

East Area Planning Committee

7<sup>th</sup> September 2011

**Application Number:** 11/01675/ADV

**Decision Due by:** 17th August 2011

**Proposal:** Display of 1 x externally illuminated fascia sign on east elevation, 1 x externally illuminated fascia sign on north elevation, and 1 x internally illuminated free-standing totem sign

**Site Address:** 76 Rose Hill Oxford (site plan at **Appendix 1**)

**Ward:** Rose Hill And Iffley Ward

**Agent:** NIS Signs (Leicester) Ltd.

**Applicant:** Midland Counties Co-Operative

**Application Called in –** by Councillors – Turner, Coulter, McManners, Tanner, Cook and Rowley for the following reasons - grounds of potential adverse visual amenity. It's for illuminated signage, and although have seen worse, the neighbours are understandably concerned.

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## **Recommendation:**

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

## **Fascia Signs**

Reason for Approval:

- 1 Officers conclude that the remainder of the proposals accord 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 - 250

### **Totem Sign**

Reason for Refusal:

- 1 The proposed totem sign by virtue of its bulk, size, illumination and prominent location would appear unduly obtrusive and a discordant element in the street scene to the detriment of the visual and residential 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 Developmnt to Meet Functionl Needs

**RC8** - Neighbourhood Shopping Centres

**RC14** - Advertisements

### **Core Strategy**

**CS1\_** - Hierarchy of centres

**CS18\_** - Urb design, town character, historic env

### **Other Material Considerations:**

PPG19 Outdoor Advertisement Control

### **Relevant Site History:**

58/06707/A\_H - Alterations and extension. PER 25th February 1958.

60/08842/A\_H - 4 garages for private cars. For Allied Arms Public House. PER 12th January 1960.

63/13930/A\_H - Alterations and extensions to form beer barrel store. For Allied Arms Public House. PER 10th September 1963.

74/00424/A\_H - Alterations to existing licensed premises to the bar and toilet areas and erection of new canopy over main entrance. For Allied Arms Public House. PER 24th May 1974.

74/00755/A\_H - Extension of existing car park to provide additional car parking. For Allied Arms Public House. REF 4th September 1974.

91/01226/NF - Demolition of existing bottled beer store. Single storey conservatory style extension. PER 17th January 1992.

00/00547/NF - Single storey side/rear extension to Public House to provide food area and cellar. External fire escape stair. Provision of 4 customer parking spaces to front of stores (Amended plans). PER 24th June 2000.

02/00914/FUL - Single storey rear extension. Relocation of spiral escape staircase. PER 26th July 2002.

05/02452/FUL - Demolition of King of Prussia PH, garage block and outbuildings. Erection of 3 storey building to accommodate 4 retail units plus servicing areas at ground floor level; at first floor level; and 4x2 bed and 5x1 bed flats at second floor level. Provision of 24 car parking spaces to rear and to the frontage plus cycle and bin storage areas etc. Widening of Villiers Lane. WDN 11th October 2006.

06/02082/FUL - Erection of two storey building to accommodate 4 retail units (Class A1) at ground floor and 8 flats (3x1 bed and 5x2 bed) at first floor. Provision of 20 car parking spaces to rear, 9 spaces and service area to front. Bin and cycle storage. Widening of Villiers Lane. (Amended plans and description). WDN 29th June 2010.

09/00214/FUL - Erection of 2 storey building with 4 retail units (class A1) on ground floor and ancillary storage/ office above. Alterations to frontage to provide 8 parking spaces, service area and cycle parking. Alterations to Villiers Lane. Provision of access from Villiers Lane to 19 space car park. Cycle parking. Floodlights. WDN 30th March 2010.

09/01638/FUL - Erection of a two-storey building to accommodate a retail unit on the ground floor and ancillary offices/storage at first floor. Provision of 23 car parking spaces to the rear and 8 spaces to the front. Associated bin and cycle storage. PER 12th March 2010.

10/01444/NMA - Application for a non-material amendment to planning permission 09/01638/FUL involving repositioning of unit and alterations to internal layout and parking layout. PER 18th June 2010.

05/00056/ORDER - Oxford City Council - Rose Hill (No. 1) TPO, 2005. CONF.

### **Representations Received:**

41 Courtland Road, 85 Rose Hill, 81 Rose Hill, 83 Rose Hill

### **Summary of Comments:**

Store open from 0700-2300 thus the illumination will be for long periods of time; sign will not be required due to fascia signs; overly dominant; incongruous in the street scene by virtue of its height, location and extent of illumination; not located in a large commercial premises in a main shopping centre; not appropriate for a residential area of small row of shops; contrary to local distinctiveness; contribute to street clutter; cumulative affect of lighting would be excessive; may hinder movement in and around it; not sustainable; totem sign visually intrusive; will set a precedent; fascia signs illumination needs to be restricted in hours; light pollution; will degrade the appearance of the area; close to Villers Lane and will detract from its charm.

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

Highway Authority: no objection

### **Issues:**

Design/Visual Impact  
Residential Amenity  
Highway Safety

### **Officers Assessment:**

### **Site Description**

1. The application site is that of the former public house, King of Prussia, which in 2006 was fire damaged and was subsequently demolished. 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 is mainly residential.
2. To the north of the site is a car showroom and garage and to the south of the application 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. Above the commercial uses is a floor of predominantly residential use. There is also a second floor of residential with dormer extensions in the roof space. The site is serviced from the rear by the private Villiers Lane, which forms the northern boundary to the application site. This also serves the rear of properties fronting Rose Hill and Annersley Road.
3. Planning permission was granted in March 2010 for the erection of a two-storey building to accommodate a retail unit on the ground floor and ancillary offices/storage at first floor. Provision of 23 car parking spaces to the rear and 8 spaces to the front along with associated bin and cycle storage. This is currently under construction and is to be occupied by the Co-operative supermarket.

### **Proposal**

4. The application is seeking advertisement consent for the following three advertisements:
  - A. One externally illuminated fascia sign on east (front) elevation. This fascia is 25765mm long by 910mm high and will be lit by two trough lights both 4300mm in length. The fascia will have two sets of writing both displaying the same wording. The fascia panel will be pantone green with the lettering being colbalt blue and white. The trough lights will be painted pantone green to match the fascia.
  - B. One externally illuminated fascia sign on north (side) elevation. This fascia is 10445mm long by 910mm high and will be lit by one trough light 4300mm in length. The fascia will have one set of writing the same as described above.
  - C. One internally illuminated free-standing totem sign. The overall height of the totem sign is 2510mm with an overall width of 700mm and an overall depth of 170mm. It will be internally illuminated by 25mm fluorescent tubes. The totem sign will be split into three distinct sections with the largest section being given over to the company logo/name.

### **Assessment**

5. Policy RC14 of the Oxford Local Plan 2001-2016 (OLP) states advertisement consent will be granted for outdoor advertisement design proposals that suit their visual setting in terms of scale, design, appearance and materials; preserve or enhance the visual amenity of the building and do not significantly prejudice highway safety or residential amenity.

### **Design/Visual Impact**

6. The proposed fascia signs are in proportionate to the proposed size of the building and do not appear out of character on the building or in the street scene. They are considered to be acceptable in terms of scale, design, appearance and materials.
7. The totem sign by virtue of its bulk, size and prominent location will appear unduly obtrusive in the street scene to the detriment of the visual amenity of the area.
8. It is acknowledged that the site lies within Rose Hill Neighbourhood Shopping Centre. However Neighbourhood Shopping Centres fulfil an important retailing function and are compatible with the residential areas in which they are normally found therefore the totem sign is considered to be out of character and context with the Neighbourhood Shopping Centre and its residential function.
9. A similar totem sign, nearby at the Seat garage to the north of the site, was the subject of a refused application for advertisement consent in 2004. That

case was dismissed at appeal as it was considered the display of the advertisement would be detrimental to the interest of amenity. The decision dismissing the appeal is attached at **Appendix 2**. It is acknowledged however that an existing totem sign currently exists serving the garage. At the time of writing it has not been possible to establish if and when consent was granted for this totem sign. Committee will be advised verbally at its meeting.

### **Residential Amenity**

10. All the signs are to be illuminated. The fascia signs are to have LED trough lighting above them and are simply down lighters and will therefore give off very little light pollution with a maximum illumination of 250 cd/m<sup>2</sup> each. A condition can be added to ensure the illumination does not exceed this.
11. The illumination values for the totem sign have not been specified within the application. Given its location, opposite residential properties, its size and extent of illumination it is considered to have a detrimental affect on the visual and residential amenity of the area.

### **Highway Safety**

12. With regards to the proposed totem sign it is to be located to the north of the site on an area of land adjacent to Villers Lane and a disabled car parking space. The Highway Authority has raised no objections to the location of the proposed totem sign in terms of access, manoeuvrability and so on.

### **Trees**

13. The whole site has a Tree Preservation Order (TPO) on it (05/00056/ORDER - Oxford City Council - Rose Hill (No. 1) TPO, 2005. CONF). The proposed totem sign is set far enough away from any of the trees on site not to impact on them in a detrimental way.

### **Conclusion:**

The proposed totem sign by virtue of its bulk, size, illumination and prominent location will appear unduly obtrusive in the street scene to the detriment of the visual and residential amenity of the area. The proposed totem is therefore contrary to policy CP1, CP10 and RC14 of the Oxford Local Plan 2001-2016.

In all other respects for the reasons given above and taking into account all other matters raised Officers conclude that the remainder of the proposals accord 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.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant a split 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 a split planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **Background Papers:**

**Contact Officer:** Tim Hunter

**Extension:** 2154

**Date:** 22nd August 2011



# Appendix 1

11/01675/ADV 76 Rose Hill



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	23 August 2011
<b>SLA Number</b>	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.

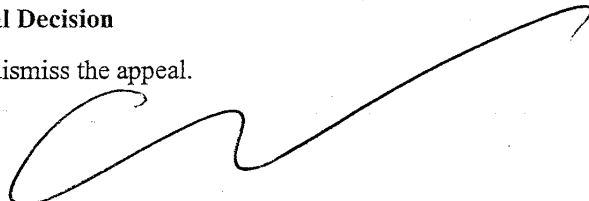
6. I note that an appeal against refusal of consent for a similar sign measuring 3.6m in height, and to be placed in a similar position, was dismissed in 1997; at that time the premise were also in use as a petrol filling station. In that case the Inspector found that the sign would have a detrimental 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