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| APPLICATION NO. | P10/E1460/DAD |
| APPLICATION TYPE | ADVERTISEMENT |
| REGISTERED | 27.09.2010 |
| PARISH | THAME |
| WARD MEMBER(S) | David Bretherton, Michael Welply. David Dodds & Ann Midwinter |
| APPLICANT | South Oxfordshire District Council (Ian Matten) |
| SITE | Roundabout on B4445, Junction of Aylesbury Road, North Street and Bell Lane, Thame |
| PROPOSAL | Roundabout sponsorship advertisements |
| AMENDMENTS | None |
| GRID REFERENCE | 470630/206182 |
| OFFICER | Mrs S.P.Spencer |

1.0 INTRODUCTION

1.1 This application has been referred to Planning Committee at the discretion of the Head of Planning because it is an application made by the council and it has attracted significant public interest.

1.2 Members will be aware that advertisements are currently being displayed on roundabouts in South Oxfordshire and that this commenced early in 2006. This council entered into an agreement with Oxfordshire County Council to take responsibility for the proper landscape design and general planting and maintenance of roundabouts and specified ancillary areas. In turn the council entered into an agreement with a municipal sponsorship company, Marketing Force who take responsibility for the maintenance of the roundabouts in exchange for letting the advertising space. Both contracts expire this month and the purpose of the applications being considered today is to ensure that advertisement consent is obtained before new or extended contracts are completed. Contractual matters are not for consideration by Planning Committee.

1.3 This application does not seek retrospective consent for the advertisements already displayed but seeks consent to continue to display them.

1.4 The roundabout on which the advertisements are to be displayed lies within the Thame Conservation Area.

2.0 PROPOSAL

2.1 The application seeks consent for the display of 4 advertisements on the roundabout on the B4445, at the junction of Aylesbury Road, North Street and Bell Lane (“Waitrose” roundabout). Each advertisement board would measure 765mm x 380mm. A diagram of the advertisement is **attached** as Appendix A.

2.2 The application details show that the name and logo of Oxfordshire County Council and South Oxfordshire District Council will be displayed at the bottom of each sign but no information can be provided at this stage with regard to the details of the advertiser. However, for illustrative purposes only, a copies of photographs of a sample of the current signs are **attached** as Appendix B. Guidelines have been agreed with Marketing Force that the content of any new or replacement advertisement will contain no more than:

- Company name and logo
- A short business message
- A web site, telephone number **or** short business address (these details to be as bold as possible)

3.0 **CONSULTATIONS & REPRESENTATIONS**

3.1 **Oxfordshire County Council Highway Authority – objection**

Agreement exists, through a Deed (hereafter referred to as the ‘Deed’) between the County and District council with respect to the maintenance of roundabouts in SODC (inc. locating of advertisements on Roundabouts).

Given, the existence of the Deed there is a certain tacit level of approval for signs located on roundabouts in the South Oxfordshire District so long as they comply with the specifications in Schedule 2. It should be noted that the contents of the sign are not specified in Schedule 2. It should also be noted that the 5th anniversary of the Deed approaches in January 2011 and that a review is possible at any time.

This application seeks approval of the erection of sponsorship signs at one of the locations as specified in Schedule 1 of the Deed. The following comments in no way seek to modify or provide advice in any way contrary to the Deed.

The issue, in Highways terms, of central importance is the contents of the sign and the propensity of those contents to constitute a distraction to traffic and hence as safety hazard. The following factors were taken into account in determining the level of distraction the contents of the sign constitutes with respect to any traffic using the roundabout junctions on which they are situated.

1. **The size of the text on the sign** - The smaller the text the greater the distraction created.
2. **The details incorporated into the text on the sign – i.e. details, which may be noted for later reference but are difficult to hold in the memory of the viewer** - The more details such as telephone numbers and web site addresses etc. the greater the distraction so created.
3. **The overall impression presented in the mix of colours and general ‘fussiness’ of the sign and any other pertinent factors** - The greater the colour palate used and the higher the ‘fussiness’ involved the greater the highways distraction created.

By these 3 above criteria it is considered that the un-permitted sign, as installed, and now applied for does indeed constitute a highways distraction and therefore an objectionable level of potential risk to highways safety.

These comments are notwithstanding an inquiry into injury accidents on account of the fact that reference to such data is unlikely to deliver a definitive answer regarding the level of safety risk presented by the distraction posed by the un-permitted sign. This is because collisions result from a number of factors and occur on a low frequency basis. During the period of time that the sign has been installed there has been a nationwide decrease in the frequency of collisions.

It is, therefore, considered that application of first principles, in terms of the above 3 factors, as cited, is a superior indication of potential for risk and that that standard of scrutiny is appropriate in the circumstances of this application.

Therefore:

Objection, in Highways terms.

Reason: The proposal does not accord with the interests of highway safety and is therefore not in accordance with Policy T1 of the South Oxfordshire Local Plan 2011.

3.2 Thame Town Council - Object
Highway safety

3.3 Thame Conservation Area Advisory Committee - objection

- Not appropriate in a conservation area
- Possible distraction/hazard

3.4 Local Residents – 9 letters of objection

- Blight on the countryside
- Distraction to drivers
- Encourage other roadside advertising
- Contrary to South Oxfordshire District Council and national planning policies
- Roundabout maintenance is not the responsibility of South Oxfordshire District Council
- Improved maintenance could have been achieved by other means that do not blight the countryside or townscapes
- Have seen no improvement in the maintenance of roundabouts since 2006
- Create a damaging precedent
- Were unlawful when erected and should not now be validated just because they have been there for some time
- I object to this planning application as it is unlawful and against SODC's own rules. I think it is disgraceful that the planning authority has not withdrawn something against its own rules for over 5 years.
- I also object as this is contrary to national guidelines that disallow roadside advertising on green spaces, fields, motorways and yes - the green spaces of our roundabouts. If the planning authority breaks its own rules, it brings itself and all its powers into disrepute, along with the councillors and officers.
- How about local government that we can respect and be proud of
- Have witnessed drivers being distracted and causing hazards on roundabouts

3.5 Campaign to Protect Rural England – objection

Summary of Case

These three applications are made by South Oxfordshire District Council, almost entirely retrospectively, to erect 103 commercial advertising signs on 28 roundabouts in the District, contrary to its own policies. Though relatively small in size they are both very salient and very large in number.

The Campaign to Protect Rural England strongly objects to all these applications on the grounds of damage to the environment and amenity, highway safety, increase in already unacceptable signage clutter, and contravention of both Government and Council Policies with there being no identifiable special circumstance of a weight remotely sufficient to allow consideration of approval.

The introduction of Commercial Advertising to this District was a knowingly unlawful act by the District Council and its officers; it is damaging to our rural area of special advertising restraint, where commercial advertising is otherwise not allowed; and it hazards the safety of users of our rural roads.

The fact that the Council may be paid in cash and kind to take it is not a planning argument in its favour. Money cannot make an unacceptable development acceptable. Accepting that permissions to develop in breach of Council Policy can be sold for cash, is a road which risks in the end leading to our precious environment being on the table for the highest bidder.

Neither is the argument that you see this elsewhere of any merit. The fact that some are doing it is as irrelevant as that others are not. What you see elsewhere be as unlawful as what you see in South Oxfordshire, or it may not be so widespread, or confined to urban advertising zones, or the signs may signify real sponsorship and not just be commercial advertising hoardings.

What you don't see elsewhere is more significant, given the money involved. Many Councils have refused to engage in these schemes. The recent Inspector's decision upholding Sevenoaks rejection of the Marketing Force scheme is referred to in this submission, and The Vale, which shares South Oxfordshire District Council's officers, has so far resisted their attempts to enrol them. As we show it is hard to see a qualitative difference between the Vale's roundabouts and our own, except that all theirs are not blighted with advertising.

Further representations from the Campaign to Protect Rural England are **attached** as Appendix C.

4.0 RELEVANT PLANNING HISTORY

4.1 None

5.0 POLICY & GUIDANCE

5.1 Planning policy

Under section 222 of the 1990 Town and Country Planning Act, planning permission is deemed to be granted for any development of land involved in the display of advertisements in accordance with the Regulations. But consent under the Regulations still requires the applicant to comply with any other statutory obligation. For example, the advertiser will also have to obtain listed building consent, where appropriate. Therefore, the council's general planning policies are not the primary

policies against which this application should be considered. The policies that are directly relevant are:-

AD1 : Advertisements and signs, together with
CON8 : Advertisements in conservation areas and on listed buildings
G2 : Protection and enhancement of the environment

PPG19 : Outdoor advertising control.

There are no specific policies that give relevant guidance with regard to the impact on public safety.

6.0 PLANNING CONSIDERATIONS

6.1 When determining applications for advertisement consent there is an important difference from ordinary planning procedures. The display of outdoor advertisements can only be controlled in the interests of "*amenity*" and "*public safety*". PPG19 advises that in assessing an advertisement's impact on "*amenity*", Local Planning Authority should have regard to its effect on visual amenity in the immediate neighbourhood where it is to be displayed. They must therefore consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality.

6.2 In assessing an advertisement's impact on "*public safety*", PPG19 states that Local Planning Authority's are expected to have regard to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), They should consider such matters as the likely behaviour of drivers of vehicles who will see the advertisement; possible confusion with any traffic sign or other signal. They should also bear in mind that some advertisements can positively benefit public safety by directing drivers to their destination. In their assessment of the public safety implications of an advertisement display, LPAs will assume that the primary purpose of an advertisement is to attract people's attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians. The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety.

6.3 As the site lies within the Thame Conservation Area the relevant planning policy is CON8 which states:-

Consent will not be granted for the display of signs on a listed building or in a conservation area which are in any way harmful to the character and appearance of the building or area. Where it is accepted that a sign is needed, it should generally be non-illuminated, made of natural materials and to a design and scale reflecting the best traditional practice.

6.4 The main considerations in respect of this application are considered to be:-

1. The extent to which the advertisements comply with policy CON7 of the Local Plan
2. The impact of the advertisements on the amenity of the Thame Conservation Area
3. The impact on public safety

4. The relevance of decision made on advertisements on roundabouts elsewhere in the country.

6.5 The extent to which the advertisements comply with policy CON7 of the Local Plan

Officers are of the opinion that it is difficult to argue that the proposed signs fall into a category of signs “needed” in the Conservation Area. In addition, they would not be made of natural materials. Therefore, officers accept that the display of these advertisements would be contrary to policy CON7 of the South Oxfordshire Local Plan 2011, However, in line with the council’s corporate objectives, greater emphasis is being given to the need to support small local businesses when making planning decisions. There is no doubt that the opportunity to sponsor the maintenance of a roundabout affords local businesses a valuable opportunity to promote themselves. In these circumstances and taking into account that this is part of a comprehensive scheme across the district officers consider that an exception can be made to policy CON7,

6.6 The impact of the advertisements on the amenity of the Thame Conservation Area

This particular roundabout is situated in an urban environment and gives access to a major retail facility. The signs that have been displayed on this roundabout have not been in accordance with the agreements between South Oxfordshire District Council and Oxfordshire County Council and South Oxfordshire District Council and Marketing Force Ltd because one has been attached to a road sign.

6.7 This is a small roundabout and there is a danger that the proposed signs, together with the highway signs, could appear cluttered, This particular roundabout has two blockwork planting beds and officers have suggested that two of the signs be displayed on these in the future to ensure that the roundabout does not appear too cluttered. This should minimise any impact on the character and appearance of the Conservation Area.

The Impact on Public Safety

6.8 Officers are of the opinion that public safety issues are the same in respect of all the roundabouts. The Highway Authority does not have any information or statistics that would indicate that the display of similar advertisements on roundabouts for the past 5 years has resulted in such a distraction to users of the highway that an accident has occurred.

6.9 Officers do not consider that the fact that there are advertisements on roundabouts automatically means that they are a distraction to drivers or other users of the highway. The assertion of the Campaign to Protect Rural England and other objectors that the advertisements are “specifically intended and have no other purpose that to distract road users” ignores the fact vehicles contain passengers as well as drivers. There is a balance to be achieved between an advertisement that has the potential to seriously distract a driver and one which provides useful information to all users of the highway. Concerns have been expressed that a number of the signs that have been displayed on roundabouts for the last 5 years have contained too much information. Officers agree that this is the case and have drawn up the guidelines referred to in paragraph 2.4 above with Marketing Force Ltd to restrict the amount of information contained within the advertisements. This is in line with the advice that has been received from Oxfordshire County Council as the Highway Authority.

The relevance of decision made on advertisements on roundabouts elsewhere in the country.

6.10 Objectors have referred to proposals by Marketing Force Ltd for signs on roundabouts elsewhere in the country that have been refused by the Local Planning Authority and where appeals have been dismissed. Officers have undertaken research into these and other cases where appeals have been allowed. In all cases it appears that the advertisements proposed were of a different character to those the subject of this application and almost always larger. It is therefore not appropriate to use these cases as a precedent to refuse advertisement consent.

7.0 CONCLUSION

7.1 Officers accept that the proposed advertisements do not strictly comply with South Oxfordshire Local Plan 2011 policy CON7 but consider that the principle of such advertising does accord with the council's corporate objectives to promote local businesses. The advertisements are to be let by one company, which has control over the condition of the advertisements. They are modest in size and as such do not cause any serious harm to the Thame Conservation Area. The general amenities of the area would be enhanced through the regular maintenance of the roundabout that results from the letting of advertisements. Officers do not consider that there is any evidence to suggest that they cause a significant distraction to users of the public highway.

8.0 RECOMMENDATION

8.1 Grant advertisement consent subject to the standard conditions

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