

Jacobs Douwe Egberts, Ruscote Avenue,
Banbury, OX16 2QU

23/00719/ADV

Case Officer: Daisy Kay-Taylor

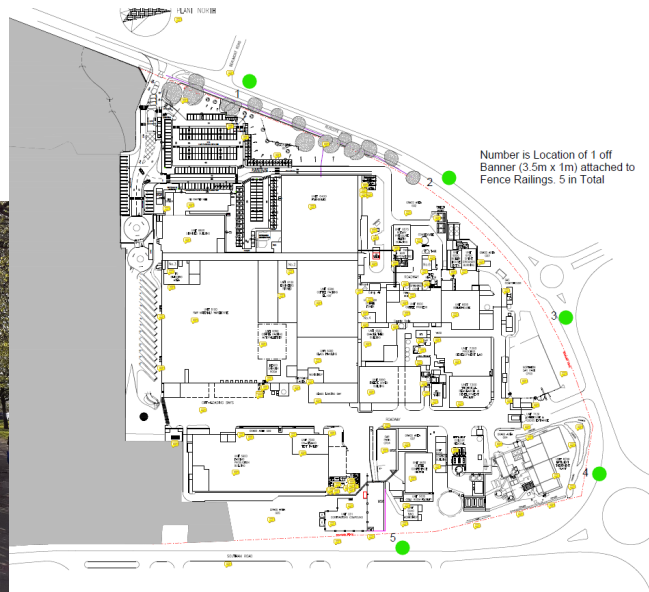
Recommendation: Approve

Applicant: Jacobs Douwe Egberts

Proposal: 5 no (3.5m x 1.0m) temporary vinyl, waterproof banners
advertising/celebrating 100 years of Kenco Coffee - attached with
rope/cable ties

Expiry Date: 18 May 2023

Extension of Time: No



1. APPLICATION SITE AND LOCALITY

1.1. The application site is a large corner site along the south-west of the Ruscote Avenue-Southam Road junction towards the northern edge of Banbury. The site is surrounded by a number of commercial and retail developments including a retail park, supermarket, car sales and DIY shops.

2. DESCRIPTION OF PROPOSED ADVERTISEMENT(S)

2.1. The applicant seeks consent for the temporary hanging until 30 June 2024 of five (5) vinyl banners measuring 1m (h) x 3.5m (w) to be attached to the boundary fencing along Ruscote Avenue and Southam Road. Maximum lettering height is 0.85m.

3. RELEVANT PLANNING HISTORY

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

- 14/01796/ADV 3 temporary banners. Permitted 09 December 2014
- 15/00133/ADV 4 temporary hanging banners. Permitted 17 March 2015
- 15/01786/ADV 4 x Occasional hanging banners. Permitted 24 November 2015

- 21/04144/F Demolition of existing office block and erection of surface level car park providing 215 replacement car parking spaces, including landscaping and other associated works; new main entrance and reception of the Computer Suite, with external re-cladding. Permitted 15 March 2022

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, expiring **18 May 2023**, and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **18 May 2023**.
- 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.
- 6.2. Banbury Town Council: no objection to temporary consent
- 6.3. Ward Councillor for Banbury Cross and Neithrop: no comments or objections 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 2015)

- 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)

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 application site is surrounded by a range of commercial and retail spaces and advertisements of a mixed nature are therefore commonplace in this part of Banbury.
- 8.5. While the proposed five banners are very large, they are of a relatively muted design and the colour palette is limited to red, gold and cream. The signs would be positioned around the very large site and would not be viewed in the context of each other; they would therefore not appear overly prominent. Further, the signs would not be illuminated.
- 8.6. The style of banners is considered appropriate for a temporary period and subject to being non-illuminated. However, the temporary period applied for is longer than would typically be considered and if the applicant wishes to extend the time period further, they should consider a more suitable form of signage (which would be subject to a further advertisement consent application).
- 8.7. The proposed temporary banners are considered to comply with the provisions of Paragraph 132 of the NPPF relating to visual amenity and Policy ESD15 of the CLP 2015.

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 banners are not considered to present a risk to public safety or the safety of the local highway network due to their temporary nature and positions in relation to Ruscote Avenue and Southam Road. Further, the proposed banners would be sited in the same locations as previous banners; to which OCC as the local highway authority has raised no objections.
- 8.10. The proposed banners are therefore considered to comply with the provisions of Regulation 3(2b) of the Advertisement Regulations.

9. CONCLUSION

- 9.1. The proposals are considered to comply with the provisions of Paragraph 132 of the NPPF and is therefore recommended for approval subject to the conditions set out below.

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: Site Location Plan, Site Layout and documents referenced 'Banner Dimensions', 'Banner Position 1', Banner Position 2', Banner Position 3', Banner Position 4', and 'Banner Position 5'.

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. No advertisement shall be illuminated.

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

9. There shall be no more than one banner in each location, as shown in the plans listed in Condition 2 of this consent.

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

Case Officer: Daisy Kay-Taylor

DATE: 18 May 2023

Checked By: Nathanael Stock

DATE: 18.05.2023
