

Case Officer: Saffron Loasby

Recommendation:

Applicant: Hayfield Homes Construction Limited

Proposal: RETROSPECTIVE - 2 x non-illuminated blue sales and entrance signage and 4 x flag pole signage

Expiry Date: 26 October 2023

Extension of Time: No

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site lies to the south of the village of Adderbury, on the north side of Berry Hill Road, close to the A4095 but separated from it by a field and a public right of way (PROW). The land extends to 4ha in area and recent consent granted at appeal allowed for the development of 40 homes (see planning history below). The development on site is in its advanced stages.
- 1.2. In terms of recorded site constraints, the site has some potential for naturally occurring contamination, there are ecological records nearby and a PROW runs along the northern edge of the site (and to the eastern side but outside of the site). In terms of heritage assets, the Adderbury Conservation Area boundary is approximately 180m to the north of the site, there are views available from Berry Hill Road across the application site towards the spire of the Grade I listed Church of St Mary and the site has some potential for archaeological interest.

2. DESCRIPTION OF PROPOSED ADVERTISEMENT(S)

- 2.1. This retrospective application is for the erection of four flagpoles and flags and two non-illuminated panel signs at the entrance of the site. The signage is for the advertisement of the house builder as well as details of what is available to view on site with access times.
- 2.2. The panel signs comprise powder coated steel framework in Antique Bronze and digitally printed, gloss laminated prints to the front and rear. These signs sit approximately 400mm off the ground and are 3.05m high from ground level. The location of these two signs sits at the entrance at a slight angle to the road with visibility of only one sign depending on the direction of travel. Neither of the two signs are illuminated.
- 2.3. The flag poles comprise a similar colour steel standing approximately 6m from ground level. The flag itself measures 0.9m x 2.4m and dark blue and white with the housebuilders name and logo.

3. RELEVANT PLANNING HISTORY

- 3.1. There is an extensive planning history for this site the most relevant comprising the following:

- 3.2. 22/03437/DISC - Discharge of Conditions 14 (arboricultural protection), 17 (landscaping), 18 (landscape management) and 20 (air quality assessment) of 19/00963/OUT (granted consent under appeal Ref: APP/C3105/W/20/3255419) – Approved – 21 April 2023
- 3.3. 19/00963/OUT – Outline application for the erection of up to 40 homes, public open space and other infrastructure, with all matters reserved except access – Allowed at appeal (3255419) 1 June 2021.
- 3.4. 22/00996/REM – Reserved matters application for Reserved matters approval for 49 dwellings, including appearance, landscaping, layout and scale pursuant to planning permission 19/00963/OUT – Approved 13 February 2023.

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 **7 July 2023**, by advertisement in the local newspaper expiring 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 **7 July 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.

ADDERBURY PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Following re-consultation the Parish Council has the following observations
 - they have an urbanising effect on the countryside landscape.
 - there is no justification for these signs as they are close to the actual site being developed, which has all the usual signage.
 - lighting is unacceptable and may be distracting near a junction 4. this is really just advertising the company 5. they do not comply with regulations for builder's signage at development sites in the Town and Country Planning Act.

CONSULTEES

- 6.3. Ward Councillors: No comment
- 6.4. Local Highway Authority: Do not object

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 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 signs and flag poles are already erected on site. They are set back from the road and sit in the large entrance into the site. They are set amongst a backdrop of mature trees and whilst all signage is visible in the public domain they sit well in their surroundings and do not jar with the wider setting of the area. As they are visible, they do have an impact on the character and appearance of the street scene and visual amenities of the area. Importantly the spine road access to the development was specifically a point of interest in the approved scheme as it allowed views of the Church beyond. This is still an important feature and whilst it is not considered to harm the setting of the building in the short term it is important that once the development is complete the signs and flagpoles are removed. Having regard to the scale, siting, materials, and appearance, the non-illuminated signs are considered acceptable in terms of its visual impact.
- 8.5. As such, for a temporary period of time, the signs are considered acceptable within the context of the site in which it is to be located which consists of new residential buildings that are currently for sale and would not appear out of keeping with or detrimental to the visual amenity of the locality.
- 8.6. The proposal therefore complies with the provisions of Paragraph 67 of the NPPF relating to visual amenity.

Public Safety

8.7. 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. The Local Highway Authority do not raise any objections.

8.8. The panel signs sit in the existing entrance of the site and are not located close to any other permanent transport signs. There were other temporary road signs located on this stretch of road at the time of the site visit, primarily linked with the location of the construction access for the site and a 30mph sign further to the northwest towards The Last House. The (retrospective) signage will encourage visitors, that are not part of the construction process to use the correct access point. For those approved under this scheme a condition is included to ensure removal of the signs after the decision expires to ensure the vista from the entrance point is maintained in the long term.

9. CONCLUSION

9.1. By reason of the 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 2015 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 (i) at the end of 3 years, (ii) upon completion of the development of which it is advertising or (iii) upon the sale of the final property whichever is the sooner 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 consent, the development shall be carried out strictly in accordance with the information contained within the application form and the following approved plans:

- Site Location and Block Plan P21 2984 08 Rev B
- Signs Specification
- Proposed Site Layout

Received 25/05/2023 and 31/08/2023

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).

Case Officer: Saffron Loasby

DATE: 26/10/2023

Checked By: Nathanael Stock

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