

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Monday, 7 August 2023

Committee:
Northern Planning Committee

Date: Tuesday, 15 August 2023
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting. The Agenda is attached

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:

<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard
Assistant Director – Legal and Governance

Members of the Committee

Joyce Barrow
Garry Burchett
Geoff Elnor
Ted Clarke
Steve Charmley
Nat Green
Vince Hunt
Mike Isherwood
Edward Towers
David Vasmer
Paul Wynn (Chairman)

Substitute Members of the Committee

Roy Aldcroft
Gerald Dakin
Steve Davenport
Julian Dean
Roger Evans
Pamela Moseley
Mary Davies

Your Committee Officer is:

Emily Marshall / Shelley Davies Committee Officer

Tel: 01743 257717 / 01743 257718

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the North Planning Committee held on 28th July 2023 – Minutes attached.

Contact: Shelley Davies on 01743 257718.

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5pm Wednesday, 9th August 2023.

4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 Land North Platt Lane, Hollinwood, Whixall, Shropshire, SY13 2NW - 23/00632/FUL (Pages 7 - 28)

Change of use of land to use as residential caravan site for one gypsy family with two caravans, including no more than one static caravan, together with laying a hardstanding, erection of dayroom building and installation of package treatment plant

6 Roundabout Junction Woodcote Way / Monkmoor Road, Roundabout, Shrewsbury - 23/02339/ADV (Pages 29 - 36)

Erect and display three sponsorship signs placed on the roundabout.

7 Roundabout Junction Abbey Foregate / Preston Street / London Road / Wenlock Road / Haycock Way, Shrewsbury - 23/02340/ADV (Pages 37 - 44)

Erect and display five sponsorship signs placed on the roundabout.

8 B4380 Roman Road/Longden Road Roundabout, Shrewsbury - 23/02343/ADV (Pages 45 - 52)

Erect and display three sponsorship signs placed on the roundabout (amended description).

9 B4380 Oteley Road/Wenlock Road/A458 Roundabout, Shrewsbury - 23/02344/ADV (Pages 53 - 60)

Erect and display three sponsorship signs placed on the roundabout (amended description).

10 B4386 Copthorne Road/Mytton Oak Road/National Cycle Route 81 Roundabout, Shrewsbury - 23/02348/ADV (Pages 61 - 70)

Erect and display three sponsorship signs placed on the roundabout (amended description).

11 Roundabout Junction A528 Ellesmere Road / A5124 / Knights Way / Battlefield Enterprise Park, Shrewsbury - 23/02354/ADV (Pages 71 - 78)

Erect and display four sponsorship signs placed on the roundabout.

12 Roundabout Junction Yeomanry Road / Knights Way / Archers Way / Battlefield Enterprise Park, Shrewsbury - 23/02355/ADV (Pages 79 - 86)

Erect and display three sponsorship signs placed on the roundabout.

13 Roundabout Junction Knights Way / Hussey Road / Stafford Drive / Battlefield Enterprise Park, Shrewsbury - 23/02356/ADV (Pages 87 - 94)

Erect and display three sponsorship signs placed on the roundabout.

14 Roundabout Junction Battlefield Way / Vanguard Way / Knights Way / Battlefield Enterprise Park, Shrewsbury - 23/02357/ADV (Pages 95 - 102)

Erect and display four sponsorship signs placed on the roundabout.

15 Roundabout Junction A5124 Battlefield Way, Battlefield Enterprise Park, Shrewsbury - 23/02358/ADV (Pages 103 - 110)

Erect and display three sponsorship signs placed on the roundabout.

16 Appeals and Appeal Decisions (Pages 111 - 146)

17 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 12th September 2023 in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

Northern Planning Committee

15th August 2023

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 28 July 2023

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 4.08 pm

Responsible Officer: Emily Marshall / Shelley Davies

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk

Tel: 01743 257717 / 01743 257718

Present

Councillor Paul Wynn (Chairman)

Councillors Garry Burchett, Geoff Elner, Ted Clarke, Steve Charmley, Nat Green, Mike Isherwood, Edward Towers, Roy Aldcroft (Substitute) (substitute for Vince Hunt), Steve Davenport (Substitute) (substitute for Joyce Barrow) and Roger Evans (Substitute) (substitute for David Vasmer)

18 Apologies for Absence

Apologies for absence were received from Councillors Joyce Barrow (substitute: Steve Davenport), Vince Hunt (substitute: Roy Aldcroft) and David Vasmer (substitute: Roger Evans).

19 Appointment of Vice-Chairman

Councillor Vince Hunt and Councillor Steve Charmley were both proposed and seconded as Vice-Chair of the Committee. On being put to the vote, it was

RESOLVED: That Councillor Vince Hunt be appointed as Vice-Chair for the ensuing year.

20 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 23rd May 2023 be approved as a correct record and signed by the Chairman.

21 Public Question Time

There were no public questions or petitions received.

22 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

In respect of agenda item 10, application number 23/00225/FUL Councillor Mike Isherwood stated that as he lived in close proximity to the application site he would withdraw from the meeting, take no part in the debate and would not vote on the item.

23 Proposed Commercial Development, Land To The South Of Hazledine Way, Shrewsbury, Shropshire (22/03877/FUL)

The Principal Planning Officer introduced the application for a mixed use development including retail, gym, drive-thru coffee shop and drive-thru restaurant (use class E), tanning and beauty salon (sui generis), and residential care home (use class C2) together with access, parking, landscaping and associated infrastructure and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area this morning and on 2nd May 2023. The Principal Planning Officer explained that at the meeting held on 2nd May 2023, members resolved to defer the application to allow the applicant the opportunity to provide additional information in relation to a number of concerns raised by the Committee.

The Principal Planning Officer drew members' attention to the information contained within the Schedule of Additional letters and read out the following update to the Officer's report:

Paragraph 4.1.6

Replace paragraph 4.1.6 with the following:

The pitch and putt site was bought by Shropshire Council in 1970 as part of a larger area of land and has been in its ownership since. The applicant's assessment states that there are no restrictions on the title relating to its use and that there are no obligations to retain the land for open space. The Site had historically been used as a "pitch and putt" course associated with the adjacent Meole Brace Golf Club.

Paragraph 4.1.19

Add the following to the end of paragraph 4.1.19:

The applicant has acknowledged that the land does comprise open space. Any requirement for the land to be advertised, which may arise prior to any change of its use, will be an issue that would need to be dealt with after the planning application is determined and prior to any sale or change of use. It is considered that the relevant tests for considering the appropriateness of changing the use of the land from open space in planning terms have been met.

Paragraph 4.2.2

Before 'ATC', add "Automatic Traffic Count".

Mr David Kilby on behalf of the Shropshire Playing Field Association spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Bernie Bentick, local councillor for the adjoining ward spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Ian Gill, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Ted Clarke, as local ward councillor, made a statement and then left the table, took no part in the debate and did not vote on this item.

In response to concerns raised by Members in regard to the impact of the proposals on the Meole Brace roundabout, the Highways Manager confirmed that a full review of the transport assessment had been carried out by the Highways Team which concluded that the methodology used was appropriate and that the development traffic would be adequately accommodated on the existing highway network.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of members expressed their support for the proposals in accordance with the Officer's recommendation.

RESOLVED:

That authority be delegated to the Planning and Development Services Manager to grant planning permission subject to the conditions listed in Appendix 1 of the original committee report, as amended by section 4.6 of this update report, and to any modifications to those conditions as considered necessary by the Planning and Development Services Manager.

24 Roundabout Junction A5112 Whitchurch Road & Telford Way / A5191 Ditherington Road / B5062 Sundorne Road, Heathgates, Shrewsbury, Shropshire (23/00772/ADV)

The Senior Planning Officer introduced the application for the erection and display of three sponsorship signs placed on the roundabout.

Having considered the submitted plans the majority of members expressed their support for the proposal in accordance with the officer's recommendation.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

25 Roundabout Junction A5112 Hereford Road, Meole Brace, Shrewsbury, Shropshire (23/00782/ADV)

Councillor Ted Clarke as local ward Councillor moved to the back of the room during consideration of this item, took no part in the debate and did not vote on this item.

The Senior Planning Officer introduced the application for the erection and display of three sponsorship signs placed on the roundabout.

Having considered the submitted plans the majority of members expressed their support for the proposal in accordance with the officer's recommendation.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

26 Roundabout Junction A458 The Mount/Frankwell/Copthorne Road Roundabout, Shrewsbury, Shropshire (23/02352/ADV)

The Senior Planning Officer introduced the application for the erection and display of three sponsorship signs placed on the roundabout and drew members' attention to the Schedule of Additional Letters which noted that the description of the development had been amended.

Having considered the submitted plans the majority of members expressed their support for the proposal in accordance with the officer's recommendation.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer's report.

27 Land North of Whittington Road, Oswestry (23/00225/FUL)

In accordance with his declaration at Minute 22, Councillor Mike Isherwood withdrew from the room during consideration of this application.

The Planning Manager North introduced the application for the proposed residential development of 83 dwellings with associated access, public open space, electricity sub-station, drainage and landscaping (re-submission) and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. It was noted that during the site visit the Committee had also viewed the site from the hillfort.

Members' attention was drawn to the information contained within the Schedule of Additional Letters and the Planning Manager North explained that the photographs submitted with the representation from Hands Off Old Oswestry Hillfort (HOOOH) had been included in the meeting presentation. The Planning Manager North reported that further representations had been received following the publication of the Schedule of Additional Letters. These were summarised and it was noted that all issues raised apart from housing targets had been addressed in the Officer's report and a sustainability checklist had been received from the applicants which was compliant with policy.

The Policy & Environment Service Manager confirmed to members that the hillfort is a heritage asset of the highest significance and considerable weight should be attached to its conservation in accordance with the National Planning Policy Framework.

Dr Rachel Pope, Vice President of the Prehistoric Society spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Stuart Wells, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to queries from members, it was confirmed by Officers that:

- Condition 9 required a phased programme of archaeological work prior to any development;
- The council's policy team's position is that the Council has a secure 5 year housing land supply;
- The affordable housing agreed by the developer was in line with policy;
- The footpaths providing access to the hillfort were pointed out at the site visit;
- The current policy did not require developers to include solar panels; and
- If the developer was to include solar panels the sensitive nature of the site would need to be taken into consideration and balanced against the benefits they provide.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of members expressed their support for the proposal, in accordance with the officer's recommendation.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation, subject to:

- The conditions set out in Appendix 1 of the Planning Officer's report and any amendments to these conditions as considered necessary by the Planning and Development Services Manager; and

- The signing of a Section 106 agreement in order to ensure affordable housing and open space provision in accordance with the detail as set out in the report.

28 Riverside Shopping Centre, Pride Hill, Shrewsbury, Shropshire (23/02123/FUL)

Councillor Nat Green as local ward Councillor moved to the back of the room during consideration of this item, took no part in the debate and did not vote on this item.

The Senior Planning Officer introduced the application for building clearance, asbestos removal and partial demolition of Units 2, Units 44-48, and the pedestrian walkway canopy to make access for a geo-environmental ground investigation.

Having considered the submitted plans members unanimously expressed their support for the proposals, in accordance with the officer’s recommendation.

RESOLVED:

That planning permission be granted in accordance with the Officer’s recommendation, subject to the conditions set out in Appendix 1 of the Planning Officer’s report.

29 Appeals and Appeal Decisions

That the Schedule of Appeals for the northern area be noted.

30 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 15th August, in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:



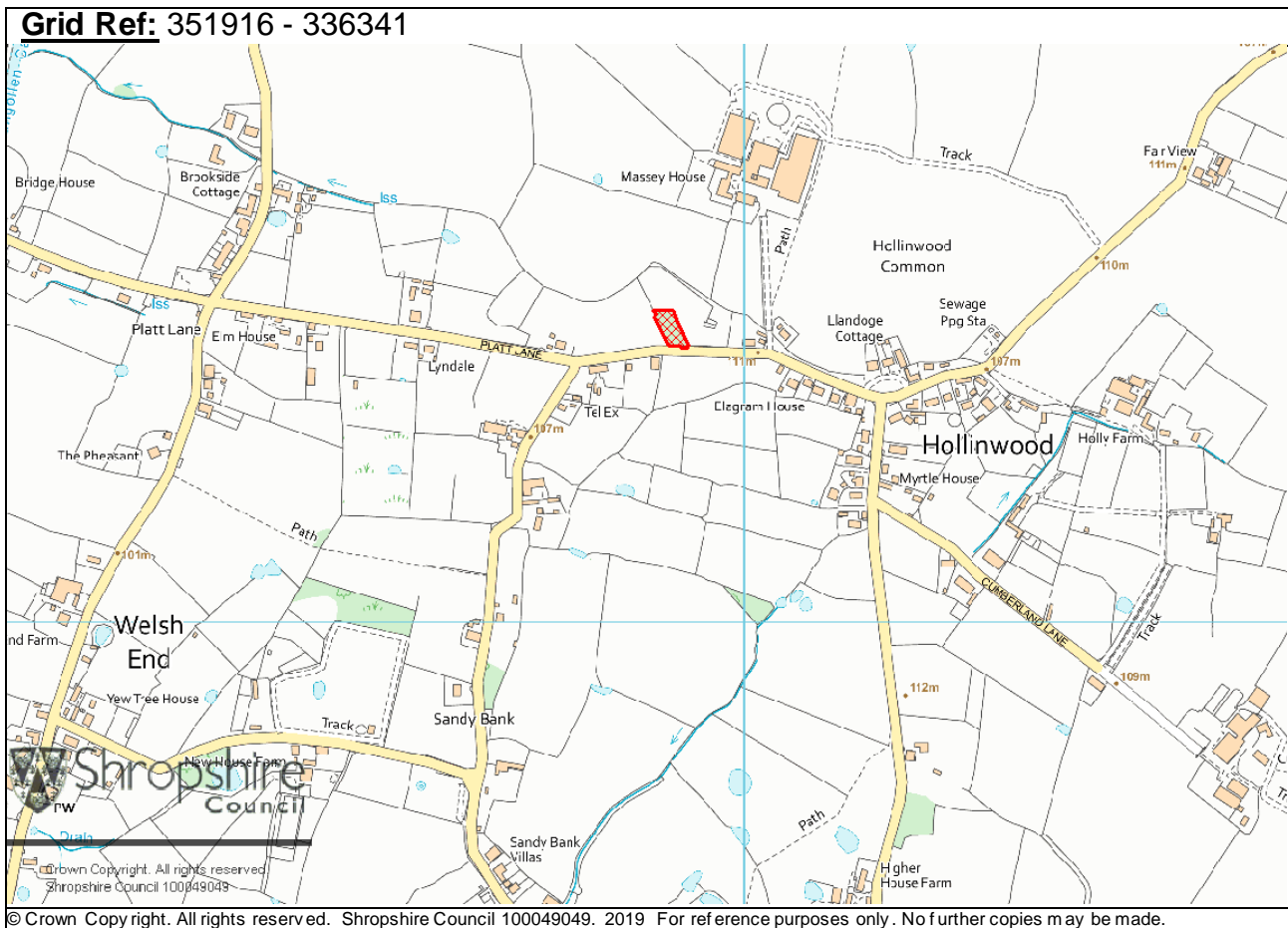
Committee and date
 Northern Planning Committee
 15th August 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/00632/FUL	Parish:	Whixall
Proposal: Change of use of land to use as residential caravan site for one gypsy family with two caravans, including no more than one static caravan, together with laying a hardstanding, erection of dayroom building and installation of package treatment plant		
Site Address: Land North Platt Lane, Hollinwood, Whixall, Shropshire, SY13 2NW		
Applicant: Mr & Mrs G. Watton		
Case Officer: Richard Denison		Email: richard.denison@shropshire.gov.uk



Recommendation: Granted Permission subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of land to use as a residential caravan site for one gypsy family with up to two caravans, one static caravan, together with the laying of hardstanding and the erection of a dayroom building. The proposed day room will provide an open plan kitchen, sitting and dining room, with a utility and bathroom. The building will measure 9.2 metres wide by 6.4 metres deep with an eaves height of 2.2 metres and ridge height of 4.4 metres. The building will be constructed from red brick with a dark grey roof tile. The existing access will be used whilst the site will be made secure with post and rail fencing with wire mesh covering and additional hedgerow planting. The existing boundary trees and hedgerow will remain

Amendments

- 1.2 An amended site layout plan has been submitted indicating the existing boundary trees and hedgerows, together with the position of an underground pressurised foul sewer. The proposed location of the dayroom building, mobile home and touring caravan have been repositioned so they do not encroach onto the root protection area of the trees and that an adequate easement is provided from the foul sewer.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed site is located to the west of Hollinwood settlement along a country lane which links Whixall with Tilstock on the B5476. The site covers an area of 0.1 hectares and has been cleared of undergrowth with a number of boundary trees and has a thick mature hedgerow along the roadside. No.4 Hollinwood is just 25 metres away to the south west on the opposite side of the road, whilst No.5 Hollinwood is 70 metres away to the east and separated by a small paddock.
- 2.2 Hollinwood is a rural close knit settlement and forms part of the wider settlements of Whixall which also include Stanley Green, Coton, Dobsons Bridge and Welsh End. All of these settlements are interlinked with residential developments along country lanes and share some basic rural services. Hollinwood is only 2.8 km away from Tilstock which is a Community Cluster and 5.6 km from the edge of Whitchurch which is a market town.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Service Manager in consultation with the Committee Chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 **Consultee Comments**

- 4.1.1 **Shropshire Council, Highways** - No objection is raised subject to the development being constructed in accordance with the approved details and conditions regarding visibility splays; access, parking, turning; access apron; and gates. It is considered that, subject to the conditions being included on any approval, there are no substantive highway conditions upon which to base an objection on highway safety grounds.
- 4.1.2 **Shropshire Council, Trees** - This proposal does not appear to affect any significant or protected trees. New hedges are proposed to be planted on the curtilages. A tree protection plan has been submitted and is acceptable. No objection on arboreal grounds.
- 4.1.3 **Shropshire Council, Ecology** - An Assessment of Ponds report has been carried out by Susan Worsfold (June 2023) who surveyed nearby ponds for their suitability to support Great Crested Newts. The ponds were concluded to be of poor or average suitability and no further survey work was recommended. No objection is raised subject to conditions and informatives to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.
- 4.1.4 **Shropshire Council, Drainage** - This is a minor development and the site is not located within the SuDS Consultation Area. A sustainable scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's SuDS Handbook. Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable. Where a positive drainage connection is proposed, the rate of discharge from the site should be restricted to an appropriate rate as set out in the SuDS Handbook. Shropshire Council will not permit new connections to the Highway Drainage network. Where a proposed surface water attenuation feature serves multiple properties, this feature should not be constructed within a private property boundary and be located in areas of public open space or shared access to allow future maintenance.
- 4.1.5 **Shropshire Council, Gypsy Liaison Officer** - I can confirm that I have known the family for many years in my role as Gypsy & Traveller Families Officer for Shropshire Council. The family are model tenants and hardworking, they are always friendly and polite and keep their pitch clean and tidy. As per their design and access statement they are out growing the pitch and Shropshire Council do not have a larger pitch to offer and have no current plans to develop or extend its current pitch stock. Mrs Watton also suffers with severe arthritis and the submitted plans for the amenity would provide a more suited and tailored use long term.
- 4.1.6 **Severn Trent Water** - It appears that the proposed dayroom building will be built over (or at very least too close to) a 50mm diameter foul water pumping main. It is important to note that STW will not permit the pumping main to be built over and the dayroom building is required to be a minimum of 4 metres away from the centre line of the pipe. No objection is raised regarding the provision of stone chippings being laid over the pumping main.

4.1.7 **Whixall Parish Council** object to the planning application as Whixall Parish has open countryside designation and because this application is for the construction of a permanent structure with associated services, the Parish Council views this application as being no different to an application to build a house in this location.

4.2 **Public Comments**

4.2.1 28 letters of objection have been received raising the following concerns:

- Proposed site is classified as countryside and will result in the loss of agricultural land.
- Hollinwood is a small hamlet and a residential caravan would be out of keeping
- Alternative gypsy sites available and brownfield sites.
- Concern dayroom will be used as separate dwelling.
- Limited local services and facilities.
- Great Crested Newts are present locally and no wildlife or ecology surveys have been undertaken.
- The applicants current site is closer to Whitchurch for schools, doctors, and local shops.
- Concerns over the suitability of land for foul and surface water drainage and foul drainage treatment plant is close to neighbouring land.

4.2.2 19 letters of support have been received raising the following comments:

- The applicant Mr Watton is from Whixall having previously lived with his parents many years and works locally.
- Alternative sites have been suggested, although the applicants do not own these.
- The applicants are hardworking and respectful member of the community.
- Mr Watton is self-employed tree surgeon providing a service within the community.
- The site is close to other built development.
- The applicants have outgrown their existing site.

5.0 **THE MAIN ISSUES**

- Policy & Principle of Development
- Layout, Scale and Impact on Landscape
- Impact on Residential Amenity
- Highways
- Impact on Trees

- Ecology
- Drainage
- Impact on Sewer Pipe

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

6.1.1 The site is located within Whixall Parish and is on the edge of Hollinwood settlement. It is approximately 5.6km from Whitchurch; 7km from Wem, 2.8km from Tilstock and 4.5km from Prees and Prees Higher Heath. The A41/A49 route to the east is an established main travelling route for the Gypsy and Traveller community and there are a number of established sites in the north east of the County including a private and Shropshire Council site on Manor House Lane to the south of Prees Higher Heath. The proposed site has not been identified in the adopted Local Plan as a location for gypsy and traveller pitches or other development and as such, it is classified as 'countryside' for planning policy purposes.

Policy Background

- 6.1.2 Whitchurch is identified within Policy CS3 'The Market Towns and Other Key Centres' of the Core Strategy as a Market Town, whilst Wem is identified as a Key Centre. There are a range of services and facilities in these settlements, including primary and secondary schools and railway stations, with Whitchurch also having a community hospital. Tilstock, Prees, Prees Heath and Prees Higher Heath are all identified as Community Cluster settlements within Policy MD1 'Scale and Distribution of Development' of the SAMDev Plan. The adopted Local Plan identifies housing guidelines and where appropriate site allocations within Market Towns, Key Centres and Community Clusters, but did not include any allocations for gypsy and traveller sites within these settlements - due to the conclusions of the evidence base that supported the preparation of these documents.
- 6.1.3 The adopted Local Plan represents the starting point for any decision on planning applications. The adopted Local Plan for Shropshire consists of the Core Strategy; Site Allocations and Management of Development (SAMDev) Plan; and where relevant adopted Neighbourhood Plans. Shropshire Council considers that the adopted Local Plan is up-to date and generally consistent with both the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS).
- 6.1.4 For this proposal Core Strategy policies CS5 'Countryside and Green Belt' and CS12 'Gypsies and Traveller Provision', together with other Core Strategy and SAMDev Plan policies (those relating to the natural and historic environment including CS17 Environmental Networks; MD12 Natural Environment; MD13 Historic Environment) and general development management matters (including CS6 'Sustainable Design and Development Principles') provide the local policy context. The adopted Local Plan is supplemented by the Type and Affordability of Housing Supplementary Planning Document (SPD) adopted in September 2012. This SPD reflects the Gypsy and Traveller Accommodation Assessment (GTAA) evidence and national policy in place at the time of preparation. It provides useful guidance on the interpretation of the criteria in Policy CS12. The NPPF and PPTS together provide the national policy basis for addressing the accommodation needs

of the travelling community and should be taken into account when determining planning applications.

- 6.1.5 The PPTS requires that sites are sustainable, providing the requirements for local policy preparation and highlights a range of relevant matters, in addition to general development management considerations, that should be taken into account in considering applications for traveller sites. In particular, Policy H sets out specific matters that are relevant and must be taken into account when considering any such planning application, including need, local provision and availability of alternative sites, together with the personal circumstances of applicants.
- 6.1.6 The applicants agent references the provisions of national guidance in the PPTS. Where applicants meet the Annex 1 definition in PPTS this sets out the relevant national planning policy relating to Gypsy and Traveller sites. PPTS in any case needs to be read together with the NPPF. The relevant elements of Core Strategy Policies CS5 and CS12 provide the local context together, with other relevant Core Strategy and SAMDev Plan policies.

Adopted Local Plan

- 6.1.7 It was anticipated when the Core Strategy was adopted that there would be provision of new gypsy and traveller sites through allocations in the SAMDev Plan. However, in light of subsequent need evidence considered as part of the examination of the SAMDev Plan, the SAMDev Plan adopted in December 2015 does not include site allocations for this purpose. The SAMDev Plan Inspector considered that the Council would be able to demonstrate a five-year supply of pitches and sufficient supply for the remainder of the plan period (to 2026), having regard to the expected turnover of pitches on Council owned sites. As such, it was not necessary for the SAMDev Plan to make further provision.
- 6.1.8 Core Strategy Policies CS5 and CS12 (together with NPPF and PPTS which provides the most recent national policy) currently provide the main criteria against which proposals for Gypsy and Traveller sites (including those in countryside) will be considered, having regard to sustainable development and other material considerations. Policy CS6 incorporates broad ranging sustainability and other principles for development across the built and natural environment. Core Strategy Policy CS5 controls development in the countryside and in line with national policy in NPPF lists residential exceptions that may be permitted on appropriate sites in the countryside, referencing accommodation to meet a local need and Policy CS12.
- 6.1.9 Whilst Core Strategy Policy CS12 pre-dates both the NPPF and PPTS, it is in general conformity with both these national policy documents and remains, until the draft Shropshire Local Plan is adopted, the main relevant local policy for meeting the identified accommodation needs of Gypsy and Travellers. As also required by PPTS, Policy CS12 provides appropriate criteria for the consideration of situations where there may be no identified need requiring site allocation but where planning applications result. PPTS para 24 (e) requires that Local Planning Authorities should determine applications from any travellers not just those with local connections with Policy CS12 making provision for this. Policy CS12 includes detailed criteria applying to general proposals for sites, as in this case (bullet point 2) and for the consideration of rural exception sites (bullet point 3).

- 6.1.10 The supporting text to Policy CS12 identifies that whilst provision of new sites to meet the need identified at that time was largely expected to be made through allocations, that Policy CS12 also sets out a positive approach to meeting the accommodation needs of individuals and families through the encouragement and consideration of development proposals as they arise, with the policy facilitating provision of private sites. On this basis, CS12 is supportive of suitable development proposals close to Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters and makes provision for small exception sites (under 5 pitches) in other locations. This approach to development is in line with the requirement in Paragraph 25 of the PPTS, that Local Planning Authorities should very strictly limit new sites in open countryside away from settlements.
- 6.1.11 However, it was accepted as part of the December 2022 appeal decision at Coton, near Whitchurch (which is discussed in more detail below) that it is appropriate to consider a Gypsy and Traveller site with reasonable accessibility to services as being close to a settlement. The application site under current consideration is located fairly close to the appeal site (around 2.5 km away) and therefore it is appropriate to apply the Coton appeal Inspector's locational conclusions.

Need for Gypsy and Traveller Sites

- 6.1.12 National Policy requires that need for Gypsy and Traveller sites is assessed by the Local Planning Authority and expects a 5-year supply of sites against locally set targets to be identified along with supply over at least a 10-year period. There is no set methodology for the assessment. Shropshire Council has most recently considered need in its Gypsy and Traveller Accommodation Assessment (GTAA) 2019 update which was prepared to support the ongoing Local Plan Review and the content of the draft Shropshire Local Plan.
- 6.1.13 The GTAA 2019 update considers the accommodation needs of all Gypsies and Travellers, not just those who would meet the definition set out in Annexe 1 of Planning Policy for Traveller Sites (PPTS) 2015. That all cultural need has been assessed is important in demonstrating that need has been properly and comprehensively considered following the recent Court of Appeal decision in *Lisa Smith v SSLUHC* [2022] EWCA.
- 6.1.14 The up to date need assessment in the GTAA 2019 update evidence that, taking into account expected turnover of Council pitches, there is no strategic requirement for additional pitch provision and as such there are no proposed gypsy and traveller site allocations in the Draft Shropshire Local Plan. Although disputed by the applicants' agent, Shropshire Council remain of the opinion that the GTAA represents robust evidence. This has been set out in submissions to the Planning Inspectors undertaking the examination of the draft Local Plan.
- 6.1.15 In summary, the GTAA 2019 update identifies a potential cultural need for 113 pitches (of which 43 pitches were identified as PPTS need). With evidenced turnover (i.e. existing pitches which become available over the period to 2038) which is expected by evidence within the GTAA 2019 update to continue at an average of 9.3 pitches p.a. the GTAA 2019 update considered that there is no residual shortfall in pitches (for cultural or PPTS need) either over the initial 5 year or whole plan period. Therefore, it is not considered that there is a considerable level of unmet need as suggested in the application. It should also be noted that the applicants are

currently living on a site in Shropshire (on one of the sites managed by Shropshire Council). As with more general housing need, the GTAA 2019 update considers provision and need across Shropshire and not that specific to the application area.

- 6.1.16 Whilst the GTAA 2019 update concludes that there is no current requirement for site allocations or evidence of the need for the identification of sites for longer term provision, it does also recommend that the Council should continue to consider planning applications for appropriate small sites to address any arising needs of Gypsy and Traveller families, where they cannot be accommodated within the existing supply, should they be forthcoming over the Plan period. This is in line with the Government aspiration to promote more private traveller site provision, as set out in PPTS. It also recognises that needs can arise for a number of reasons, including accessibility to school and health facilities; pitch vacancies at the particular time; issues of ethnic mix and compatibility; ability of available sites to accommodate large family groups etc.
- 6.1.17 In this respect it is pertinent that the applicants are currently accommodated on a permanent pitch in Shropshire. The information submitted to support the application identifies that whilst the applicants currently live on a pitch at the Shropshire Council site at Manor House Lane, Higher Heath that this does not meet their needs, and that there are personal circumstances to be taken into consideration, including cultural and health related requirements and children who attend schools in Prees and Whitchurch. Whether their existing pitch meets their needs or can be amended to meet their needs requires careful consideration.
- 6.1.18 In assessing the location of the application site, the recent appeal decision at Five Oak Stables, Coton, Whitchurch (which allowed a material change of use from equestrian to a mixed use of equestrian and the stationing of caravans for residential purposes including the erection of two dayrooms ancillary to that use) should be considered (application ref. 21/04560/FUL).
- 6.1.19 The Inspector in the Coton appeal decision highlighted that the Core Strategy policy CS12 supports the development of Gypsy and Traveller sites close to specified categories of settlements (including Community Hubs and Clusters as well as key and Principal centres) and that it is appropriate to consider a site with reasonable accessibility to services as being close to a settlement. The Inspector commented that as Policy CS12 allows new sites outside of settlements, it would be expected that accessibility by non-car modes of transport would be less when compared to developments in towns and villages and that the NPPF recognises that the opportunity to use sustainable modes of transport varies between urban and rural areas. The Inspector also highlighted that, the PPTS only looks to strictly limit new Gypsy and Traveller sites in the open countryside, rather than to entirely prohibit such development and noted recognition in the SPD of the extreme difficulties in obtaining sites for Gypsies and that new sites may need to be further outside settlements than would normally be the case for other forms of development.
- 6.1.20 Whilst each case must be considered on the merits of its particular circumstances, it is notable that the Planning Inspector for the Coton appeal concluded that the development provided 'an appropriate level of accessibility by means other than the car' and in the case of a rural site reasonable accessibility could include the ability to access day to day services and facilities and bus and railway links to towns further afield within a short drive time (up to 20 minutes).

- 6.1.21 In summary the Inspector concluded “...*Bearing in mind the rural location and the difficulty in finding Gypsy and Traveller sites in villages and towns, the site provides reasonable access to services and facilities. For these reasons, I conclude the development is in a suitable location having regard to CS policies CS5 and CS12, the PPTS, the Framework and accessibility.*”
- 6.1.22 The Inspector also concluded that the lack of alternative accommodation weighed in favour of the development and highlighted the Government aim (set out in the PPTS) to provide more private Gypsy and Traveller sites and the benefits of the family supporting the sustainability of rural communities and services, with local school attendance being a key factor. It also highlighted the role of the site in providing a settled base where residents can reach local health services. It considered that the Coton appeal decision is a material consideration and although it does not necessarily set a precedent for other applications which should be considered on their own merits there is the principle of consistency. Officers consider that the inspector's consideration of the locational requirement and need for a gypsy site is important and relevant to this current application.
- 6.1.23 Whilst in similar locations, there is a significant difference between the current application and the Coton appeal in that the appellants were living on an unauthorised site for which they were seeking consent, whereas the applicants are currently living on an authorised pitch in Shropshire.

Proximity to Local Facilities

- 6.1.24 Comments have been received from local residents that there are limited local services and facilities to serve the occupiers. However, the proposed site is only 2 km away from Whixall primary school, 2.2 km away from Whixall Social Centre and Lawn Bowling Club, 3 km away from Coton Garage and the Bull & Dog public house. Tilstock is only 2.8 km (5 minute drive) away and includes a primary school, village hall, church, public house, Bowling and Tennis Club, children's playground and bus service. The proposed site is also only 5.6 km (7 minute drive) from the edge of Whitchurch Town which supports the rural settlements by providing housing, employments, health facilities, education and shops. Officers consider that there is a wide range of facilities which would provide benefits for the applicants in close proximity and only a short drive from the proposed site.

Personal Circumstances

- 6.1.25 Mr Watton is from Whixall having lived with his parents for many years and works locally as a self-employed tree surgeon providing a service within the local community. The applicants and their children currently live on a gypsy caravan site at Manor House Lane, Prees. The eldest child attends school in Whitchurch (6.8 km away) and the younger children attend school in Prees (2 km away). The Watton

family have outgrown their existing pitch. The utility room is too small and only large enough to contain a washing machine and dryer. There is a separate bathroom and toilet building, but no kitchen or family dining area. Mrs Watton suffers from severe arthritis which restricts her mobility and needs a dayroom where all the facilities for day-to-day living are contained within a single building which can be properly insulated and heated.

-
- 6.1.26 The mobile home only contains minimal kitchen and bathroom facilities and are generally inadequate size to accommodate a freezer and are constructed of materials which do not tolerate vibration from washing machines and dryers. Gypsies generally have a cultural aversion to using toilets located within their caravans. The Government Good Practice Guide on 'Designing Gypsy and Traveller Sites' (May 2008) indicates that the provision of an amenity building is highly recommended which must include as a minimum hot and cold water supply, electricity supply, separate toilet and sink, bath/shower, a kitchen and dining area. There should also be secure storage for medicines, cleaning products and space for cooker, fridge/freezer and washing machine.
- 6.1.27 The proposed site will be 5.6 km from the edge of Whitchurch (closer than their present site) and would meet the applicant's family's personal accommodation need for a site in this locality, in the area where their health and educational needs are already catered for.
- 6.1.28 The Council Gypsy Liaison Officer has known the applicants for many years and has confirmed that they are model tenants and hardworking and maintain their pitch clean and tidy. They are also fully aware of the applicants needs and have confirmed that they do not have larger pitches to offer at Manor House Lane and have no current plans to develop or extend its current pitch stock which could accommodate their personal needs. The existing pitches are small and there is no option for extending the size of the pitch or increasing the onsite accommodation. The pitches range from 230sqm to 360sqm.

Conclusion

- 6.1.29 Whilst PPTS (paragraph 25) states that new traveller sites in open countryside away from settlements should be very strictly limited, provision is made for appropriate sites in rural areas, and this should include consideration of the locality and the ability of local infrastructure to absorb additional requirements. In this respect it is noted that the development provides a single family pitch and is relatively small scale.
- 6.1.30 It is important that each case is considered on its own merits and considers the local context of a particular site and its surroundings, together with the adopted Local Plan policy approach in pursuing sustainable development. This sets out the role of and approach to the rural area in Shropshire and identifies specific settlements, including Community Hubs and Community Clusters in rural areas, in seeking to direct most development to identified locations. However, there is an acknowledgement (highlighted in the referenced Coton appeal) of the difficulties in acquiring land for sites in settlements often resulting in sites being removed from development boundaries.

- 6.1.31 Policies CS5 and CS12 provide for positive consideration of suitable development proposals for windfall development. Core Strategy Policy CS12 currently provides the relevant local criteria for the consideration of applications. The policy seeks to direct most pitch provision to locations which are in reasonable proximity of sustainable settlements with services and facilities to facilitate access to education, health, welfare, and employment opportunities. Officers acknowledge that the proposed site is closer to health facilities in Whitchurch and that the proposed site would provide improved welfare facilities for the applicant's wife and is central to the applicants employment and education requirements of his children.
- 6.1.32 Local Policy and evidence, including supply of sites, is a significant material consideration. The PPTS requires that Local Planning Authorities should undertake their own assessment of need for the purposes of planning. Shropshire Council has most recently done this in the GTAA 2019 update and determined that there is no identified need for the allocation of additional pitches within the County. It is considered that the evidence is up to date and robust. Specifically, the Council's current position is that it has a sufficient supply of sites for the current and proposed Plan Period to 2038, including a 5-year supply. However, whilst the GTAA 2019 update does not identify any strategic need for Gypsy and Traveller sites it recommends that the Council continues to consider applications for small sites for family use, using its criteria-based policy to address any needs over the plan period.
- 6.1.33 It is understood that the applicants currently live on a pitch at the Shropshire Council site at Manor House Lane, Higher Heath and that planning permission is sought to develop a private pitch which the family consider would better fit their needs. The applicants personal requirements are set out above and there are no pitches present which would provide the necessary accommodation. PPTS advises that irrespective of identified need it is expected that applications which come forward on unallocated sites will be assessed on their merits against local policy criteria (currently in Policy CS12) which facilitate the traditional way of life of travellers whilst respecting the interests of the settled community.
- 6.1.34 If it is established that the existing accommodation is not suitable (and cannot be made so) and there are no other suitable and affordable alternative sites. In conclusion, whilst the Council's most recent evidence (GTAA 2019 update) does not identify a general need for sites, it does recommend that applications for small sites should continue to be considered as a means of addressing specific arising needs. If it is considered that the applicants need are such that they can no longer be met by their existing pitch, including any appropriate adaptations, and there are no alternative accommodation sites for the applicants. On balance it is considered that the scheme is in accordance with the adopted policies in relation to the provision of private gypsy and traveller sites.

6.2 **Layout, Scale and Impact on Landscape**

- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value.

- 6.2.2 Comments have been received from local residents that the site is classified as countryside and will result in the loss of agricultural land. However, the proposed site has been overgrown and vacant for many years and is not currently used for any agricultural operation.
- 6.2.3 The proposed site covers 0.1 hectares and will provide a driveway close to the eastern boundary and turning area within the centre of the site. The dayroom building will be located towards the roadside, although set 11 metres from the boundary hedgerow. The mobile home will be located towards the rear of the site with the provision of a space for a touring caravan towards the centre facing the turning area. A grassed area will be provided around the edge of the site close to the boundary hedgerow and trees.
- 6.2.4 The proposed dayroom is relatively modest in size measuring 9.2 metres wide by 6.4 metres deep with a ridge height of 4.4 metres. The building will provide a gross internal floor area of 49 sqm and will incorporate an open plan kitchen/sitting/dining room with a utility and bathroom. The blank rear elevation will face towards the roadside, although this will be screened by the mature native hedgerow. Access into the building will be via a door entrance which faces towards the centre of the site and the mobile home. Windows are proposed on the side gable elevations. The dayroom building will be constructed from red facing bricks with dark grey tiles and white UPVC windows and a white timber boarded door.
- 6.2.5 The proposed site is enclosed on all boundaries and provides good screening from the public road, although views into the site will be visible from the site access. All the structures on site will be low level and there will not be any prominent distant views of the buildings. Platt Lane consists of a number of two storey properties on both sides of the road on plots of a similar size enclosed by hedgerows and planting.
- 6.2.6 Overall, it is considered that this scheme will have little impact on the rural landscape given the scale and design of the proposed development and will reflect similar residential development on the edge of the settlement. As such the development is considered to be in accordance with the NPPF and policies CS5, CS6, and MD2 of the local plan.

6.3 **Impact on Residential Amenity**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. There are no immediate adjoining residential properties to the north, east or west. The nearest residential property is No.4 Hollinwood which is located on the opposite side of the road to the south west and screened by the existing roadside boundary trees and thick mature hedgerow. The proposed dayroom would be over 25 metres away from the nearest part of this dwelling. No.7 Hollinwood is located approximately 70 metres away to the east and separated by a grassed paddock. Having regard to the distance away from neighbouring properties and existing boundary treatment the proposed day room, static caravan or touring caravan will not result in any overbearing impact, loss of light or overlooking. Whilst the use of the site by a single family and the movement of vehicles will not have a detrimental noise impact on the residential amenities of existing or future occupiers of the area.

6.4 **Highways**

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should be designed to be safe and accessible to all. Planning permission was granted for the formation of a new vehicular field access in September 2021 (ref. 21/01091/FUL). The application approved the removal of a 6 metre wide section of hedgerow which allowed a 3.6 metre wide entrance gate and 6 metre radii. Visibility splays of 2.4 metres set back from the edge of the road and with a view across the grass verge and down the road of some 90 metres in both directions could be achieved. It was considered that the proposed access would not result in any highway safety issues and the removal of a small section of hedgerow would not cause any detrimental impact on the overall rural character of the area. This current application indicates that the applicant will park one car and one light goods vehicle and there is a large gravel driveway and turning area being proposed. The proposed access has already been formed and the Council Highways Officer has indicated that the use of the site as proposed would not result in any substantive highway safety objection subject to safeguarding conditions regarding the access, parking and turning; construction of the access apron; and no access gates to be installed within 5 metres of the highway.

6.5 Impact on Trees

6.5.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. Local residents have raised concerns that the original site plan did not indicate any trees and it was unclear whether these would be removed. Concerns were raised as these provide good screening and valuable wildlife habitat. The proposed site has six notable trees along the eastern boundary which includes one oak tree, one sycamore tree and four ash trees, whilst the western boundary has one large oak tree and a multi stem sycamore tree. The applicant has confirmed that all the existing hedgerow and boundary trees will be retained and maintained with the provision of additional hedgerow planting along the eastern boundary. An amended site plan has been received indicating the position of the existing trees, with reposition of the dayroom, mobile home and touring caravan so that they do not impact on the route protection area. The Council Tree Officer has confirmed the revised layout does not affect any significant or protected trees and that no objection is raised on arboreal grounds.

6.6 Ecology

6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and

enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

- 6.6.2 Objection has been received from local residents confirming that Great Crested Newts presence is local and that no wildlife or ecology surveys have been undertaken. However, during the consideration of this application a Great Crested Newt Assessment report has been undertaken to assess the Habitat Suitability of ponds within 250 metres of the application site. The assessment of ponds carried out by Susan Worsfold (June 2023) surveyed six nearby ponds for their suitability to support Great Crested Newts. The ponds were concluded to be of poor or average suitability and no further survey work was recommended. In the event a Great Crested Newt is found during works, then Natural England or a licensed ecologist must be contacted for advice on how to proceed. No objection has been received from the Council Ecologist subject to the installation of bat boxes and bird boxes which will enhance the site for wildlife by providing additional roosting and nesting habitat. This is in accordance with the requirement for biodiversity net gains in accordance with policy CS17 and the NPPF. Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area and therefore a safeguarding condition for external lighting is proposed.

6.7 **Drainage**

- 6.7.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. Concerns have been raised from an adjoining land owner regarding the suitability of land for foul and surface water drainage and that the foul drainage treatment plant is positioned close to neighbouring land.
- 6.7.2 The application indicates that foul drainage will be dealt with via a package treatment plant which is a sustainable method to process foul water in the rural countryside away from any foul mains. No objection has been raised from the Council Drainage Engineer. The proposed site is large covering 0.1 hectares and the site layout plan has indicatively proposed a location for the treatment plant. However, this will need to comply with Building Regulations regarding the layout, scale and outfall design. There is no reason why the clean water outfall could not be located under the access driveway and turning area in the centre of the site away from neighbouring land.
- 6.7.3 The application indicates that surface water will be disposed of via a sustainable drainage system and the Council Drainage Engineer has indicated that surface water from the development should be designed and constructed in accordance with

the Council's Sustainable Drainage Handbook. A pre-commencement drainage condition is proposed regarding the foul and surface water drainage for the site.

6.8 Impact on Sewer Pipe

- 6.8.1 Concerns have been raised from an adjoining land owner that an existing sewer pipe crosses the site which may be impacted upon by the development. Severn Trent Water have provided a Sewer Record map which indicates a 50mm diameter pumping main running across the site close to the south boundary adjacent to the country lane. This would indicate that the sewer pipe is 4.2 metres from the edge of the highway. However, the adjoining landowner has provided evidence that a concrete marker post on the western boundary indicates the sewer pipe entering the site 9 metres away from the highway. A survey has been undertaken and the pressurised foul sewer has now been accurately plotted on a revised site layout plan. The dayroom building has been repositioned and there is now a 4 metre easement as requested by Severn Trent Water. No objection is raised regarding the provision of stone chippings being laid over the pumping main to create the access driveway.

7.0 CONCLUSION

- 7.1 A number of comments and representations have been received in response to the above application. However, the issues have been carefully considered and the adopted National and Local policies taken into consideration. On balance it is considered that the scheme is appropriate in its scale, design and location and relation to the specific requirements and personal circumstances of the applicants need that it complies with the adopted policies. The development of the site will not result in any visual impact on the landscape and will replicate similar development on the edge of Hollinwood and within the Parish of Whixall. The proposed access will not result in any highway safety issues, whilst the use would not result in any impact on residential amenity or impact on any boundary trees or ecology. The development is therefore considered to be in accordance with the NPPF, policies CS5, CS6, CS12, CS17, CS18, MD2, MD12 and the GTAA 2019 and the PPTS of the Shropshire LDF.
- 7.2 In arriving at this decision the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970. Gypsies and Travellers are a racial group as defined in s9 Equality Act 2010 and the are therefore protected, from direct discrimination, indirect discrimination and harassment. It is important that members comply with the Public Sector Equality

Duty when sites are proposed members should represent all of the racial groups in the community they serve, including Gypsies and Travellers.

9.0 FINANCIAL IMPLICATIONS

- 9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

Central Government Guidance:

National Planning Policy Framework (NPPF)
Planning Policy for Travellers Sites (PPTS)

Shropshire Council Core Strategy (February 2011):

CS3 : The Market Towns and Other Key Centres
CS5 : Countryside and Green Belt
CS6 : Sustainable Design and Development Principles
CS12: Gypsies and Traveller Provision
CS17: Environmental Networks
CS18: Sustainable Water Management
Supplementary Planning Document - Type and Affordability of Housing

Site Allocations and Management Development Plan (December 2016):

MD1 : Scale and Distribution of Development
MD2 : Sustainable Design
MD3 : Delivery of Housing Development

MD12 : Natural Environment

Gypsy and Traveller Accommodation Assessment (GTAA)

10.2 Relevant Planning History

21/01091/FUL - Formation of new vehicular field access. Granted 15th September 2021.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 23/00632/FUL

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr Peter Broomhall & Cllr Edward Towers

Appendices

APPENDIX 1 - Conditions

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
Reason: To ensure that the external appearance of the development is satisfactory.
4. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Site Layout Plan received on the 2nd May 2023 prior to the use commencing. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.
Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.
5. The access apron shall be constructed in accordance with Shropshire Councils specification currently in force for an access and shall be fully implemented prior to the residential occupation of the site.
Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.
6. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding Great Crested Newts as provided on Page 3 of the Assessment of Ponds Report (Susan Worsfold, June 2023).
Reason: To ensure the protection of and enhancements for Great Crested Newts, which are European Protected Species.
7. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Tree Protection Plan and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.
Reason: To safeguard the amenities of the local area by protecting trees.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

8. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).
Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

CONDITION(S) THAT REQUIRE APPROVAL PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

9. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority.

The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).
- A minimum of 2 artificial nests, of integrated brick design, suitable for swifts (swift bricks).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

For swift bricks: Bricks should be positioned 1) Out of direct sunlight 2) At the highest possible position in the building's wall 3) In clusters of at least three 4) 50 to 100cm apart 5) Not directly above windows 6) With a clear flightpath to the entrance 7) North or east/west aspects preferred. (See <https://www.swift-conservation.org/Leaflet%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

10. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary.
Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

11. The residential element of the development hereby approved shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
Reason: To ensure appropriate accommodation is available.

12. Any external lighting shall not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.
Reason: To minimise disturbance to bats, which are European Protected Species.

This page is intentionally left blank



Committee and date
 Northern Planning Committee
 15th August 2023

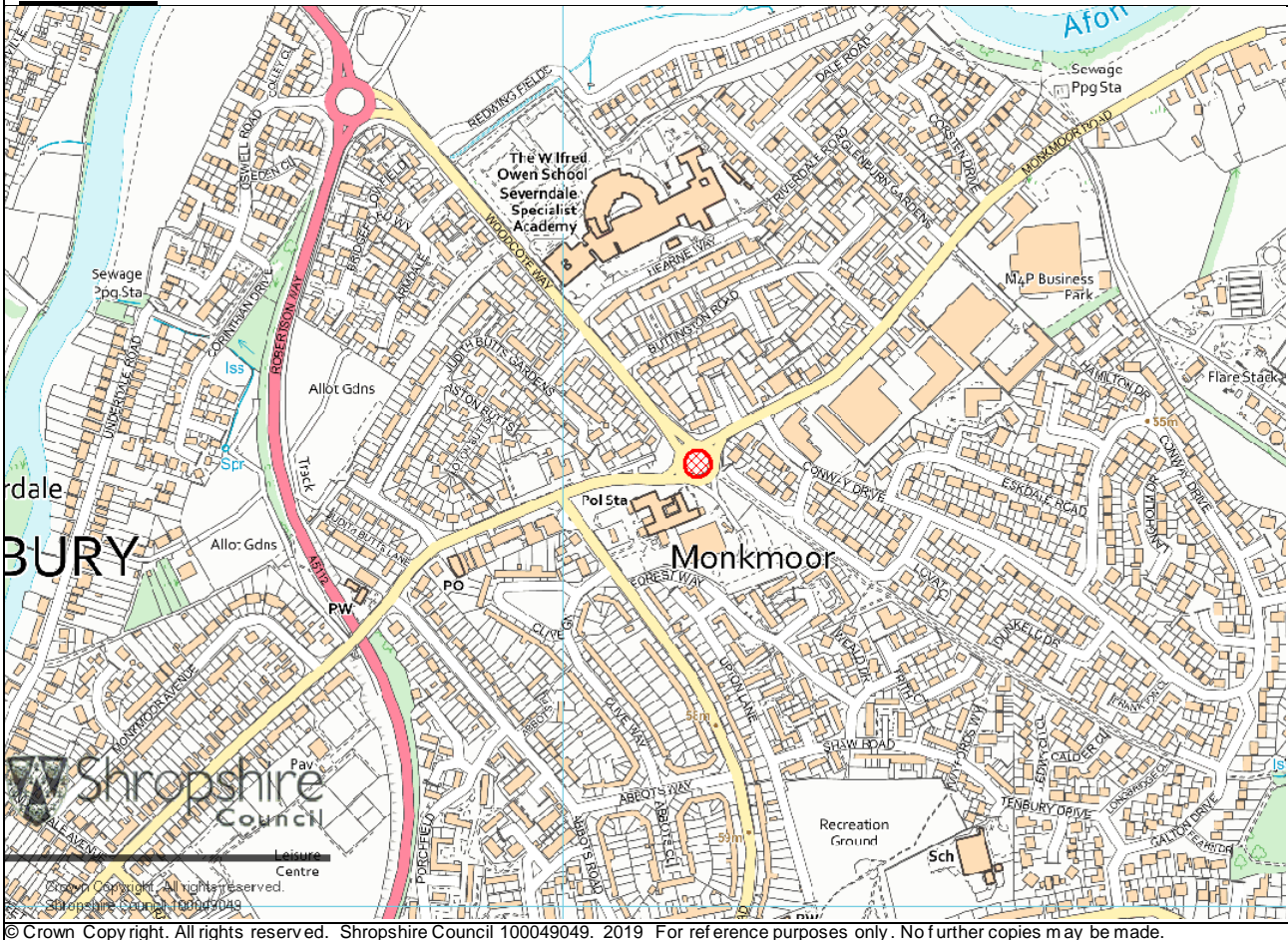
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/02339/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display three sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction Woodcote Way / Monkmoor Road, Roundabout, Shrewsbury, Shropshire		
Applicant: CP Media on behalf of Shropshire Council		
Case Officer: Richard Denison	Email: richard.denison@shropshire.gov.uk	

Grid Ref: 351154 - 313499



Recommendation: Granted Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an advertisement application for the erection of three identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 800mm wide by 500mm tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 300mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.

Amendments

- 1.2 An amended site plan has been received to reduce the number of signs on the roundabout from four to three. This alteration has been made to reduce the visual impact and cluttered appearance.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The roundabout is in Monkmoor directly adjacent to the Police Station and has Monkmoor Road crossing it and Woodcote Way leading onto it from Telford Way, whilst the police station has an access onto the roundabout. The roundabout is a relatively large roundabout measuring 30 metres in diameter and has several shrubs in the centre with five large trees with a wide grassed edge. The roundabout has had approval of three previous sponsorship signs.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.

- 4.1.2 **Shrewsbury Town Council** - The Town Council object to this application on the basis that the new signs proposed are considerably larger than the existing ones and there appears to be a large amount of traffic islands around the town proposed for signage. There were also objections on the potential distraction this could create to drivers and cyclists. Finally, concerns were raised about the combination of larger and an increased number of signs on the visual amenity of the roundabout given the conservation status of the town.

4.2 Public Comments

- 4.2.1 Objection has been received from the local ward member Cllr Vasmer raising the following concerns:

“I object to this application on the basis that this development will result in the deterioration of the local visual amenity and make it less attractive and increase street clutter compared to the much smaller adverts organised by the Town Council in the past (see NPPF paragraph 112 (c)). Also on the basis that there has been no significant community involvement in the decision to place much larger adverts on the roundabouts in a significant change to a major piece of highways structural infrastructure (SAMDEV MD8 3.73).”

5.0 THE MAIN ISSUES

- Background & Policy
- Impact on Public Safety
- Impact on Visual Amenity

6.0 OFFICER APPRAISAL

6.1 Background & Policy

6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.

6.1.2 Advertisement consent was previously granted in July 2011 for Shrewsbury Town Council to erect and display 92 sponsorship signs at 34 locations throughout Shrewsbury (ref. 11/01825/ADV). The approved signs measured 600mm wide by 375mm tall and were constructed from a poly carbon board attached onto two dark posts 200mm above ground level. This application approved three signs on the roundabout subject to this current application.

6.1.3 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 67 which states *“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*. This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.4 This application has been subject to informal pre-application discussions between the sign company, the Council Business Development Manager, the Highways Manager, and the case officer.

6.2 Impact on Public Safety

- 6.2.1 Shrewsbury Town Council have raised concerns that the number signs on the roundabout have the potential to cause a distraction to drivers. This application will not increase the number of previously approved signs which are positioned to be viewed from the main three approach roads which will be positioned straight in front of the driver as they approach the roundabout. Each of the signs will be identical and they will be viewed in isolation from one another at each of the roads entering the roundabout. The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users. A safeguarding condition is proposed to remove any existing unauthorised signs.

6.3 Impact on Visual Amenity

- 6.3.1 Shrewsbury Town Council have raised concerns that due to the size and number of signs on the roundabout they will result in a cluttered appearance and impact on visual amenity given the conservation status of the town. Objection has also been received from the local ward member regarding the visual amenity impact and that no public consultation has been undertaken. This application has been amended to reduce the number of previously approved signs from four to three and the signs are small and low to the ground. The signs measure 800mm wide by 500mm tall (total sign area of 0.4 sqm) and are only 200mm wider and 125mm taller than previously approved and are spread out across a large, landscaped roundabout. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc in and around the proximity of the roundabout. Reference has been made to the conservation status of the town although the roundabout is not within or adjacent to a Conservation Area. Due to the modest size and low profile of the signs officers consider that they will not result in a significant visual impact on the street scene or character of the local area. Due to the minor increase in the size of the signs, it was not considered necessary to engage in a public consultation exercise for the scale of this application.

7.0 CONCLUSION

- 7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.
- 7.2 In arriving at this decision, the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.
- 7.3 The recommendation is therefore one of approval subject to the conditions as outlined in Appendix 1 attached to this report.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

- 9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the

scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application, the Local Planning Authority gave consideration to the following policies:

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):
CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):
MD2 : Sustainable Design

10.2 Relevant Planning History

11/01825/ADV - Erect and display 92 Shrewsbury Town Council sponsorship signs at 34 locations. Granted 1st July 2011.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application 23/02339/ADV

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr David Vasmer

Appendices

APPENDIX 1 - Conditions

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to:
 - (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.

This page is intentionally left blank



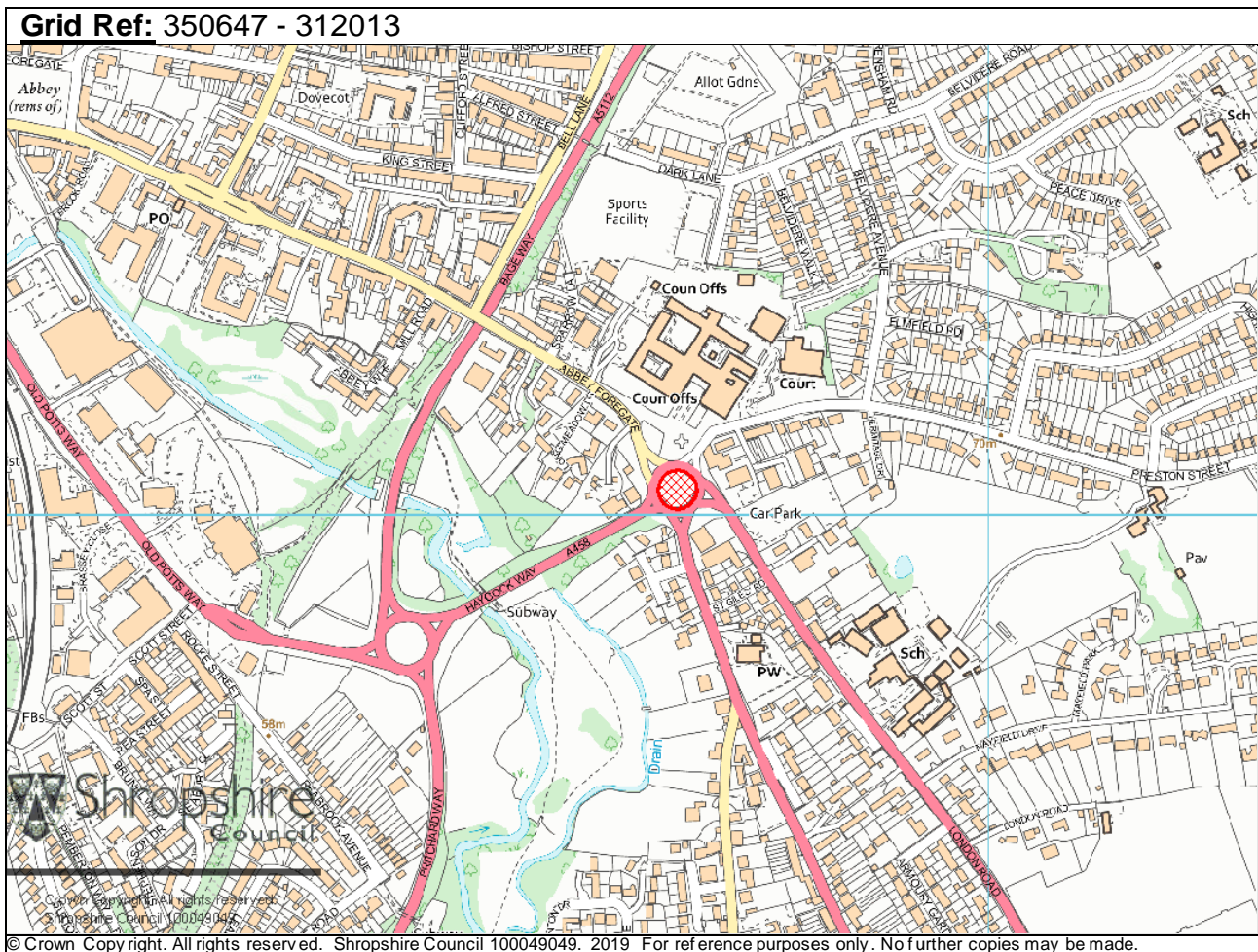
Committee and date
 Northern Planning Committee
 15th August 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/02340/ADV	Parish:	Shrewsbury Town Council
Proposal: Roundabout Junction Abbey Foregate / Preston Street / London Road / Wenlock Road / Haycock Way, Shrewsbury, Shropshire		
Site Address: Erect and display five sponsorship signs placed on the roundabout		
Applicant: CP Media on behalf of Shropshire Council		
Case Officer: Richard Denison	Email: richard.denison@shropshire.gov.uk	



Recommendation: Granted Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an advertisement application for the erection of five identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 800mm wide by 500mm tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 300mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The roundabout is on the main arterial road (Abbey Foregate) leading into the town centre of Shrewsbury directly adjacent to Lord Hill's Column and the Shirehall Council offices. This roundabout includes four other junctions of Preston Street, London Road, Wenlock Road and Haycock Way. It is a large roundabout measuring 44 metres in diameter and has a formal planting scheme consisting of three mature trees, shrub planting, gravelled hardstanding (including stone rocks and a stone sculpture) and grass. The White Horse public house is located directly to the south and a row of shops/business premises to the east. The Shrewsbury Conservation Area boundary line crosses the centre of the roundabout with the south eastern half within the conservation area and the north western half outside. The roundabout has had approval of four previous sponsorship signs and there are two additional plaque signs on the roundabout.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.
- 4.1.2 **Shropshire Council, Conservation** - This roundabout site is partly within the boundaries of the Shrewsbury Conservation Area and just below the Grade II* listed Lord Hill Column. Having referred to the details of the application we have no further comments to make.
- 4.1.3 **Shrewsbury Town Council** - The Town Council object to this application on the basis that the new signs proposed are considerably larger than the existing ones and there appears to be a large amount of traffic islands around the town proposed for signage. There were also objections on the potential distraction this

could create to drivers and cyclists. Finally, concerns were raised about the combination of larger and an increased number of signs on the visual amenity of the roundabout given the conservation status of the town.

4.2 Public Comments

4.2.1 No public representations have been received.

5.0 THE MAIN ISSUES

- Background & Policy
- Impact on Public Safety
- Impact on Visual Amenity
- Impact on Conservation Area

6.0 OFFICER APPRAISAL

6.1 Background & Policy

6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.

6.1.2 Advertisement consent was previously granted in July 2011 for Shrewsbury Town Council to erect and display 92 sponsorship signs at 34 locations throughout Shrewsbury (ref. 11/01825/ADV). The approved signs measured 600mm wide by 375mm tall and were constructed from a poly carbon board attached onto two dark posts 200mm above ground level. This application approved four signs on the roundabout subject to this current application and has had two additional plaque signs. A total of six signs have been on the roundabout for in excess of 10 years.

6.1.3 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 67 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.4 This application has been subject to informal pre-application discussions between the sign company, the Council Business Development Manager, the Highways Manager, and the case officer.

6.2 Impact on Public Safety

6.2.1 Shrewsbury Town Council have raised concerns that the number signs on the roundabout have the potential to cause a distraction to drivers. This application will only increase the number of previously approved signs by one which are positioned to be viewed from the main five main roads which will be positioned straight in front of the driver as they approach the roundabout. Each of the signs will be identical and they will be viewed in isolation from one another at each of the roads entering the roundabout. The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users. A safeguarding condition is proposed to remove any existing unauthorised signs.

6.3 Impact on Visual Amenity

6.3.1 Shrewsbury Town Council have raised concerns that that due to the size and number of signs on the roundabout they will result in a cluttered appearance and impact on visual amenity given the conservation status of the town. Officers acknowledge that this application will increase the number of previously approved signs from four to five, although the signs are small and low to the ground and due to the landscaping are not viewed together. Although there are currently six signs on the roundabout and this will be reduced to five. The signs measure 800mm wide by 500mm tall (total sign area of 0.4 sqm) and are only 200mm wider and 125mm taller than previously approved and are spread out across a large, landscaped roundabout. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc, together with other business premises with signage in and around the proximity of the roundabout. Due to the modest size and low profile of the signs officers consider that they will not result in any visual impact on the street scene or character of the local area.

6.4 Impact on Conservation Area

6.4.1 Policy MD13 'The Historic Environment' indicates that proposals should avoid harm to designated heritage assets. Shrewsbury Town Council has made reference to the conservation status of the town and half of the roundabout is located within the Shrewsbury Conservation Area. The Conservation Area is a designated heritage asset, although the Conservation Officer has raised no objection to the proposal. Having regard to the layout and scale of the signs the impact on the conservation area will be negligible. The signs will also provide some public benefits by allowing local businesses to advertise which will assist the local economy.

7.0 CONCLUSION

7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality and would have no

significant impact on the character and appearance of the wider Conservation area. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.

7.2 In arriving at this decision, the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.

7.3 The recommendation is therefore one of approval subject to the conditions as outlined in Appendix 1 attached to this report.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 **Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 **FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 **BACKGROUND**

10.1 **Relevant Planning Policies**

Policies material to the determination of the Application. In determining this application, the Local Planning Authority gave consideration to the following policies:

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

CS17 : Environmental Networks

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD13 : The Historic Environment

10.2 **Relevant Planning History**

11/01825/ADV - Erect and display 92 Shrewsbury Town Council sponsorship signs at 34 locations. Granted 1st July 2011.

11.0 **ADDITIONAL INFORMATION**

List of Background Papers - Planning Application 23/02340/ADV

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr Ted Clarke, Cllr Tony Parsons and Cllr Rosemary Dartnall

Appendices

APPENDIX 1 - Conditions

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to:
 - (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.

This page is intentionally left blank



Committee and date
 Northern Planning Committee
 15th August 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/02343/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display three sponsorship signs placed on the roundabout (amended description)		
Site Address: B4380 Roman Road/Longden Road Roundabout Shrewsbury Shropshire		
Applicant: CP Media		
Case Officer: Didi Kizito	email: didi.kizito@shropshire.gov.uk	

Grid Ref: 348403 - 311286



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2023 For reference purposes only. No further copies may be made.

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an advertisement application for the erection of three identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 800mm wide by 500mm tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The signs will be attached onto two dark blue posts 300mm above ground level. The signs will be positioned on the roundabout facing approaching traffic. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council.

2.0 SITE LOCATION/DESCRIPTION

2.1



- 2.2 The roundabout has a diameter of approximately 15m. The roundabout is grassed with four smaller signs and street furniture.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by Committee.

4.0 Community Representations

4.1 Consultee Comment

4.2 Shrewsbury Town Council: The Town Council object to this application on the basis that the new signs proposed are considerably larger than the existing ones and there appears to be a large amount of traffic islands around the town proposed for signage. There were also objections on the potential distraction this could create to drivers and cyclists. Finally, concerns were raised about the combination of larger and an increased number of signs on the visual amenity of the roundabout given the conservation status of the town.

4.3 SC Highways: 03.08.2023

Further to previous highway comment submitted in relation to the above, I can confirm that Shropshire Council as Highway Authority have no objection to the attached proposals as the number of signs have been reduced and the size of the signs 800mmx500mm are acceptable for the size of the roundabout and taking on board the applicants comments.

It is recommended that the applicant contacts Shropshire Councils Streetworks team to ensure that the necessary permission to work on the highway is sought. It is also recommended that the following condition is placed upon any permission granted;

Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Any existing signs on the roundabout shall be permanently removed.

Reason: In the interest of highway safety and visual amenity

4.4 SC Highways: 05.07.2023

Shropshire Council as Highway Authority raises no objection in principle to signage on the roundabout, however, would prefer the number of signs to be reduced and the overall size of the signs due to the size of the roundabout.

It is recommended that revised details are submitted for approval.

4.5 **Public Comments**

.6 No public representations have been received.

5.0 **THE MAIN ISSUES**

The National Planning Policy Framework (NPPF) states that Local Planning Authorities should exercise control over advertisements only in the interests of 'amenity' and 'public safety'. The main issues relevant for consideration under this officer report therefore are:

- Impact on amenity;

- Impact on public safety;

6.0 OFFICER APPRAISAL

6.1 Amenity

6.1.1 The National Planning Policy Framework at paragraph 136 recognises that the quality and character of places can suffer when advertisements are poorly sited and designed. The National Planning Practice Guidance states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. This is reflected in Shropshire's Core Strategy policy CS6 and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.2 The proposed number of signs have been adjusted during the course of the consideration of this application in response to the comments from the Highway team. While the size of the signs have not been reduced, the number of proposed signs have been reduced from four to three. With an amendment in the overall number of signs, the proposed would be proportionate to the size of the roundabout and would not harm the quality and character of the area.

6.2 Public Safety

6.2.1 Shrewsbury Town Council have raised concerns over the size and number of the signs and the potential distraction to drivers and cyclist. SC Highways team has raised no objections on highway safety grounds although recommend the number of signs and size to be reduced. It is therefore considered visibility for road users and pedestrians would not be compromised by the proposals to warrant a refusal of the scheme. A safeguarding condition is proposed to remove any existing unauthorised signs.

7.0 CONCLUSION

It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded

irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application, the Local Planning Authority gave consideration to the following policies:

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

CS17 : Environmental Networks

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

10.2 Relevant Planning History:

None

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RVJBKETDHE400>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
--

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield
--

Local Member - Cllr Julian Dean

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.

Reason: In the interest of highway safety and visual amenity.



Committee and date Northern Planning Committee 15 th August 2023

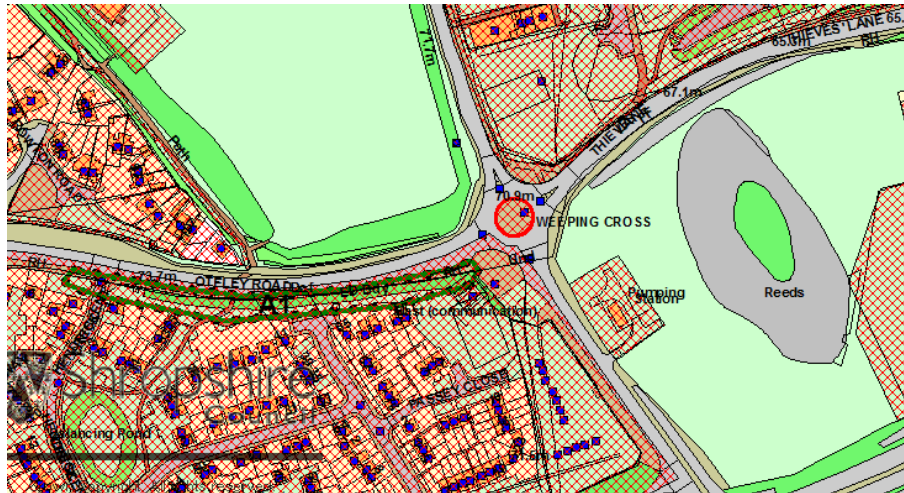
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/02344/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display three sponsorship signs placed on the roundabout (amended description)		
Site Address: B4380 Oteley Road/Wenlock Road/A458 Roundabout Shrewsbury Shropshire		
Applicant: CP Media		
Case Officer: Didi Kizito	email: didi.kizito@shropshire.gov.uk	

Grid Ref: 351281 - 310420



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2023 For reference purposes only. No further copies may be made.

Recommendation:- Grant permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an advertisement application for the erection of three identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 800mm wide by 500mm tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The signs will be attached onto two dark blue posts 300mm above ground level. The signs will be positioned on the roundabout facing approaching traffic. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council.

2.0 SITE LOCATION/DESCRIPTION

2.1



- 2.2 The diameter of the roundabout is approximately 20m. The roundabout is grassed and currently has three smaller signs.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by Committee.

4.0 Community Representations

4.1 Consultee Comment

- 4.2 Shrewsbury Town Council: The Town Council object to this application on the basis that the new signs proposed are considerably larger than the existing ones and there appears to be a large amount of traffic islands around the town proposed for signage. There were also objections on the potential distraction this could create to drivers and cyclists. Finally, concerns were raised about the combination of larger and an increased number of signs on the visual amenity of the roundabout given the conservation status of the town.

4.3 SC Highways: 03.08.2023

Further to previous highway comment submitted in relation to the above, I can confirm that Shropshire Council as Highway Authority have no objection to the attached proposals as the number of signs have been reduced and the size of the signs 800mmx500mm are acceptable for the size of the roundabout and taking on board the applicants comments.

It is recommended that the applicant contacts Shropshire Councils Streetworks team to ensure that the necessary permission to work on the highway is sought. It is also recommended that the following condition is placed upon any permission granted;

Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Any existing signs on the roundabout shall be permanently removed.

Reason: In the interest of highway safety and visual amenity

4.4 SC Highways: 05.07.2023

Shropshire Council as Highway Authority raises no objection to the granting of consent of the above mentioned planning application. However, would prefer the number of signs to be reduced or the overall size of the signs due to the size of the roundabout.

It is recommended that the applicant contacts Shropshire Councils Streetworks team to ensure that the necessary permission to work on the highway is sought. It is also recommended that the following condition is placed upon any permission granted;

Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Any existing signs on the roundabout shall be permanently removed.

Reason: In the interest of highway safety and visual amenity.

4.5 Public Comments

4.6 No public representations have been received.

5.0 THE MAIN ISSUES

5.1 The National Planning Policy Framework (NPPF) states that Local Planning Authorities should exercise control over advertisements only in the interests of 'amenity' and 'public

safety'. The main issues relevant for consideration under this officer report therefore are:

- Impact on amenity;
- Impact on public safety;

6.0 OFFICER APPRAISAL

6.1 Amenity

6.1.1 The National Planning Policy Framework at paragraph 136 recognises that the quality and character of places can suffer when advertisements are poorly sited and designed. The National Planning Practice Guidance states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. This is reflected in Shropshire's Core Strategy policy CS6 and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.2 The proposed number of signs have been adjusted during the course of the consideration of this application in response to the comments from the Highway team. While the size of the signs have not been reduced, the number of proposed signs have been reduced from four to three. With this amendment in number, the proposed signs are considered proportionate to the size of the roundabout and would not harm the quality and character of the area.

6.2 Public Safety

6.2.1 Shrewsbury Town Council have raised concerns over the size and number of the signs and the potential distraction to drivers and cyclist. SC Highways team has raised no objections on highway safety implications. It is therefore considered visibility for road users and pedestrians would not be compromised by the proposals to warrant a refusal of the scheme. A safeguarding condition is proposed to remove any existing unauthorised signs.

7.0 CONCLUSION

It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application, the Local Planning Authority gave consideration to the following policies:

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles
CS17 : Environmental Networks

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

10.2 Relevant Planning History:

None relevant

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RVJBLGTDHE600>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Ted Clarke
Cllr Tony Parsons
Cllr Rosemary Dartnall

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.

Reason: In the interest of highway safety and visual amenity.



Committee and date
 Northern Planning Committee
 15th August 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/02348/ADV	Parish: Shrewsbury Town Council
Proposal: Erect and display three sponsorship signs placed on the roundabout (amended description)	
Site Address: B4386 Copthorne Road/Myton Oak Road/National Cycle Route 81 Roundabout Shrewsbury Shropshire	
Applicant: CP Media	
Case Officer: Didi Kizito	email: didi.kizito@shropshire.gov.uk

Grid Ref: 347426 - 312566



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2023 For reference purposes only. No further copies may be made.

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an advertisement application for the erection of three identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs would measure 800mm wide by 500mm tall and would be constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign would be attached onto two dark blue posts 300mm above ground level. The signs would be positioned on the roundabout facing approaching traffic. All sponsor plaques would be simple in design and the designs would be approved in writing by Shropshire Council.

2.0 SITE LOCATION/DESCRIPTION

2.1



- 2.2 The diameter of the roundabout is approximately 16.4m. The roundabout is grassed and currently has four smaller signs and street furniture.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by Committee.

4.0 Community Representations

4.1 Consultee Comment

- 4.2 Shrewsbury Town Council: The Town Council object to this application on the basis that the new signs proposed are considerably larger than the existing ones and there appears to be a large amount of traffic islands around the town proposed for signage.

There were also objections on the potential distraction this could create to drivers and cyclists. Finally, concerns were raised about the combination of larger and an increased number of signs on the visual amenity of the roundabout given the conservation status of the town.

4.3 SC Highways: 03.08.2023

Further to previous highway comment submitted in relation to the above, I can confirm that Shropshire Council as Highway Authority have no objection to the attached proposals as the number of signs have been reduced and the size of the signs 800mmx500mm are acceptable for the size of the roundabout and taking on board the applicants comments.

It is recommended that the applicant contacts Shropshire Councils Streetworks team to ensure that the necessary permission to work on the highway is sought. It is also recommended that the following condition is placed upon any permission granted;

Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Any existing signs on the roundabout shall be permanently removed.

Reason: In the interest of highway safety and visual amenity

1st response of SC Highways: 05.07.2023

Shropshire Council as Highway Authority raises no objection in principle to proposed signage on the above mentioned roundabout, however, would prefer the number of signs are reduced and the overall size of the signs due to the size of the roundabout. Revised details should be submitted for approval.

4.4 **Public Comments**

- 4.5 One public representation has been received objecting to the signs stating as follows: I believe that these larger signs will be a distraction to many road users on this roundabout. This is on a National Cycle route and a busy roundabout. Cyclists do not always use the cycle lane as the infrastructure to cross Mytton Oak Road is not up to current regulations, cyclists and pedestrians should have right of way, but are not currently given it. I say this as a car driver who feels this roundabout is already too fast, with too many distractions and so should not have any more. The roundabout in the mock up photo is not comparable with the actual roundabout at this location and therefore misrepresentative. To glean any information from these adverts (which must be aimed at drivers) you would realistically have to take a photo with a phone whilst driving, this is illegal and not something to be encouraged

5.0 THE MAIN ISSUES

5.1 The National Planning Policy Framework (NPPF) states that Local Planning Authorities should exercise control over advertisements only in the interests of 'amenity' and 'public safety'. The main issues relevant for consideration under this officer report therefore are:

- Impact on amenity;
- Impact on public safety;

6.0 OFFICER APPRAISAL

6.1 Amenity

6.1.1 The National Planning Policy Framework at paragraph 136 recognises that the quality and character of places can suffer when advertisements are poorly sited and designed. The National Planning Practice Guidance states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. This is reflected in Shropshire's Core Strategy policy CS6 and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.2 The proposed number of signs have been reduced from four to three during this application in response to the comments from the Highway team. With this amendment in number, the proposed number of signs would be considered proportionate to the size of the roundabout. Due to the modest size and low profile of the signs, it is considered that the signs would not result in a significant visual impact on the street scene or character of the local area. Reference has been made to the conservation status of the town by the Town Council, however, it should be stated that the roundabout is not within or adjacent to a Conservation Area.

6.2 Public Safety

6.2.1 Shrewsbury Town Council and a member of public objected to the scheme. Concerns have been raised over the size and number of the signs and the potential distraction to drivers and cyclist. SC Highways team has raised no objections on highway safety implications. It is therefore considered visibility for road users and pedestrians would not be compromised by the proposals to warrant a refusal of the scheme. A safeguarding condition is proposed to remove any existing unauthorised signs.

7.0 CONCLUSION

It is considered that the proposed signs would have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The

proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application, the Local Planning Authority gave consideration to the following policies:

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

CS17 : Environmental Networks

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

10.2 Relevant Planning History:

23/02348/ADV Erect and display three sponsorship signs placed on the roundabout (amended description) PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RVJBPKTDHEE00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Rob Wilson

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. No advertisement shall be sited or displayed so as to

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.

Reason: In the interest of highway safety and visual amenity.

-

This page is intentionally left blank



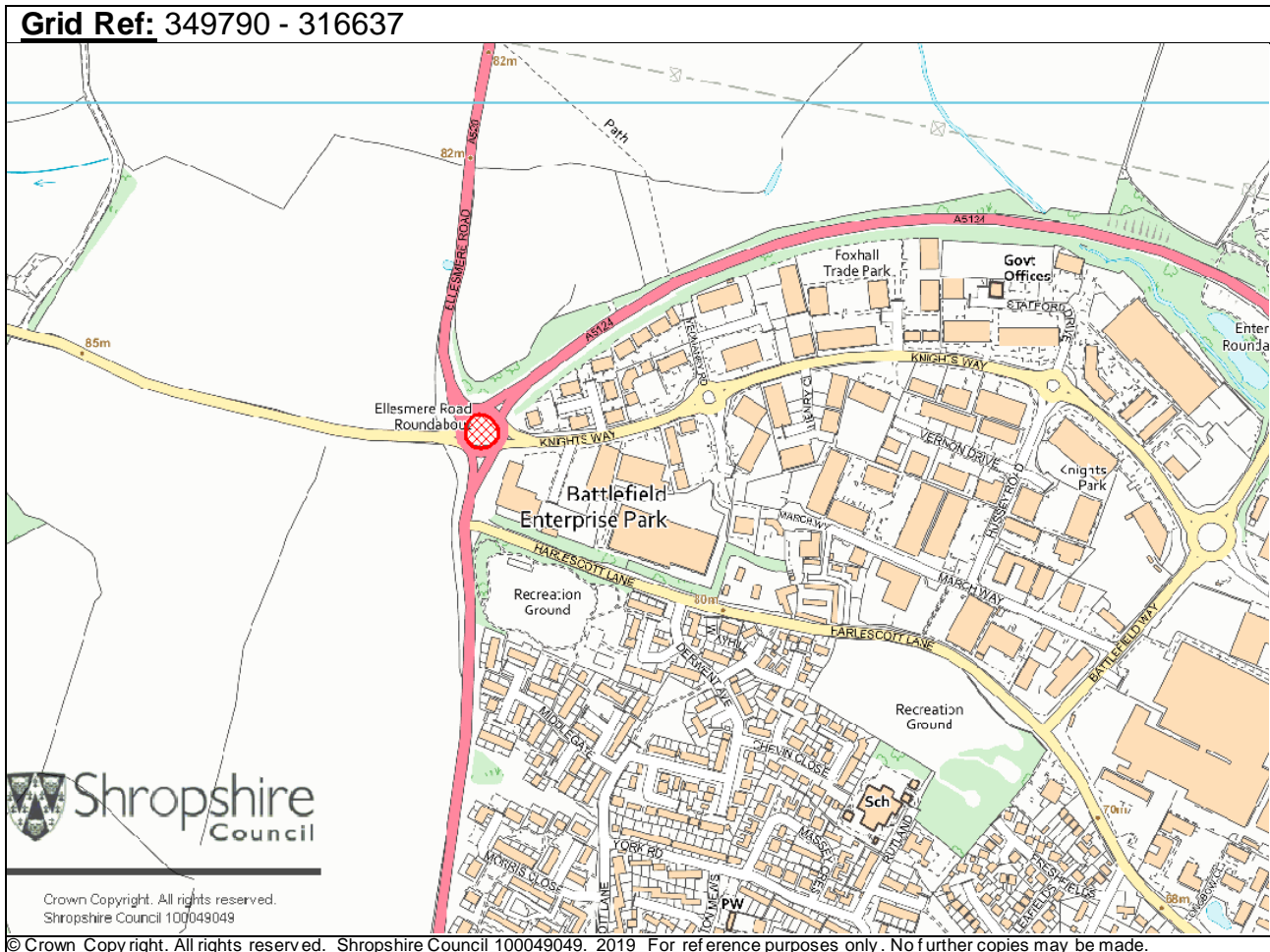
Committee and date
 Northern Planning Committee
 15th August 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/02354/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display four sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction A528 Ellesmere Road / A5124 / Knights Way Battlefield Enterprise Park, Shrewsbury, Shropshire		
Applicant: CP Media on behalf of Shropshire Council		
Case Officer: Richard Denison	Email: richard.denison@shropshire.gov.uk	



Recommendation: Granted Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an advertisement application for the erection of four identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 800mm wide by 500mm tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 300mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.

Amendments

- 1.2 An amended site plan has been received to reduce the number of signs on the roundabout from five to four. This alteration has been made to reduce the visual impact and cluttered appearance.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The roundabout is on the northern edge of Shrewsbury Business Park on the approach into the town from the north. This is a large grass roundabout which is approximately 40 metres in diameter with three trees growing within the centre and a bricked edge. A car dealership is located to the south and commercial buildings to the east. The roundabout has had approval of four sponsor ship signs.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.

- 4.1.2 **Shrewsbury Town Council** - The Town Council object to this application on the basis that the new signs proposed are considerably larger than the existing ones and there appears to be a large amount of traffic islands around the town proposed for signage. There were also objections on the potential distraction this could create to drivers and cyclists. Finally, concerns were raised about the combination of larger and an increased number of signs on the visual amenity of the roundabout given the conservation status of the town.

4.2 Public Comments

4.2.1 No public representations have been received.

5.0 THE MAIN ISSUES

- Background & Policy
- Impact on Public Safety
- Impact on Visual Amenity

6.0 OFFICER APPRAISAL

6.1 Background & Policy

6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.

6.1.2 Advertisement consent was previously granted in July 2011 for Shrewsbury Town Council to erect and display 92 sponsorship signs at 34 locations throughout Shrewsbury (ref. 11/01825/ADV). The approved signs measured 600mm wide by 375mm tall and were constructed from a poly carbon board attached onto two dark posts 200mm above ground level. This application approved four signs on the roundabout subject to this current application.

6.1.3 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 67 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.4 This application has been subject to informal pre-application discussions between the sign company, the Council Business Development Manager, the Highways Manager, and the case officer.

6.2 Impact on Public Safety

6.2.1 Shrewsbury Town Council have raised concerns that the number signs on the roundabout have the potential to cause a distraction to drivers. This application will not increase the number of previously approved signs which are positioned to be viewed from the main four approach roads which will be positioned straight in front of the driver as they approach the roundabout. Each of the signs will be identical and they will be viewed in isolation from one another at each of the roads entering the roundabout. The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the

roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users. A safeguarding condition is proposed to remove any existing unauthorised signs.

6.3 Impact on Visual Amenity

6.3.1 Shrewsbury Town Council have raised concerns that that due to the size and number of signs on the roundabout they will result in a cluttered appearance and impact on visual amenity given the conservation status of the town. This application has been amended to reduce the number of previously approved signs from five to four and the signs are small and low to the ground. The signs measure 800mm wide by 500mm tall (total sign area of 0.4 sqm) and are only 200mm wider and 125mm taller than previously approved and are spread out across a large, landscaped roundabout. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc in and around the proximity of the roundabout. Reference has been made to the conservation status of the town although the roundabout is not within or adjacent to a Conservation Area. Due to the modest size and low profile of the signs officers consider that they will not result in a significant visual impact on the street scene or character of the local area.

7.0 CONCLUSION

7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.

7.2 In arriving at this decision, the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.

7.3 The recommendation is therefore one of approval subject to the conditions as outlined in Appendix 1 attached to this report.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural

justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application, the Local Planning Authority gave consideration to the following policies:

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

10.2 Relevant Planning History

11/01825/ADV - Erect and display 92 Shrewsbury Town Council sponsorship signs at 34 locations. Granted 1st July 2011.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application 23/02354/ADV

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr Jeff Anderson

Appendices

APPENDIX 1 - Conditions

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to:
 - (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.

This page is intentionally left blank



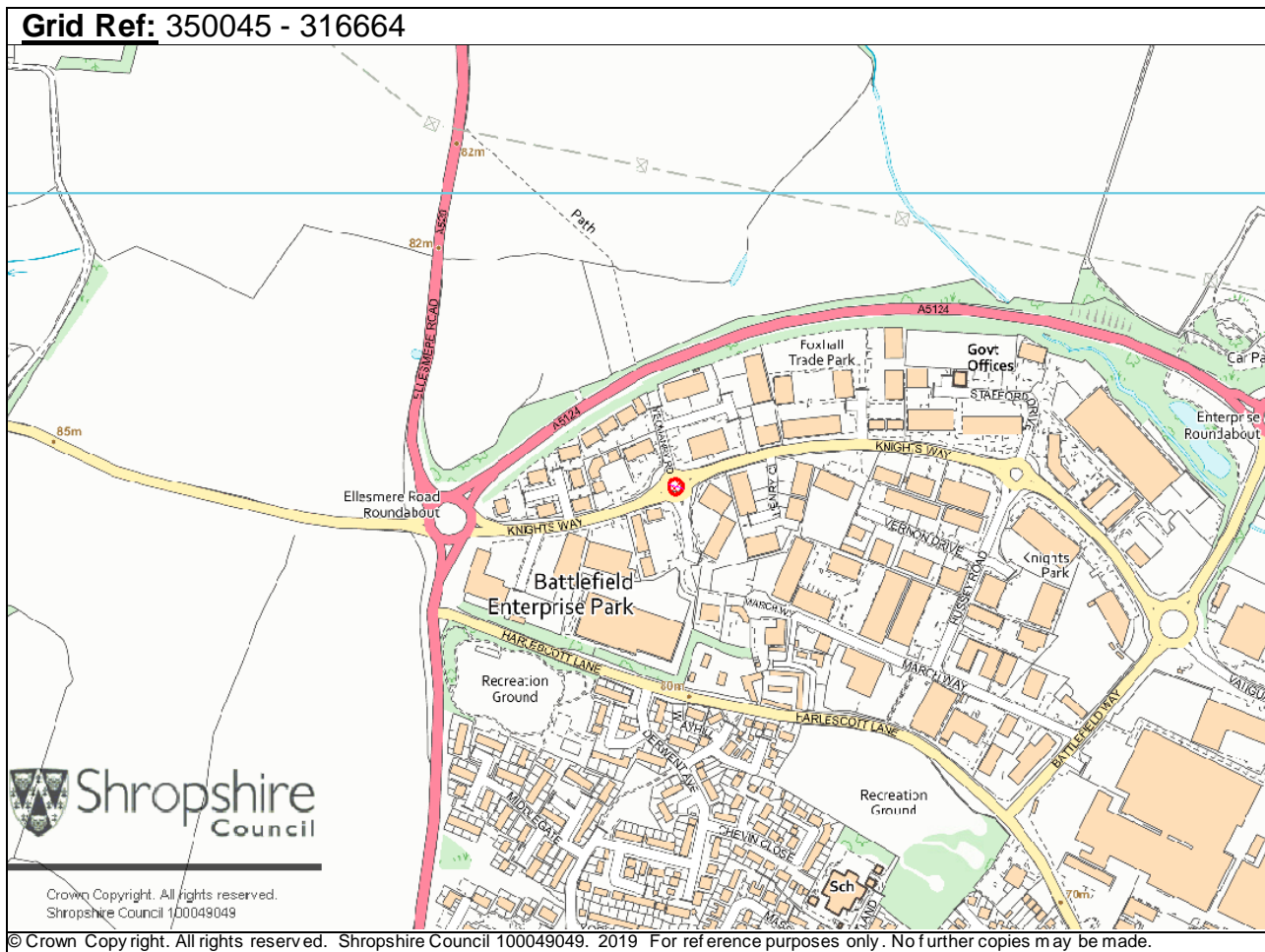
Committee and date
 Northern Planning Committee
 15th August 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/02355/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display three sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction Yeomanry Road / Knights Way / Archers Way Battlefield Enterprise Park, Shrewsbury, Shropshire		
Applicant: CP Media on behalf of Shropshire Council		
Case Officer: Richard Denison	Email: richard.denison@shropshire.gov.uk	



Recommendation: Granted Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an advertisement application for the erection of three identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 800mm wide by 500mm tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 300mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.

Amendments

- 1.2 An amended site plan has been received to reduce the number of signs on the roundabout from four to three. This alteration has been made to reduce the visual impact and cluttered appearance.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The roundabout is located along Knights Way which is the main road running through the north western area of Shrewsbury Business Park. This is a modest sized roundabout measuring 18 metres in diameter and is grassed with four existing trees. Yeomanry Road leads off the roundabout to the north and Archers Way to the south. A mixture of commercial buildings are located surrounding the roundabout. The roundabout has three existing sponsorship signs.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.
- 4.1.2 **Ministry of Defence** - The application site occupies the statutory safeguarding zones surrounding RAF Shawbury, although no safeguarding objections are raised.
- 4.1.3 **Shrewsbury Town Council** - The Town Council object to this application on the basis that the new signs proposed are considerably larger than the existing ones and there appears to be a large amount of traffic islands around the town proposed for signage. There were also objections on the potential distraction this could create to drivers and cyclists. Finally, concerns were raised about the

combination of larger and an increased number of signs on the visual amenity of the roundabout given the conservation status of the town.

4.2 **Public Comments**

4.2.1 No public representations have been received.

5.0 **THE MAIN ISSUES**

- Background & Policy
- Impact on Public Safety
- Impact on Visual Amenity

6.0 **OFFICER APPRAISAL**

6.1 **Background & Policy**

6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.

6.1.2 Advertisement consent was previously granted in July 2011 for Shrewsbury Town Council to erect and display 92 sponsorship signs at 34 locations throughout Shrewsbury (ref. 11/01825/ADV). The approved signs measured 600mm wide by 375mm tall and were constructed from a poly carbon board attached onto two dark posts 200mm above ground level. This application approved three signs on the roundabout subject to this current application.

6.1.3 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 67 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.4 This application has been subject to informal pre-application discussions between the sign company, the Council Business Development Manager, the Highways Manager, and the case officer.

6.2 **Impact on Public Safety**

6.2.1 Shrewsbury Town Council have raised concerns that the number signs on the roundabout have the potential to cause a distraction to drivers. This application will not increase the number of previously approved signs which are positioned to

be viewed from the main three approach roads which will be positioned straight in front of the driver as they approach the roundabout. Each of the signs will be identical and they will be viewed in isolation from one another at each of the roads entering the roundabout. The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users. A safeguarding condition is proposed to remove any existing unauthorised signs.

6.3 Impact on Visual Amenity

6.3.1 Shrewsbury Town Council have raised concerns that due to the size and number of signs on the roundabout they will result in a cluttered appearance and impact on visual amenity given the conservation status of the town. This application has been amended to reduce the number of previously approved signs from four to three and the signs are small and low to the ground. The signs measure 800mm wide by 500mm tall (total sign area of 0.4 sqm) and are only 200mm wider and 125mm taller than previously approved and are spread out across a large, landscaped roundabout. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc in and around the proximity of the roundabout. Reference has been made to the conservation status of the town although the roundabout is not within or adjacent to a Conservation Area. Due to the modest size and low profile of the signs officers consider that they will not result in a significant visual impact on the street scene or character of the local area.

7.0 CONCLUSION

7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.

7.2 In arriving at this decision, the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.

7.3 The recommendation is therefore one of approval subject to the conditions as outlined in Appendix 1 attached to this report.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be

awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

- 9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application, the Local Planning Authority gave consideration to the following policies:

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

10.2 Relevant Planning History

11/01825/ADV - Erect and display 92 Shrewsbury Town Council sponsorship signs at 34 locations. Granted 1st July 2011.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application 23/02355/ADV

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr Jeff Anderson

Appendices

APPENDIX 1 - Conditions

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to:
 - (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.

This page is intentionally left blank



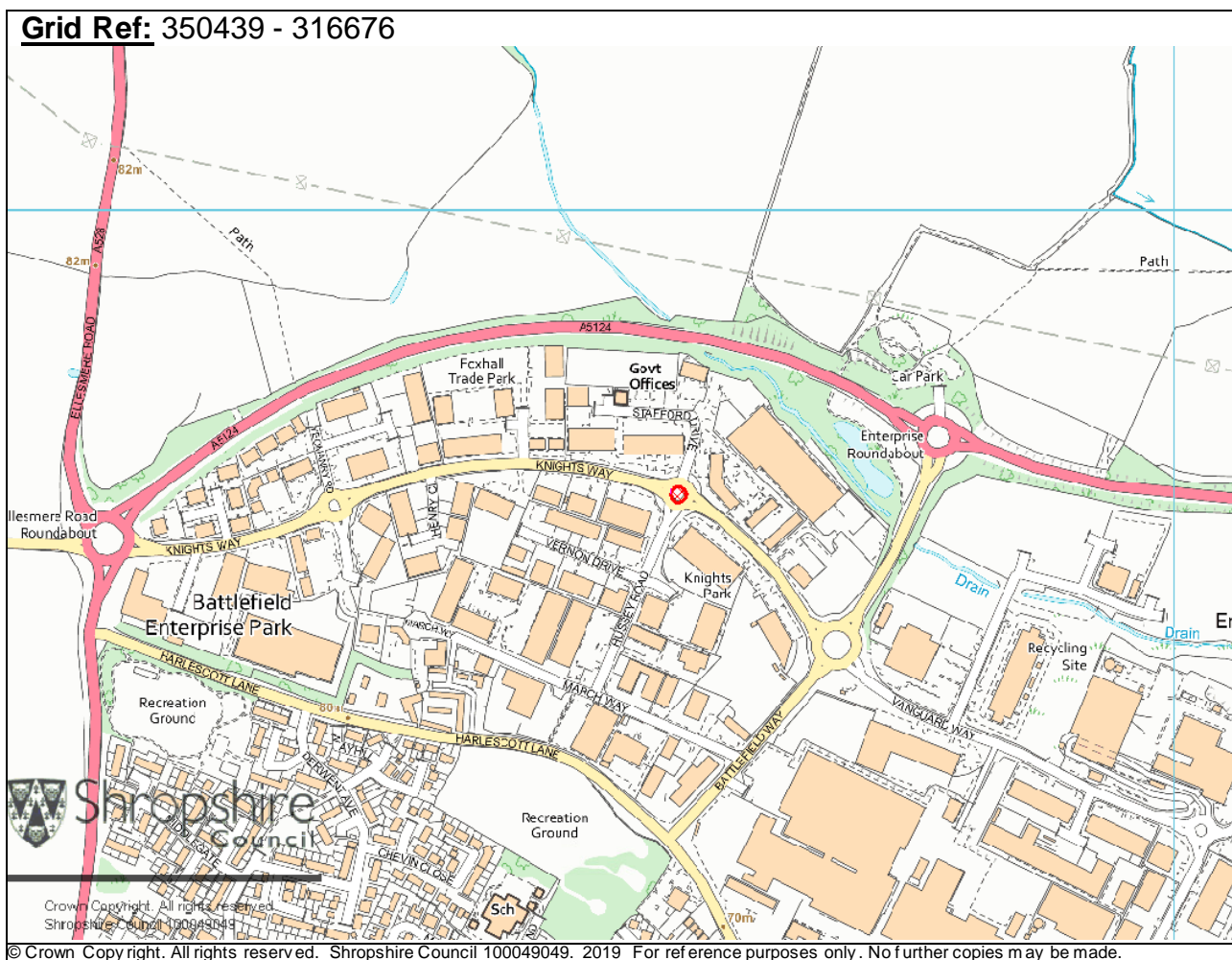
Committee and date
 Northern Planning Committee
 15th August 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/02356/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display three sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction Knights Way / Hussey Road / Stafford Drive Battlefield Enterprise Park, Shrewsbury, Shropshire		
Applicant: CP Media on behalf of Shropshire Council		
Case Officer: Richard Denison	Email: richard.denison@shropshire.gov.uk	



Recommendation: Granted Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an advertisement application for the erection of three identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 800mm wide by 500mm tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 300mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.

Amendments

- 1.2 An amended site plan has been received to reduce the number of signs on the roundabout from four to three. This alteration has been made to reduce the visual impact and cluttered appearance.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The roundabout is located along Knights Way which is the main road running through the north western area of Shrewsbury Business Park. This is a modest sized roundabout measuring 18 metres in diameter and is grassed with four existing trees. Stafford Drive leads off the roundabout to the north and Hussy Road to the south. A mixture of commercial buildings are located surrounding the roundabout. The roundabout has three existing sponsorship signs.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.

- 4.1.2 **Shrewsbury Town Council** - The Town Council object to this application on the basis that the new signs proposed are considerably larger than the existing ones and there appears to be a large amount of traffic islands around the town proposed for signage. There were also objections on the potential distraction this could create to drivers and cyclists. Finally, concerns were raised about the combination of larger and an increased number of signs on the visual amenity of the roundabout given the conservation status of the town.

4.2 Public Comments

4.2.1 No public representations have been received.

5.0 THE MAIN ISSUES

- Background & Policy
- Impact on Public Safety
- Impact on Visual Amenity

6.0 OFFICER APPRAISAL

6.1 Background & Policy

6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.

6.1.2 Advertisement consent was previously granted in July 2011 for Shrewsbury Town Council to erect and display 92 sponsorship signs at 34 locations throughout Shrewsbury (ref. 11/01825/ADV). The approved signs measured 600mm wide by 375mm tall and were constructed from a poly carbon board attached onto two dark posts 200mm above ground level. This application approved three signs on the roundabout subject to this current application.

6.1.3 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 67 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.4 This application has been subject to informal pre-application discussions between the sign company, the Council Business Development Manager, the Highways Manager, and the case officer.

6.2 Impact on Public Safety

6.2.1 Shrewsbury Town Council have raised concerns that the number of signs on the roundabout have the potential to cause a distraction to drivers. This application will not increase the number of previously approved signs which are positioned to be viewed from the main three approach roads which will be positioned straight in front of the driver as they approach the roundabout. Each of the signs will be identical and they will be viewed in isolation from one another at each of the roads entering the roundabout. The proposed signs will be set back from the edge of

the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users. A safeguarding condition is proposed to remove any existing unauthorised signs.

6.3 Impact on Visual Amenity

6.3.1 Shrewsbury Town Council have raised concerns that due to the size and number of signs on the roundabout they will result in a cluttered appearance and impact on visual amenity given the conservation status of the town. This application has been amended to reduce the number of previously approved signs from four to three and the signs are small and low to the ground. The signs measure 800mm wide by 500mm tall (total sign area of 0.4 sqm) and are only 200mm wider and 125mm taller than previously approved and are spread out across a large, landscaped roundabout. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc in and around the proximity of the roundabout. Reference has been made to the conservation status of the town although the roundabout is not within or adjacent to a Conservation Area. Due to the modest size and low profile of the signs officers consider that they will not result in a significant visual impact on the street scene or character of the local area.

7.0 CONCLUSION

7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.

7.2 In arriving at this decision, the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.

7.3 The recommendation is therefore one of approval subject to the conditions as outlined in Appendix 1 attached to this report.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of

policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application, the Local Planning Authority gave consideration to the following policies:

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

10.2 Relevant Planning History

11/01825/ADV - Erect and display 92 Shrewsbury Town Council sponsorship signs at 34 locations. Granted 1st July 2011.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application 23/02356/ADV

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr Jeff Anderson

Appendices

APPENDIX 1 - Conditions

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to:
 - (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.

This page is intentionally left blank



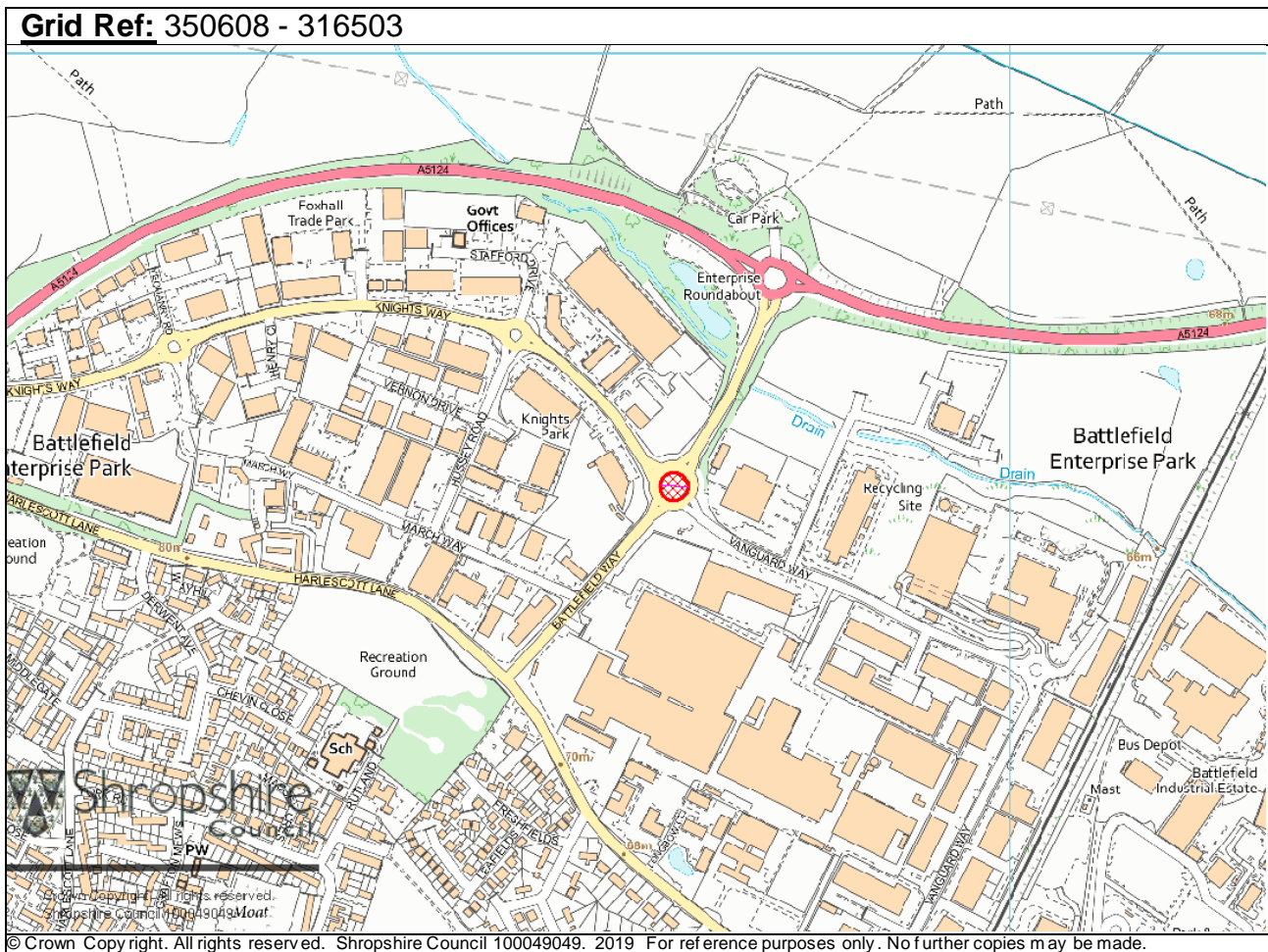
Committee and date
 Northern Planning Committee
 15th August 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/02357/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display four sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction Battlefield Way / Vanguard Way / Knights Way Battlefield Enterprise Park, Shrewsbury, Shropshire		
Applicant: CP Media on behalf of Shropshire Council		
Case Officer: Richard Denison	Email: richard.denison@shropshire.gov.uk	



Recommendation: Granted Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an advertisement application for the erection of four identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 800mm wide by 500mm tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 300mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The roundabout is in the central point within Battlefield Enterprise Park at the junctions of the three main roads (Knights Way, Battlefield Way and Vanguard Way). This is the largest roundabout on the estate measuring 34 metres in diameter and is grassed with a bricked edge and has four existing trees. A mixture of commercial buildings are located surrounding the roundabout. The roundabout has three existing sponsorship signs.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.

- 4.1.2 **Shrewsbury Town Council** - The Town Council object to this application on the basis that the new signs proposed are considerably larger than the existing ones and there appears to be a large amount of traffic islands around the town proposed for signage. There were also objections on the potential distraction this could create to drivers and cyclists. Finally, concerns were raised about the combination of larger and an increased number of signs on the visual amenity of the roundabout given the conservation status of the town.

4.2 Public Comments

- 4.2.1 No public representations have been received.

5.0 THE MAIN ISSUES

- Background & Policy

- Impact on Public Safety
- Impact on Visual Amenity

6.0 OFFICER APPRAISAL

6.1 Background & Policy

6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.

6.1.2 Advertisement consent was previously granted in July 2011 for Shrewsbury Town Council to erect and display 92 sponsorship signs at 34 locations throughout Shrewsbury (ref. 11/01825/ADV). The approved signs measured 600mm wide by 375mm tall and were constructed from a poly carbon board attached onto two dark posts 200mm above ground level. This application approved three signs on the roundabout subject to this current application.

6.1.3 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 67 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.4 This application has been subject to informal pre-application discussions between the sign company, the Council Business Development Manager, the Highways Manager, and the case officer.

6.2 Impact on Public Safety

6.2.1 Shrewsbury Town Council have raised concerns that the number signs on the roundabout have the potential to cause a distraction to drivers. Officers acknowledge that this application will increase the number of previously approved signs from three to four, although the signs are positioned to be viewed straight in front of the driver as they approach the roundabout. Each of the signs will be identical and they will be viewed in isolation from one another at each of the roads entering the roundabout. The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users. A safeguarding condition is proposed to remove any existing unauthorised signs.

6.3 Impact on Visual Amenity

- 6.3.1 Shrewsbury Town Council have raised concerns that due to the size and number of signs on the roundabout they will result in a cluttered appearance and impact on visual amenity given the conservation status of the town. Officers acknowledge that this application will increase the number of previously approved signs from three to four, although the signs are small and low to the ground and well-spaced out on a large roundabout. The signs measure 800mm wide by 500mm tall (total sign area of 0.4 sqm) and are only 200mm wider and 125mm taller than previously approved and are spread out across a large, landscaped roundabout. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc in and around the proximity of the roundabout. Reference has been made to the conservation status of the town although the roundabout is not within or adjacent to a Conservation Area. Due to the modest size and low profile of the signs officers consider that they will not result in a significant visual impact on the street scene or character of the local area.

7.0 CONCLUSION

- 7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.
- 7.2 In arriving at this decision, the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.
- 7.3 The recommendation is therefore one of approval subject to the conditions as outlined in Appendix 1 attached to this report.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly

and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application, the Local Planning Authority gave consideration to the following policies:

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):
CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

10.2 **Relevant Planning History**

11/01825/ADV - Erect and display 92 Shrewsbury Town Council sponsorship signs at 34 locations. Granted 1st July 2011.

11.0 **ADDITIONAL INFORMATION**

List of Background Papers - Planning Application 23/02357/ADV

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr Jeff Anderson

Appendices

APPENDIX 1 - Conditions

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to:
 - (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.

This page is intentionally left blank



Committee and date
 Northern Planning Committee
 15th August 2023

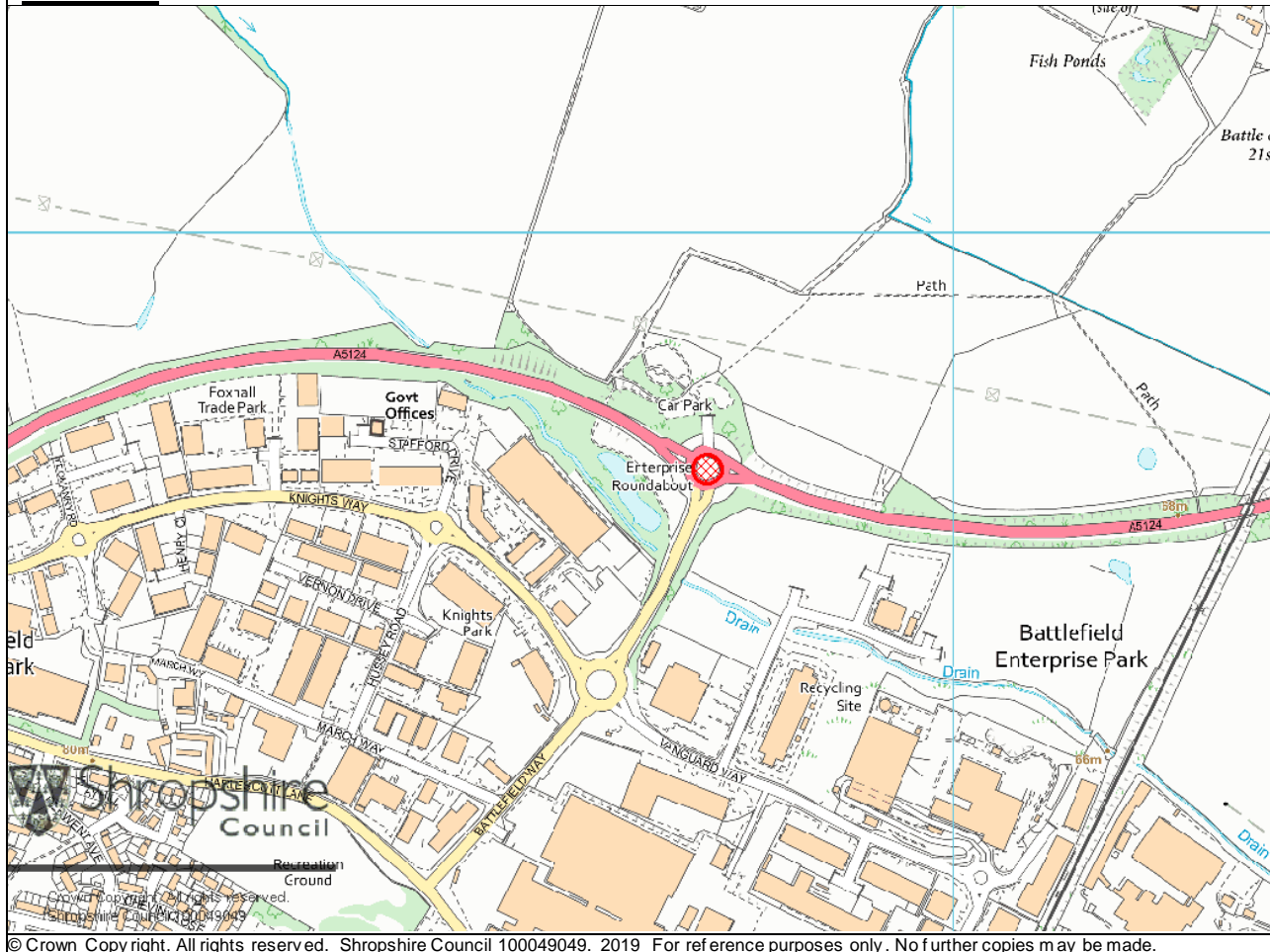
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 23/02358/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display three sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction A5124 Battlefield Way, Battlefield Enterprise Park, Shrewsbury, SY1 3FE		
Applicant: CP Media on behalf of Shropshire Council		
Case Officer: Richard Denison	Email: richard.denison@shropshire.gov.uk	

Grid Ref: 350710 - 316751



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2019 For reference purposes only. No further copies may be made.

Recommendation: Granted Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an advertisement application for the erection of three identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 800mm wide by 300mm tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 300mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.

Amendments

- 1.2 An amended site plan has been received to reduce the number of signs on the roundabout from four to three. This alteration has been made to reduce the visual impact and cluttered appearance.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The roundabout is located along the main A5124 which runs to the north of Battlefield Enterprise Park and provides direct access south along Battlefield Way into the business park. A minor road leads off to the north and serves a small car park which provides access to a network of footpaths. The roundabout is large measuring 33 metres in diameter and is grassed with brick edging and three flower planters. Natural landscaping surrounds the roundabout, although commercial buildings to the south are visible. The roundabout has three existing sponsorship signs.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.
- 4.1.2 **Shrewsbury Town Council** - The Town Council object to this application on the basis that the new signs proposed are considerably larger than the existing ones and there appears to be a large amount of traffic islands around the town proposed for signage. There were also objections on the potential distraction this could create to drivers and cyclists. Finally, concerns were raised about the combination of larger and an increased number of signs on the visual amenity of the roundabout given the conservation status of the town.

4.2 **Public Comments**

4.2.1 No public representations have been received.

5.0 **THE MAIN ISSUES**

- Background & Policy
- Impact on Public Safety
- Impact on Visual Amenity

6.0 **OFFICER APPRAISAL**

6.1 **Background & Policy**

6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.

6.1.2 Advertisement consent was previously granted in July 2011 for Shrewsbury Town Council to erect and display 92 sponsorship signs at 34 locations throughout Shrewsbury (ref. 11/01825/ADV). The approved signs measured 600mm wide by 375mm tall and were constructed from a poly carbon board attached onto two dark posts 200mm above ground level. This application approved three signs on the roundabout subject to this current application.

6.1.3 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 67 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.4 This application has been subject to informal pre-application discussions between the sign company, the Council Business Development Manager, the Highways Manager, and the case officer.

6.2 **Impact on Public Safety**

6.2.1 Shrewsbury Town Council have raised concerns that the number signs on the roundabout have the potential to cause a distraction to drivers. This application will not increase the number of previously approved signs which are positioned to be viewed from the main three approach roads which will be positioned straight in front of the driver as they approach the roundabout. Each of the signs will be

identical and they will be viewed in isolation from one another at each of the roads entering the roundabout. The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users. A safeguarding condition is proposed to remove any existing unauthorised signs.

6.3 Impact on Visual Amenity

6.3.1 Shrewsbury Town Council have raised concerns that due to the size and number of signs on the roundabout they will result in a cluttered appearance and impact on visual amenity given the conservation status of the town. This application has been amended to reduce the number of previously approved signs from four to three and the signs are small and low to the ground. The signs measure 800mm wide by 500mm tall (total sign area of 0.4 sqm) and are only 200mm wider and 125mm taller than previously approved and are spread out across a large, landscaped roundabout. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc in and around the proximity of the roundabout. Reference has been made to the conservation status of the town although the roundabout is not within or adjacent to a Conservation Area. Due to the modest size and low profile of the signs officers consider that they will not result in a significant visual impact on the street scene or character of the local area.

7.0 CONCLUSION

7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.

7.2 In arriving at this decision, the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.

7.3 The recommendation is therefore one of approval subject to the conditions as outlined in Appendix 1 attached to this report.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

- 9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application, the Local Planning Authority gave consideration to the following policies:

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

10.2 Relevant Planning History

11/01825/ADV - Erect and display 92 Shrewsbury Town Council sponsorship signs at 34 locations. Granted 1st July 2011.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application 23/02358/ADV

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr Jeff Anderson

Appendices

APPENDIX 1 - Conditions

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to:
 - (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be approved in writing by the Local Planning Authority and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.

This page is intentionally left blank



Committee and date
 Northern Planning Committee
 15th August 2023

SCHEDULE OF APPEALS AS AT COMMITTEE: 15TH AUGUST 2023

LPA reference	22/03682/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Robert Millerchip
Proposal	Erection of 3no Bungalows with garages
Location	Land North West Of Crabmill Meadow Tilstock Whitchurch
Date of appeal	11.04.2023
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/05588/ADV
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr N Willcock
Proposal	Erect and display 1No digital advertising screen
Location	Land At Griffiths Hire Shops, Unit Mc8 Maes-y-clawdd, Oswestry
Date of appeal	28.07.2023
Appeal method	Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/04423/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	LNT Care Developments
Proposal	Erection of a two storey 66-bed Care Home for Older People (Use Class C2) and associated outbuildings with associated access and parking, including the demolition of existing buildings
Location	Sych Farm, Adderley Road, Market Drayton
Date of appeal	21.06.2023
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/01290/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr S Groves
Proposal	Erection of four detached dwellings with garages, alterations to access and associated works
Location	Land South Hall Drive, Hadnall
Date of appeal	09.11.2022
Appeal method	Written Representations
Date site visit	20.06.2023
Date of appeal decision	17.07.2023
Costs awarded	Refused
Appeal decision	APPEAL ALLOWED

LPA reference	22/03082/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs Dominic Maby
Proposal	Erection of an ancillary domestic outbuilding
Location	Old Meadow Cottage, Newtown, Wem
Date of appeal	10.11.2022
Appeal method	Written Representations
Date site visit	24.05.2023
Date of appeal decision	14.07.2023
Costs awarded	
Appeal decision	APPEAL ALLOWED

LPA reference	22/01679/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Victor Simpon
Proposal	Outline planning application (access and layout for consideration) for the erection of 7 dwellings to include the removal of trees
Location	Clubhouse Farm, Church Street, Hinstock
Date of appeal	03.01.2023
Appeal method	Written Representations
Date site visit	24.05.2023
Date of appeal decision	13.07.2023
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/01902/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Coxon
Proposal	The development proposed is change of use of land from equestrian (Sui Generis) to residential (C3) and the siting of an annexe building ancillary to the main residential dwelling to include decked area.
Location	The Cottage, Duglands, Edgerley, Kinnerley, Shropshire SY10 8ER
Date of appeal	03.01.2023
Appeal method	Written Reps
Date site visit	06.06.2023
Date of appeal decision	20.07.2023
Costs awarded	
Appeal decision	ALLOWED

LPA reference	22/05187/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr McGowan
Proposal	Erection of a self contained annex ancillary to main dwelling accommodating an integral two-bay garage to replace the existing two-bay garage and formation of vehicular access
Location	34 Kennedy Road Shrewsbury
Date of appeal	03.05.2023
Appeal method	Householder
Date site visit	04.07.2023
Date of appeal decision	28.07.2023
Costs awarded	
Appeal decision	DISMISSED



Appeal Decision

Site visit made on 20 June 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/L3245/W/22/3310764

Hadnall Hall, Shrewsbury Road, Hadnall, Shropshire SY4 4AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Groves against the decision of Shropshire Council.
 - The application Ref 22/01290/FUL, dated 14 March 2022, was refused by notice dated 11 May 2022.
 - The development proposed is construction of 4 detached houses with garages, alterations to access and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of 4 detached houses with garages, alterations to access and associated works at Hadnall Hall, Shrewsbury Road, Hadnall, Shropshire SY4 4AQ in accordance with the terms of the application, Ref 22/01290/FUL, dated 14 March 2022, subject to the conditions set out in the schedule attached.

Applications for costs

2. An application for costs was made by Mr S Groves against Shropshire Council, and that is the subject of a separate decision.

Preliminary Matters

3. The appellant submitted an amended site plan (drawing no: 10418-AP-003) during the appeal. This plan removed plot 1 from the scheme. These details were referred to in the appellant's statement of case. However, the removal of plot 1 from the scheme would materially alter the nature of the original application and if I were to accept it, I may prejudice the interested parties to comment. I have therefore determined the appeal on the basis of the plans considered by the Council.
4. The emerging Shropshire Local Plan was submitted in September 2021 for examination by the Secretary of State. Paragraph 48 of the National Planning Policy Framework (Framework) enables me to ascribe weight to the policies of an emerging plan depending on its progress, extent of objections against a particular policy, and degree of consistency with the Framework.
5. The emerging Local Plan proposes a change in the approach to development in Hadnall, with the village being identified as a Community Hub with a residential guideline of 125 new dwellings which would be delivered through any identified saved SAMDev residential allocations, identified Local Plan residential allocations, and appropriate small-scale windfall residential development within the settlement's development boundary. I also acknowledge the suggestion

that Hadnall is to be given a development boundary, which the appeal site would sit within. Nevertheless, the examination process has yet to reach formal main modifications. Consequently, there is no certainty on the outcome of the emerging plan and whether there are any unresolved objections relating to Hadnall. Due to this early stage, I have afforded only limited weight to this matter.

Main Issues

6. The main issues are:

- whether the site is a suitable location for the proposed development having regard to local and national policy; and
- the effect of the proposal on the non-designated heritage asset.

Reasons

Suitability of Location

7. The development plan for the area includes the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) and the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev). Policy CS4 of the CS indicates that development in the rural area will be focused in Community Hubs and Community Clusters, and states that development outside of these hubs and clusters will not be allowed unless it complies with the requirements of Policy CS5 of the CS.
8. In order to provide for sustainable patterns of development Policy CS5 of the CS strictly controls development in the countryside. However, the policy does allow for new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. While Policy CS5 sets out a list of types of development that it particularly relates to, it does not explicitly restrict market housing in the open countryside.
9. Policy MD7a of the SAMDev though does include strict control against market housing development in areas defined as countryside. Policy MD3 of the SAMDev recognises that windfall residential development, including on sites within the countryside, will play an important part in meeting Shropshire's housing needs. However, Policy MD3 requires proposals to comply with other relevant development plan policies, such as Policies CS4 and CS5 of the CS.
10. The appeal site is located within Hadnall village. Hadnall is not an identified Community Hub or Community Cluster within the adopted plan. Therefore, in policy terms, Hadnall is considered to be in open countryside. As such, the proposal for new market housing would be in conflict with the development plan policies outlined above. Together these policies seek to direct development to the most accessible locations, protect the character of the countryside, and support the well-being and vitality of rural communities.
11. While the site is situated in the countryside, it lacks a visual connection to the open fields and broader countryside that extend beyond it. The site is contained by existing residential development in the form of Hadnall Hall and additional residential properties surrounding the site to the north, north-east and west, with a modern residential estate to the immediate south. As a result,

the appeal site can be described as an infill plot that shares a stronger visual and functional relationship with the neighbouring built form which is readily apparent in the immediate vicinity.

12. The appeal site comprises an area of extended garden land to the rear of Hadnall Hall. It appears severed from the formal rear garden area of the hall by a landscaped earth mound with a band of trees and vegetation. The site is relatively flat with dwellings along Abbott Drive to its rear, and Plas Coch to its side. Due to the established planting around the site's boundaries, it is largely enclosed without substantially contributing to wider views through the area.
13. The proposed dwellings would form a small cul-de-sac located behind the hall and existing dwellings. However, the surrounding area consists of several cul-de-sac developments, including 4 dwellings at the end of Hall Drive, Plas Coch and Coppice House, Hall Cottage and two large cul-de-sacs in the modern development to the south. Therefore, the layout of the proposed development would be appropriate in character with the local area with small cul de sac configuration.
14. Plots 3 and 4 would be located to the rear of the site with a front elevation that addresses the proposal's cul-de-sac driveway. Plot 1 and 2 would be orientated to face towards plots 3 and 4, with their rear and side gardens facing towards the hall. The scheme would create a fairly regimented layout with two short rows of dwellings that follow a similar arrangement of dwellings found at the end of Hall Drive. The proposed driveway would be relatively long, but this would be necessary to connect to this backland site. It would therefore appear discrete and subservient in character, enabling the scheme to blend in with its surroundings.
15. The width, depth and height of the proposed dwellings would be comparable in scale to many of the properties adjacent to the site. As the land levels are largely flat, the proposed dwellings would not appear unreasonably dominant in neighbouring rear gardens or within the outlook from the adjacent hall. Consequently, the scale of the scheme would be in keeping with the area and would represent development that would be subservient in this context.
16. The proposed plot sizes would fall between the larger, more spacious plots of the existing development along Hall Drive and the smaller plots of the modern development along Abbott Drive. However, they would be comparable in size to the small cul-de-sac of dwellings located at the end of Hall Drive. In my opinion, this comparison clearly indicates that the proposed development aligns with the typical plot sizes found in the surrounding area.
17. Consequently, the proposal for 4 dwellings would integrate well with the existing pattern of development and thus would not result in harm to the character and appearance of the area.
18. The appeal site is located adjacent to existing development and within easy reach of local services and facilities in Hadnall, which the Council identify as a sustainable village. The proposal's future residents would be able to walk or cycle to the services and facilities within Hadnall, rather than relying on private motor vehicle to access services and facilities further away. In addition, the presence of accessible public transport would further enable them to reach other settlements. The proposal would therefore contribute towards social and economic vitality by resident spending in the local area and the increased use

of services, such as the primary school, village store, bus service, mobile library, local pub and village hall. This would provide benefits to the local community.

19. Accordingly, the appeal site would not be a suitable location for residential development as it would conflict with Policies CS4 and CS5 of the CS, and Policies MD3 and MD7a of the SAMDev. However, collectively, these policies seek to ensure that rural housing developments are sustainable and of a high-quality design which reflects local context, character and environment in accordance with paragraph 79 of the Framework, in its aim to locate housing where it will enhance or maintain the vitality of rural communities.

Heritage asset

20. Hadnall Hall is a substantial 19th century building of stone and tile construction in a gothic style with ornate detailing including a prominent early 20th century tower to the north elevation. The hall, and its associated outbuildings to the east, is recognised as a non-designated heritage asset.
21. The domestic curtilage of the hall contains a formal garden area, a large outdoor pool, pool house and an area of patio, as well as a large modern ground floor extension to the hall.
22. Although the appeal site has been in the ownership of the hall since the 19th Century, there is no substantial evidence before me to indicate that the site was formally landscaped or adopted as domestic curtilage to the hall. Indeed, the appellant's Heritage Impact Assessment (dated February 2022) indicates that the site was historically a field that formed part of the wider countryside.
23. The proposal would result in the loss of this undeveloped parcel of land which is largely green and open. Nonetheless, I am not persuaded that this green gap between the hall and existing residential development forms an essential component to the setting of the hall. In my judgement, the proposal would not interrupt the soft rural setting of the hall as the formal gardens would remain within its formal curtilage.
24. Therefore, although the proposal would be near to the hall, the rural setting of the hall would be maintained by the spacious open curtilage that encompasses the hall. Moreover, the raised landscaped earth mound that severs the site from the hall's formal garden and pool area, contains extensive mature vegetation, including established trees. This would act as a green buffer, minimising the proposal's impact on the setting of the hall.
25. As the proposal would be accessed via a private driveway, and given the mature planting on the surrounding boundaries, public views of the proposal would be limited from the street-scene. Furthermore, due to the sufficient space to the side of the hall and the intervening tree cover, there would be minimal impact of the proposed driveway on the significance of the non-designated heritage asset.
26. For the reasons explained above, the overall design, scale and location of the proposed development would reflect the characteristics of the existing built form surrounding the site. The proposal would therefore respect the character and context of the site and surrounds and would not adversely impact the setting of the hall. Consequently, the effect of the proposal would be neutral

and would not be harmful to the character and appearance of the area or the significance of the non-designated heritage asset.

27. The Council is concerned that the existing planting could be removed at any time and therefore cannot be relied upon. However, the development would be landscaped to ensure that it integrates with the mature planting, which could be secured by conditions.
28. With the above in mind, the scale, siting, and design of the proposed development would not be harmful to the setting or the significance of the non-designated heritage asset. The proposal would therefore accord with Policies CS6 and CS17 of the CS (2011), which seeks to protect, restore, conserve, and enhance the built and historic environment. The proposal would also accord with Policies MD2 and MD13 of the SAMDev (2015), which seeks to protect, conserve and enhance the historic context and character of heritage assets.
29. The appellant claims that Policy MD13.3 is not relevant and is out of date. However, Policy MD13 is part of the current adopted local plan and is generally consistent with the Framework (2021). The Framework, at paragraph 203, requires that a balanced judgement is made with regard to non-designated heritage assets. As I have explained above, the effect of the proposal would be neutral in the balance, and therefore would be acceptable in this regard.

Other Matters

30. My attention has been drawn to a previous appeal decision (APP/L3245/W/20/3263143) for a single storey bungalow located in Hadnall. The Inspector indicated that the location of the proposed bungalow outside any settlement boundary would undermine the Council's plan-led approach to the delivery of housing and protection of the countryside. However, this site was located on the edge of Hadnall; this is therefore different to the current appeal which is located within Hadnall and surrounded by existing residential development.
31. My attention has also been drawn to another previous appeal (APP/L3245/W/20/3254150) relating to an outline application for 4 dwellings in Hadnall. However, the Inspector found that this other site was separated from the main part of the village with poor highway conditions that would deter future residents from walking or cycling to access local services and facilities. The Inspector also concluded that the existing cluster of development was clearly separate from Hadnall, but the proposed development would erode the gap, causing harm to the setting of the village and the rural character of the area. Therefore, it is not directly comparable to the proposal before me, which would be contained by existing built form and centrally located within Hadnall. In any event, I have determined this appeal on its own merit based on the evidence before me and my observations on site.
32. I acknowledge that there were a number of representations, including those by Hadnall Parish Council in respect of the proposal, which in addition to the main issues included concerns relating to biodiversity, highway safety and parking issues, flood risk and drainage issues, and impact on neighbouring residential amenity. These factors are not in dispute between the main parties and were addressed in the Officer's Report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view. Given my findings above, and

the suggested conditions by the Council, I have found no justification to dismiss the appeal or the benefits associated with the provision of 4 new dwellings.

33. Highway safety and parking issues has been cited as a concern, but the Council and the relevant highway authority have raised no objection, subject to appropriate conditions which are included in the schedule. I have no reason to form a different view.

Conditions

34. The Council suggested a number of conditions and the appellant had the opportunity to comment on them. I have considered the suggested conditions in light of the Framework and Planning Practice Guidance (PPG) and where necessary I have edited for clarity and precision.
35. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty.
36. I have imposed a condition relating to existing trees and hedgerows. This is necessary to ensure their protection during the construction phase. Conditions relating to site access and parking and a traffic management plan are necessary in the interests of highway safety.
37. A condition relating to foul drainage details and surface water drainage is necessary in the interests of securing satisfactory drainage of the site and managing flood risk.
38. I have also imposed conditions relating to external materials, windows, and doors. These are necessary to ensure the external appearance of the dwellings are satisfactory.
39. I have imposed a condition relating to hard and soft landscaping to ensure no harm is caused to the character and appearance of the area. Further conditions relating to biodiversity are necessary to ensure the provision of roosting opportunities for bats, and the provision of nesting opportunities for wild birds. A condition relating to lighting is also necessary to protect wildlife and neighbouring residential amenities.
40. The appeal site is located close to a military airfield. As requested by the Ministry of Defence, I have included a condition relating to sound insulation against external noise.
41. I have given consideration to the Council's suggested condition relating to the removal of certain permitted development rights. However, no clear justification to restrict these rights has been presented to me. Moreover, I have not been made aware that such restrictions apply to other properties nearby. It would therefore be unnecessary and inequitable to restrict permitted development rights in relation to this development. Therefore, I have not imposed the suggested condition.

Planning Balance and Conclusion

42. There is dispute between the main parties as to whether the Council is able to demonstrate a five-year supply of housing. The Framework seeks to significantly boost the supply of housing. The proposal would contribute

towards the Government's objective of significantly boosting that supply. This is an important consideration in favour of the appeal scheme, especially as it is located within a sustainable location. In that context whether or not a five year supply can be demonstrated I give the provision of 4 units substantial weight.

43. There would be associated social and economic benefits associated with construction jobs and the contribution of future occupiers to the local economy. In the context of four houses, I give these modest weight.
44. For the purpose of this appeal, I shall adopt the position of the Council. That should not be interpreted as any indication that I necessarily agree with that position. I simply adopt the higher figure as a best case scenario in order to carry out the planning balance. In that case the proposal would be in conflict with locational strategy policies and therefore the development plan as a whole.
45. However, I have found that the proposal would be in an accessible location and would cause no harm to the character and appearance of the countryside that would enhance the vitality of the countryside by bringing local economic and community benefits. Together with the contribution to housing supply these amount to sufficient material considerations to indicate that the plan should not be followed.
46. For the reasons given above, I conclude that the appeal should be allowed.

H Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development shall be carried out strictly in accordance with the following approved drawings:
 - Location Plan – 4558080
 - Site Plan – Dwg No: 10418-003, date: Jan 2022
 - Access Plan – Dwg No: 10418-004, date: Feb 2022
 - Amended Plot 1 Elevations – Dwg No: 10418-102, Rev A, date: Jan 2022
 - Amended Plot 1 Floor Plans – Dwg No: 10418-101, Rev A, date: Jan 2022
 - Plot 1 Garage Layout – Dwg No: 10418-103, date: Jan 2022
 - Amended Plot 2 Elevations – Dwg No: 10418-201, Rev A, date: Jan 2022
 - Amended Plot 2 Floor Plans – Dwg No: 10418-201, Rev A, date: Jan 2022
 - Plot 2 Garage Layout – Dwg No: 10418-203, date: Jan 2022
 - Amended Plot 3 Elevations – Dwg No: 10418-302, Rev A, date: Jan 2022
 - Amended Plot 3 Floor Plans – Dwg No: 10418-301, Rev A, date: Jan 2022
 - Plot 3 Garage Layout – Dwg No: 10418-303, date: Jan 2022
 - Amended Plot 4 Elevations – Dwg No: 10418-402, Rev A, date: Jan 2022
 - Amended Plot 4 Floor Plans – Dwg No: 10418-401, Rev A, date: Jan 2022
 - Plot 4 Garage Layout – Dwg No: 10418-403, Date: Jan 2022
 - Drainage Layout Plan – Dwg No: HH-DL-300, Date: Feb 2022
 - Proposed Landscape Plan – Dwg No: 10418-003, date: Jan 2022
 - Topography Plan – Dwg No: 2009-4-P-3, date: 01/03/22
- 3) No ground clearance or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to ensure that there will be no damage to any existing trees or hedgerows within the site. The submitted scheme shall include the provision of chestnut paling or similar form of protective fencing to BS5837: 1991 standard, at least 1.25m high and securely mounted on timber posts driven into the ground, has been erected around each tree, tree group or hedge to be preserved on site or on immediately adjoining land. The fencing shall be located at least 1m beyond the line described by the furthest extent of the canopy of each tree, tree group or hedge. The approved scheme shall be retained on site for the duration of the construction works.
- 4) The approved access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Access Plan (drawing number 10418-004, dated Feb 2022) prior to the dwellings being first occupied. The access, parking and turning areas shall thereafter be maintained and available for use at all times, without impediment to their designated purposes.
- 5) No development shall take place until a Traffic Management Plan for construction traffic has been submitted to and approved in writing by the local planning authority. The approved scheme shall be complied with throughout the construction period.
- 6) No development shall take place until a scheme of foul and surface water drainage has been submitted to and approved in writing by the local planning

authority. The approved scheme shall be fully implemented before the development is first occupied.

- 7) Prior to the above ground works commencing, samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) Prior to the above groundwork commencing, details of the brick bond and type, shall be submitted to and agreed in writing by the local planning authority. Following this approval, a freestanding sample panel of brickwork of approximately 1m square shall be provided on site and the mortar mix, colour, texture and joint finish shall be inspected and approved in writing by the local planning authority before the relevant works commence.
- 9) Prior to the above groundwork commencing, details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the local planning authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.
- 10) No above ground works shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved details. Any trees or plants that are removed, die or become seriously damaged or defective within a period of five years after planting, shall be replaced with others of similar species, size and number as those originally approved, by the end of the first available planting season following notification.
- 11) Development shall be undertaken in complete accordance with the 'Ecological Impact Assessment of land within the grounds of Hadnall Hall' prepared by Churton Ecology, dated February 2022.
- 12) Details of bat and bird enhancements to be installed on site shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to the first dwelling being occupied and retained thereafter for the lifetime of the development.
- 13) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which has been submitted to and approved in writing by the local planning authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, such as bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take account of the advice on lighting set out in Guidance Note 08/18 Bats and artificial lighting in the UK, produced by the Bat Conservation Trust and Institute of Lighting Professional. The lighting shall be installed and operated in accordance with the approved details. Thereafter, no additional lighting shall be installed without the prior written permission of the local planning authority.

- 14) Prior to first occupation of the development, a detailed scheme for sound insulation against externally generated noise shall be submitted to and approved in writing by the local planning authority. The sound insulation scheme shall include measures to achieve daytime noise levels of 35dB LAeq (16hrs) within living rooms between 0700 and 2300 hours, and night-time levels of 30dB LAeq (8 hrs) within bedrooms between 2300 and 0700 hours. The approved details shall be installed and completed before the use of the buildings begins and retained thereafter.

****End of Conditions****



Costs Decision

Site visit made on 20 June 2023

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Costs application in relation to Appeal Ref: APP/L3245/W/22/3310764 Hadnall Hall, Shrewsbury Road, Hadnall, Shropshire SY4 4AQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr S Groves for a full award of costs against Shropshire Council.
 - The application Ref 22/01290/FUL, dated 14 March 2022, was refused by notice dated 11 May 2022.
 - The appeal was against a refusal to grant planning permission for the proposed development described as "construction of 4 detached houses with garages, alterations to access and associated works."
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Unreasonable behaviour can relate to procedural matters (i.e. the appeal process) or substantive matters (i.e. issues related to the planning merits of the appeal).
4. Essentially, the applicant is seeking a full award of costs as they consider the Council behaved unreasonably in determining and refusing the planning application.
5. The applicant alleges that the Council did not work proactively with them during the application process and makes reference to the Council's pre-application advice. However, the Council indicate that pre-application advice for the erection of a single dwelling with garage was formally given to the applicant on 26 March 2019, which stated that the site was located within open countryside and therefore the principle of residential development was considered to be unacceptable. As this pre-application advice was for one dwelling only, I find this to be different to the current proposal for 4 dwellings.
6. It appears that the applicant did not seek any further pre-application advice before submitting the revised scheme for application Ref 22/01290/FUL to the Council. Furthermore, application Ref 22/01290/FUL was submitted to the Council in March 2022, which was three years after the original pre-application advice was given. Therefore, although the pre-application service was available

- to the applicant prior to submitting the revised scheme, the applicant chose not to use it.
7. The Council determined the application within the 8-week period and engaged with the applicant during this time. Therefore, I find the Council to have acted reasonably in this regard.
 8. The applicant claims that the Council's case officer did not visit the appeal site. However, the Council dispute this claim and state that the case officer visited Hadnall Hall on 4 April 2022. I have seen no sufficiently compelling evidence to the contrary. As such, I find the Council to have acted reasonably in this instance.
 9. The applicant claims that the Council did not consider a letter of support from the owners of Hadnall Hall dated 3 May 2022. Although the officer's report did not make specific reference to the letter, the main points raised in relation to the letter were discussed in the officer appraisal section of the report. The officer's report also referred to the local plan review within the Policy & Principle of Development section. The Council indicate that the Stage 1 examination hearing of the local plan review did not take place until July 2022, which was after the decision notice had been issued. The Council also make reference to the local plan review in their statement of case.
 10. The applicant claims that the Council referred to previous appeal decisions that had no bearing on the application. Whilst I did not find these previous appeal decisions to be directly comparable to the appeal scheme, I accept that they were located in Hadnall. Therefore, the Council was entitled to refer to them in their submitted evidence.
 11. The applicant argues that the Council did not determine the scale of harm and the significance of the adjacent non designated heritage asset as required by the National Planning Policy Framework. The applicant also claims that the Council is not consistent with its decision making process. However, the Council exercised their planning judgement as decision maker and were entitled to come to the conclusions they did based on the evidence before them, the adopted development plan for the area and national planning policy. While, on balance, I do not agree with the Council's decision, sufficiently robust evidence was submitted to show that it did not apply its judgement in an unreasonable manner, in accordance with the advice in the PPG.
 12. Consequently, I have seen no sufficiently compelling evidence that the Council behaved unreasonably. The Council refused the application and provided sufficient detail as to why it did not grant permission. It is not therefore the case that the appeal could have been avoided and therefore the applicant has not incurred unnecessary and/or wasted expense.

Conclusion

13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is not therefore justified.

H Smith

INSPECTOR



Appeal Decision

Site visit made on 24 May 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/L3245/W/22/3310846

Old Meadow Cottage, from B5063 Junction Horton Hall to B5063 Junction Wolverley Bridge, Newtown, Wem, Shropshire SY4 5NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Dominic Maby against the decision of Shropshire Council.
 - The application Ref 22/03082/FUL, dated 1 July 2022, was refused by notice dated 9 September 2022.
 - The development proposed is erection of an ancillary domestic outbuilding.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of an ancillary domestic outbuilding at Old Meadow Cottage, Newton, Wem, Shropshire SY4 5NU in accordance with the terms of the application, Ref 22/03082/FUL, dated 1 July 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (drawing no. 01)
 - Proposed Site Plan (drawing no. 02)
 - Proposed Floor Plan (drawing no. 03)
 - Proposed Elevations Plan (drawing no. 04)
 - 3) No above ground development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The development hereby permitted shall only be used for purposes in connection with Old Meadow Cottage, Newtown, Wem, SY4 5NU and used as an ancillary domestic outbuilding to the dwelling concerned. At no time shall it be let out to anyone that is not associated to the occupation of Old Meadow Cottage, Newtown, Wem, SY4 5NU, sold as an independent dwelling or used as a business premises.

Preliminary Matters

2. The address in the banner above is taken from the Application Form. However, I have amended the site address within the Decision to reflect the appeal site's location more accurately.
3. A proposed site plan was submitted with the planning appeal which showed the proposed building directly behind Old Meadow Cottage and was not part of the plans before the Council when it was determining the planning application. It was subsequently clarified with both parties that the correct plan shows the proposed building sited directly behind 1 and 2 Brookside (Nos. 1 and 2). Both plans have the same titles and references.
4. My decision is based upon the plan that was before the Council during the determination of the application, showing the proposed building behind Nos. 1 and 2. For clarity, the Proposed Site Plan (drawing no. 02) referred to in Condition 2 is the plan which shows the proposed building behind Nos. 1 and 2.

Main Issues

5. The main issues of this appeal are
 - the effect of the proposed development on the character and appearance of the area;
 - whether the appeal site is an appropriate location for the proposed development, having regard to the development plan; and,
 - the effect of the proposed development on the living conditions of residents of 1 and 2 Brookside, having regard to outlook, noise and disturbance.

Reasons

Character and appearance

6. Old Meadow Cottage is a detached property set within spacious grounds that is sited in the middle of a group of properties. The grounds associated with the property are much larger than most of the neighbouring properties, with the area at the rear including two outbuildings. The outbuildings consist of a double garage, with a pitched roof, and the other is a store which contains garden and play equipment. A driveway adjoins the side of the property and runs from the front to the rear, in front of the garage. The remaining area is lawn with a small area of hardstanding immediately to the rear of the property.
7. The rear of the property is enclosed by a tall, dense vegetation along its boundaries with 1 and 2 Brookside (Nos. 1 and 2), shorter vegetation to the rear where the site opens to fields, and a large wall along its boundary with Springfields. These boundary treatments combine to create a private atmosphere in the rear garden. During my site visit I observed that there are a number of domestic outbuildings in neighbouring properties. However, those buildings are single storey and are largely screened by the boundary treatments of the properties.
8. The proposed development would replace the smaller of the two outbuildings, which is used as a store, and would be located to the rear of Nos. 1 and 2 and timber clad with a metal or felt sheeting roof. These materials would provide a domestic appearance and would be in keeping when viewed alongside Old Meadow Cottage.

9. Although the proposed building would appear to be relatively large, it would be sited within the private and spacious grounds associated with Old Meadow Cottage, which is much larger than neighbouring plots. It would also be shorter than the tall double garage. It would be more readily viewed alongside the double garage, would be of an appropriate contemporary design and would be in keeping with the domestic appearance of the area to the rear of Old Meadow Cottage.
10. I conclude that the proposed development would not harm the character and appearance of the area and would therefore comply with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (CS), March 2011 and Policy MD2 of the Shropshire Council, Site Allocations and Management Plan of Development (SAMDev) Plan, Adopted Plan, December 2015. These policies indicate that all developments should respect, restore, conserve, and enhance the natural, built, and historic environment, and for a development proposal to be considered acceptable it is required to contribute to and respect locally distinctive or valued character.

Appropriate Location

11. The appeal site, including the existing property and the land where the proposed outbuilding would be sited, are situated in the dispersed settlement of Newtown that is not identified as a hub or cluster settlement under Policy CS4 of the CS or Policy MD1 of SAMDev and is therefore considered to be within open countryside. Policy CS5 of the CS, amongst other things, seeks to control new development in accordance with national policies protecting the countryside. In that respect, I have already found that there is no harm to the character and appearance of the area and therefore, it follows that the proposal would not have an unacceptable impact on the intrinsic character and beauty of the countryside.
12. In the context of the above, the evidence accompanying the appeal has also sought to address the Council's concerns with respect to whether the land where the building is proposed to be located comprises garden or paddock land. In that respect, the appellants have identified that they have always used this area as a garden and have appended a Statement of Truth from the previous owners to their appeal statement which states that the land has been used as a garden since May 2004.
13. Further to the above, I observed that there is no demarcation between the land where the proposed outbuilding is to be sited and the land which the Council agrees is being used for residential purposes and, in fact, all the land is enclosed as one parcel. During my site visit, there was play equipment within the area, which also indicates that the land continues to be used as a garden area. From the evidence before me, all of the land is under the same ownership and as above it appears it is being used for residential purposes.
14. Planning permission ref. NS/99/10504/FUL was for "*erection of a dwelling house with detached garage and formation of vehicular access*", the approved plan shows a dwelling set within grounds with a detached garage and a driveway. As per *Barnett vs SSCLG & East Hampshire DC*¹, application plans are an essential part of any grant of planning permission, and it could not be

¹ *Barnett v Secretary of State for Communities and Local Government and Another* [2009] 1 P. & C.R. 24; [2009] J.P.L. 243

said that such a grant was to be interpreted without having regard to the plans that accompanied it. Whilst the plans were annotated with the word paddock, the area considered to be paddock was not identified on the plan. In line with the above caselaw, regard must be given to the plan when considering the grant of permission.

15. In that respect, I consider that the land within the red line of the plans associated with the previous planning permission has been identified as being used for residential purposes. It follows that I am satisfied, based on the evidence before me, that the proposed outbuilding would be sited on land that falls within the established garden area of Old Meadow Cottage. In reaching that view, I have taken into account that the Council contends that the proposed development is not within the curtilage of Old Meadow Cottage. However, my assessment is based on the appeal scheme before me and is not predicated on householder permitted development rights.
16. The proposed building would replace an existing outbuilding and would include an office/garden room, kitchenette, store, showers, and a gym. Taking into account the size of the host property as well as the garden itself, the use of an ancillary outbuilding as proposed is not an uncommon feature of domestic properties with gardens of this size. Although the Council have expressed concerns that the building has potential for business use, I am satisfied that based on the evidence before me, its use would be for purposes ancillary to the existing residential use. Furthermore, this matter can be satisfactorily addressed through an appropriately worded condition.
17. Having regard to all of the above, I conclude that the appeal site is therefore an appropriate location for the proposed development of a domestic outbuilding which would be ancillary to Old Meadow Cottage. It follows that I find that there would be no conflict with Policy CS5 of the CS in that respect, as factors concerning 'improving sustainability of the rural community by bringing local economic and community benefits' are not relevant to such a proposal.

Living conditions

18. The proposed development is sited some distance from the rear elevations of Nos. 1 and 2, therefore any effect of the proposed development, relating to noise and disturbance, would likely be experienced by neighbouring residents using their rear gardens. In that respect, it is reasonable that the building as proposed to be used as an office/garden room, kitchenette and gym with shower facilities would have the potential to increase the activity taking place within the garden area when compared with the use of the existing store which it would replace. However, given that the proposed development would be used for purposes ancillary to the existing residential use as secured by condition, I am satisfied that there would not be an increase in noise and disturbance beyond that reasonably expected from the domestic use of a dwelling and associated garden areas. It follows, that I find that the proposal would not result in an unacceptable increase in noise and disturbance and therefore, would not harm the living conditions of occupiers of neighbouring properties including enjoyment of the adjacent rear garden areas.
19. Views of the proposed development from Nos. 1 and 2 would be largely from the first floor rear windows, due to the tall, dense, evergreen hedge along the boundary with Old Meadow Cottage. The proposed development includes the replacement of an existing outbuilding, albeit with a larger building, and

therefore the outlook enjoyed by neighbouring residents would be similar to the existing outlook.

20. For the reasons given above, I conclude that the proposed development would not have a harmful effect on the living conditions of residents of Nos. 1 and 2, having regard to noise, disturbance and outlook. The proposed development would therefore comply with CS Policy CS6 which seeks to ensure that all development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity.

Other Matters

21. Whether Condition 08 attached to planning permission NS/99/10504/FUL is enforceable or not, is not considered within this appeal decision. The appeal decision concerns the planning application for the erection of an ancillary domestic outbuilding only. Likewise, I have assessed the appeal scheme on its own merits, the potential acceptability of alternative schemes does not weigh in favour or against the proposed development.

Conditions

22. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the guidance contained within the Planning Practice Guidance and paragraph 56 of the National Planning Policy Framework.
23. Conditions specifying a time limit to implement the permission and approved plans are necessary in the interest of certainty.
24. A condition requiring details of the materials of the external surfaces to be submitted to and approved by the local planning authority is necessary in order to ensure that the proposed development does not harm the character and appearance of the area.
25. A condition requiring the proposed development to be used for purposes ancillary to the residential use, and not sold as individual dwelling or let to someone not associated with Old Meadow Cottage is necessary to ensure that it is not used for alternative purposes which do not accord with the development plan.

Conclusion

26. The proposed development complies with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh this.
27. Therefore, for the reasons given above I conclude that the appeal is allowed, and planning permission is granted.

J Hobbs

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 24 May 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 13th July 2023

Appeal Ref: APP/L3245/W/23/3314030

Clubhouse Farm, Church Street, Hinstock TF9 2TF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Victor Simpson (Goulden Simpson Limited) against the decision of Shropshire Council.
 - The application Ref 22/01679/OUT, dated 5 April 2022, was refused by notice dated 10 October 2022.
 - The development proposed is outline planning application for the erection of up to 7 dwellings (appearance, landscaping and scale reserved for future determination).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks outline planning permission with all matters reserved except for access and layout. I have considered the appeal on this basis and have treated any plans in relation to the reserved matters as illustrative.
3. The description of development is taken from the application form. Whilst the appellant did not object to amending the description of development, as I have no evidence that an expressed agreement was made between the main parties, the original wording remains.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the appeal site is an appropriate location for development, with regard to the development strategy;
 - whether the appeal proposal would include an appropriate affordable housing provision; and,
 - the effect of the proposed development on protected species.

Reasons

Character and appearance

5. The appeal site is located to the side and rear of the farmhouse at Clubhouse Farm. The land to the side is identified as scrubland and is largely overgrown with mown walkways, the land to the rear appears to be a garden area associated with the farmhouse. The appeal site is surrounded by residential

- development set in spacious grounds and a wooded area which is a nature reserve. These factors combine to create a spacious and tranquil character.
6. There is no consistent pattern of residential development but most of the properties on this section of Church Street front on to the road with little separation between them and open to the rear to large gardens. There are some examples of residential development to the rear of these properties, where similarly large properties have been built within the spacious grounds.
 7. This section of Church Street appears narrow as it is characterised by walls built close to the road, often with tall, dense vegetation growing above them.
 8. The proposed development includes the construction of 6 dwellings on the scrubland and an additional dwelling in place of a shelter which is located to the side of the farmhouse. The proposed site plan shows most of the plots would benefit from well-sized back gardens with a good provision of parking to the front, and the overall density of development is relatively low. However, plot 7 would be a relatively small plot close to the boundary with the farmhouse. It would have limited external amenity space, and a relatively large footprint compared to its plot size. It would therefore appear cramped when viewed alongside neighbouring residential development and the other plots. The inclusion of an outbuilding to its rear would amplify the cramped appearance.
 9. Likewise, if the proposed development was constructed the front courtyard of the existing farmhouse would be shared with future residents of plot 7 and the rear amenity space would be significantly reduced to accommodate the access road. Given the size of the existing farmhouse, if its private grounds were reduced to such an extent, it would also appear cramped when viewed alongside neighbouring development.
 10. During my site visit, I observed that the neighbouring rear gardens extend to the wooded area and there is a large outbuilding at the end of the neighbouring garden. The proposed development would also extend to the wooded area and doesn't border land which could be characterised as open countryside therefore it would have a functional relationship with neighbouring development.
 11. The lawfulness of the extent of the neighbouring rear gardens is disputed by the Council. Even if it was considered lawful, the proposed development would lead to the extension of built development toward the nature reserve from the farmhouse. Furthermore, the increased density of development, compared to neighbouring development, and the associated increased residential activity would be harmful to the tranquillity of the area and subsequently the setting of the nature reserve. Although the proposed development would be largely screened from public views, harm would persist.
 12. The appellant contends that the proposed development would be similar to that on St Oswald's View, which is a cul-de-sac and accommodates a tighter grain of development. Whilst it is only a short distance from the site, to access it one would have to travel a long distance along Church Street, Goldstone Road and Marsh Lane. As such, it has very limited effect on the character and appearance of the immediate surrounding area. Likewise, the appellant highlights branching development off Damson Way and Manor Farm Drive, however these are located away from this section of Church Street which benefits from its own historic character.

13. Whilst the existing boundary wall and vegetation is contributing to the character and appearance of this section of Church Street, the removal of a section to create an access would be in keeping with similar accesses along the road. An appropriate boundary treatment, to the rear of the farmhouse, which reflects local materials and respects the character and appearance of the road could be constructed. If I was to allow the appeal, I would have attached a condition to the planning permission specifying details of the boundary treatment needed to be submitted to and approved by the local planning authority.
14. The proposed development would have a harmful effect on the character and appearance of the area. It would therefore be contrary to policies CS6 and CS17, of the Shropshire Local Development Framework: Adopted Core Strategy (CS), March 2011, and policies MD2 and MD12 of the Shropshire Council, Site Allocations and Management of Development (SAMDev) Plan, Adopted Plan, December 2015. These policies indicate that sustainable places will be created by ensuring that development protects, restores, conserves and enhances the natural, built and historic environment; development will protect Shropshire's environmental assets by ensuring development protects and enhances the local character; development proposals are required to reflect local characteristic and architectural designs; and, proposals will be supported which contribute positively to the special characteristics and local distinctiveness of an area.

Appropriate location

15. It is acknowledged by both parties that the appeal site is located across the development boundary. Most of the access and plot 7 would be located within the boundary and the remaining dwellings would be located outside. For the purposes of the local plan, part of the site is therefore considered to be located within the countryside.
16. CS Policy CS5 seeks to control new development in the countryside. The Policy explains that development proposals on appropriate sites which maintain the countryside vitality and character will be permitted where they improve the sustainability of the rural communities by bringing local economic and community benefits. It then identifies circumstances where development would be "particularly" supported. This indicates that the list of developments identified in CS Policy CS5 is not exhaustive and other developments which maintain the countryside vitality and character could be supported.
17. For the reasons given above, I do not consider that the proposed development would maintain the character of this section of the countryside. The proposed development is therefore contrary to CS Policy CS5.
18. SAMDev Policy MD7a supports housing in the countryside in specific circumstances, including sites where they meet evidenced local housing needs and are suitably designed and located, dwellings to support rural workers, replacement dwellings, and the conversion of holiday lets. The proposed development would not be considered within one of the above categories and is therefore not supported by the Policy.
19. SAMDev Policy MD3 indicates that planning permission will be granted for residential development, outside of allocated sites, where it has regard to multiple Local Plan policies including CS policies CS5, CS6 and SAMDev Policy

- MD7a. It has been demonstrated above that the proposed development does not comply with these policies.
20. SAMDev Policy MD3 also explains that the settlement housing guideline is a significant policy consideration and where development would result in providing more dwellings than the guideline, decisions will have regard to a number of factors. It is not disputed that the housing guideline figure for Hinstock up to 2026 has already been surpassed and there are additional sites which benefit from permission which could be implemented.
21. Whilst the housing guideline figures should not be considered as a strict upper limit, consideration is given to the extent of the delivery of housing above this figure and the potential resultant impact on services in the area. The proposed development would produce economic benefits and is located close to services. However, the unplanned delivery of housing above the housing guideline figure for Hinstock, in combination with the delivery of other consented but unimplemented residential development could lead to undue stress on local services and infrastructure. Cumulatively, this could lead to significant harm despite the relatively minor scale of the proposed development.
22. I have no information on whether other developments, beyond the development boundary required planning permission nor the most pertinent details of any relevant planning applications, including whether the Council could demonstrate a five year housing land supply. As such, I cannot conclude that similar development beyond the development boundary would justify the proposed development.
23. It is not disputed by either party that the appeal site is an appropriate location for residential development, insofar as it is in proximity to services within Hinstock that would be accessible by non-vehicular modes of transport.
24. However, the appeal site is not an appropriate location for development, having regard to the development plan, and the appeal proposal is therefore contrary to CS policies CS4 and S11.2 and SAMDev Policy MD1. These policies support sustainable development by allowing development for local needs and developments which have regard to policies in the development plan; and set a housing guideline figure of approximately 60 dwellings in Hinstock up to 2026 to be delivered through allocated sites and development on acceptable other sites.
25. CS Policy CS1 outlines the overall development strategy for Shropshire, which includes rural areas accommodating 35% of Shropshire's residential development. The proposed development is therefore not contrary to this policy.

Affordable housing

26. It is acknowledged by both parties that there is a significant need for affordable housing in the local area. CS Policy CS11 states for all sites of five dwellings and above, the provision of affordable housing will be expected on site. This approach is supported by paragraph 64 of the National Planning Policy Framework (the Framework) which explains that the provision of affordable housing should not be sought for developments that are not major developments, other than in designated rural areas. Hinstock is identified as a

designated rural area within The Housing (Right to Buy)(Designated Rural Areas and Designated Regions) (England) Order 2016/587.

27. As the provision of affordable housing on site for sites of five dwellings or above is only expected, there may be circumstances where the provision of affordable housing on site doesn't have to be made.
28. The appellant has advised that the provision of a single affordable housing unit is not a workable proposition. However, this has not been supported by substantive evidence explaining why it would be impractical or unreasonable. I acknowledge the unilateral undertaking signed by the appellant to provide a commuted sum that would contribute towards the provision of affordable housing elsewhere in Shropshire. Nevertheless, without further substantive evidence I cannot conclude that affordable housing would not be expected to be provided on site.
29. For these reasons, with the absence of substantive evidence to the contrary, the proposal would not make appropriate provision of affordable housing. It is therefore in conflict with CS Policy CS11, which seeks to achieve such.

Protected species

30. There are ponds within 250 metres of the proposed development that would provide suitable breeding habitat for Great Crested Newts (GCNs); also, the site would provide terrestrial habitat. As such, populations of GCNs would likely be affected by the proposed development.
31. The appellant, alongside Natural England, has agreed an Impact Assessment and Conservation Payment Certificate which confirms that the proposal is eligible to enter into a district level licensing scheme and the appellant intends to do so.
32. Natural England will only issue a licence if three test have been met. Namely: the development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest; there is no satisfactory alternative; and the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.
33. The proposed development is not necessary to preserve public health or public safety. Likewise, there is no imperative reason of overriding public interest through the delivery of houses in a location that is not supported by the development plan where there is already sufficient housing delivery. The delivery of housing on sites, within and close to Hinstock, that have been granted planning permission is a satisfactory alternative to the proposed development. Natural England is satisfied that the commitment from the appellant to enter into a district licencing scheme will ensure the impacts of the proposed development on GCNs could be adequately compensated.
34. For these reasons, the proposal would fail two of the three tests and I therefore consider it unlikely that Natural England would issue a licence.
35. The proposed development would therefore have a harmful effect on protected species and would be contrary to CS policies CS6 and CS17 and SAMDev Policy MD12. These policies indicate that the creation of sustainable places will be achieved by ensuring all development protects, restores, conserves and

enhances the natural environment and ensuring it does not have a significant adverse impact on Shropshire's environmental assets and ensuring that proposals which are likely to have a significant adverse effect conform with the three aforementioned conditions.

36. It would also fail to comply with the Conservation of Habitats and Species Regulations 2017 (as amended), which includes a strict system of protection for European protected species, and Section 15 of the Framework which explains when determining planning applications if significant harm to biodiversity resulting from development cannot be avoided, planning permission should be refused.

Planning Balance

37. St Oswald Church is a Grade II listed building. I find that the setting of the building, to be primarily associated with its formal grounds including the cemetery and its relationship with Church Street, and how the church grounds are set above residential properties. The proposed development would introduce additional residential development accessed from Church Street and would be set below the church grounds. It would be largely screened, by other residential development, in views from the church. For these reasons, I conclude that the proposal would preserve the special historic setting of the Grade II listed building. This would satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 199 the Framework.
38. The proposed development would lead to several economic benefits including direct capital expenditure in construction, construction jobs, increased consumer spending in the local area, increased local public finance, and the reuse of underutilised land, amongst others. Likewise, the proposed development would lead to social benefits through the delivery of seven houses in a rural location, where demand for houses may have increased as a result of the Coronavirus pandemic. This provision would also include one self-build plot.
39. The appellant has also indicated within the planning statement that the homes would include energy conservation measures such as air source heat pumps and insulation exceeding the relevant standards. These factors could provide environmental benefits.
40. However, due to the scale of development and the sufficient provision of housing in the area the combined benefits of the scheme would be limited and would not outweigh the identified harm.

Conclusion

41. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
42. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR



Appeal Decision

Site visit made on 6 June 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/L3245/W/22/3304926

The Cottage, Duglands Junction to Severn View, Edgerley, Kinnerley, Shropshire SY10 8ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Coxon against the decision of Shropshire Council.
 - The application Ref 22/01902/FUL, dated 19 April 2022, was refused by notice dated 16 June 2022.
 - The development proposed is change of use of land from equestrian (Sui Generis) to residential (C3) and the siting of an annexe building ancillary to the main residential dwelling to include decked area.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of land from equestrian (Sui Generis) to residential (C3) and the siting of an annexe building ancillary to the main residential dwelling to include decked area at The Cottage, Duglands Junction to Severn View, Edgerley, Kinnerley, Shropshire SY10 8ER in accordance with the terms of the application, Ref 22/01902/FUL, dated 19 April 2022 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Survey Plan, 2D Elevations, Floor Plan (Contemporary Log Living dated 14.02.2022).
 - 3) No development shall take place above foundation level until full details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
 - 4) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Cottage, Duglands Junction to Severn View, Edgerley.

Main Issues

2. The main issues are:
 - the effect of the proposal on the setting of a grade II listed building; and
 - whether the proposed development would constitute a separate unit of residential accommodation rather than an ancillary use.

Reasons

Setting of the listed building

3. The appeal site comprises a parcel of land to the northeast of The Cottage, a grade II listed building. I have been provided with the listing description for The Cottage which sets out that this building is a late 17th century one and a half storey timber framed cottage with red brick infill. A brick boundary wall surrounds the rear garden of The Cottage, separating it from the land to the rear which includes a manege and stables. Whilst it is stated that The Cottage has been restored and rebuilt following dereliction, nonetheless, the building appears to retain much of its original character. In my view the significance of this building derives from its origins, decorative architectural features and its setting within a rural context. Whilst located in close proximity to it, there is no evidence of any historical association with The Cottage and the appeal site does not affect its significance.
4. The starting point for the consideration of the impact of a development on the setting of a Listed Building is Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses. The proposal seeks consent for the erection of a temporary single storey detached annexe building to the rear of The Cottage on land which historic maps indicate once contained a detached rectangular barn. The proposal also includes the change of use of the associated land to residential use. The submission states that the annexe would be temporary and would comprise a mobile home which meets the definition of a caravan¹.
5. The proposal would introduce a modern annexe building and the Council state that it is likely that the barn which was sited here would have been a traditionally styled agricultural building. Whilst I have not been supplied with any details of the barn or the form it may have taken, even if this were the case, nonetheless the introduction of built form ancillary to The Cottage would reinstate this historic relationship between the dwelling and a detached outbuilding on this part of the site.
6. The submission refers to the proposal as being temporary in nature. However, by virtue of its scale and appearance, the annexe would appear as a permanent structure. The modern, domestic design and palette of materials and decking area would differ from that of The Cottage and would not appear agricultural in nature. Nonetheless, the pitched roof form and simple design would relate well to the traditional form of The Cottage and its rural location and its domestic appearance would accord with the residential character of The Cottage. The annexe would be single storey and would clearly be read as a subservient feature to the main house. As a result, the design and mass of the proposed outbuilding would not be out of place, nor would it harm the setting of The Cottage or the wider context of the site.
7. Additionally, the modern design of the building and palette of materials would be seen in the context of existing development to the rear of the appeal site including the modern stables and manege. The structure would not be evident from the street or driveway and in this context the proposal would preserve the

¹ Section 13 of the Caravan Sites Act 1968 (amended 2006)

special architectural and historic interest of the listed building and would not result in any harm to its setting or significance. Given that harm would not occur to the special architectural or historic interest of the listed building, it is not necessary to undertake the balance required under paragraph 196 of the National Planning Policy Framework, (the Framework) in respect of weighing less than substantial harm against public benefits of the proposal.

8. For the reasons set out above the proposal would not harm the setting of the grade II listed building, The Cottage. Therefore, it would not conflict with the aims of Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) or Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan- adopted plan (2015) (SAMDev). Collectively these policies seek to ensure that development protects, restores, conserves and enhances the built and historic environment, avoiding harm or loss of significance to heritage assets including their settings.

Whether or not a separate residential unit

9. The proposed annexe would accommodate a bedroom, wet room and an open plan lounge/ kitchen/diner. It would be located on land which does not currently form part of the residential curtilage of The Cottage and would be separated from it by an existing brick garden wall. Nonetheless, this vacant land, which comprises a small unused area which has been laid to lawn, is located alongside the residential curtilage to The Cottage. This area is small in scale and has the appearance of a residential garden, and, based on my observations on site, appears to be experienced as part of the amenity space associated with it as it is linked to it by a gate in the garden wall. Thus, this area is closely related to the amenity space associated with The Cottage. Therefore, whilst it does not form part of the curtilage of this dwelling, the siting of a building here would be closely associated with it rather than detached from it.
10. Furthermore, from my observations on site and the orientation of the entrance to the annexe, access to the building would be gained to the side of The Cottage, close to the host dwelling. As a result of this, the gated access linking the gardens of the main dwelling and the annexe, and the proximity between The Cottage and the annexe, would maintain a close relationship with the host dwelling and a degree of intervisibility between the two buildings. Furthermore, the building would be small in scale and subservient to the main dwelling and would clearly be read as an annexe to the host property.
11. The proposal would have all the facilities for independent day-to-day living. Nonetheless, the original application form makes it clear that planning permission is sought for an ancillary residential use associated with the main dwelling. I understand that the building would be dependent on the main dwelling in relation to power, gas, water, sewerage, laundry facilities and highways access, but that the Council have concerns that these matters are not determinative of what constitutes an annexe, arguing that in order to be classed as an ancillary annexe the building should be fully sited within the existing residential curtilage. Additionally, the Council state that the annexe is not fully self-contained and could be accessed independently of the main dwelling, without any access required through the dwelling itself. However, in my view, the relationship of the annexe to the main house, with regard to

access and site layout, would not lend itself to independent occupation, a factor which would further support the ancillary status of the development.

12. Furthermore, the occupancy of the building is capable of being controlled by condition and any change of use to create a separate dwelling would require a further grant of planning permission. Importantly, I have determined this appeal on the basis of what was applied for.
13. Consequently, I conclude that the proposed outbuilding would be ancillary to the main dwelling, and it would not constitute a separate unit of residential accommodation. I therefore find no conflict with CS policy CD5 or SAMDev policy MD7a which seek to restrict new residential development in the countryside.

Other Matters

14. The Council suggest that an annexe building located closer to The Cottage might be more acceptable though this would have different considerations in the context of the setting of the Listed Building. Nonetheless, I am tasked with determining the proposal before me and I have found the proposal to be acceptable in relation to the main issues I have identified.

Conditions

15. In addition to the standard implementation condition, it is necessary, in the interests of precision, to define the plans with which the scheme should accord. In the interests of preserving the character and appearance of the area, I have required that facing materials are approved by the Council prior to development above foundation level.
16. The Council has suggested a condition which requires that the proposed building be occupied by the parents of the applicant. I find this condition to be overly restrictive and have amended it so that the building can be used for purposes ancillary to the residential use of the main dwelling. This condition is necessary to ensure that the building functions as ancillary accommodation only. The Council also suggest a condition which requires the removal of the building following the cessation of the use by the appellant's parents. However, as I have found that the building would not result in harm to the setting of the host listed building, I find this condition to be unnecessary. A suggested condition which restricts permitted development rights is also unnecessary as outbuildings do not benefit from permitted development rights in any event.

Conclusion

17. For the reasons set out above, the development would accord with the development plan taken as a whole. Therefore, the appeal is allowed.

Nichola Robinson

INSPECTOR



Appeal Decision

Site visit made on 4 July 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2023

Appeal Ref: APP/L3245/D/23/3321425
34 Kennedy Road, Shrewsbury SY3 7AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr McGowan against the decision of Shropshire Council.
 - The application Ref 22/05187/FUL, dated 11 November 2022, was refused by notice dated 8 February 2023.
 - The proposed development is erection of two bedroomed annexe accommodating an integral two-bay garage to replace the existing two-bay garage.
-

Procedural Matter

1. The Council has described the development as “self-contained annexe ancillary to main dwelling accommodating an integral two bay garage to replace the existing two bay garage and formation of vehicular access”. This more accurately describes the whole development.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are (a) the impact on the character and appearance of the host dwelling and wider area including the Shrewsbury Conservation Area and (b) the impact of development on the trees within the site.

Reasons

4. The appeal site comprises a substantial Victorian semi-detached property which lies on a bend in the road. Information provided by the Council indicates that the semi-detached pair was constructed in 1886, noting its symmetrical and very detailed composition designed by a local architect and is regarded as a non-designated heritage asset. It is set within a generous garden area which runs to the front, side and rear of the property. To the rear is a detached, single storey modern garage with hardstanding parking area to the front accessed off Ashton Road, adjacent to its junction with Kennedy Road.
5. There are a number of trees within the garden area the majority of which are the subject of a Tree Preservation Order (TPO). Those adjacent or close to the existing garage include a holly, yew and oak; there is also a tall hedge which is located alongside the garage, dividing it from the main garden area. A mature hedge is also located along the roadside boundary incorporating the holly tree adjacent to the access. These all contribute to the verdant character of the street scene of Kennedy Road and surrounding area. The holly and oak are included in the TPO.

6. The appeal site and surroundings lie within the Kingsland special character area of the Shrewsbury Conservation Area. The immediate surroundings of the appeal site are characterised by large, detached dwellings, a number of Victorian and Edwardian age, set back from the road frontage within generous landscaped plots, many with mature hedges to the street frontage and some with walls. The Shrewsbury School grounds lie to the south-west of the appeal site with tennis courts and other sports pitches nearest to the appeal site giving a more open character to this part of the conservation area.

Character and appearance

7. The proposed annexe would be contemporary in design with standing seam roof and side elevations and natural timber boarding to the front and rear gable end elevations. The proposed one and a half storey building would have higher eaves than the existing garage with first floor accommodation contained within what would be a considerably more bulky roofspace.
8. The Appellant suggests that the visual change in terms of a comparison to the existing garage would be slight. However, I consider that, notwithstanding its high quality design and construction, by virtue of its greater height, bulk and forward siting compared the existing modest garage building, it would be noticeably more visible and unduly prominent. This would be the case particularly in views approaching from the west along Kennedy Road and in views approaching from the north along Ashton Road where the upper part of the building would be seen above the hedge and only partially screened by the surrounding trees. The higher, more bulkier roof would also be visible above the dividing hedge from the main garden area of the appeal property, albeit screened to some extent by the retained trees.
9. Furthermore, the size, bulk and forward siting of the building would be such that it would not appear visually as a subservient annexe building but would be seen as a competing element in the street scene and essentially read as a separate dwelling, notwithstanding that conditions could be applied to ensure that it functions as an annexe to the main dwelling. In my view, it would detract from the setting of the host dwelling and wider conservation area which is characterised by individual properties set within large plots set back from the road frontage. I acknowledge that the 'simple' contemporary design is intended to provide a contrast to the more articulated and detailed Victorian host property but, for the reasons given above, the contrast would be too strident and result in a form of development that would detract from rather than complement its setting.
10. The proposal also includes the provision of a new vehicular access and parking / turning area to the front of the host property off Kennedy Road. The Council appears to be of the opinion that cumulatively this would add to visual harm. The proposal would necessitate the removal of some hedgerow along the Kennedy Road frontage but this would not be significant bearing in mind the length to be retained. The parking area itself would be well screened by the retained hedge and conditions could be imposed to ensure that appropriate surfacing is used such that it is in keeping with its sensitive location. There appears to be no highway concerns and otherwise I consider that the proposal would not have a harmful impact on the heritage assets.
11. However, for the reasons given above, I find that the proposed annexe building would fail to preserve the character and appearance of the conservation area

and would detract from the significance of the host dwelling. It would thereby fail to accord with Policies CS6 and CS17 of the Shropshire Core Strategy (2011) (CS) and Policies MD2 and MD13 of the Site Allocations and Management of Development Plan (2015) (SAMDev) which seek, amongst other things, to create sustainable places through high quality sustainable design principles to ensure that development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, contributes to local distinctiveness and seeks to conserve heritage assets by ensuring wherever possible that proposals avoid harm to their significance.

12. With regard to the National Planning Policy Framework (the Framework), paragraph 199 states that when considering the impact on a designated heritage asset great weight should be given to the asset's conservation. In respect of the Shrewsbury Conservation Area, the level of harm would be less than substantial. In accordance with Framework paragraph 202, this harm should be weighed against the public benefits. The Appellant suggests that the proposal would introduce better architectural qualities than the existing building but whilst I acknowledge that the building would be of high quality, sustainable construction, it would have a harmful impact as set out above. The new building would result in some environmental benefits as a result of its design and construction and I acknowledge that whilst the accommodation is required for the Appellant's personal family circumstances, it would contribute to meeting a general need for such accommodation. However, overall, these benefits are insufficient to outweigh the harm. In addition, the harm to the non-designated heritage asset, which is also less than substantial, would not be outweighed. In the context of paragraph 11 of the Framework, to which the Appellant has referred, there is a clear reason for refusing the development and the presumption in favour of sustainable development does not apply.
13. The Appellant has referred to a number of other properties in the area that have detached outbuildings but having considered these I note that they are not directly comparable in terms of design and siting relative to the host dwelling and its wider location, therefore I do not find that they lend any further support to the proposal.

The impact on trees

14. The Council's Tree Officer has raised concerns, in particular regarding the classification of and impact on the oak tree both in terms of the development itself and in the future. The Appellant has confirmed that the reference to the oak being a veteran tree was a descriptive error and that the Arboricultural Impact Assessment (AIA) otherwise correctly classifies it as 'late mature'; however, the Council suggests that it does appear to have veteran features and the AIA also describes the tree as having 'exceptional landscape, habitat and aesthetic value'.
15. The Framework advises that the loss or deterioration of such irreplaceable habitats should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. The National Planning Practice Guidance also states that site assessments may be needed to identify the veteran trees to inform planning decisions. I note that the AIA contains a section relating to the oak, but it does not appear to assess in any detail whether the tree has any veteran features nor does it come to any specific conclusion on the matter.

16. The AIA goes on to assess the impact of the development on this tree, and others, confirming that the proposed annexe would encroach the root protection area (RPA) though would affect less than 1%. However, there appears to be no shading assessment and I note that the Appellant's statement dated 2 February 2023 responding to the Council's comments suggests that the building design and technical specification proposals fully reflect a detailed consideration of site-specific sun path and potential shade from retained trees. However, there appears to be no report or plan detailing this.
17. In the circumstances, I am not convinced that there is sufficient information to fully assess the impact of the proposed development on the retained trees. The proposal does not therefore accord with CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD12 which seek, amongst other things, to ensure that development conserves and enhances the natural environment and features and assets that contribute to its character.

Conclusions

18. For the reasons set out above I find that the proposal would be contrary to the development plan, nor would it accord with the Framework. There are no other material considerations that indicate a decision other than in accordance with the development plan.
19. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR