

**Case Officer:** Linda Griffiths

**Recommendation:** Approval

**Applicant:** Miss Rachel Clare

**Proposal:** One single sided 'coming soon' sign. Four flags and flag poles- 1 x green & 1 x grey Barratt flags and 2 x David Wilson Homes flags

**Expiry Date:** 24 May 2021

**Extension of Time:** No

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site relates to part of the strategic residential allocation known as Banbury 17. This proposal relates to the development of the eastern part of Banbury 17, within the Parish of Bodicote. The proposed signage will be erected on land within the development site, adjacent to White Post Road.

## **2. DESCRIPTION OF PROPOSED ADVERTISEMENT(S)**

- 2.1. The application proposes a single-sided double non-illuminated sign and 4 no flag poles for the developers Barratt and David Wilson Homes, who will be building out this part of the allocation. The flag poles are approximately 5.5m high from ground level and the single sided double non-illuminated sign measures approximately 4m high and 2m wide. The signage will advertise the new development. A temporary consent is sought for 5 years, which is the projected duration of the build. The signage will be placed adjacent to White Post Lane, at the entrance to the development.

## **3. RELEVANT PLANNING HISTORY**

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

15/01326/OUT – outline consent granted at appeal for up to 280 dwellings;

19/00895/REM – reserved matters granted for 280 dwellings.

## **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 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 **3<sup>rd</sup> May 2021**, although comments received after this date and before finalising this report have also been taken into account.

- 5.2. No comments have been raised by third parties.

## **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.

### BODICOTE PARISH COUNCIL

- 6.2. Consulted on (22.02.2021); would like consideration given to a 2-year deadline for flying of these flags.

### CONSULTEES

- 6.3. Local Highway Authority – Consulted on (22.02.2021); No objection, the proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view.

## **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

- 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) in particular Paragraph 132
- Planning Practice Guidance (PPG)
- CDC Design Guide for Shop Fronts and Advertisements: Historic Buildings and Conservation Areas (2013)

## **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 132 of the NPPF recognises that: *The quality and character of places can suffer when advertisements are poorly sited and designed.* However, it goes on to state that: *Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.*
- 8.4. The proposed advertisement would be sited at the entrance into the development, adjacent to White Post Road and will be widely visible from the public domain and therefore has an impact on the character and appearance of the street scene. However, having regard to its scale, siting, materials and appearance and its temporary nature for the purpose proposed, the proposal is considered acceptable in terms of its visual impact.
- 8.5. The proposed sign and flags will not be illuminated, and it is considered acceptable within the urban context in which it is located and would not appear out of keeping with or detrimental to the visual amenity of the locality.
- 8.6. The Parish Council in their consultation response requested that consideration be given to removing the flag poles after 2 years. However, having considered the above, and having regard that the flags are required as part of the advertisement to aid the sale of the properties and are commonly found beside advert hoardings on such development sites, a period of 5 years to run alongside the sign boards is not considered unreasonable.
- 8.7. The proposal therefore complies with the provisions of Paragraph 67 of the NPPF relating to visual amenity.

#### 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 proposed signage is considered not to present a risk to public safety or highway safety, with regards to its scale and position in relation to the public highway. The proposal has been assessed by OCC who raise no objections. The proposed sign complies with the provisions of Paragraph 67 of the Framework relating to public safety.

### **9. CONCLUSION**

- 9.1. By reason of its design and siting, the proposal would not adversely affect public safety or local visual amenity. Therefore, the development complies with Policy ESD15 of the CLP 2031 Part 1 and Government guidance contained within the Framework.

### **10. RECOMMENDATION**

That consent is granted, subject to the following conditions

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 information contained within the application form and the following approved plans: Q81662/Q81664 v3 produced by Ecosigns dated 24<sup>th</sup> March 2021 and received 12<sup>th</sup> April 2021.

3. 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.

4. 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).

5. 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).

6. 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).

7. 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).

8. 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).

Case Officer: Linda Griffiths

DATE: 06.05.2021

Checked By: Andy Bateson

DATE: 17<sup>th</sup> May 2021

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