

# LATE AGENDA ITEM FOR EAST AREA PLANNING COMMITTEE - WEDNESDAY 6 NOVEMBER 2013

## Agenda No Item

17. 72 Rose Hill: 13/02549/ADV (Pages 1 - 7)

Report of Head of City Development

The Head of City Development has submitted a report which details a planning application for a display of 1 x internally illuminated fascia sign, 2 x non-illuminated fascia signs and 1 x non-illuminated totem sign.

**Officer recommendation:** That the Committee APPROVE the planning application subject to the following conditions

- 1 Develop in accordance with approved plans
- 2 Illumination levels - fascia sign 200cd/m,
- 3 Five year time limit
- 4 Advert - Statutory conditions
- 5 Times of illumination: Trading hours only
- 6 Removal of existing advertisements and illumination



INVESTORS  
IN PEOPLE



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**East Area Planning Committee**

- 6<sup>th</sup> November 2013

**Application Number:** 13/02549/ADV

**Decision Due by:** 22nd November 2013

**Proposal:** Display of 1 x internally illuminated fascia sign, 2 x non-illuminated fascia signs and 1 x non-illuminated totem sign.

**Site Address:** 72 Rose Hill,  
**(Appendix 1)**

**Ward:** Rose Hill And Iffley

**Agent:** Mrs Deborah Pitt

**Applicant:** Kia Motors (UK) Ltd

**Application Called in –** by Councillors – Turner, Sanders, Rowley, and Sinclair  
for the following reasons - impact on the local streetscene

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed advertisements are acceptable in terms of scale, design, illumination and materials, will not have a detrimental impact on amenity or highway safety and comply with Policies CP1, CP8, RC8 and RC14 of the adopted Oxford Local Plan and CS18 of the Core Strategy.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Develop in accordance with approved plans
- 2 Illumination levels - fascia sign 200cd/m,
- 3 Five year time limit
- 4 Advert - Statutory conditions

- 5 Times of illumination: Trading hours only
- 6 Removal of existing advertisements and illumination

### **Main Local Plan Policies:**

#### **Oxford Local Plan 2001-2016 (OLP)**

- CP1** - Development Proposals
- CP8** - Design Development to Relate to its Context
- RC8** - Neighbourhood Shopping Centres
- RC14** - Advertisements

#### **Core Strategy**

- CS18\_** - Urban design, town character, historic environment

#### **Other Material Considerations:**

National Planning Policy Framework

Town and Country Planning (Control of Advertisements) Regulations 2007

#### **Relevant Site History:**

00/00884/A - 3.75 m high flag pole with advertisement and 4.75 m high flag pole with advertisement. REF 21st May 2001.

79/00806/P\_H - Replacement internally illuminated pole mounted sign.. PER 14th September 1979.

84/00327/A - Non-illuminated fascia signs to front canopy over forecourt. PER 14th June 1984.

94/00136/A - (1) Internally illuminated free-standing sign (2) Internally illuminated letters on canopy. PER 26th May 1994.

95/01590/A - Externally illuminated fascia sign. PER 11th January 1996.

96/00623/A - 1) externally illuminated fascia. 2) Internally illuminated double sided projecting sign (logo only) 3) Externally illuminated sign adjacent to entrance 4) N/A 5) Non-illuminated free standing location sign (Amended Plans). DIS 15th April 1997.

98/01572/A - Replacement totem sign on forecourt with halo illuminated letters and logo and external lighting. PER 17th February 1999.

04/00415/ADV - Proposed 3.5 m internally illuminated totem sign. REF 27th April 2004.

04/01954/ADV - Internal illuminated fascia sign. REF 26th January 2005.

05/01464/ADV - Erection of 2 pylon signs (one 3.75 m illuminated, one 2.65 m non-illuminated)(Amended Plans). REF 17th October 2005.

11/02377/ADV - Erection of internally illuminated tower sign and fascia sign. SPL 20th December 2011.

13/01893/ADV - Installation of 1 x internally illuminated totem sign, 1 x non illuminated totem sign, 1 x internally illuminated fascia sign, 1 x non illuminated fascia sign, 1 x externally illuminated entrance gate and 1 x internally illuminated hanging sign to the front elevation.. WDN 27th September 2013.

### **Representations Received:**

85 Rose Hill: Object – Visually intrusive, detrimental to occupiers of nearby homes.

### **Statutory and Internal Consultees:**

No comments received

NB: Officers note that there are a large number of previous applications on this site and that previous applications attracted a higher number of comments and objections.

### **Issues:**

Amenity  
Highway safety

### **Officers Assessment:**

Site description and proposal

1. The application site is a car showroom and garage. It lies on the western side of Rose Hill and is located within what the Core Strategy 2026 (CS) and the Oxford Local Plan 2001-2016 (OLP) describe as a neighbourhood shopping centre. The eastern side of the road and the western side to the north of the application site are mainly residential. To the south of the site is a parade of shops, subdivided by Courtland Road, containing a mix of shops, offices, takeaways and other A3 uses on the ground floor.
2. The application is seeking consent to replace some existing advertisements with the following advertisements:
  - Sign B. A 1 metre high (21.73 metre wide) fascia sign above the showroom with the letters and logo only illuminated.
  - Sign C. A non-illuminated fascia sign 0.96 metres high (5 metres wide), mounted to the side of the above fascia sign.
  - Sign D. A non-illuminated, 2.4 metre tall (0.71 metre wide) totem or

Sign F. "pylon" sign.  
A non-illuminated, 1 metre tall (1 metre wide), wall mounted  
"service" sign.

#### Design / Visual Amenity

3. Policy RC14 of the OLP states that consent will be granted for outdoor advertisements that suit their visual setting. Policies CP1 and CP8 require all new development to respect the character and appearance of the area, whilst policy CS18 of the Core Strategy requires development to demonstrate high quality urban design.
4. The car showroom currently displays a variety of fascia signs illuminated by external light sources. The proposed fascia sign (Sign B), is internally illuminated and similar to illuminated fascia signs present to the frontages of other shops and businesses within the adjacent neighbourhood shopping centre. The application is clear that only the letters and logo would be illuminated and the level of illumination is comparatively low at 200cd/m. Officers note that guidance from the Institute of Lighting Engineers suggests that a level of 800cd/m would generally be acceptable in a lit location such as this and as much as 1200cd/m if the logo and the letters were considered as separate signs.

Officers consider that the illuminated fascia sign represents an improvement on the current externally illuminated sign, is not out of visual context with the surrounding area and will not lead to a material loss of amenity.

5. With regard to the effect of the proposed illumination on visual amenity, compared to the existing illumination on the site, the proposed illumination is considered unlikely to create an unacceptable increase in light pollution. However bearing in mind the proximity of residential properties, it is considered prudent and reasonable for any grant of consent to be subject to conditions controlling the times of illumination to the hours that the showroom is open and the level of illumination to ensure that the visual amenity of the area is protected.
6. Subject to the conditions referred to above, the fascia sign element of the proposal therefore complies with policies CP1, CP8 and RC14 of the OLP and policy CS18 of the Core Strategy in this regard.
7. Turning to the totem sign (Sign D), there is an existing large totem sign currently serving the garage that is situated towards the front of the site adjacent to the footway. This sign is not illuminated, does not appear to benefit from a grant of advertisement consent and as the inspector noted in the appeal decision referred to above, the site "is barely large enough to accommodate 2 totem signs without overburdening the premises with signage." There are no other illuminated totem signs on other sites within the immediate local area. A second (illuminated) totem sign on the application site, at the north end of the site adjacent to the footway was

the subject of a refused application for advertisement consent in 2004. That case was dismissed at appeal as the inspector considered that "such a large illuminated sign, less than 10m from the nearest window of the dwelling [at 70 Rose Hill], could not fail to have a detrimental impact on the amenity of outlook of the occupants" and concluded that "the display of the advertisement would be detrimental to the interests of amenity". The decision dismissing the appeal is attached at Appendix 2.

8. However, the totem sign currently proposed is more modest in scale (2.4 metres in height and 0.7 metres wide) to that previously refused (3.1 metres high and 0.99 metres wide), is situated further back in the site next to the main building and is non-illuminated, serving more to express the main doorway and customer entrance than to advertise the operation of the site. Officers note that the "proposed signage" image shows the existing totem removed and if permission is sought for this element of the scheme were to be granted it is considered appropriate and reasonable that it should be conditional on the removal of the existing unauthorised totem before implementation of the scheme to ensure the development does not result in a visually harmful proliferation of signage and to regularise the situation.
9. The two remaining signs are modest in scale and non-illuminated. Indeed, the current "Humphris" dealer sign is externally illuminated and the proposed non-illuminated sign (Sign C) therefore represents a further reduction in illumination and visual impact. However any grant of consent should be conditional on the removal of the existing illumination to ensure this reduction is achieved. The "service" bay sign (Sign F) is one metre square, non-illuminated and would replace two existing signs.
10. Officers note that the Kia corporate red signs will have an increased visual impact, and consideration has been given to requiring a non-gloss finish. However, bearing in mind the opportunity to rationalise advertising on the site and reduce the impact of illumination on visual and residential amenity, officers consider the scheme is acceptable as it stands in terms of its effect on amenity. On balance, the overall effect is likely to be positive compared to the existing situation and the proposals comply with Policies CP1 and RC14 of the OLP and CS18 of the Core Strategy.

#### Highway Safety

10. Policy RC14 of the OLP states that consent will be granted for outdoor advertisements that do not significantly prejudice highway safety and policy CP1 requires development to be acceptable in respect of highway safety.
11. The proposed signs are situated within an area characterised by illuminated advertisements and are not considered likely to significantly add to distractions for road users in the area. There is therefore considered to be no material effect on highway safety, the Local Highway Authority has not objected, and the proposal as a whole complies with

policies CP1 and RC14 of the OLP in this regard.

Conclusion:

12. The proposed signage is considered to be acceptable in terms of scale, design, appearance and materials, will not have a detrimental impact on highway safety or amenity and complies with CP1 and RC14 of the adopted Oxford Local Plan 2001-2016 and CS18 of the Core Strategy.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant advertising consent, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers: 13/02549/ADV**

**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 25th October 2013



# APPENDIX 1

## 72 Rose Hill (Humphris Garage)

13/02549/ADV



GIS by ESRI (UK)



**Legend**

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	29 October 2013
<b>SLA Number</b>	Not Set

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## Appeal Decision

Site visit made on 02 August 2004

by Terry Emm

an Advertisement Appeals Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Date

13 AUG 2004

Appeal Ref: APP/G3110/H/04/1150929  
Humphris Oxford Ltd, 72 Rose Hill, Oxford OX4 4HS

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by Humphris Oxford Ltd against the decision of Oxford City Council.
- The application (Ref 04/00415/ADV) is dated 27 February 2004. The advertisement proposed is a freestanding internally illuminated totem sign measuring 3.5m x 1.35m.

**Summary of Decision: The appeal is dismissed**

### Main Issues

1. I consider the main issues to be the visual impact of the proposed sign on the surrounding area and on the amenity of residents.

### Planning Policy

2. The Council have referred to the advertisement control policies contained in the adopted and draft Oxford Local Plans. The Regulations require that decisions are made only in the interests of amenity and public safety. Therefore the Council's policies alone cannot be decisive, but I have taken them into account as a material consideration.

### Reasons

3. The appeal premises comprise a car showroom and garage situated on the western side of Rose Hill (A4158), one of the arterial routes into the city, and approximately 3k from the centre. The eastern side of the road is mainly residential. The appeal site constitutes the northern end of a commercial enclave along the western side of the road. Immediately to the north of the appeal site are two semi-detached dwellings nos. 66 and 68.
4. The appeal premises are divided into Seat and Hyundai showrooms and are displaying the usual amount of associated signage. There is a comparatively narrow forecourt, some 15m in depth, used for displaying cars and providing customer parking. The Seat showroom is displaying a totem sign roughly 3m-4m in height. At the time of my inspection the Hyundai showroom appeared to be undergoing refurbishment.
5. The appellants argue that the appeal sign is a replacement sign for an earlier and similar Nissan sign. The Council have said little about the circumstances relating to the previous sign, but it seems to have been erected in 1999 when use as a petrol filling station ceased. Consent for the earlier sign would have been based on the merits of the case existing at the time. It cannot be regarded as a precedent. I will therefore decide this appeal on its merits taking into account the current circumstances.

6. I note that an appeal against refusal of consent for a similar sign measuring 3.6m in height, and to be placed in a similar position, was dismissed in 1997; at that time the premise were also in use as a petrol filling station. In that case the Inspector found that the sign would have a detrimental impact on the amenity of local residents and the streetscene in general. In my view the objections identified in the previous appeal decision apply equally to this appeal.
7. The appeal sign would be positioned by the site entrance, adjacent to the boundary with no. 68. The sign would be placed immediately next to the neighbouring property and I consider that such a large illuminated sign, less than 10m from the nearest window of the dwelling, could not fail to have a detrimental impact on the amenity of outlook of the occupants. Also, in my view the site frontage of approximately 40m, is barely large enough to accommodate 2 totem signs without overburdening the premises with signage.

**Conclusions**

8. For the reasons given above and having regard to all other matters raised, I conclude that the display of the advertisement would be detrimental to the interests of amenity.

**Formal Decision**

9. I dismiss the appeal.



Advertiser Appeal Inspector