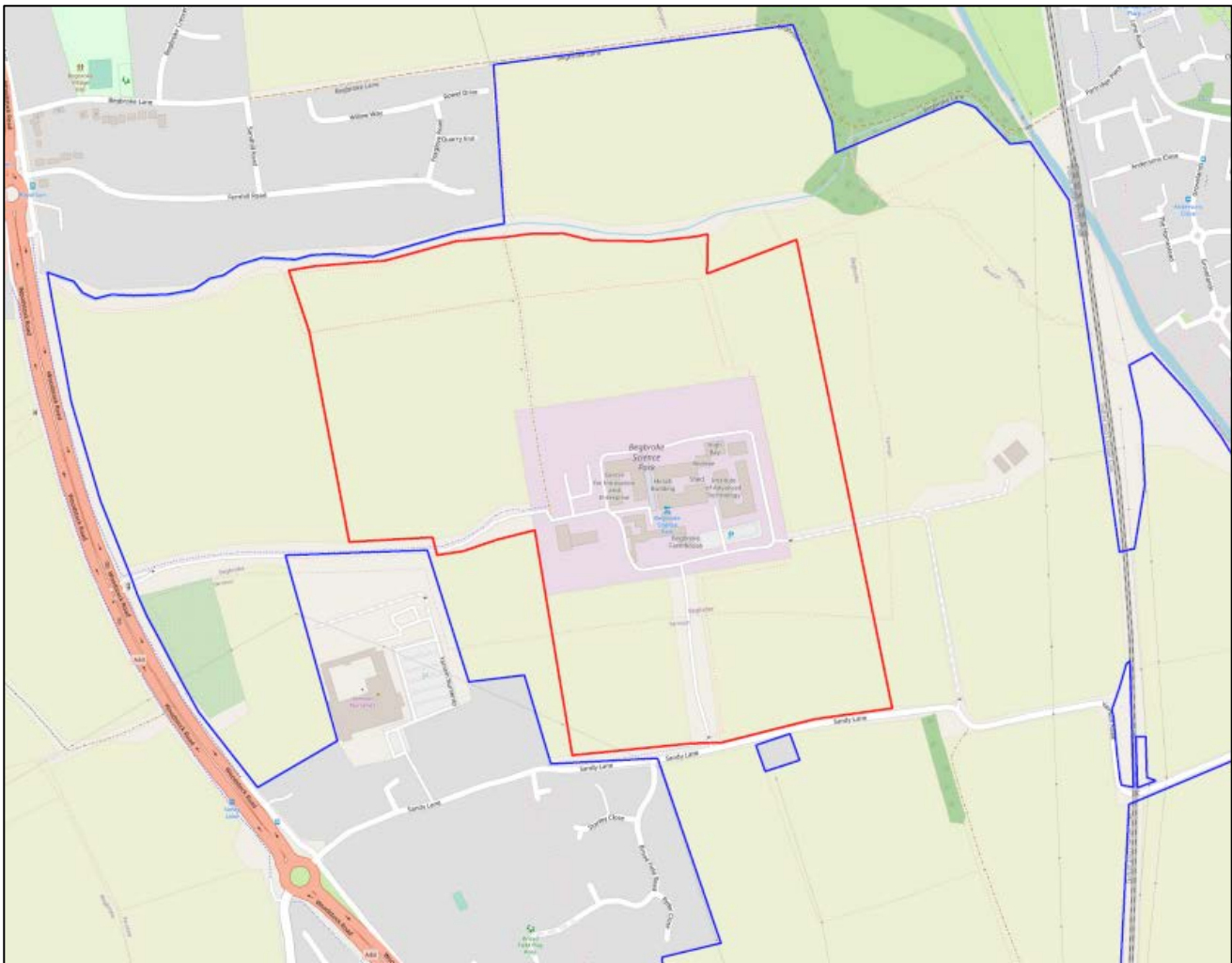


Figure 1 - Extract of the Site Location Plan (redline boundary)

Begbroke Science Park ('BSP' or 'the Science Park'), is the only science park owned entirely by the University of Oxford, and is located within the central portion of the Site. It comprises a number of one and two storey buildings that accommodate laboratories, engineering facilities and administrative buildings. It includes the Grade II listed Begbroke Hill Farmhouse ('the Farmhouse'). Supporting the research facilities are surface car parking areas, service yards, bicycle storage racks, and some limited outdoor amenity areas. A thick rectangular hedge defines the outer edge of the existing Science Park.



A number of public rights of way cross through the Site, as shown below in **Figure 2**.

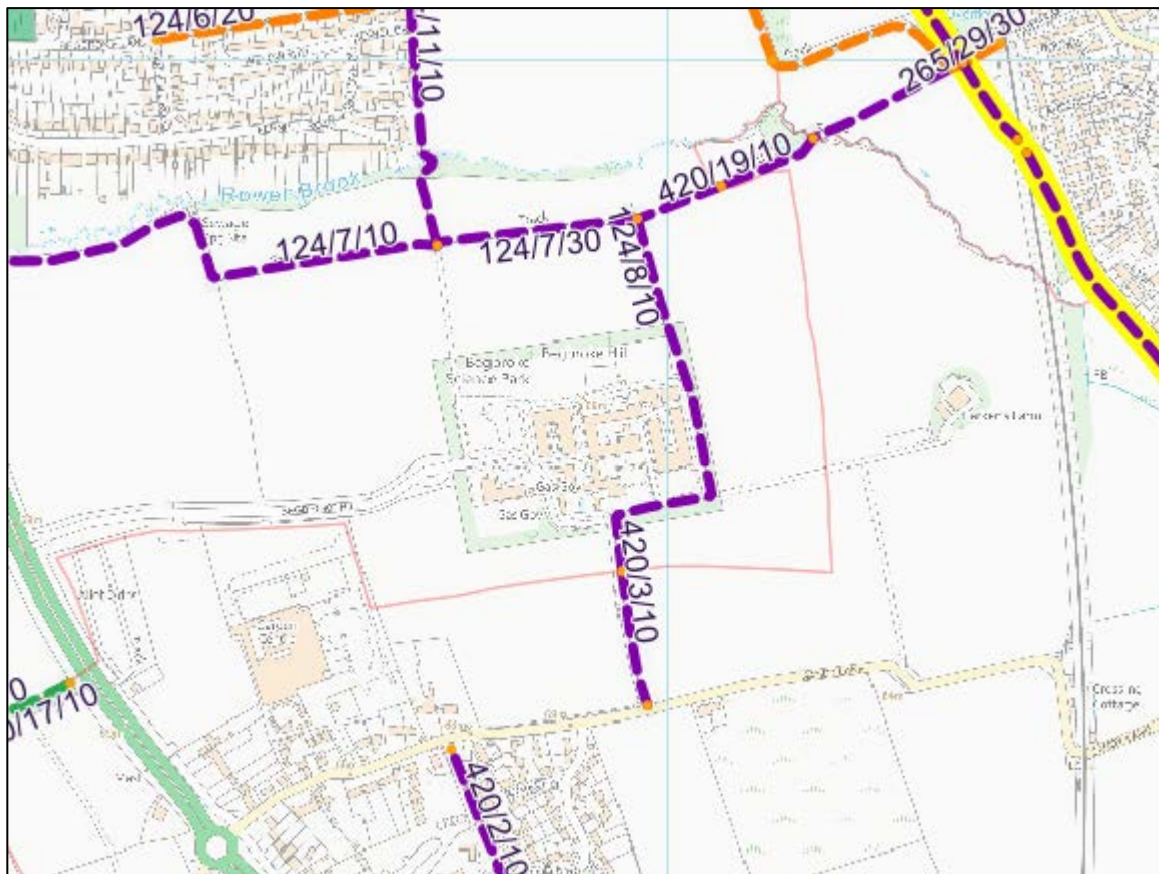


Figure 2 - Public Rights of Way

Two buildings are currently under construction within the Science Park pursuant to an outline planning permission granted in May 2018 (ref: 18/00803/OUT, as amended) and the reserved matters approval subsequently granted in January 2022 (ref: 21/03150/REM). These buildings are expected to become operational in 2025.

The boundaries of the Science Park are delineated by a thick hedgerow. Beyond the Science Park are agricultural fields and a tree-lined cycle and pedestrian path that links the Science Park to Sandy Lane, where the Site's southern boundary is. The Site is part adjacent to the village of Yarnton. There are a further two dwellings in the north-eastern corner of the former landfill site that are adjacent to the Site's southern boundary. The Site's northern boundary follows Rowel Brook beyond which are residential dwellings within Begbroke village.

The Oxford Canal Conservation Area runs along the canal to the east of the Site, approximately 350m from its nearest boundary. Begbroke Conservation Area lies northwest of the Site across the A44, approximately 450m from the Site's nearest boundary.



ODU have recently submitted an outline planning application for the development of the land to the east of the A44 (ref: 23/02098/OUT) to deliver new housing, expand the Science Park and provide high quality new open spaces, known as the Begbroke Innovation District. The application is made pursuant to Policy PR8 of the Cherwell Local Plan Part 1 Partial Review, which allocates the land for the provision of such uses. This application is currently pending determination by the Council. If approved, as part of the early and meanwhile uses, ODU would look to deliver a network of walking paths that traverse the Innovation District. This will include the Site to which this Application relates.

2 Advertisement proposals

The proposals are for the display and use of 5no. 'canvasses' that are attached to a moveable chassis. The canvasses will be foldable, such that they can lie flat or be erected to display artwork.

The canvasses will be used primarily as artistic installations and are intended to be used for an array of creative and cultural programmes. They are deliberately flexible in their use. They can be moved and arranged such that a single canvass can be erected in a given location, or clustered to provide a larger canvass and/or small stage. The Site boundary is clearly shown by the **Site Location Plan**. The precise location of the canvasses, however, is not. This is deliberate, with the intention being that the canvasses could be sited anywhere within the Site boundary. The installations would be located primarily within the boundaries of the Science Park to begin with. At later stages, the installations would be located to complement the delivery of the footpaths delivered as part of the early and meanwhile uses delivered as part of the Begbroke Innovation District development.

The canvasses will always be sited so as to be respectful of nearby neighbours and to avoid being a distraction to road users by facing away from Sandy Lane.

The **Design Document** contains full details of the dimensions and materiality of the canvasses, as well as an indication of their initial use by a local artist collective. It is expected that later uses would be covered by this advertisement consent, avoiding the need to reapply for each artistic or cultural programme. Separate events licences would be secured as required.

The definition of 'advertisement' is defined in section 336(1) of the Town and Country Planning Act 1990 (as amended) ('the TCPA 1990') as:

any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements.

Whilst the installations will be used primarily as artistic and cultural installations, advertisement consent is sought for their use as they will be used to help promote the work that occurs at the



Begbroke Science Park and also as part of the meanwhile use strategy for the Begbroke Innovation District. The installations are therefore, partly for the purposes of advertisement and therefore qualify as advertisements for the purposes of the TCPA 1990 and The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations').

Whilst the Site includes the Farmhouse, the proposals do not involve attaching or erecting any advertisement to or on to the Farmhouse itself. Therefore, listed building consent is not required.¹ The proposals do not fall within any classes or categories set out in Schedules 1 and 3 of the Regulations, which means that express consent from the local planning authority is required.² As per s222 of the TCPA 1990, planning permission is deemed to be granted for any development of land involved in the display of advertisements in accordance with the Regulations. Therefore, no additional planning permission is necessary in this case.

3 Planning policy context

The Regulations provide the legislative framework for determining applications for advertisement consent. Section 3(1) advises that LPAs should exercise powers under the Regulations in the interests of public safety and amenity, taking into account:

“(a) The provisions of the development plan, so far as they are material; and (b) any other factors.”

Section 38(6) of the TCPA 1990 does not apply to advertisement proposals. As such, a refusal of consent cannot just be on policy grounds, as it must demonstrate where there is harm to amenity or public safety. As per Section 3 (1), whilst development plan policies can be material when assessing advertisement proposals, they cannot be decisive in themselves. Key considerations are therefore drawn from the National Planning Policy Framework 2021 ('NPPF') and the Planning Policy Guidance ('PPG').

Paragraph 136 of the NPPF addresses advertisements, affirming the requirement for LPAs to determine applications for advertisement consent simply in the interests of amenity and public safety, taking account of cumulative impacts.

¹ As per Historic England's guidance, here:

<https://historicengland.org.uk/advice/hpg/consent/advertisementconsent/#:~:text=The%20erection%20of%20a%20new,special%20architectural%20or%20historic%20interest>.

² It should be noted, however, that if the advertisements were restricted to locations only within the Science Park, that they would fall under Class A, Schedule 1 of the Regulations and therefore not require deemed or express consent, as they would fall within enclosed land that is not readily visible from outside the enclosed land from any place to which the public have a right of access.



Paragraph 26 of the PPG sets out the criteria for deciding applications and appeals involving advertisements. Overall, it states that such proposals are to be considered on their own merits with regard to the general characteristics of the locality in which they are to be displayed. As such, the PPG states:

'Unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary, or offensive to public morals.'

Furthermore, Paragraph 27 examines factors relevant to amenity including the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Paragraph 79 confirms that the meaning of amenity is:

'In practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.'

In assessing amenity, the PPG advises that:

'... the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.'

Regarding the second key consideration; public safety, Paragraph 28 examines what considerations local authorities should take into account when assessing public safety. It stresses that public safety is not confined to road safety and includes all the considerations that are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians).

In addition to the above national planning policies, Local Planning Authorities may take into account material considerations, insofar as they relate to matters of amenity and public safety. The relevant material considerations are outlined below.

The development plan and other material considerations

The relevant parts of the Development Plan for this Site comprises:

- Cherwell Local Plan 2011-2031 (Part 1);
- Saved Policies from Cherwell Local Plan 1996;
- Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Needs;



There are no adopted Neighbourhood Plans that are relevant to the Site.

Relevant policy within the Development Plan is set out at **Policy ESD15 – The Character of the Built and Historic Environment**. This seeks to protect and enhance the character of the built and historic environment. As mentioned above, the Site falls within land that is allocated for development by **Policy PR8** of the Cherwell Local Plan Part 1 Partial Review.

In addition to the Development Plan, this application takes into account the following material considerations:

- National Planning Policy Framework (July 2021); and
- (National) Planning Practice Guidance.

4 Planning assessment

As outlined at Section 3 of this letter and as set out in Section 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, advertisement proposals must be determined solely in the interests of amenity and public safety. To this end, the case in favour of the proposals is set out below.

Amenity

Amenity is generally understood to be those elements of a location that helps make it attractive or enjoyable. The amenity within the Science Park is generally derived from its combination of built up and open spaces, set out around the Farmhouse. The installations will improve the amenity of the Science Park in helping to enliven and activate the spaces between the buildings.

As stated above, the installations would not be fixed to the Farmhouse itself. It is possible, however, that the installations may be temporarily located within the walled garden surrounding the Farmhouse and would therefore fall within its setting. The installations are considered to cause no harm to the significance of the Farmhouse or its setting. If there were a degree of harm, it would be temporary, less than substantial and on the very lowest end of that scale. The benefits delivered by the installations would outweigh any potential temporary harm (though for the sake of clarity, it is considered that there would be no harm to the significance of the heritage asset).

There would be no visual connection between the Conservation Areas and the advertisements. No harm would be caused to the significance of the nearby Conservation Areas or their settings.

The land surrounding the Science Park is currently agricultural land. The amenity of this land is derived its openness and tranquillity. The installations would not detract from either of these qualities. The lightweight, moveable structures will not lead to loss of any openness. Any perceived loss of openness would be temporary and must be seen in the context of the planned development of the land to provide new housing and expand the Science Park.



Rather than simply avoiding potential loss of amenity, the proposals would improve the amenity of the local area, providing opportunities for high quality artistic and cultural programmes to enliven the complement the Site. The **Design Document** shows that they would be used for a variety of cultural and artistic programmes for enjoyment by the local community, which would be informed and inspired by the area's past, present and future. The installations would be located firstly within the Science Park, and later adjacent to new paths and footways that are delivered as part of the early stages of the Begbroke Innovation District development. The installations would be open for the benefit of the public.

For these reasons, the proposals are not considered harmful to local amenity and the Application should be supported in this regard.

Public safety

The proposals will not harm public safety. To avoid any potential harm to public safety, if installations are located close to Sandy Lane (whilst it remains open to vehicular traffic), they will be angled such that they would not be a distraction for road vehicle users. Sightlines and visibility splays along Sandy lane will be totally unaffected.

It can therefore be concluded that there would be no impact on public safety due to the proposed advertisements, and the Application should be supported in this regard.

5 Conclusion

The advertisement proposals will not result in an unacceptable impact to amenity or public safety. The proposals would allow for the installation of temporary, moveable structures that would be used for a series of artistic and cultural programmes that are open to the public, for a maximum period of 5 years. Not only will harm to the character of the natural, historic and built environment be avoided, the proposals will culturally enliven the area, showcasing local artistic talent that calls on the natural and historic features of the area.

I trust that the enclosed is sufficient for you to register this Application and I look forward to receiving confirmation in due course. If for any reason you require additional information, please contact me directly.

Yours sincerely

Gregory Blaxland
Associate

enc. As stated above
cc. Tom Clarke (OUD)
Vickie Hayward (Company, Place)