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<b>APPLICATION NO.</b>	<a href="#">P10/W1478/DAD</a>
<b>APPLICATION TYPE</b>	ADVERTISEMENT
<b>REGISTERED</b>	27.09.2010
<b>PARISH</b>	WALLINGFORD
<b>WARD MEMBER(S)</b>	John Griffin, Felicity Aska and Pat Dawe
<b>APPLICANT</b>	South Oxfordshire District Council (Ian Matten)
<b>SITE</b>	Wallingford ring road, Wallingford
<b>PROPOSAL</b>	Roundabout sponsorship advertisements (four sites)
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	462194189021
<b>OFFICER</b>	Mrs S.P.Spencer

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**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. Where adverts exist the application seeks consent to continue to display them.

**2.0 PROPOSAL**

2.1 The application seeks advertisement consent for the display of advertisements on 4 roundabouts on the A4139 Wallingford Bypass as follows:-

1. Crowmarsh, A4130/A4074 junction : 4 advertisements measuring 910mm x 460mm
2. Mongewell, A4130/A4074 junction : 3 advertisements measuring 765mm x 380mm
3. Cholsey, A4130/A329 junction : 4 advertisements measuring 910mm x 460mm
4. Cholsey, A4130/ Wallingford Road junction : 3 advertisements measuring 910mm x 460mm.

Diagrams showing the dimensions and design are **attached** as Appendix A.

2.2 Roundabouts 1 and 2 are within the Chilterns Area of Outstanding Natural Beauty, the other two are close to the boundary.

2.3 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 advertisers. However, for illustrative purposes only, a copies of photographs of a sample of the current signs are **attached** as Appendix C. 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 – no objection**

The principal of signage is established through policies enshrined in a Deed between the county and district councils. There are reservations however regarding the actual contents of the signs in relation to issues, which are considered in the following.

Specific reference is worthwhile to make within the Deed to a number of the sections of this S106 agreement in determination of this application from a highways point of view, as summarised in the following:-

Section 2

The commencement of the agreement was January 2006

Section 8

The agreement is subject to review

Section 9

The Deed shall expire on the 5<sup>th</sup> anniversary of the commencement (expiry is due in January 2011)

11.1.3

That advertisements, the sponsorship signs are part of the maintenance regime in the delegated maintenance of roundabouts taken on by SODC

11.3

No sponsorship sign will be erected without the prior approval of the County Council

Schedule 1

The roundabouts involved

Schedule 2

The specification of the sponsorship sign

Schedule 3

Landscaping guidelines

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 5<sup>th</sup> anniversary of the Deed approaches in January 2011 and that a review is possible at any time.

This retrospective application seeks approval of the erection of sponsorship signs at some 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 signs and the propensity of those contents to constitute a distraction to traffic and hence as a potential safety hazard. The following factors were taken into account in determining the level of distraction the contents of the signs constitute with respect to any traffic using the roundabout junctions on, which they are situated.

1. The size of the text on the signs. The smaller the text the greater the distraction created.
2. The details incorporated into the text on the signs – 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 signs, as installed, and applied for permission retrospectively could 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 signs. This is because collisions result from a number of factors and occur on a low frequency basis. During the period of time that the signs have 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.

3.2 **Wallingford Town Council** – objection

- Distraction to drivers creating a safety hazard
- Reduces the visual amenity of the area
- Contrary to South Oxfordshire District Council policies

3.3 **Cholsey Parish Council** – objection

Refusal on the grounds of distraction to drivers, detract from rural landscape, and unsightly signage clutter.

3.4 **Crowmarsh Parish Council** – objection

Dangerous distraction to traffic users

3.5 **Chilterns Conservation Board** – objection

- The advertisements are an inappropriate form of development within the AONB and are considered to involve the introduction of clutter.
- The signs may also constitute a driving hazard as they usually include details of products or companies that distract drivers as they are negotiating the junction.
- The Board considers that the development would fail to conserve and enhance the natural beauty of the Chilterns AONB and that it does not comply with national or local planning policy as it applies to AONBs.

3.6 **The Chiltern Society** – observations

In principle we have no objection to the careful siting of sponsorship advertisements at roundabouts as we recognise the merits of ensuring the upkeep and appearance of same at no cost to the council (and therefore to the Council Tax payer). Provided strict conditions are applied in respect of the maximum permitted size and appearance, eg company logo only, so as to be as unobtrusive as possible and in keeping with the surroundings, particularly on those roundabouts in an AONB. Furthermore any such agreements should be subject to a time limit and to regular controls that the roundabouts (and the advertisements) are indeed kept properly maintained.

**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 D.

**Local residents** – 7 letters of objection

- Roundabout advertisements are a safety hazard. Their purpose is to attract attention, and a driver's attention at an intersection should not be diverted from the traffic.
- They are also yet another visual intrusion into what may be a rural landscape, increasing the suburbanisation of our countryside.
- Countries less rich than Britain often have beautiful and well-maintained roundabouts without the need for advertising, and put us to shame. France is a notable example.
- Blight on countryside particularly in AONB and green belt
- Create precedent for other illegal signs at the side of the road
- Current signs are illegal
- Contrary to local and national planning policies
- Roundabout maintenance is not South Oxfordshire District Council responsibility
- Have seen no improvement to the condition of the roundabouts
- Small amount of income generated does not justify the damage they cause
- South Oxfordshire is supposed to be an advertising free zone
- The rationale for the provision of the signs is not argued in the supporting documentation.

- They are evidently there to provide financial support to SODC. However
- approval of these signs, and any justification on financial grounds is simply providing an argument to those who already advertise on roadsides, both with permission, and without, to be able to continue to post advertising signs. This could simply lead to an increasing proliferation of signs in rural areas and green verges - which cannot be desirable.
- One assumes that SODC will have to seek advertisers, scrutinise and vet the same, have policies from whom it will accept adverts and the like. One questions whether this process will in itself cost money which is not recouped and diminish any financial benefits which can be the only justification
- Have witnessed drivers distracted by the signs resulting in poor lane discipline and dangerous driving
- Roundabouts are already hazardous and signs adds to the danger
- There is an overall increase in road signage which this just adds to clutter

#### 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 primary policy is AD1 : Advertisements and signs, together with PPG19 : Outdoor advertising control. In considering the impact of the advertisements on the amenity of the area in which they are located the following South Oxfordshire Local Plan 2011 policies provide useful guidance:

- G2 : Protection and enhancement of the environment
- G4 : Development in the countryside and on the edge of settlements
- C4 : The landscape setting of settlements
- C2 : Areas of Outstanding Natural Beauty

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 The appropriate South Oxfordshire Local Plan 2011 policy is policy AD1, which states:-

‘Proposals for the display of outdoor advertisements and signs on the premises to which they relate will be permitted, provided that they do not have an adverse effect on visual amenity or public safety. Proposals for signs which are not to be displayed on the premises to which they relate will not be permitted, except where the premises are particularly remote and where the appearance of the local area is not spoilt’.

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

1. The extent to which the advertisements comply with policy AD1 of the Local Plan
2. The impact of the advertisements on the amenity of the areas in which they are situated
3. The impact on public safety
4. The relevance of decision made on advertisements on roundabouts elsewhere in the country.

**The extent to which the advertisements comply with policy AD1 of the Local Plan**

6.5 The advertisements are clearly not being displayed on the premises to which they relate and officers accept that the majority of advertisers do not have premises that are particularly remote. However, the policy was adopted in January 2006 and since then, 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 roundabouts affords local businesses a valuable opportunity to promote themselves. In these circumstances officers consider that an exception can be made to policy AD1, provided that the proposed advertisements meet the amenity and public safety tests of PPG19.

**The impact of the advertisements on the amenity of the areas in which they are situated**

6.6 The roundabouts vary in their character and the character of their locations also differs, although there are either within the Chilterns Area of Outstanding Natural Beauty or close to its boundary. What they have in common is that they all contain other directional signs and that the proposed advertisements are relatively small. Marketing Force works with approximately 90 councils across the country and they

advise that the advertisements on South Oxfordshire roundabouts are the smallest that they let.

- 6.7 The Crowmarsh roundabout is on the edge of the village but is in a semi rural location. The other three roundabouts are much more rural in character. Policy C2 of the South Oxfordshire Local Plan 2011 states:-

In the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty the primary aim is to conserve and enhance the natural beauty, special landscape quality and distinctiveness of the area. Development which would harm the beauty or distinctiveness of the area will not be permitted. To be acceptable, development must be of a scale and type appropriate to the area, and be sympathetic in terms of its siting, design and materials used.

- 6.8 All the signs proposed are modest in size and it is officer's opinion that they do not in themselves harm the beauty, special landscape quality or distinctiveness of the Chilterns Area of Outstanding Natural Beauty.

#### **The Impact on Public Safety**

- 6.9 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.
- 6.10 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.
- 6.11 **The relevance of decision made on advertisements on roundabouts elsewhere in the country.**  
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 AD1 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 significant harm the beauty, special landscape quality or distinctiveness of the Chilterns Area of Outstanding Natural Beauty. The general amenities of the area would be enhanced through the regular maintenance of the roundabouts 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 as such the recommendation is for approval.

**8.0 RECOMMENDATION**

**8.1 Grant advertisement consent subject to the standard conditions**

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