

East Area Planning Committee

6th December 2011

Application Number: 11/02377/ADV

Decision Due by: 10th November 2011

Proposal: Erection of internally illuminated tower sign and fascia sign

Site Address: 72 Rose Hill Oxford Oxfordshire OX4 4HS

Ward: Rose Hill And Iffley Ward

Agent: Mr Pete Tilbey

Applicant: Mr Matthew Humphris

Application Called in – by Councillors – Turner, Sinclair, Sanders and Lygo.

for the following reasons - Impact on the streetscene and the risk of light pollution.

Recommendation:

Committee is recommended to grant advertisement consent for the proposed fascia signs but refuse advertisement for the totem sign.

APPROVED:

Fascia sign

For the following reasons:

- 1 Officers conclude that the illuminated fascia sign accords with all the relevant policies within the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore recommends approval as it is considered to be acceptable in terms of scale, design, appearance and materials and will not have a detrimental impact highway safety or residential amenity.
- 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 Development begun within time limit

- 2 Five year time limit
- 3 Advert - Statutory conditions
- 4 Illumination levels - fascia sign
- 5 Times of Illumination

REFUSED:

Totem sign

- 1 The proposed totem sign by virtue of its height, bulk, size, illumination and prominent location would appear unduly obtrusive when viewed from the street or from adjacent residential properties to the detriment of the visual amenity of the area. The proposed totem is therefore contrary to policy CP1, CP10 and RC14 of the Oxford Local Plan 2001-2016.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP10 - Siting Development to Meet Functional Needs

RC8 - Neighbourhood Shopping Centres

RC14 - Advertisements

Core Strategy

CS18_ - Urban design, town character, historic environment

Other Material Considerations:

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.

Representations Received:

66 Rose Hill, 75 Rose Hill, 81 Rose Hill, 83 Rose Hill, 85 Rose Hill, 105 Rose Hill

Summary of comments:

- Close to residential property – overbearing and light will shine into windows.
- Out of keeping with character of area.
- Potentially contaminated land.
- Light pollution.
- Contrary to previous precedent and will set a precedent
- Fascia signs illumination needs to be restricted in hours
- Totem sign visually intrusive and will degrade the appearance of the area
- Conflict with local plan,
- Not sustainable;
- Distracting effect on road users close to junctions and bus stops

Statutory and Internal Consultees:

Local Highway Authority – No comments.

Issues:

Design / visual amenity
Highway safety

Officers Assessment:

Background

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 advertisement consent for the following advertisements:
 - A. An internally illuminated and 3.1 metre tall (0.99 metre wide) totem or “pylon” sign.
 - B. An internally illuminated fascia sign mounted on the front wall of the garage and measuring 8.13 metres by 0.72 metres.

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, with the position of the proposed fascia sign not being directly illuminated. The proposed fascia sign is internally illuminated and similar to illuminated fascia signs present to the frontages of other shops and businesses within the adjacent neighbourhood shopping centre. Advertisement consent was given earlier in 2011 for an illuminated fascia sign for the new Co-op premises at 76 Rose Hill under application 11/01675/ADV. The fascia sign is therefore not considered to be significantly out of context with the area or to significantly harm the visual amenity of the local area.
5. With regard to the effect of the illumination on visual amenity, and with regard to the existing illumination on the site, the additional 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. There are no other illuminated totem signs within the immediate local area. A similar totem sign on the current application site 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. It is acknowledged that an existing totem sign currently exists serving the garage. However 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."
9. It is considered that the totem sign by virtue of its height, bulk, size, illumination and prominent location would appear unduly obtrusive when viewed from the street or from adjacent residential properties to the detriment of the visual amenity of the area, contrary to 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 commented, and the proposal as a whole complies with policies CP1 and RC14 of the OLP in this regard.

Conclusion:

12. It is considered that the totem sign by virtue of its height, bulk, size, illumination and prominent location would appear unduly obtrusive when viewed from the street or from adjacent residential properties to the detriment of the visual amenity of the area. The proposed totem is therefore contrary to policy CP1, CP10 and RC14 of the Oxford Local Plan 2001-2016.
13. The fascia sign accords with all the relevant policies within the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and it is considered to be acceptable in terms of scale, design, appearance and materials and will not have a detrimental impact highway safety or residential amenity.

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 approval in part, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 11/02377/ADV

Contact Officer: Tim Hunter

Extension: 2154

Date: 21st November 2011

11/02377/ADV

72 Rose Hill



Legend

Scale: 1:1250



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Organisation	Not Set
Department	Not Set
Comments	Appendix 1
Date	25 November 2011
SLA Number	Not Set



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

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.



Advertisement Appeal Inspector

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