

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

Date: Monday, 15 May 2023

Committee: Northern Planning Committee

Date: Tuesday, 23 May 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 Elner
Ted Clarke
Nat Green
Vince Hunt
Mark Jones (Vice Chairman)
Mike Isherwood
Edward Towers
David Vasmer
Paul Wynn (Chairman)

Substitute Members of the Committee

Gerald Dakin
Steve Davenport
Julian Dean
Nigel Hartin
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 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 5.00 p.m. on Wednesday, 17th May 2023.

3 Minutes (Pages 1 - 2)

To confirm the Minutes of the meeting of the North Planning Committee held on 2nd May (Minutes to Follow) and 11th May 2023 (attached).

Contact: Emily Marshall on 01743 257717; or
Shelley Davies on 01743 257718.

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 Adjacent To Churncote Island, Welshpool Road/A5, Welshpool Road, Bicton Heath, Shrewsbury, Shropshire (22/02464/FUL) (Pages 3 - 40)

Development of roadside services including - a Petrol Filling Station with ancillary retail (Sui Generis) and a drive-through unit (Class E)

6 2 Lullas Way, Weston Lullingfields, Shrewsbury, Shropshire, SY4 2FL (23/00706/FUL) (Pages 41 - 48)

Erection of rear and side extension to provide ground and first floor accommodation

7 Roundabout Junction A49/A53A5124/A5112, Battlefield, Shrewsbury, Shropshire (23/00770/ADV) (Pages 49 - 56)

Erect and display five sponsorship signs placed on the roundabout

8 Roundabout Junction Meole Brace/A5112/Hereford Road/Hazeldne Way/B4380/Oteley Road, Shrewsbury, Shropshire (23/00774/ADV) (Pages 57 - 64)

Erect and display six sponsorship signs placed on the roundabout

9 Roundabout Junction A5112 Hazeldine Way/Sutton Lane/Pritchard Way, Shrewsbury, Shropshire (23/00776/ADV) (Pages 65 - 72)

Erect and display four sponsorship signs placed on the roundabout

10 Roundabout Junction A5112/Robertson Way/ Woodcote Way/Telford Way,

Shrewsbury, Shropshire (23/00777/ADV) (Pages 73 - 80)

Erect and display three sponsorship signs placed on the roundabout

11 Roundabout Junction Crowmere Road/A5112/Robertson Way/Bage Way, Shrewsbury, Shropshire (23/00780/ADV) (Pages 81 - 88)

Erect and display three sponsorship signs placed on the roundabout

12 Roundabout Junction Reabrook/Bage Way/Old Potts Way, Shrewsbury, Shropshire (23/00781/ADV) (Pages 89 - 96)

Erect and display four sponsorship signs placed on the roundabout

13 Appeals and Appeal Decisions (Pages 97 - 156)

14 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 20th June 2023 in the Shrewsbury Room, Shirehall, Shrewsbury.

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<u>Committee and Date</u>
Northern Planning Committee
INSERT NEXT MEETING DATE

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 11 May 2023

In the Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

11.30 - 11.35 am

Responsible Officer: Emily Marshall / Shelley Davies

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk Tel:
01743 257717 / 01743 257718

Present

Councillors Paul Wynn (Chairman), Joyce Barrow, Garry Burchett, Geoff Elner, Nat Green, Vince Hunt, Mark Jones (Vice Chairman), Mike Isherwood, Edward Towers, David Vasmer and Pamela Moseley (Substitute) (substitute for Ted Clarke)

1 Election of Chairman

Councillor Paul Wynn and Councillor David Vasmer were both proposed and seconded as Chair of the Committee. On being put to the vote, it was

RESOLVED: that Councillor Paul Wynn be elected Chairman for the ensuing year.

2 Apologies for Absence

Apologies for absence were received from Councillor Ted Clarke. Councillor Pam Moseley attended as substitute.

3 Appointment of Vice-Chairman

Councillor Mark Jones and Councillor David Vasmer were both proposed and seconded as Vice-Chair of the Committee. On being put to the vote, it was

RESOLVED: that Councillor Mark Jones be appointed as Vice-Chair for the ensuing year.

Signed (Chairman)

Date:

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Committee and date
 Northern Planning Committee
23rd May 2023

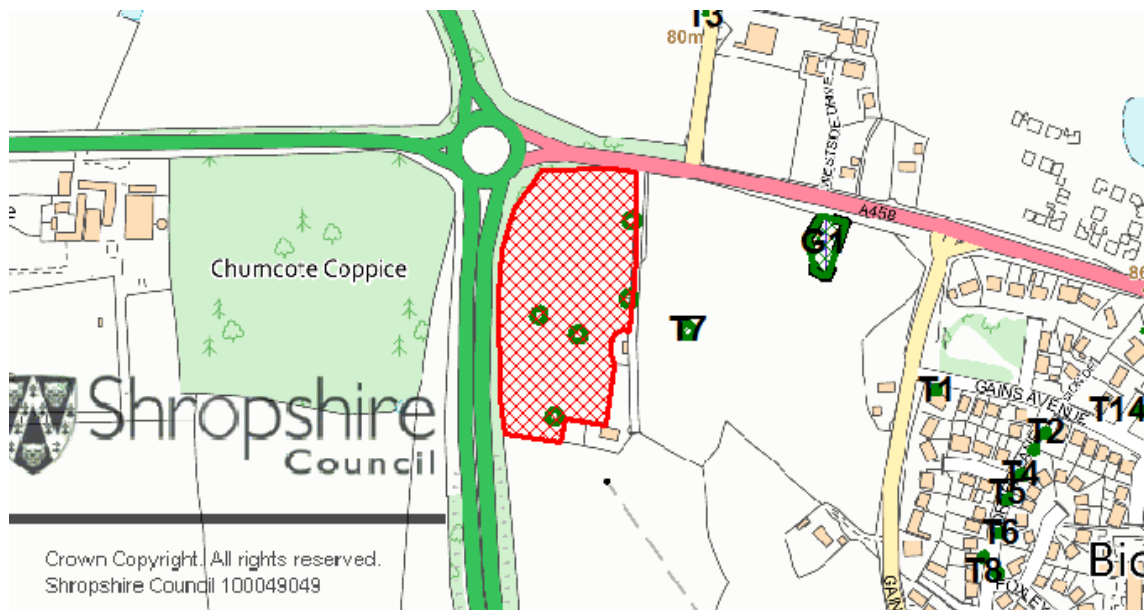
Development Management Report

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

Summary of Application

Application Number: 22/02464/FUL	Parish:	Bicton
Proposal: Development of roadside services including - a Petrol Filling Station with ancillary retail (Sui Generis) and a drive-through unit (Class E)		
Site Address: Land Adjacent To Churncote Island, Welshpool Road/A5 Welshpool Road Bicton Heath Shrewsbury Shropshire		
Applicant: Monte Blackburn Ltd		
Case Officer: Mike Davies	email: mike.daves.planning@shropshire.gov.uk	

Grid Ref: 344827 - 313402



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Recommendation:- Grant Permission subject to the conditions as set out in Appendix 1 and the signing of a Section 106 agreement to ensure a financial contribution towards the North West Relief Road in accordance with detail as set out in Section 6.10 of the report copied in below.

REPORT

1.0 THE PROPOSAL

- 1.1 This application was previously deferred by Northern Planning Committee at the meeting on 4th April 2023. The reasons for this were to secure an index linked contribution to the NWRR, a footway to the southern side of Welshpool Road, to investigate alternative access arrangements from the A5, seek dedicated staff parking provision.
- 1.2 This is a full application for the erection of a mixed-use development for the erection of a roadside services consisting of a Petrol Filling Station and shop with a separate drive-through coffee shop.
- 1.3 Outline planning permission for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure was granted under 14/00246/OUT.
- 1.4 Two previous applications for a mixed-use development which included outline consent for offices and one for 4 starter units have been refused over the last couple of years or so, due to concerns in relation to the remove of veteran trees from the site, impact on residential amenity and non-compliance with the SUE West Masterplan.
- 1.5 The new submission seeks to address the issues raised by previous refusals through changes to the site layout and a much-reduced scheme which now only covers the northern part of the site as opposed to the full site which the previous iterations of the proposals included. The revised proposals contain no details of how the southern portion of the site will be accessed or developed in the future or indeed if it will be. The southern element still remains an employment allocation in the development plan but accessing it has proved challenging with the need to retain the veteran trees on the site amongst other issues.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is part of the Shrewsbury SUE West allocation. It is situated to the east of the A5 and south of Welshpool Road. It sits immediately to the south-east of the roundabout at Churncote.
- 2.2 The application site extends to 1 hectare as it only covers the northern part of the site allocation E1 in the SUE West Masterplan and currently comprises agricultural grazing land. The immediate area predominantly comprises a mix of strategic road networks (the A5 runs along the site's western boundary), areas of open pasture fields.
- 2.3 The site forms part of the Shrewsbury West Sustainable Urban Extension, (SWSUE) and specifically falls within an area designated for a mix of commercial and employment uses.
- 2.4 The site is located adjacent to the A5, which is a major routeway that runs from London to Holyhead, via Shrewsbury. Shrewsbury town centre lies approximately 5.2km to the east of the site.
- 2.5 The site is not within an area identified by the Environment Agency's flood risk map as being subject to flooding nor is it identified as being located within a mineral safeguarding area. The site does not contain any listed buildings, nor does it lie within a designated Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have objected to the application along with the Local Member. The officer recommendation differs from the views of the Parish Council and Local Member and these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Team Manager (Planning) in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee.
- 3.2 The application was previously deferred by Committee to allow the applicant in conjunction with officers to address concerns that members had in relation to the proposals. The concerns in particular related to the following items.
- The contribution to the NWRR being index linked
 - Policy S16b – Design having regard to the SUE West Masterplan and the site being identified as a gateway to Shrewsbury
 - Highway Layout on Welshpool Road (Access/Egress)
 - Footway Provision on south of Welshpool Road
 - Adequate Car parking for Staff

- Electric Vehicle Charging Points

4.0 Community Representations

4.1 Consultee Comment

4.1.1 **Bicton Parish Council** - objects to this proposal for the following reasons;

1, It is not substantially different from the previous two applications. One of which was withdrawn the other refused.

2, The access from the Welshpool Road will cause congestion and danger. Traffic entering the site, at busy times will back up on to Churncote Island. If the North West Relief Road is built and the island is made a five leg then this will be a nightmare. There will also be extra traffic from the Shrewsbury West Sustainable Urban Extension and if a lorry needs to turn in to the site across all of this traffic it is difficult to see how this will not cause mayhem.

3, At present, at busy times, traffic backs up towards Bicton Heath. An access to this site so close to the island will make safe entering to this site almost impossible.

4, It is contrary to the agreed development principles, of Shropshire Council and Bicton Parish Council, for this site. The agreement was for small scale business development which would create local employment with minimum of traffic flow.

5, The issue with the high-water table, which Severn Trent objected to, remains the same as before.

4.1.2 **National Highways** - Based on our independent assessment, we note that the likely trip generation from the revised development proposal would result in lesser number of vehicular trips as compared against the previous proposal. As such, the applicant has not undertaken any junction capacity re-assessment in the Technical Note (TN dated 19 August 2021) provided and we consider this to be acceptable.

In line with the above, we have no concerns to raise, and the conditional response previously issued by National Highways remains the same.

4.1.3 **SC Highways** - Both National Highways (NH) and Shropshire Council Highways raised no objection to the previous application scheme and access details submitted and indeed planning conditions were imposed by both in the event that planning permission were granted. The previous application was of course subsequently refused on grounds, which did not include any highway related reasons.

The current application significantly reduces the scale of the development to simply the provision of a PFS with shop and Coffee Shop Drive-thru. The application is submitted with a Technical Note but

makes reference to the Transport Assessment and access details that were previously submitted as part of application reference 21/04495/FUL which was refused. Those access arrangements were the subject of a Road Safety Audit and aligned with the current NWRR scheme of works proposed to be implemented along Welshpool Road.

Whilst from a highway perspective it is acknowledged that the proposed scheme has been reduced in scale but includes the access proposed previously supported, it is not considered appropriate to impose conditions upon the current application based upon details that were submitted as part of the previous application, but not included with the current application. Those access details previously supported by Shropshire Council Highways and NH therefore should be included within the application submission. I would be obliged therefore if you would request that the access details are submitted and I will be in a position to recommend the imposition of highway conditions as previously was the case.

4.1.4 **County Arborist** - No objection to the proposed development subject to the impositions of tree protection conditions.

There are a number of significant trees on this site, a number protected by a Tree Preservation Order and registered as veteran or notable trees. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified six individual trees, two groups of trees and two hedgerows which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree with the categorisations for H1, H2 T4, G8 and G10 but consider that the remaining trees T3, T7 – T7 & T9 are substantial elements of the landscape and are veteran or future veteran notable trees and should be category A2,3.

4.1.5 **Environment Agency** - Have no objection to the proposed development and would offer the following comments for consideration at this time.

This site is located above a Principal Aquifer, Source Protection Zone (SPZ3), WFD groundwater body, WFD drinking water protected area and

is within 225m of a surface water course. The site is considered to be sensitive, and the proposed filling station and underground storage could present potential pollutant/contaminant linkages to controlled waters.

We have reviewed the applicant's Fuel Storage Feasibility Assessment /qualitative risk assessment and comment from a Protection of Controlled Waters perspective. You should consult your Regulatory Services team in relation to Human Health matters.

It is noted that the Fuel Storage Feasibility Assessment issue 3 dated August 2021 was previously submitted with application 21/04495/FUL and commented upon by us at that time. To ensure consistency our comments reflect those previously issued.

Position Statement D2 – Underground Storage (and associated pipework): We would have no objection to above ground tanks. The facility must comply with the Oil Storage Regulations. Refer to our standard pollution control comments below. Where underground storage is proposed, such as in this instance, we recommend that the applicant mitigates the risks by changing to above ground storage.

However, we will not object to underground storage on principal and secondary aquifers outside SPZ1 if there is evidence of overriding reasons why:

- (a) the activity cannot take place on unproductive strata, and
- (b) the storage must be underground (for example public safety), in which case we expect the risks to be appropriately mitigated, including partially above ground tanks.

The applicant has provided confirmation of the above in the submitted feasibility assessment. We acknowledge there is a balance to be struck between consideration of comments by your Petroleum Officer.

Position Statement D3 – Sub Water Table Storage: For all storage of pollutants underground (hazardous substances and non-hazardous pollutants), operators are expected to adopt appropriate engineering standards and have effective management systems in place. These should consider the nature and volume of the materials stored and the sensitivity of groundwater, including the location with respect to SPZs.

We will normally object to any redevelopment scheme involving retention of sub water table storage of hazardous substances unless it can be demonstrated that risks to groundwater can be adequately mitigated.

We note the applicant has considered our objections raised under application 20/03570/FUL and undertaken an area specific, qualitative risk assessment. Having reviewed the submitted information we would accept, based on the BGS map and the borehole logs presented, that the site is situated on cohesive Glacial Till, to a proven depth of 13.8mbgl in the northwest. This will provide significant natural protection to the underlying Principal aquifer. Moreover groundwater, where encountered, only seems to be perched and discontinuous / pocketed as a result of the low permeability of this stratum. We also note the intention to install high spec double skinned tanks with interstitial monitoring and alarms, continuous wetstock reconciliation. Moreover, with the Blue Book ruling out the bunding of above-ground petrol tanks, any such storage in case of losses would have to be accommodated within the site's drainage system, putting enormous risk on the surface water environment locally instead.

It should be noted that in accordance with Government Policy detailed in the latest 2021 National Planning Policy Framework (paragraph 184), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Furthermore, as per

NPPF paragraphs 174 and 183 respectively, '...development should, wherever possible, help to improve local environmental conditions such as air and water quality...' and '... after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990...'. Therefore, should any significant contamination not assessed by virtue of this project subsequently become apparent responsibility remains with the developer and/or landowner.

Pollution control: All areas within the curtilage of a filling station should be positively drained on an impervious surface. Any joint in the surface must be adequately sealed and those sealants must be resistant to attack from petrol and oil products.

Surface water drainage from all areas, except uncontaminated roof water, must discharge through a full retention oil / petrol separator. It must be designed to receive flows from storms of 50mm / hour intensity from the connected area, with minimum 6-minute retention. The capacity of the separator should be adequate to contain at least the maximum contents of a compartment of a road tanker likely to deliver petrol at the filling station. Gullies draining to the separator should be of the trapped type to prevent the spread of fire. Oil separators require regular maintenance to ensure they remain effective.

Routine inspections should be undertaken at least every six months and a log maintained of inspection date, depth of oil and any cleaning that is undertaken. Access to the separator should be kept clear and not used for storage.

A separator will not work properly for dissolved (soluble) oils or if detergents or degreasers are present. Such discharges should be drained to the foul sewer.

Other effluents - Vehicle wash waters should not be discharged to surface water drains, watercourses or soakaways, but may be discharged to the foul sewer, subject to the consent of the local sewerage undertaker. In the absence of a suitable foul sewer, such effluents should be contained in a sealed storage vessel and either recirculated or disposed of off-site. A dedicated area, graded to ensure wash waters are directed to the effluent collection point, should be provided.

Forecourts that drain to either foul or combined sewers which discharge to a treatment plant, degreasing or steam cleaning of the forecourt shall not take place unless:

- i) Any liquid is soaked up using absorbent material which is suitably disposed of off-site at an appropriate waste facility. Sealing of gullies will be necessary during these operations to prevent liquid or absorbent entering the drainage system, or
- ii) A closure valve is fitted at the oil separator outlet, which is closed during the cleaning operation and all accumulated washings removed for suitable disposal off-site. An alarm should be installed to indicate that the closure valve is in the 'shut' position.

Fuel Storage - Where pollutants are stored underground we would expect operators to adopt appropriate engineering standards. For petrol stations, systems should meet the specifications within the 'Blue Book' (APEA, 2011) as a minimum requirement with monitoring systems.

- 4.1.6 **Local Lead Flood Authority** - 1. Reference should be made to Shropshire Councils SuDS Handbook which can be found on the website at <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/> Appendix A1 - Surface Water Drainage Proforma for Major Developments must be completed and together with associated drainage details, be submitted for approval.
2. Shropshire Council will generally not accept a pumped solution due to the obvious risks of flooding as a result of pump failure. It is assumed that the drainage systems will not be offered for adoption, but in order to

reduce flood risk, Shropshire Council would require the safeguards as stated in the guidance (SewerSector Guidance Design and Construction for foul and surface water sewers Appendix C paragraph D5.5). This states that additional attenuation is required for pumped systems.

3. No further comment can be made due to the lack of levels and drainage design and a pre-commencement condition requiring the submission of further details to ensure satisfactory drainage of the site and to avoid flooding is recommended.

- 4.1.7 **Regulatory Services** - Should permission be granted then the construction of the petrol site must be in accordance with the 4th Edition of the Design, Constructions, Modification, Maintenance and Decommissioning of Filling Stations (The Blue Book) and it is requested that plans should be submitted to the Petroleum Enforcement Authority at least 28 days prior to commencement of any works, in order that any queries can be clarified and ultimately to ensure that a Petrol Certificate can be issued.

Previous comments in relation to the safety of above ground and below ground tanks detailed in the appendix of the Fuel Feasibility Report still stand.

However it is noted that the plans submitted do not identify the proposed tank location on the site and as such no comments can be made on any possible issues relating to the tanker access and egress routes, the location of the tanker stand and the tankers exit in case of emergency, there may be safety issues caused by traffic use/conflicts in the HGV area or public utilising the site during fuel tanker deliveries and ensuring the tanker escape route is being maintained. It is further noted that the proposed petrol forecourt layout plan in the aforementioned study is a different layout to that detailed on the OS map design submitted.

- 4.1.8 **County Archaeologist** - Currently the Shropshire Historic Environment Record (HER) contains no records of designated heritage assets or known non-designated heritage assets with archaeological interest within the boundary of the proposed development site. However, a Desk Based Heritage Assessment was prepared by RPS Group as part of a previous outline application (14/00246/OUT) that included the proposed development site. This concluded that in overall terms there is low-medium potential for archaeological remains to be present and we concur with this assessment.

- 4.1.9 **County Ecologist** - Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.
- 4.1.10 **Planning Policy** – There is a recognition that this proposal raises several planning policies issues in relation to the delivery of the SUE West Masterplan. Clearly, there are both positive as well as negative connotations arising from the proposals. The ability to deliver the business park envisaged in the Masterplan has been severely impacted by the pandemic and the market appetite to develop speculative office accommodation is non-existent at the present time with little prospect of any confidence returning anytime soon. The policy context of the application is therefore discussed in greater detail within paragraph 6.1 The Principle of Development of this report.
- 4.1.11 **CPRE Shrewsbury District** – Objects to the proposals on the following grounds:
- Archaeology - since this is a known site of potential archaeological interest, the land should remain undisturbed.
 - Removing ancient hedgerows would endanger wildlife corridors. CPRE Shropshire is carrying out hedgerow repair and replacement to sustain and encourage the wildlife in our county.
 - There is no strong case for yet another petrol station and associated retail businesses.
 - The UK is moving away from petrol/diesel use.
 - How would the proposed staff access the site - by car? Shropshire Council should be promoting the use of buses, cycles and pedestrianisation for working people to travel to and from their place of employment.
 - There is no proper footpath planned on either side of the road alongside the proposed development.
 - As in the case of the approved Meole Brace development and the new Aldi store at Battlefield, this proposed development again is so close to a major roundabout on the A5 road, which links south and west Wales, that serious road accidents could occur.
 - There is also the issue of the planned drainage system being inadequate which, in turn, could cause flooding and pollution of the water table.
- 4.2 Public Comments**
- 4.2.1 18 objections to the proposals have been received from members of the public. The reasons for objecting can be summarised as followed.
- Traffic congestion will be exacerbated further by development
 - Highway Safety concerns
 - Far too many road junctions close to the site

- Increased Air and Noise Pollution
- Concern at pollution of water table and aquifer
- Would change the semi-rural character of the town approaching from Welshpool
- Existing trees have been acknowledged as exceptional and siting development next to them will adversely impact them with additional air and water pollution
- Existing wildlife which uses the site will be displaced and adversely affected
- There is a climate change emergency covering everything in tarmac and concrete will only make this worse
- Residential amenity concerns arising from 24/7 use
- Increased littering
- Will contribute to unhealthy lifestyles and eating habits
- Will encourage more car journeys
- No impact assessment on existing local businesses
- No benefits to local residents
- Design does not meet the high-quality expectations expressed in SUE West Masterplan for gateway employment site
- Roadside services were not envisaged on this site in SUE West Masterplan therefore proper mitigation is required to ensure future adjoining residents amenities are protected.
- Proposals contrary to SUE West Masterplan and policies CS6, MD2 and MD12 of the Development Plan and the paras 8 and 170 of the NPPF.
- Under the new Environment Act are required to demonstrate Biodiversity Net Gain and therefore the whole site should be set aside for future generations to enjoy wildlife
- Loss of 40m of hedgerow damaging to biodiversity and irreplaceable irrespective of compensatory planting
- No detail about what will happen to the southern portion of the site
- Site of archaeological interest
- Whilst the application is an improvement on previous proposals it does not go far enough

4.2.2 A number of non-material planning objections were also raised which are summarised below, however these are not considerations in the decision making.

- The applicant will have a disproportionate share of the fuel market in Shrewsbury
- Prices are high in comparison to others
- Already two existing PFS nearby which will suffer
- Poor record of employee satisfaction
- A more suitable provider should be found to run the PFS.

- No need for further PFS
 - Development should be put on hold till new houses built on adjoining site
 - Site should be used for sports pitches and outdoor recreation
- 4.2.3 At the previous Committee when this matter was deferred the applicants agent spoke in support of the application. With Bicton Parish Council and a local resident speaking against the application.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping
- Highways and Transportation
- Residential Amenity
- Employment
- Ecology
- Drainage
- Archaeology
- NWRR Contribution
- Sustainability
- Environmental Information Assessment

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The relevant Development Plan Policies are provided within the Shropshire Core Strategy (2011); Site Allocations and Management of Development Plan (2015); Sustainable Design SPD (July 2011); Developers Contributions SPD (July 2011) and National Planning Policy Framework (NPPF) (2021). Those of relevance to the proposal are considered below as part of the appraisal.

6.1.2 A key objective of both national and local planning policy is to concentrate new development in locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1 and CS2 set out the spatial policies for Shrewsbury. This site forms part of the Shrewsbury West Sustainable Urban Extension (SUE West) and is an allocated employment site within the SAMDev Plan. Policy S16.1b.

6.1.3 Development to deliver comprehensively planned, integrated and phased development of the SUE having regard to the SUE Land Use Plan (Figure S16.1.2) and adopted masterplan. Development to include the provision of a new Oxon Link Road and facilitation of the improvement of

the A5 Churncote Island, sustainable transport measures, an enhanced local centre at Bicton Heath, and major landscape buffers and public open space, linked with additional employment land extending Oxon Business Park and on the gateway land by the Churncote Island, and land for additional health/care development/expansion of existing businesses off Clayton Way. Some land of Clayton Way is within groundwater Source Protection Zones (SPZ) 1 and 2 so development there must be carefully designed to take account of this, in consultation with the Environment Agency. A site-specific flood risk assessment is required for this site.

The SUE West Masterplan vision states "*Shrewsbury West will create a distinctive, high quality place which maintains and enhances the qualities and character of Shrewsbury, linking with and consolidating existing development and facilities and providing a new gateway commercial area off the A5 Churncote Island. New exciting and distinctive places to live, work and play will be created which do not copy older neighbourhoods and instead embrace contemporary approaches to high quality design.*"

- 6.1.4 The application site is part of the western area of the Shrewsbury West Sustainable Urban Extension (SUE West). SUE West is allocated in the SAMDev Plan (2015) for mixed use development and considered suitable for housing, retail in a local centre, office and business uses, light and general industry, health/care facilities, hotel and pub/restaurant. This site forms part of the Churncote Business Area in the Masterplan (Site E1). The masterplan envisages Business and office space with potential for a hotel use and pub/restaurant on this site with a high-quality design appropriate to gateway location.
- 6.1.5 Policy CS1 seeks to ensure Shropshire will flourish by accommodating investment and new development to meet Shropshire's needs and to make its settlements more sustainable. Policy CS1 promotes Shrewsbury as a sub-regional centre in the West Midlands and the principal growth point in the County. This application reflects these strategic objectives by recognising that Shrewsbury is the preferred location for significant development and the main centre for employment and services.
- 6.1.6 Policy CS2 promotes the strategic role of Shrewsbury through the provision of 9-12 hectares of employment land at SUE West for good quality, balanced and sustainable employment growth, that respects the natural, built and historic environment, to improve prosperity in Shrewsbury and Shropshire. However, the proposed development is not considered to make a significant contribution to the economic growth

objectives in Policy CS2 and so, requires further detailed consideration in relation to Policies S16.1 and MD4.

- 6.1.7 Policy CS13 sets out the strategy for economic development in the County. This seeks to address the key issues and challenges of the Shropshire economy to further develop its strengths and opportunities. It provides a positive framework for sustainable economic development that seeks to promote the growth of existing businesses, foster new enterprise and to help make communities more prosperous and resilient. In relation to Policy CS13, the proposed development would contribute to the role of Shrewsbury as the principal growth point of the county and the main business, service and visitor centre for its communities and visitor economy.
- 6.1.8 Policy CS14 further expresses the positive, planning policy framework in Policy CS13 to support sustainable economic development. Furthermore, Policy CS14 seeks to ensure the portfolio of employment land and premises in the Local Plan will be sufficient to deliver other significant land uses that meet the needs of businesses and communities in the county. This includes land uses that help to create or maintain sustainable communities as indicated by Policies CS6 and CS8. These are material considerations that should be taken into account in assessing 22/02464/FUL in relation to Policies MD1(1)&(2), S16.1 and MD4(2)(ii).
- 6.1.9 Policy CS6 states that development likely to generate significant traffic will be located in accessible locations. This will also help promote active travel and public transport use to contribute to the health and wellbeing of communities. These developments should also be designed to a high quality as safe and accessible buildings with appropriate landscaping and car parking provision and protect the natural, built, and historic environment. These matters are addressed in detail in Policy MD2 that seeks to ensure development is sustainably designed. It is considered that the revised scheme has sought to address these policy objectives, by retaining the veteran trees, including an acoustic fence and moving development away from existing residential property. These are material considerations to be taken into account in determining the proposals.
- 6.1.10 Policy CS8 seeks to ensure that development will preserve and improve access to facilities and services wherever possible. In particular, Policy CS8 seeks to positively encourage the provision of infrastructure and additional facilities in a timely manner to meet identified needs in a locality. It is also recognised that these developments should manage any impacts on recognised environmental assets. These matters are

addressed in detail in Policy MD8 that seeks to ensure the sustainable provision of infrastructure. It is considered that the revised scheme has addressed these policy objectives, and these are material considerations to be taken into account in determining this application.

- 6.1.11 In relation to Policy CS8, the revised scheme may be regarded as an appropriate and timely provision of strategic and local roadside services to meet anticipated increases in demand from the A5 Shrewsbury by-pass, the potential delivery of the North West Relief Road connection with Churncote Island and the growth of the residential community on the SUE West urban extension.
- 6.1.12 This is consistent with the SUE West Masterplan Vision to ensure the urban extension delivers a distinctive, high-quality place that enhances the services, character and community of Shrewsbury. The early provision of services at Churncote South for SUE West and the NWRR might have a short-term impact on existing services within the west of Shrewsbury and in villages close to Shrewsbury. However, strategic and local demands for the proposed services at Churncote South are expected to significantly increase with the ongoing development of SUE West and the potential provision of the A53 North West Relief Road connection with the A5 by-pass which is the subject of a current planning application.
- 6.1.13 The revised scheme has a reduced development footprint that makes a significant contribution to the objectives of Policies CS17 and CS6 which seek to protect the natural environment. The revised scheme recognises the constraints on the application site due to its location in the landscape on the edge of Shrewsbury and the presence of significant and veteran trees on the site, now protected by a TPO. It is recognised that the revised scheme has relocated development away from the area of the TPO to safeguard the root protection zones of these important trees.
- 6.1.13 Policy MD12(2) recognises that the protection of our natural assets contributes to the quality and sustainability of the Shropshire environment. Policy MD12 also recognises that the benefits of maintaining a healthy, sustainable environment also contributes to the promotion of a thriving economy, in paragraph 3.107. Policy MD12(3) encourages development that conserves, enhances or restores natural assets and to maintain local distinctiveness, biodiversity and to contribute to the character of development, settlements and their settings.
- 6.1.14 The proposals seek to contribute to the sustainability of the environmental network around the west of Shrewsbury by protecting the

veteran trees. The proposed layout of the development contributes to the local landscape and may facilitate the movement of wildlife between the townscape and rural landscape through the retention of these veteran trees which provide irreplaceable habitat. These objectives of the revised scheme are consistent with the design principles of the SUE West Masterplan.

- 6.1.15 Policy S16.1(5) requires the type of development to support the principles of the SUE Masterplan. It has been recognised under Policy CS1, that the revised scheme supports Shrewsbury's role as the preferred location for significant development and the main centre for employment and services.
- 6.1.16 In Policy CS8, the revised scheme would support the SUE West Masterplan Vision by ensuring SUE West delivers a distinctive, high-quality place that enhances the services, character and community of Shrewsbury. Further, the revised scheme might be regarded as an appropriate and timely provision of strategic and local roadside services to the SUE West and the potential A53 North West Relief Road and Oxon Link connection with Churncote Island.
- 6.1.17 Policy S16.1 provides no further significant support to the recognition in Policies CS1 of its strategic location in Shrewsbury and Policies CS13, CS14 and CS8 of its contribution to the role of Shrewsbury as the main urban centre, the principal growth point and main business, service and visitor centre for Shropshire.
- 6.1.18 Policy S16.1(5) requires the proposed development to deliver the type of employment development required in Policy CS2 and the SUE Land Use Plan Figure S16.1.2. It has been recognised that roadside service uses would not make a significant contribution to these economic growth objectives.
- 6.1.19 The proposed roadside service uses would prevent the delivery of the preferred type of employment development for the new gateway commercial area on employment allocation ELR064 Churncote South. The SUE West Masterplan provides detailed guidance on the requirement for Churncote South to provide a new gateway business area with business units and office space with an exclusive access off the A5. This requirement for a gateway business park is a significant issue for the suitability of the revised scheme.
- 6.1.20 Policy MD4 establishes the policy tests for employment development arising from the positive planning framework to support sustainable employment development in Policies CS13 and CS14. The revised

scheme in 22/02464/FUL is located on allocated employment site ELR064 in Shrewsbury and considered to be partially consistent with MD4(1). In particular, the proposals offer a scheme within a sustainable location in our county in the context of Policies CS1 and CS2 which outline the strategic approach of the Local Plan Policies CS13, CS14 and CS8 further help to strengthen the role of Shrewsbury as the main centre for employment and services, support significant new development and infrastructure and maintain sustainable communities.

- 6.1.21 However, the application still conflicts with Policy MD4(1) as the revised scheme is not for business, industrial or related sui generis uses but provides retail services to visiting members of the public. These circumstances are further evidenced by the conflict between the proposed development and the detailed land use requirements of Policy S16.1 and the SUE West Masterplan.
- 6.1.22 The flexibility provided by Policy MD4(2), in relation to Core Strategy Policies CS13 and CS14, does recognise that proposals for alternative land uses on allocated employment sites may be considered. Policy MD4(2) recognises these alternative proposals where (i) it can be demonstrated that there are no other suitable development sites, (ii) the proposed development may provide significant employment opportunities or significant benefits to the sustainability of the community and the (iii) proposed development will not adversely affect the range and choice of available employment sites should the proposed development be permitted.
- 6.1.23 In relation to MD4(2)(i), the applicant does not appear to address the matter of alternative locations for the proposed roadside services. The application site at Churncote South would still appear to be an appropriate location for such uses, particularly with the intended provision of the A53 North West Relief Road and Oxon Link connection with the Shrewsbury A5 by-pass at Churncote Island.
- 6.1.24 In relation to MD4(2)(ii), the benefits of these proposals for the sustainability of the community of Shrewsbury have been addressed, with a specific focus on the retention of the veteran trees on site, and the proposed integration of the site into the wider SUE West.
- 6.1.25 In relation to MD4(2)(iii), the proposals for SUE West in Policies CS2, S16.1 and supported by the SUE West Masterplan set out an overall requirement for the development of 9 – 12 hectares of employment development. This anticipates that a minimum of 9 hectares would be developed to satisfy the requirements of Policies CS1 (strategic approach), MD1(1)&(2) (scale and distribution of development) and MD4

(managing employment development). It is considered that 9 hectares of employment development may still be provided on the remaining employment land at Churncote North (excluding the application site) and on employment land in the east of the SUE around the existing Oxon Business Park. It should be noted that Oxon Business Park already has an established reputation for good quality employment floorspace and a proven record of business investment. The revised scheme with around 1 hectare of built development may be considered as part of the residual 3 hectares (for the full 12 hectares required) to broaden the range of land uses on SUE West.

- 6.1.26 The alternative land uses on the revised scheme might reasonably be considered to support the community of the SUE West and the other communities and visitors in Shrewsbury. The revised scheme also offers 'service' uses to support the strategic road network through Shropshire. This is recognised in the SUE Masterplan which regards Churncote Island as suitable for a range of business and commercial uses and appropriate service uses at the junction with the A5 bypass.
- 6.1.27 Turning to the emerging local plan, Policy SP13 contributes to the economic vision and strategy for Shropshire by providing certainty in the delivery of economic growth and the strategic land supply. SP13 identifies those land uses taken to be 'employment generating uses' following changes to the Use Classes Order in 2020. This change combined some of the Class B uses recognised in Policy MD4 for offices, research and development and light industrial uses along with other land uses into a new class of 'service' uses known as Class E. Whilst the petrol filling station with ancillary retail use is not part of Class E and is considered separately, the coffee shop with drive through facility is a Class E(b) food and drink use. Policy SP13 will regard the coffee shop as an 'ancillary' employment use offering an 'essential' service for the daily needs of other land uses in the locality. This policy change would mitigate to some degree the loss of 4 No. business starter units following the refusal of the larger scheme in 21/04495/FUL.
- 6.1.28 Policy SP14 promotes the strategic road network through Shropshire as a focus for the strategy in the Local Plan. Policy SP14 supports the revised scheme along the Shrewsbury A5 by-pass in addition to Policy CS1. It should be noted that, at this stage of plan preparation, only very limited weight should be attached to these draft policies.
- 6.2 Siting, scale and design of structure
- 6.2.1 The size and scale of this proposal is significantly reduced when compared to the two previous proposals. The latest proposals only cover the northern portion of the site and no longer extend beyond the veteran

trees in the centre of the site to the southern part of the allocation. The issue around the retention of the veteran trees as well as amenity impacts on the dwelling on the south-eastern corner of the site have resulted in the applicants scaling their proposals back considerably.

6.2.2 The development will now consist of a drive through coffee shop and the Petrol Filling Station (PFS) with shop, with the southern portion of the site remaining undeveloped at the present time. Assuming the development goes ahead in this form, it is unlikely that the remainder of the allocated site to the south would be developed as gaining access to the remainder of the land from the north in future would be very challenging given the central location of the veteran trees on the site and other constraints. Therefore, the proposals as set out probably offer the optimal development of the site whilst not impacting on the long-term health of the veteran trees and the amenities of the residential property in the south-eastern corner of the southern portion of the site.

6.2.3 Clearly, the development of the southern part of the site is going to be dictated by the ability of a future developer to gain access to it, as the position of the veteran trees in the centre of the site and their root protection zones mean that vehicular access from the north is going to be very difficult to achieve in future. The current application is considered to sit well within the northern part of the site and is considered acceptable in terms of siting, scale and design for a development of this type.

6.3 Visual impact and landscaping

6.3.1 The site is currently a greenfield site situated on the south-eastern corner of the Churncote roundabout with the A5 running down its western boundary and Welshpool Road forming its northern boundary. The site acts as a gateway to the county town and as such the form any future development takes is important in terms of the image it portrays to visitors to the town.

6.3.2 The original proposals envisage the site being cleared despite the presence of veteran trees on the site that were flagged up at pre-application stage as being important and needing to be retained as part of any development of this site.

6.3.3 The new proposals are significantly scaled back and retain the veteran trees on site, which is considered extremely important as these are a finite resource which are irreplaceable. A high-quality landscaping scheme will also be required via condition to mitigate the impacts of the proposals and provide appropriate screening of the site.

- 6.3.4 The visual impact of the development is considered to be acceptable and with a high-quality landscape scheme it should blend into its surroundings.
- 6.4 Highways and Transportation
- 6.4.1 Access to the site will be from the north of the site off Welshpool Road. Concerns have been raised by objectors to the access/egress arrangements, however neither Highways England nor the Highways Authority have raised objections to the proposals. A right-hand turn lane on Welshpool Road will accommodate visitors to the site approaching from the west and this will ensure the continued free flow of traffic off the Churncote Roundabout heading towards Shrewsbury.
- 6.4.2 The revised internal site layout features a higher level of connectivity between each of the proposed elements of the scheme, for vehicles, cyclists, and pedestrians, to ensure that all users of the site are not prejudiced, with safe and convenient access into each part of the site as necessary, with secure bicycle storage provided across the site. Pedestrians access the site from the northeast, with designated pathways and crossing areas between each of the proposed units to ensure high levels of interconnectivity.
- 6.4.3 Six bays within the provided parking area will be allocated to staff, which was a concern of members when the application was previously considered, it is anticipated that the majority of site staff will be part time, and as such not all members of staff will be utilising the car park at the same time. Therefore, the parking provision is considered adequate to serve the staff anticipated at the site required for the PFS and coffee shop operations. An additional condition has now been suggested to control the future use of the coffee shop on site to ensure any future use does not adversely impact the highway network or result in increased parking demand.
- 6.4.4 A public footpath will be provided along the northern perimeter of the site with Welshpool Road which will provide a pedestrian link on the southern side of the A458 between the Churncote Roundabout and the recently approved residential development on Site R2 of the SUE West Masterplan which also has a footpath running the length of its frontage with Welshpool Road. The Committee previously requested that provision of this footpath link be investigated.
- 6.4.5 When the application was previously considered members expressed concerns about the access to the site and requested that the possibility of an access only from the A5 be explored with egress only onto Welshpool Road. The A5 is managed by National Highways, and they

have indicated that they would not support an access point off the A5 to the south of the Churncote Roadabout. A review of NH Policy has also previously been undertaken, which confirms that new junctions should not be sought on the Strategic Road Network (SRN) for roads of this standard.

- 6.4.6 Turning to the Right Hand turn ingress from Welshpool Road. A similar development (ref. 20/0350/FUL) was supported by a Transport Assessment (TA), which presented junction capacity assessments. The quantum of development proposed at that stage was for a larger scheme than is now included in the current application. The capacity assessments, undertaken using industry standard software, which have subsequently accepted by both the Highway Authority and National Highways, forecasted a worst-case scenario of just one queuing vehicle as the average maximum queue result over the peak hours at the proposed priority-controlled site access junction based on this larger development quantum. The Ratio of Flow to Capacity (RFC) results for the future assessment year for the right turn are less than 0.25, meaning that the anticipated demand of the earlier, larger, scheme would be less than 25% of the overall capacity of the new access in the busiest peak hours.
- 6.4.7 Notwithstanding the negligible potential queuing of vehicles accessing the site, the right-hand turn lane the site allows approximately 50m of storage space before which any queue would exceed the dedicated right turn lane, with a further 40m available to the roundabout beyond this. Furthermore, as evidenced in previously submitted TA documents, assessment scenarios have shown low levels of opposing traffic flows, relative to the capacity of the link (around one third of capacity), further minimising any potential impact of the site access on the highway network and that this arrangement would be fit for purpose to serve the development proposals.
- 6.4.8 In relation to the site egress the proposed egress arrangements for the site have been assessed and agreed with both authorities, as set out above in relation to the access movements.
- 6.4.9 The egress from the site has sufficient width to allow vehicles to still turn left whilst there are vehicles waiting to turn right out of the site, as the right turning vehicles will not impede the movements of vehicles turning left from the egress of the site. Given the location of the site in relation to the adjacent roundabout and the SRN this means a clear majority of the traffic exiting the site would be turning left, as set out in the submitted TA and TN reports and agreed with the Highway Authority and National Highways In summary, the road safety issues in relation to the proposed

access and egress to the site have been carefully assessed using accepted industry modelling and the assessment demonstrates that the highway arrangements are acceptable.

6.5 Residential Amenity

6.5.1 The development of the northern part of the site as proposed is unlikely to impact the amenities of the residential property located on the southeast corner of the southern portion of the site as the development is much further away than the previous iterations. This has always been a concern in relation to the two previous proposals put forward by the applicant which envisaged the development of the whole site.

6.5.2 The revised scheme also incorporates a 2.5m high acoustic fence around the southern and eastern boundaries of the site; this will help to minimise any potential noise issues upon future and existing neighbouring development. This is confirmed within the revised noise assessment, which states that the “potential impact of noise from the proposed development is not predicted to be significant and no additional mitigation is required” following the installation of the acoustic fencing.

6.6 Employment

6.6.1 The site is allocated for future employment development in the development plan and is included in the SUE West Masterplan. The onset of the coronavirus pandemic saw a shift in the way people work with many companies switching to a home working model. As things return to normality there has been a shift towards a hybrid working model between the home and office. Research suggests that workers are now spending about half as much time in the office as they previously did, and this has seen demand for new office accommodation shrink dramatically.

6.6.2 The application states that the proposals will create the equivalent of 21- Full Time jobs on site with the majority being part time. The scale and type of jobs the development will create do not necessarily align with the original vision for the site. Clearly, both the quality and quantity of jobs has significantly diminished in relation to the Masterplan vision and this is a concern in relation to these proposals. Equally, there needs to be degree of reality about the future prospects of this site coming forward as a business park given that the veteran trees on site place a major constraint on the ability to gain access to the southern part of the site from the north.

6.7 Ecology

6.7.1 An ecology report has been submitted in support of the application and the County Ecologist accepts the contents and recommendation.

Appropriate conditions are recommended to be attached to any permission granted to ensure compliance with Development Plan policies MD12 and CS17, as well as the NPPF.

- 6.7.2 The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework. This proposed development site lies within the Environmental Network. As such, the proposed scheme is considered to assist in 'promoting the conservation, restoration and enhancement of priority habitats and ecological networks' as required by paragraph 174 of the National Planning Policy Framework and provide a net gain in biodiversity which will be secured via condition. At present as long as a net gain can be demonstrated no matter how small this is sufficient to meet current requirements.
- 6.7.3 The applicants have indicated that due to the root protection zone around the two veteran oak trees in the middle of the site, providing a vehicular access to the southern portion of site from the north is not achievable. It has therefore been decided that it is not practical to develop this part of the site and instead it will now be left as a wildflower meadow. Clearly, this has benefits in terms of biodiversity and is welcomed.
- 6.8 Drainage
- 6.8.1 A site-specific flood risk assessment has been submitted, and conditions are recommended by the LLFA to mitigate against any impacts of the development. The Environment Agency have no objections to the proposals subject to appropriate mitigation measures being incorporated into the design. There are no watercourses in the immediate vicinity of the site which could be adversely impacted by surface water run-off. The detail design of the site drainage will be secured via conditions.
- 6.8.2 The development will be subject to the groundwater protection code of practice on how to prevent pollution from petrol, diesel and other fuel tanks. This code has advice and good practice on how to protect groundwater when storing liquid fuels in USTs. This code offers the best environmental options for facilities. The Environment Agency monitor that the code is being followed.
- 6.9 Archaeology
- 6.9.1 The Desk Based Heritage Assessment by RPS Group dated February 2013 continues to provide sufficient information regarding to archaeological interest of the proposed development site in relation to

the requirements of Policy MD13 of the Local Plan and Paragraph 194 of the NPPF (July 2021). The County Archaeologist continues to concur with its findings regarding the archaeological potential of the proposed development site.

- 6.9.2 There is no objection in principle to the proposed development from an historic environment perspective. However, it is advised, in line with Policy MD13 of the Local Plan and Paragraph 205 of the NPPF (July 2021), that a phased programme of archaeological work be made a condition of any planning permission. This would consist of an initial geophysical survey and targeted trial trenching, followed by further mitigation as appropriate.
- 6.10 NWRR Financial Contributions
 - 6.10.1 Under outline planning permission 14/00246/OUT, landowners and the Council agreed an apportionment of cost contributions towards the NWRR from each site in the SUE West. The contribution apportioned to Site E1 was £177,000, which was based on this being an employment allocation and on the size of the site.
 - 6.10.2 The proposals which have now come forward envisage a very different type of development on the site. It also needs to be noted that the proposals only cover the northern portion of the site, with the southern part being left undeveloped as a wildflower meadow. The applicant on purchasing the site would have been aware of the employment allocation and the expected financial contribution that the site was expected to make to the NWRR. The applicant has indicated that they are prepared to make a contribution towards the costs of the NWRR and offered a sum of £80,000 based on traffic modelling they have undertaken. This is considered to be acceptable given the reduced scale of development and will be secured via a planning obligation.
 - 6.10.3 At the last meeting, members expressed concern about the contributions in the original planning obligation being fixed and not index linked given that this had originally been signed several years back. The applicant has agreed in principle to the idea of the contribution being index linked as requested by the elected members.
- 6.11 Sustainability
 - 6.11.1 The proposals include for Rapid EV charging points on site. The EVCP (to be installed at the site) are the top end ultra-rapid chargers, which can fully charge vehicles in roughly 20 mins. Rapid EVCP typically take between 30-60 mins, there are currently 3 rapid chargers in Shrewsbury Town Centre, one at Morrisons and two at the Bannatyne Health Club. Therefore, these proposals will significantly enhance the EVCP in the

town thus encourages more vehicle owners to switch to electric vehicles in the future.

6.12 Environment Information Assessment

- 6.12.1 The EIA Regs in Schedule 2 identify that Motorway Service Areas over 0.5 hectares may need to undertake an EIA assessment. The development here no longer impacts the veteran trees and only covers around half the site allocation. It is therefore deemed that an EIA assessment is not necessary in this case as impacts are not considered to warrant such an approach.

7.0 CONCLUSION

- 7.1 The application should be determined with due regard to the adopted development plan policies outlined above, as well as the adopted SUE West Masterplan as a further material consideration. In addition, planning judgement should clearly reflect upon the material considerations for the revised scheme. Of particular consideration in this context is the constraint placed upon the wider delivery of the site through the presence of the veteran trees, and protection of the TPO in the proposal is welcomed.
- 7.2 The policy considerations including the locational support for the role of Shrewsbury, the timely provision of service infrastructure to support the strategic road network and SUE West community and protection of the environmental network in the west of Shrewsbury would 'on balance' support the suitability of the proposals.
- 7.3 A determination that this scheme is considered acceptable, would engage the S106 agreement under outline proposal in permission 14/00246/OUT, for this site to contribute £176,867 to support the delivery of the Oxon Link element of the North West Relief Road connecting with the A5 Shrewsbury by-pass.
- 7.4 The current proposals only envisage half of the site allocation being developed under this application and this potentially will result in the southern part of the site which forms part of the employment allocation of the site remaining undeveloped in the future as access to this part of the site will become even more problematic than it has already proven to be from the north.
- 7.5 The landscape in terms of demand for employment sites and in particular office accommodation has shifted significantly as a result of the pandemic and the move towards permanent home or hybrid working arrangements. This site was originally envisaged in the SUE West Masterplan as a business park, but the prospect of this being delivered

within the current economic climate and with the changes in working practices highlighted above mean that such a development is unlikely now.

- 7.6 Clearly, the proposals will deliver employment opportunities, however these are not of the calibre originally envisaged when the SUE West Masterplan was drawn up, however the applicant has agreed to make a financial contribution towards the NWRR with this being written into a standalone S.106 agreement.

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

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS1 - Strategic Approach

CS2 - Shrewsbury Development Strategy

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport
CS8 - Facilities, Services and Infrastructure Provision
CS9 - Infrastructure Contributions
CS13 - Economic Development, Enterprise and Employment
Economic Development, Enterprise and Employment
CS14 - Managed Release of Employment Land
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD4 - Managing Employment Development
MD10B - Impact Assessments for Town and Rural Centres
MD12 - Natural Environment
Settlement: S16 - Shrewsbury
SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

19/05247/DIS Discharge of condition 4 (Full Arboricultural Impact Assessment) 11 (CMS) 13 (Ecology) 17 (Materials) 18 (Drainage Details) 22 (Drainage - Surface Water) 23 (Foundations) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 20th May 2020

20/01667/AMP Non Material Amendment to previously approved (19/05386/DIS) Condition 12 (Construction Environmental Management Plan) to Planning Permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure GRANT 5th May 2020

20/04924/DIS Discharge of condition 10 (Badger Inspection) attached to planning permission 14/00246/OUT DISAPP 7th January 2021

21/00425/DIS Discharge of condition 16 (Contamination) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 1st March 2021

22/02464/FUL Development of roadside services including - a Petrol Filling Station with ancillary retail (Sui Generis) and a drive-through unit (Class E) PDE

14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure GRANT 13th September 2019

PREAPP/17/00351 Proposed development of a petrol filling station with ancillary retail store, drive through cafe, hotel and pub/restaurant together with access, parking and landscaping works PREAMD 17th August 2017

PREAPP/19/00374 Erection of new foodstore, employment unit, car parking, access and ancillary landscaping NPW 1st October 2021

19/05247/DIS Discharge of condition 4 (Full Arboricultural Impact Assessment) 11 (CMS) 13 (Ecology) 17 (Materials) 18 (Drainage Details) 22 (Drainage - Surface Water) 23 (Foundations) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 20th May 2020

20/01667/AMP Non Material Amendment to previously approved (19/05386/DIS) Condition 12 (Construction Environmental Management Plan) to Planning Permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure GRANT 5th May 2020

20/03570/FUL Hybrid application for a mixed-use development - FULL consent For formation of roadside services including a petrol filling station, a drive-through restaurant; drive-through coffee shop; creation of new vehicular access (off A458); on-site roads and parking areas; landscaping scheme; and, OUTLINE consent (access for consideration) for the erection of offices (Use Class B1) WDN 3rd June 2021

20/04924/DIS Discharge of condition 10 (Badger Inspection) attached to planning permission 14/00246/OUT DISAPP 7th January 2021

21/00425/DIS Discharge of condition 16 (Contamination) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 1st March 2021

AGENDA ITEM

Northern Planning Committee - 23rd May 2023

Land Adjacent To Churncote
Island, Welshpool Road/A5

21/04495/FUL Roadside Services development to include Petrol Filling Station with ancillary retail; drive-through coffee shop, drive-through restaurant and the erection of 4 no. Business Starter Units REFUSE 25th March 2022

22/02464/FUL Development of roadside services including - a Petrol Filling Station with ancillary retail (Sui Generis) and a drive-through unit (Class E) PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RCGA2LTDG9V00>

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 Richard Marshall

Local Member

Cllr Lezley Picton

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

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. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest

4. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

5. Prior to the commencement of development on site details of the means of access, including the location, layout, construction and sightlines, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied (whichever is the sooner).

Reason: This detail is required prior to commencement to ensure a satisfactory means of access to the highway.

6. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

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 complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

8. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') 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 plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

10. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

11. 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 (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

12. Prior to commencement, an Ecological Impact Assessment shall be submitted, together with any required phase 2 surveys. The assessment will i) establish if there have been any changes in the presence and/or abundance of species or habitats on the site and ii) identify any likely new ecological impacts and mitigation requirements that arise as a result. Where update surveys show that conditions on the site have changed (and are not addressed through the originally agreed mitigation scheme) then a revised updated and amended mitigation scheme, and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (or commencement of the next phase). Works will then be carried forward strictly in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that development is informed by up-to-date ecological information and that ecological mitigation is appropriate to the state of the site at the time development/phases of development commences.

13. 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 4 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks) and/or house martins (house martin nesting cups).

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.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

14. Prior to the commencement of the construction works for the development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with National Highways. The approved plan shall be adhered to throughout the construction period.

Reason: To ensure that the A5 and A458 trunk roads continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

15. Prior to the opening of the development, the proposed mitigation works as shown in Drawing no. DTP/3700318/SK101 - Rev F shall be implemented in full. The detailed design works shall be submitted to and approved in writing by the Local Planning authority, in consultation with National Highways.

Reason: To ensure that the A5 and A458 trunk roads continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

16. The Coffee Shop (Class E) hereby granted approval shall not be used for any other purpose with Class E of the Town & Country Planning (Use Classes) Order 1987 (As Amended) with the approval of the Local Planning Authority.

Reason: To ensure that any future change of use of the coffee shop does not result in potential queuing that would be detrimental to highway safety and the free flow of traffic along Welshpool Road.

Informatives

1. Operators of petrol filling stations should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The Environment Agency has powers to take action where groundwater pollution occurs or is likely to occur.

If pollution was to occur, Section 161, Water Resources Act 1991 empowers the Environment Agency to recover all costs reasonably incurred in:

- carrying out works, operations or investigations to prevent pollution of surface waters or groundwater.

- undertaking remedial action following a pollution of surface waters or groundwater.

Should the EA be required to undertake such work we would be able to recover these from the company or person responsible.

Where the EA consider that other forms of control or voluntary action do not give sufficient protection to groundwater, we will serve EPR groundwater activity notices to avoid or restrict inputs of pollutants to groundwater including from, for example, underground storage and distribution facilities

2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

3. By virtue of the Town and Country Planning Act 1990, your attention is drawn to the following statutory provisions and Code of Practice relating to the needs of disabled people: Sections 4, 7 and 8A of the Chronically Sick and Disabled Persons Act 1970, Disability Discrimination Act 1995, BSI Code of Practice BS5810:1979 relating to Access for Disabled to Buildings, and the Building Regulations 1992 Approved Document M. Please ensure that you are taking account of these requirements.

4. General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be

sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

[Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.]

5. Nesting birds

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

AGENDA ITEM

Northern Planning Committee - 23rd May 2023

Land Adjacent To Churncote
Island, Welshpool Road/A5

[If during construction birds gain access to [any of] the building[s] and begin nesting, work must cease until the young birds have fledged.]

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Committee and date
 Northern Planning Committee
 23rd May 2023

Development Management Report

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

Summary of Application

Application Number: 23/00706/FUL	Parish:	Baschurch
Proposal: Erection of rear and side extension to provide ground and first floor accommodation		
Site Address: 2 Lullas Way Weston Lullingfields Shrewsbury Shropshire SY4 2FL		
Applicant: Mr and Mrs N Bardsley		
Case Officer: Mark Perry	email: mark.perry@shropshire.gov.uk	

Grid Ref: 342575 - 326449



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

REPORT

1.0 THE PROPOSAL

- 1.1 The submitted application is for the erection of a two storey rear extension, a first floor side extension above the existing utility, and the erection of a single storey side extension to link the existing garage which in turn will be partially converted into a home office.
- 1.2 The proposed extension will provide a new larger master bedroom on the first floor and an open plan kitchen/ dining room/ day room on the ground floor.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The subject property is located in Weston Common which is part of a Community Cluster as set out in S16.2(xvi) of the SAMDev plan. Also, in the cluster are the settlements of Weston Lullingfields and Weston Wharf.
- 2.2 The property is a modern four bedroom detached dwelling built in 2017 as part of a four dwelling development, all of which front onto a private cul-de-sac. This property sits in the north western corner of the site with open fields beyond the north western and southwestern boundaries.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The applicant is the elected Shropshire Councillor for the Ruyton and Baschurch division. Therefore, in line with the Scheme of Delegation the application is required to be determined by the Northern Planning Committee.

4.0 Community Representations

4.1 Consultee Comment

Parish Council- Supports this proposal. Despite being a fairly large extension on a relatively new property, this proposal appears to be of little or no detriment to the street scene or neighbouring property. The proposal benefits from a pre-application from which we understand revisions have been made.

Public Comments

No representations received at time of writing report.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping

Impact on Neighbours

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The application is considered in the light of Core Strategy Policies CS6 (Sustainable Design and Development) and SAMDev Policy MD2 (Sustainable Design). CS6 requires development to be designed to a high quality using sustainable design principles. It also seeks to ensure that development is appropriate in scale, density, pattern and design to its local context and has regard to residential and local amenity.
- 6.1.2 Policy MD2 of the Council's adopted SAMDev Plan similarly requires development to contribute to and respect local distinctive or valued character and existing amenity value.
- 6.1.3 On the basis of the above, it is considered by Officers that there is no objection to the principle of the construction of an extension to the dwelling. Other issues relating to scale, design, impact on neighbours are discussed further in this report.

6.2 Siting, scale and design of structure

- 6.2.1 The rear extension would project beyond the existing rear elevation by 4.3m and would have a width of 5.3m; this would introduce a new projecting gable at the rear and consequently bring the property to within 1.3m of the boundary hedge that separates the residential curtilage from the adjacent agricultural land.
- 6.2.2 The first-floor element would provide additional accommodation over the existing utility room positioned to the side of the dwelling. This addition sits below the ridge and roof slope of the original dwelling to ensure it appears subservient. This extension also sits around 2.2m back from the front elevation of the original dwelling helping to give the extension a recessive appearance.
- 6.2.3 It is proposed that the existing single garage would be linked to the new extension by a flat roof, largely glazed structure. The low design of this extension ensures that that is has minimal impact visually.
- 6.2.4 The extensions will be constructed from matching bricks and render with a tiled roof to match the existing dwelling.
- 6.2.5 The proposed scale, design and appearance of the extensions are considered by Officers to respect the existing character of the dwelling and would not result in any visual impact in the locality. There are no public vantage points of the dwelling from the surrounding fields and any visual impact of the extensions from the front of the property or the neighbour's property are considered by Officers to be minimal.
- 6.2.6 The extension would reduce the size of the garden and bring built development closer to the boundary hedge at the rear. Despite this it is considered that the

property would maintain an appropriate level of amenity space for the enlarged dwelling.

6.3 Impact on Neighbours

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. The proposed two storey extension would maintain a gap of 5.2m to the shared boundary with a neighbour and these would be a distance of 8.6m between the side wall of the two-storey extension and the rear facing windows of the neighbour, when measured at 45 degrees.

6.3.2 Having regard to the proposed orientation and distance away from neighbouring property it is considered by Officers that the proposed extension will not result in any detrimental impact by causing an overbearing impact or loss of light to the neighbour.

7.0 CONCLUSION

7.1 It is considered by Officers that the proposed extensions are acceptable in terms of their design, scale and their limited impact within the context of the street-scene. The proposed works are not considered to result in any detrimental impact on the amenities of neighbouring occupiers. Therefore, the proposal is considered by Officers to comply with policy CS6 of the Core Strategy and SAMDev Policy MD2 and is recommended for approval.

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

Relevant Planning Policies

Core Strategy

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

14/03072/OUT Outline application (all matters reserved) for the erection of 4 no. dwellings
GRANT 14th December 2015

16/05311/REM Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to permission 14/03072/OUT for the erection of 4 no. dwellings GRANT 17th May 2017

17/04693/FUL Erection of 2No dwellings (plots 3 and 4 - amendments to house designs and layouts on 16/05311/REM) GRANT 12th January 2018

16/05311/REM for the erection of 4 no. dwellings DISAPP 30th October 2017

PREAPP/22/00642 Proposed rear and side extension to provide ground and first floor accommodation PREAIP 6th December 2022

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RQDYNBTD06Z00>

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 Richard Marshall
Local Member Cllr Nick Bardsley
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. The external materials shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

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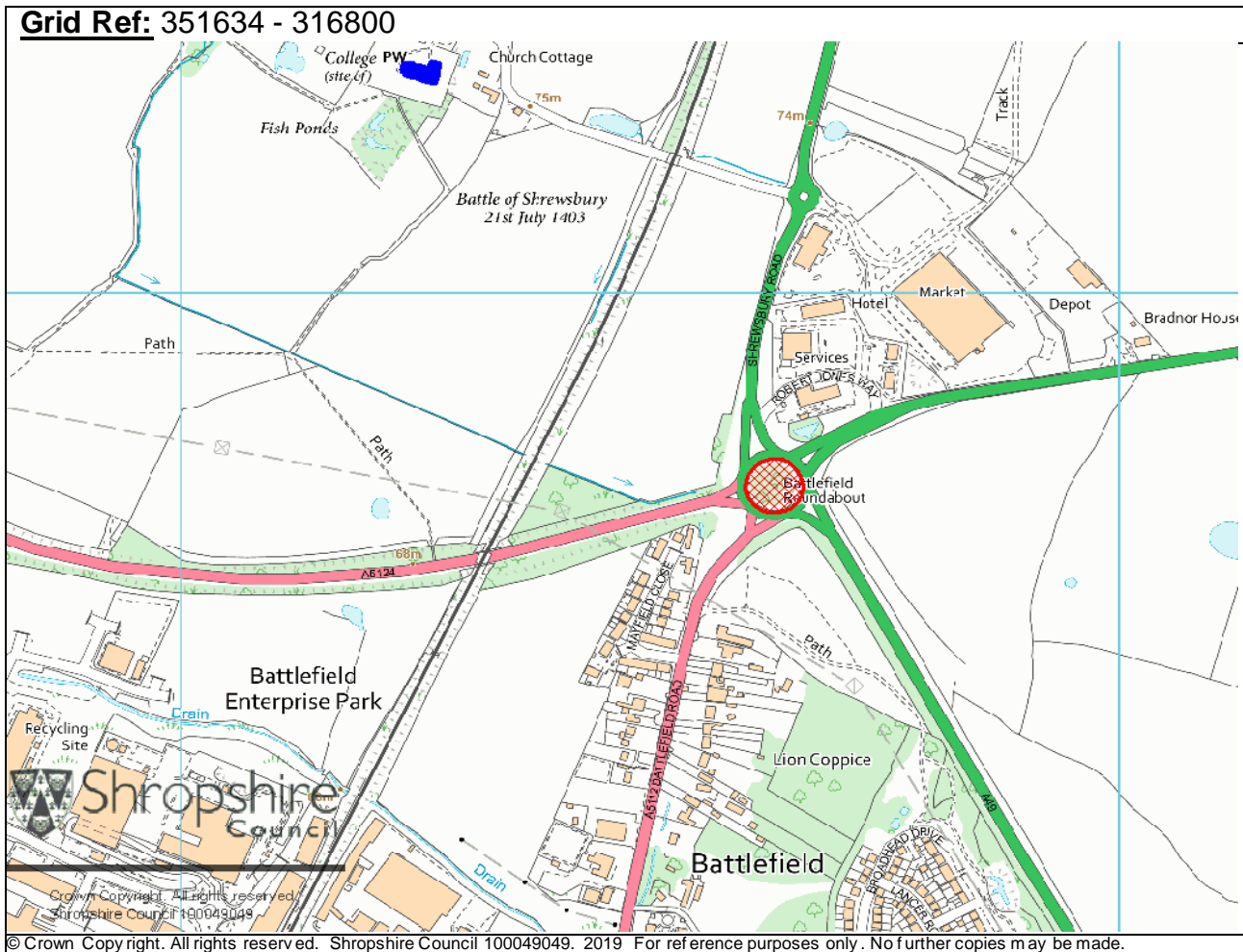
Committee and date
 North Planning Committee
 23rd May 2023

Development Management Report

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

Summary of Application

Application Number: 23/00770/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display five sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction A49/A53A5124/A5112, Battlefield, 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 as 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 Shrewsbury bypass at a major road junction of the A53 and the A49, together with the Battlefield Road leading south into Shrewsbury and the bypass to the north of Shrewsbury Business Park. Battlefield Service Station is located to the north including a Spar shop, public house, coffee shop and takeaway, together with Shrewsbury Cattle Market. A new Aldi supermarket has been built to the south of the roundabout. Several large free-standing signs are located close to the roundabout. The roundabout is approximately 61 metres in diameter and grassed with a thick group of mature Silver Birch trees in the centre. The roundabout has approval for 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 given that when Shrewsbury Town Council originally applied for planning permission in 2011, they were told that this was the original signs were largest they could be. There were also objections to the considerable increase in the number of signs at each site and the potential distraction this could create to drivers. 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.
- 4.1.3 **Shrewsbury Civic Society** objects to this application. The proposed signs are quite large and there are too many of them. They will give a cluttered appearance to the road junction and are an unnecessary visual distraction.

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 and the Shrewsbury Civic Society 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 four to five, 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 and Shrewsbury Civic Society 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. The proposed signs are located on a roundabout which is within a built-up environment and will be visible to drivers as they approach the 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, together with an existing service station with large freestanding signs 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 23/00770/ADV

Cabinet Member (Portfolio Holder) - Cllr Richard Marshall

Local Member - Cllr Dean Carroll

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.

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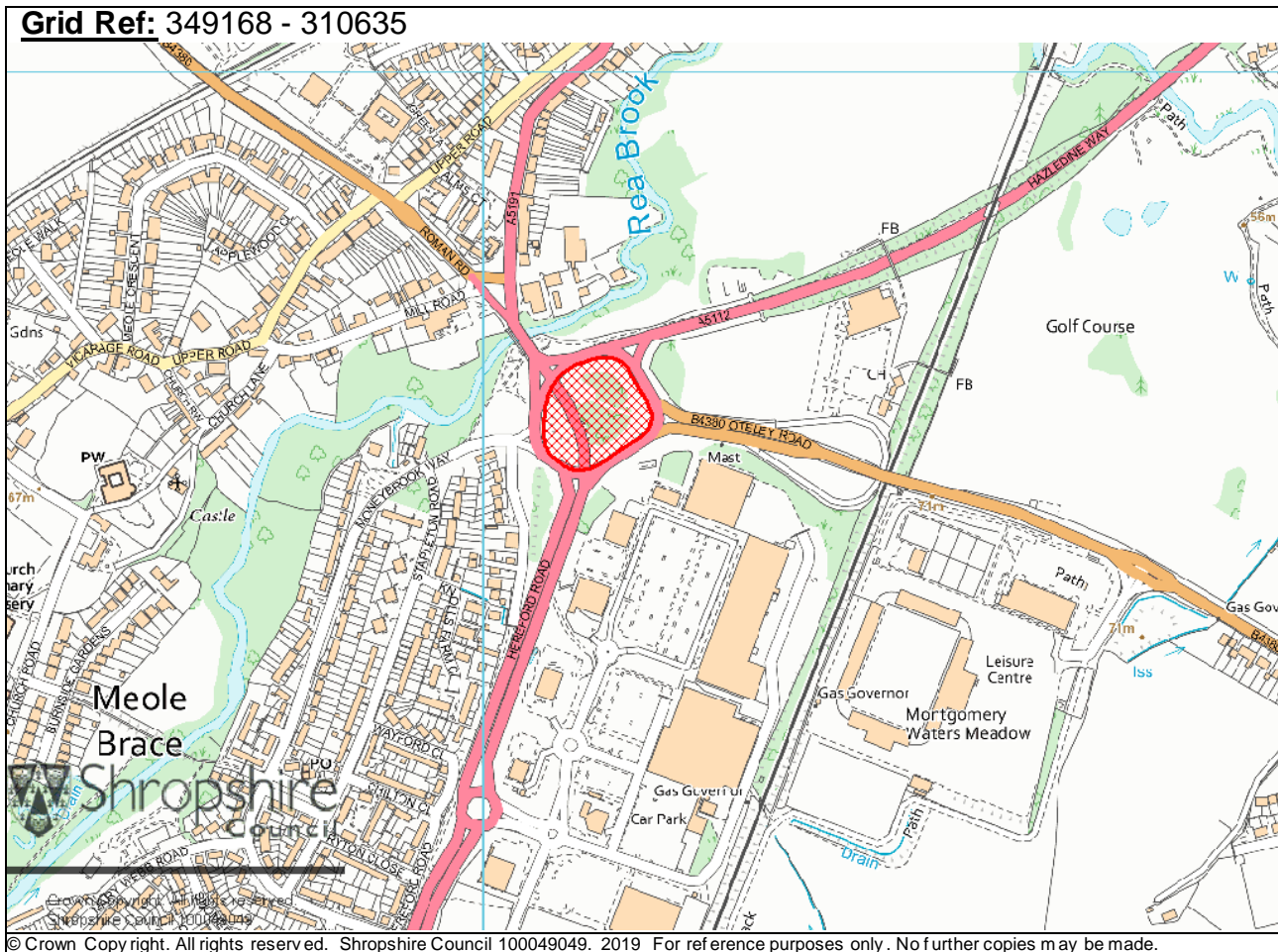
Committee and date
 North Planning Committee
 23rd May 2023

Development Management Report

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

Summary of Application

Application Number: 23/00774/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display six sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction Meole Brace/A5112/Hereford Road/Hazeldne Way/B4380/Oteley Road, 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 as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an advertisement application for the erection of six 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 eight to six. This alteration has been made to reduce the visual impact and cluttered appearance.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This is a large major roundabout junction towards the south of Shrewsbury which connects five major main roads in the town. In 2017 works were undertaken to provide a direct link across the roundabout from Roman Road to Hereford Road, together with a pedestrian link from Roman Road to Oteley Road. The roundabout is approximately 125 metres at its widest point and is grassed with a thick mixture of native trees in the centre which screens views from one side to another. Meole Brace Retail Park is located directly to the south and the Reabrook and commercial businesses to the north. Shrewsbury golf Club is located to the east. The roundabout has approval of twelve 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 given that when Shrewsbury Town Council originally applied for planning permission in 2011, they were told that this was the original signs were largest they could be. There were also objections to the considerable increase in the number of signs at each site and the potential distraction this could create to drivers. 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.

- 4.1.3 **Shrewsbury Civic Society** objects to this application. The proposed signs are quite large and there are too many of them. They will give a cluttered appearance to the road junction and are an unnecessary visual distraction.

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 twelve signs on and around 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 and the Shrewsbury Civic Society have raised concerns that the number signs on the roundabout have the potential to cause a distraction to drivers. This application will decrease the number of previously approved signs from twelve to six with each of the signs 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 and Shrewsbury Civic Society 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 will decrease the number of previously approved signs from twelve to six which are still considered small and will be positioned low to the ground. The proposed signs are located on a busy main roundabout within the town and adjacent to Meole Brace retail park and will be visible to drivers as they approach the 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.

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 23/00774/ADV

Cabinet Member (Portfolio Holder) - Cllr Richard Marshall

Local Member - 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 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.

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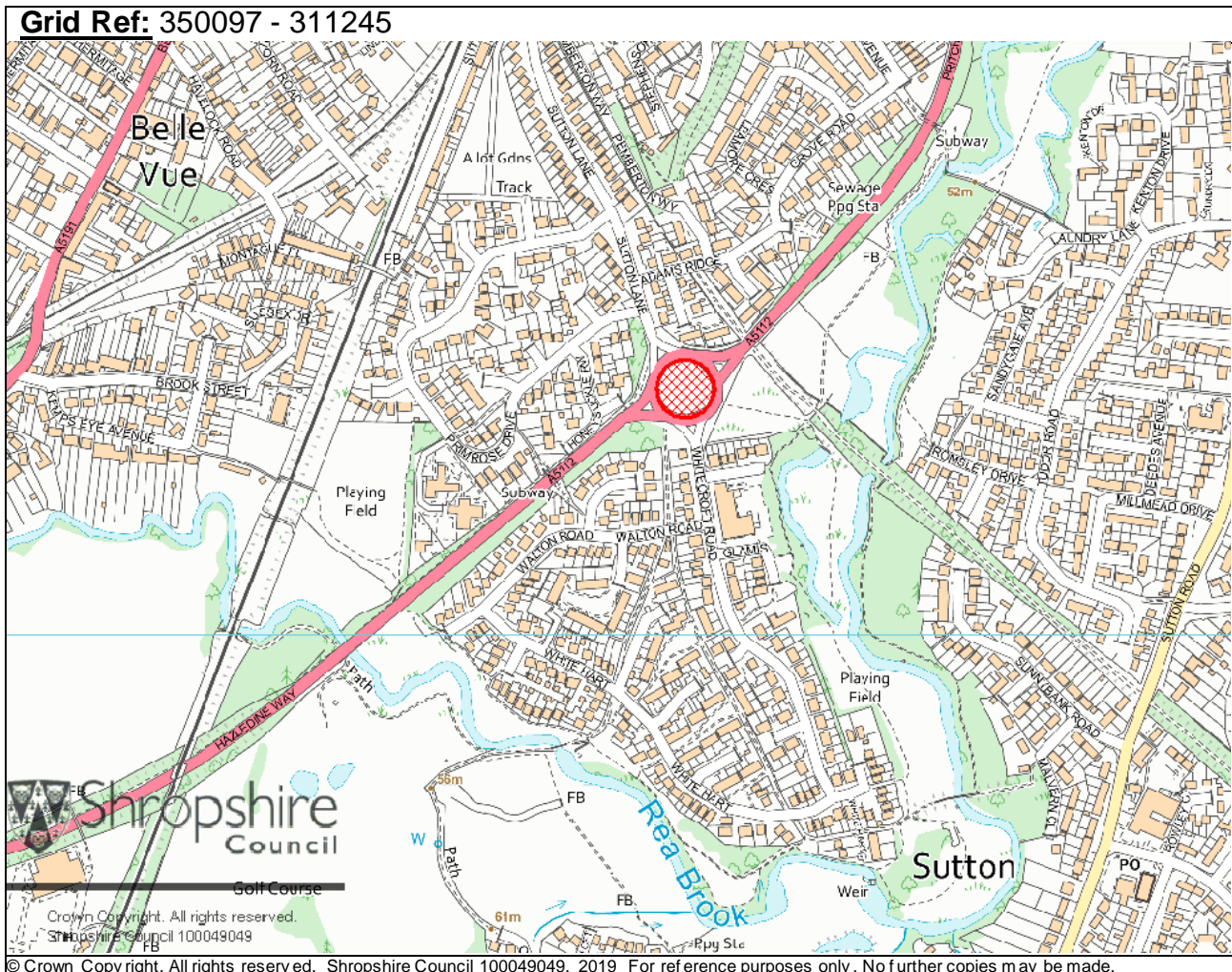
Committee and date
 North Planning Committee
 23rd May 2023

Development Management Report

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

Summary of Application

Application Number: 23/00776/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display four sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction A5112 Hazeldine Way/Sutton Lane/Pritchard Way, Shrewsbury, Shropshire		
Applicant: CP Media on behalf of Shropshire Council		
Case Officer: Richard Denison	Email: richard.denison@shropshire.gov.uk	



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 on the inner ring road in Sutton Park to the southeast of Shrewsbury town and provides access to a residential estate to the north and south. This is a large grass roundabout which is approximately 61 metres in diameter with a mature number of trees within the centre. The roundabout has approval of three 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 given that when Shrewsbury Town Council originally applied for planning permission in 2011, they were told that this was the original signs were largest they could be. There were also objections to the considerable increase in the number of signs at each site and the potential distraction this could create to drivers. 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.

- 4.1.3 **Shrewsbury Civic Society** objects to this application. The proposed signs are quite large and there are too many of them. They will give a cluttered appearance to the road junction and are an unnecessary visual distraction.

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 and the Shrewsbury Civic Society 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 and Shrewsbury Civic Society 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 three to four, although the signs are small and low to the ground. The proposed signs are located on a roundabout which is within a built-up environment and will be visible to drivers as they approach the 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.
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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.

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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

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National Planning Policy Framework (July 2021):

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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 23/00776/ADV

Cabinet Member (Portfolio Holder) - Cllr Richard Marshall

Local Member - Cllr Tony Parsons & Cllr Rosemary Dartnall

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STANDARD CONDITION(S)

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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.

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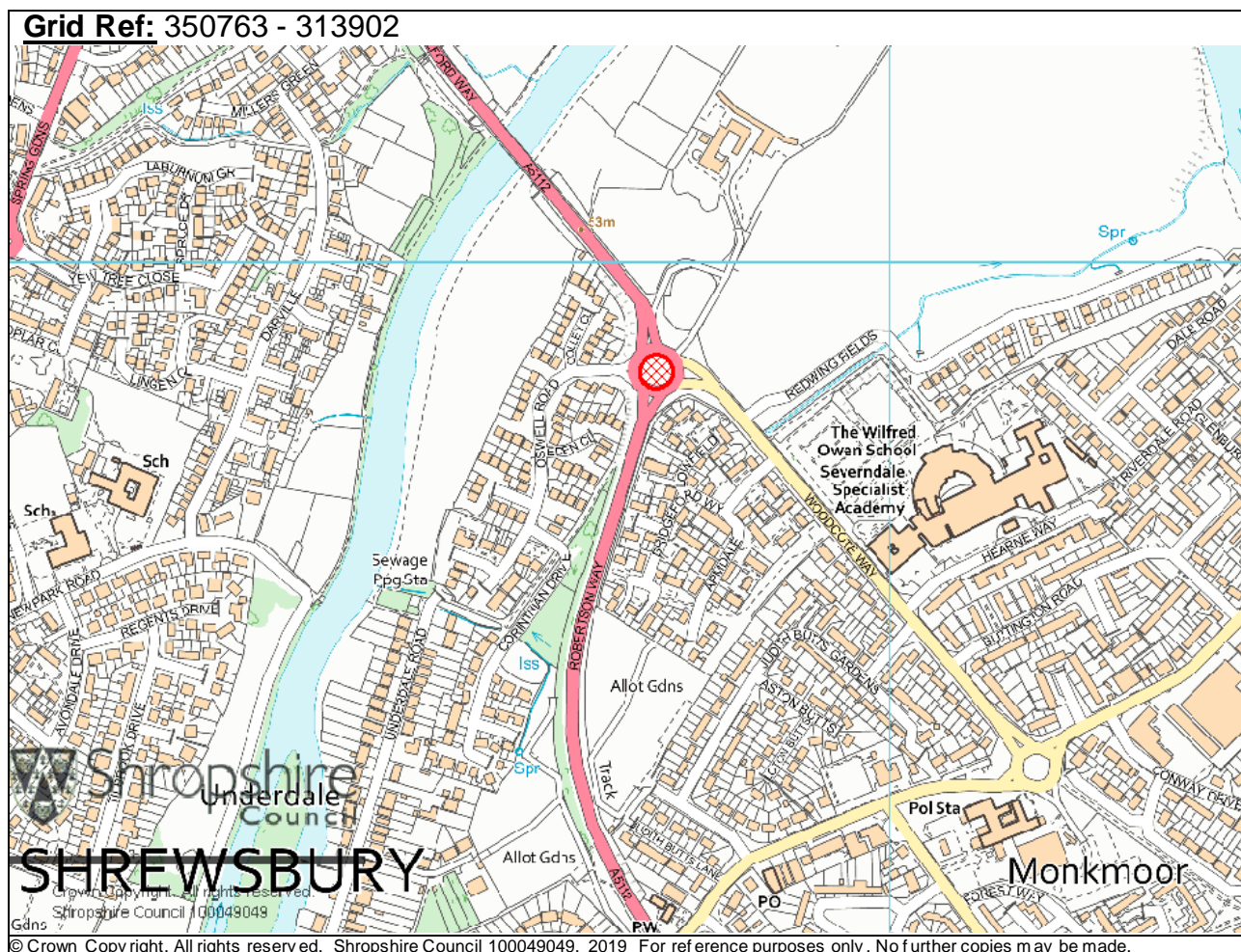
Committee and date
 North Planning Committee
 23rd May 2023

Development Management Report

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

Summary of Application

Application Number: 23/00777/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display three sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction A5112/Robertson Way/ Woodcote Way/Telford Way, 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 as 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 on the inner ring road at the junction of three main roads Robertston Way, Woodcote Way and Telford Way, together with Oswell Road which accesses a residential estate. A minor road also links onto the roundabout which serves Shrewsbury Driving Range and a layby. This roundabout is grassed with a slight raise with central tree planting and is 32 metres in diameter. The roundabout has approval of three 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 given that when Shrewsbury Town Council originally applied for planning permission in 2011, they were told that this was the original signs were largest they could be. There were also objections to the considerable increase in the number of signs at each site and the potential distraction this could create to drivers. 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.

4.1.3 **Shrewsbury Civic Society** objects to this application. The proposed signs are quite large and there are too many of them. They will give a cluttered appearance to the road junction and are an unnecessary visual distraction.

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 and the Shrewsbury Civic Society 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 and Shrewsbury Civic Society 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 four to three and the signs are small and low to the ground. The proposed signs are located on a roundabout which is within a built-up environment and will be visible to drivers as they approach the 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 23/00777/ADV

Cabinet Member (Portfolio Holder) - Cllr Richard Marshall

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.

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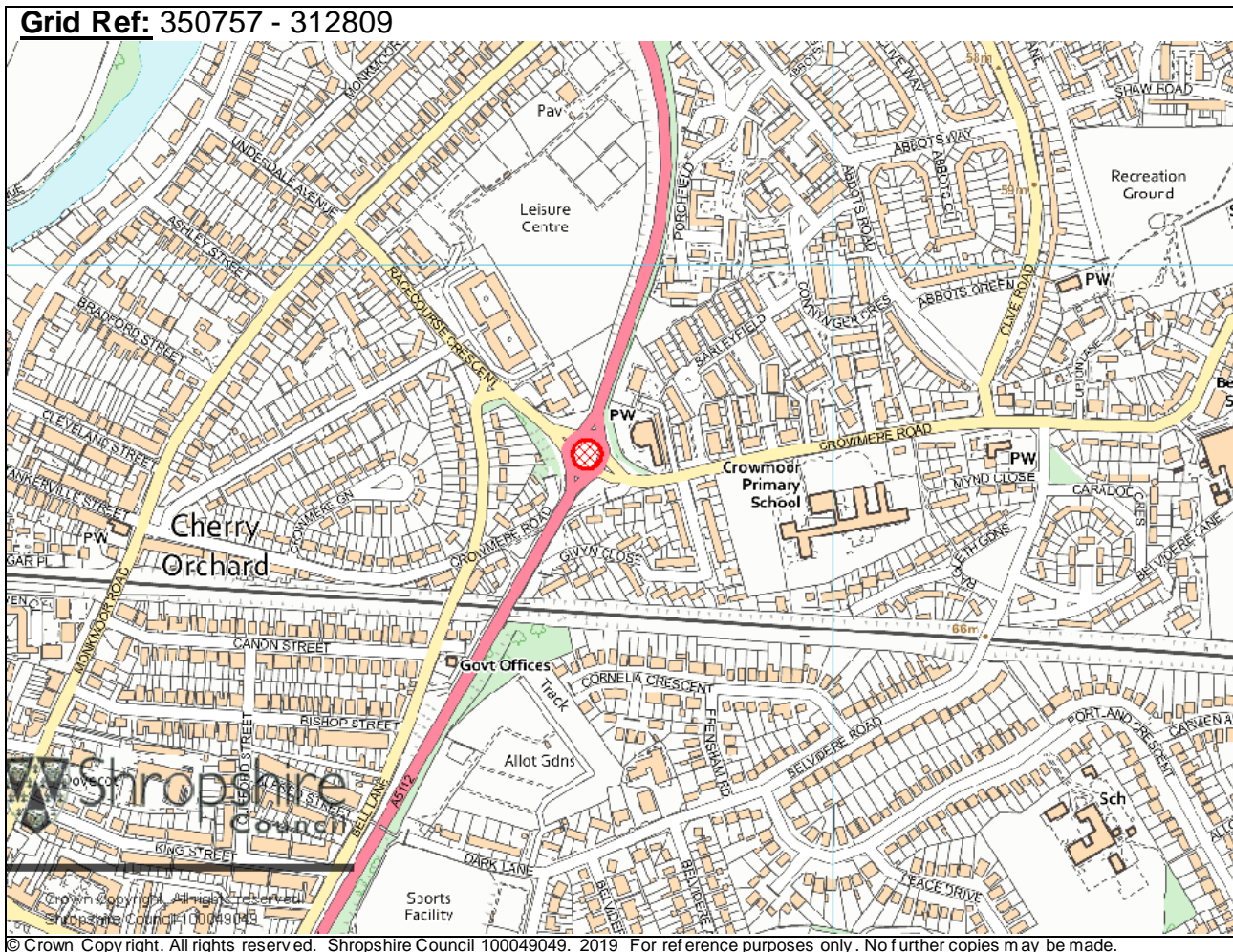
Committee and date
 North Planning Committee
 23rd May 2023

Development Management Report

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

Summary of Application

Application Number: 23/00780/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display three sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction Crowmere Road/A5112/Robertson Way/Bage Way, 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 as 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 on the inner ring road between Cherry Orchard and Monkmoor to the east of Shrewsbury town and provides access to residential estates. The roundabout is approximately 28 metres in diameter with a central dense area of evergreen shrubs and tree planting within the centre. The roundabout has approval of three 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 given that when Shrewsbury Town Council originally applied for planning permission in 2011, they were told that this was the original signs were largest they could be. There were also objections to the considerable increase in the number of signs at each site and the potential distraction this could create to drivers. 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.

4.1.3 **Shrewsbury Civic Society** objects to this application. The proposed signs are quite large and there are too many of them. They will give a cluttered appearance to the road junction and are an unnecessary visual distraction.

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 and the Shrewsbury Civic Society 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 in the identical positioned as previously

approved which 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 and Shrewsbury Civic Society 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 three to four, although the signs are small and low to the ground. The proposed signs are located on a roundabout which is within a built-up environment and will be visible to drivers as they approach the 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 23/00780/ADV

Cabinet Member (Portfolio Holder) - Cllr Richard Marshall

Local Member - Cllr Pam Moseley

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.

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Committee and date

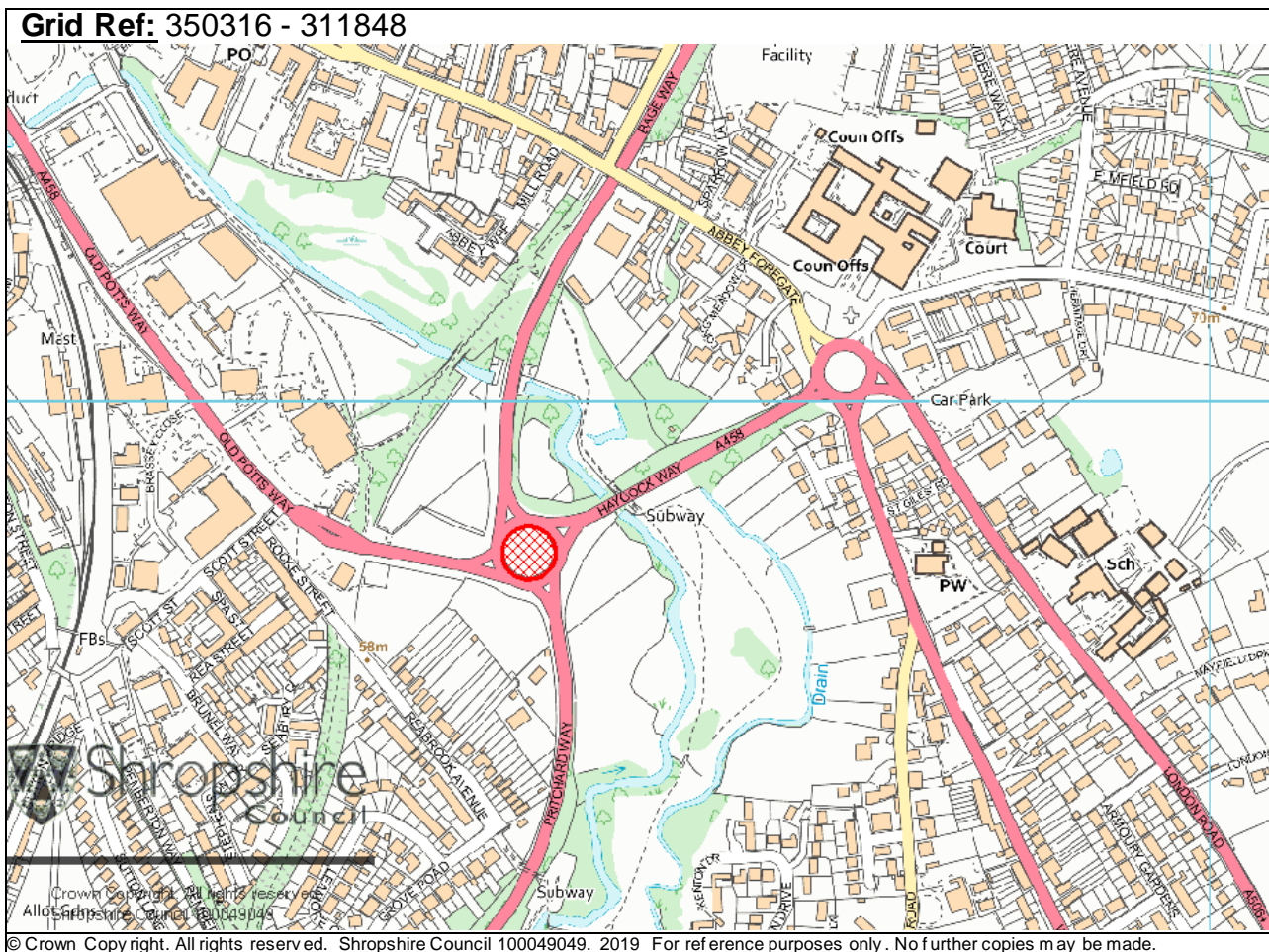
North Planning Committee
23rd May 2023

Development Management Report

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

Summary of Application

Application Number: 23/00781/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display four sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction Reabrook/Bage Way/Old Potts Way, 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 as 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 on the inner ring road to the south of Shrewsbury town and provides access towards the town centre along Old Potts Way and up Hay Cockway towards the Lord Hill's Column. This is a large grass roundabout which is approximately 58 metres in diameter with a mature number of trees and shrubs within the centre. The roundabout has approval of three 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 given that when Shrewsbury Town Council originally applied for planning permission in 2011, they were told that this was the original signs were largest they could be. There were also objections to the considerable increase in the number of signs at each site and the potential distraction this could create to drivers. 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.

- 4.1.3 **Shrewsbury Civic Society** objects to this application. The proposed signs are quite large and there are too many of them. They will give a cluttered appearance to the road junction and are an unnecessary visual distraction.

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 and the Shrewsbury Civic Society 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 and Shrewsbury Civic Society 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 three to four, although the signs are small and low to the ground. The proposed signs are located on a roundabout providing a junction of four main roads will be visible to drivers as they approach the 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 23/00781/ADV

Cabinet Member (Portfolio Holder) - Cllr Richard Marshall

Local Member - 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 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.

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<u>Committee and date</u>
Northern Planning Committee
23 rd May 2023

SCHEDULE OF APPEALS AS AT COMMITTEE 23rd May 2023

LPA reference	21/01967/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Basaway Properties
Proposal	Outline application (all matters reserved) for residential development of (up to) 14 dwellings
Location	Land adj 2 Moorland Cottage Marton Road Baschurch
Date of appeal	17.06.2022
Appeal method	Written Representations
Date site visit	28.03.2023
Date of appeal decision	03.05.2023
Costs awarded	
Appeal decision	DISMISSED

LPA reference	22/03766/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr & Mrs James Neil
Proposal	Erection of part two storey/part single storey extension to rear and installation of 4 KWH photovoltaic array to front elevation roof
Location	38 Belle Vue Road Shrewsbury
Date of appeal	31.01.2023
Appeal method	Householder
Date site visit	17.03.2023
Date of appeal decision	09.05.2023
Costs awarded	
Appeal decision	DISMISSED

LPA reference	20/03962/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr T Heal
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the siting of mobile home for use as temporary agricultural workers dwelling.
Location	Heal Farms, Butlers Bank, Shawbury
Date of appeal	23.06.2022
Appeal method	Hearing
Date site visit	03.11.2022
Date of appeal decision	15.05.2023
Costs awarded	Yes
Appeal decision	ALLOWED

LPA reference	20/03923/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr T Heal
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the siting of mobile home for use as temporary agricultural workers dwelling.
Location	Poultry Buildings, Muckleton Road, Edgebolton Shawbur
Date of appeal	23.06.2022
Appeal method	Hearing
Date site visit	03.11.2022
Date of appeal decision	15.05.2023
Costs awarded	Yes
Appeal decision	ALLOWED

LPA reference	20/03920/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr T Heal
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the siting of mobile home for use as temporary agricultural workers dwelling.
Location	Haw Green Farm, Haw Green Lane, Peplow
Date of appeal	23.06.2022
Appeal method	Hearing
Date site visit	03.11.2022
Date of appeal decision	15.05.2023
Costs awarded	Yes
Appeal decision	ALLOWED

LPA reference	20/03961/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr T Heal
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the siting of mobile home for use as temporary agricultural workers dwelling
Location	Hazeldene, Stanton Upon Hine Heath
Date of appeal	23.06.2022
Appeal method	Hearing
Date site visit	03.11.2022
Date of appeal decision	15.05.2023
Costs awarded	Yes
Appeal decision	ALLOWED

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Appeal Decision

Site visit made on 28 March 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2023

Appeal Ref: APP/L3245/W/22/3301373

Land Adjacent 2 Moorland Cottages, Marton Road, Baschurch SY4 2BS

- 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 Shiraz Jessa, Basway Properties Limited, against the decision of Shropshire Council.
 - The application Ref 21/01967/OUT, dated 15 April 2021, was refused by notice dated 27 April 2022.
 - The development proposed is outline application (all matters reserved) for residential development of (up to) 14 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration. The drawing submitted, which shows an illustrative site layout, is therefore for indicative purposes only. I have dealt with the appeal on this basis.
3. I have taken the description of development above from the decision notice and the appeal form as this most accurately describes the proposal.

Main Issues

4. The main issues are a) whether satisfactory living conditions would be achieved for future residents, with particular regard to noise; b) whether adequate open space would be provided; and c) the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

5. A considerable stretch of the appeal site abuts an embankment leading to a railway line. Given the maximum number of dwellings proposed, it is likely that some properties and/or their gardens would be within very close proximity to this noise source.
6. It is proposed that an acoustic fence would be erected along the site's boundary with the railway line, and that measures such as acoustic glazing could be incorporated into the properties. I also note, as shown on the indicative plan, that the nearest dwellings to the railway may be orientated at

90 degrees to it. These measures appear to reflect those adopted in the previous approval¹.

7. Nevertheless, no details of the existing noise levels and the impact on future residents of the proposed development have been provided. I cannot therefore ascertain whether the proposed measures would be sufficient so as to mitigate against any harmful noise.
8. It is also not clear exactly what level of detail regarding this matter was before the Council when it made its decision on the previous approval. I cannot therefore make a direct comparison or conclude that a suitably worded condition would be appropriate in this circumstance.
9. Accordingly, due to the lack of information with regards to noise, I consider that the proposal would fail to provide satisfactory living conditions for future occupiers. It therefore conflicts with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (the CS) which seeks to ensure developments contribute to the health and wellbeing of communities, including safeguarding residential and local amenity, amongst other things.

Open space provision

10. In so far as it relates to this proposal, Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015) requires at least 30sqm of open space per person to meet local needs in terms of function and quality. The indicative layout plan does not include open space.
11. I appreciate that the terms of the development refer to 'up to' 14 dwellings, therefore a lower number may materialise during the reserved matters stage and thus areas for the required open space may become available. Nevertheless, it is important that I consider the total quantum of development sought as this too may be achieved. Therefore, whilst the plans are illustrative only, given the size and shape of the appeal site and the maximum number of dwellings proposed, it is difficult to envisage where the required provision of open space could be achieved.
12. It appears that the previous approval at the appeal site did not make provision for open space and that this appeal proposal is largely reflective of the approved layout. However, that approval was a considerable time ago and the evidence indicates that the relevant policy in this matter was not a consideration then.
13. I therefore conclude that the proposal would fail to provide the required level of open space provision as set out above. For this reason, it would conflict with Policy MD2 of the SAMDev Plan.

Character and appearance

14. The appeal site adjoins the Baschurch Station Conservation Area (the BSCA) whose significance appears to be largely derived from its historical association with the railway and the collection of characterful buildings, some of which are listed.

¹ Council ref: 12/00074/FUL

15. The illustrative site layout plan, whilst for indicative purposes only, seeks to continue the existing access route and arrange the properties in a similar manner to the surrounding built form. As noted above, in order to achieve the maximum number of dwellings proposed, I consider it likely that the proposal would be of a similar arrangement to that indicated.
16. Furthermore, there is and would remain generous separation from the appeal site to the nearest listed buildings, and there is no convincing reason before me to suggest that an appropriate design of the properties could not be achieved so as to preserve the setting of the BSCA.
17. Whilst I appreciate that an alternative design and total number of dwellings may be advanced for future consideration, the reserved matters stage would provide further scope to explore options relating to layout, appearance and scale, so as to arrive at an acceptable design.
18. Consequently, the proposal would preserve the heritage assets and would not harm the character and appearance of the area. It would not therefore conflict with Policy CS17 of the CS and Policy MD13 of the SAMDev Plan. Among other things, these policies collectively seek to ensure developments protect the natural, built and historic environment.

Other Matter

19. The communication between the parties during the application process and the Council's handling of the application are not matters for me within the context of this appeal, which I have determined on its own merits.

Conclusion

20. There is no dispute between the main parties that a residential use of the site is acceptable in principle. The proposal would boost the supply of housing in the area by a moderate amount and it is also indicated that provision would be made for affordable housing, although the details and a mechanism to secure this are not before me. Jobs would be created during construction and there would be spending in the local economy on subsequent occupation. Collectively, I afford these benefits moderate weight.
21. Conversely, the proposal would fail to provide satisfactory living conditions for future residents and the required level of open space. These matters attract significant weight. The lack of harm to the character and appearance of the area is a neutral matter.
22. The proposal conflicts with the development plan as a whole and there are no material considerations which indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

H Ellison
INSPECTOR

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Appeal Decision

Site visit made on 17 March 2023

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/L3245/D/23/3315815
38 Belle Vue Road SHREWSBURY SY3 7LL

- 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 James Neil against the decision of Shropshire Council.
 - The application Ref: 22/03766/FUL 17.08 dated 17 August 2022 was refused by notice dated 15 November 2022.
 - The development proposed is formation of extension to rear of property. Part 2 storey and part single storey, with demolition of existing lean-to utility room and wc at ground floor and construction of new kitchen, dining, lounge area with conversion of existing kitchen to utility and downstairs wc together with internal remodelling at first floor to form as further bedroom with family new bathroom and shower room off main bedroom together with installation of 4KWH photovoltaic array to front elevation roof.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development appearing on the submitted application form differs from that appearing on the council's decision notice. Noting that the appeal form confirms no change in the description of development I have used the description appearing on the application and appeal forms notwithstanding that it is unnecessarily lengthy and includes some works which would likely fall outwith the definition of development.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the host dwelling and the Belle Vue Conservation Area (Belle Vue CA).

Reasons

4. The appeal site, 38 Belle View Road (No.38) is a three-bay, two-storey house which is paired with (and attached to) its similar neighbour No.36, both set within large plots and set back from the busy Belle Vue Road. Holy Trinity, a substantial brick-built Parish Church which is a prominent element in this part of the street scene adjoins the south-west boundary of the appeal site and dominates the long, otherwise open rear garden of No.38 from which the form of its neighbouring house is apparent.

5. Although not unaltered, No.38, with No.36, largely retain original form and character as early nineteenth century villas with low-pitch slated roof, sliding sash windows and soft red brick walling. At the rear of No.38, a modest single storey timber clad structure projects along the boundary with No.36. This is being demolished and replaced with what is proposed, a near-full-width single storey extension finished in render and a partial upper floor extension, gabled and timber-clad.
6. Although the rear elevation of the host building has been altered, and parts of the brickwork (may need to be or have been) repaired or pointed, such incremental change has been absorbed over the life of the buildings without significant depletion of its patinated character. The small kitchen extension has the nature, by its size, location and material choice, of an unobtrusive ancillary addition to the main house such that the original form of the house remains legible. The proposal would remove this extension and replace with built form that would, but for one window to an upper floor room, overlay the entire rear elevation with new structure and contrasting materials, including the introduction of a gabled roof form. This part of the proposal fails to respect the architectural form of the host dwelling which is typical of its type and era, characterised by simple roof planes, gables absent. The form and appearance of the upper part of the proposal would undermine, rather than reinforce, the distinctive local characteristics as I have identified.
7. I note the appellant's comments as to the design and materials used, the environmental benefits, also suggesting the impact of the proposal would be minimised as it is at the rear of the appeal property. I also note the appellant's reference to avoidance of 'pastiche'. However, noting the materials proposed to be introduced would contrast with the existing brickwork, and thereby be more conspicuous than otherwise, particularly at upper floor level, combined with its significant depth it is likely the flank wall could be glimpsed from Alton Terrace but would be evident in other viewpoints as presenting a significant change in the size and form of the original building. The appellant suggests the site is well screened. It is my observation that the original form and character of both No.38 and No.36 are apparent from both adjoining gardens and that what is proposed would not only be visible from the host garden but would significantly detract from the character of these dwellings as a pair. As my reasoning sets out, I consider there is a clear conflict with Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan(2015) (SAMDev) which seek to contribute to, and respect, locally distinctive and valued character.
8. The effect of the proposal upon the character and appearance of the Belle Vue CA as a whole is a matter to which I must have regard as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA). For the reasons I have given, the size, material choice and roof form of the proposal, taken together, would result in a significant and obtrusive change to the character and appearance of the host dwelling, notwithstanding the limited opportunities for public view. I therefore conclude what is proposed would fail to preserve the character and appearance of the Belle Vue CA.
9. I also note the appellant's comments as to the application of solar panels to the front roof slope. I have nothing before me to confirm the status of a similar array at No.36, but it is apparent from that array that that this part of the

proposal would further detract from the character and appearance of the area by replacing a patinated roof slope with a prominent and unrelieved single expanse of photovoltaic panels.

10. As I have indicated, the proposal conflicts with the relevant policies of the development plan and would fail to preserve the Belle Vue CA. Consequently, taking all matters raised into account, and for the reasons given, the appeal cannot succeed.

Andrew Boughton

INSPECTOR

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Appeal Decision

Hearing Held on 2 November 2022

Site visit made on 3 November 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/L3245/W/22/3301727

Heal Farms, Butlers Bank, Shawbury, Shropshire SY4 4HG

- 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 T Heal against the decision of Shropshire Council.
 - The application Ref 20/03962/FUL, dated 28 September 2020, was refused by notice dated 1 February 2022.
 - The development proposed is temporary accommodation for agricultural workers.
-

Decision

1. The appeal is allowed and planning permission is granted for the siting of a single caravan for use as a temporary agricultural workers' dwelling at Heal Farms, Butlers Bank, Shawbury, Shropshire, SY4 4HG in accordance with the terms of the application, Ref 20/03962/FUL, dated 28 September 2020, subject to the following conditions:
 - 1) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
 - 2) The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 3 years from the date of this permission in accordance with a scheme of work first submitted to and approved in writing by the Local Planning Authority.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan Dwg No. SA37930-PL01; Block Plan Dwg No. SA37930-PL02;
Static Caravan Floor Plans & Elevations Dwg No. SA37930-PL03

Application for costs

2. At the Hearing an application for costs was made by Mr T Heal against Shropshire Council. That application is the subject of a separate decision.

Preliminary Matters

3. The appellant's description of the proposal is for temporary accommodation for agricultural workers, whereas the decision notice describes the proposal as the siting of a mobile home for use as a temporary agricultural workers dwelling
4. As the proposal is for accommodation to be provided within a mobile home, it is the siting of the mobile home which is the development itself. I have therefore utilised the Council's description in my decision.
5. At my site visit, I saw that a mobile home, although different to that depicted in the submitted plans, had already been sited at the appeal site. I have, however, determined the appeal based on the plans submitted as part of the application rather than as retrospectively.

Main Issue

6. Whether or not there is an essential functional need for an agricultural worker to live on the site.

Reasons

7. The appeal site is located adjacent to 2 poultry rearing sheds (the poultry unit) that house a maximum of approximately 64,000 pullets. The pullets enter the building as day old chicks and are reared on for 16 weeks before being transferred to layer units. The site is located within the open countryside to the north-east of Shawbury and is accessed off the western side of a country lane. The existing mobile home has been sited to the north-east of the poultry unit adjacent to the mature hedgerow boundary of the highway. The appellant advises that there are currently two full-time rearing supervisors employed and living in the mobile home. There is common ground between the main parties that the poultry unit can financially support the proposed temporary agricultural workers' dwelling and I see no reason to disagree.
8. At the hearing, the appellant set out in some detail the daily routine of the two rearing supervisors currently living in the mobile home. I noted that the day starts at 0730h with daily morning checks of the birds and systems. The rearing supervisors check the feeders, water and for fallen stock throughout the day, increasing the pullets access to different parts of the system as age appropriate. I note that the chicks are initially kept in a cage system for around two to three weeks before they are introduced to the shed floor. The rearing supervisors are also responsible for essential equipment maintenance/checks, cleaning/mucking out, and walking around the sheds making sure all the birds are up on the cage system every night. The supervisors core day job finishes just after 1530h, with further checks carried out at 1630h and 1830h, before the day finishes at 1900h.
9. The appellant advises that, based on figures within the John Nix Farm Management Pocketbook 49th edition 2019, a 64,000 bird rearing unit generates a requirement for 3 full-time workers¹. The Council does not dispute that it has been clearly demonstrated that two suitably skilled and competent full-time workers are required to operate the poultry unit. The Council does not accept, however, that the operational needs of the poultry unit result in an essential functional need for an additional dwelling at the site.

¹ Standard Man Day Calculation (not including an allowance for general maintenance)

10. In order to determine whether the need is essential, it is necessary to establish whether there is a physical need for someone to be on-site at most times. The Planning Practice Guidance² (the Guidance) indicates that in considering paragraph 80a of the National Planning Policy Framework (the Framework), it may be relevant to consider the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise. It refers to examples where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products.
11. The appellant advises that rearing poultry requires close supervision when the pullets have access to the full floor and are being trained to access different parts of the system. Potential problems that can occur at any time and require immediate remedial actions include ventilation failure, feed or water system break downs, fire, and trespassers. If birds are left without the right amount of food or water, or the temperature in the building is too hot or cold it can quickly impact on the birds' welfare, resulting in increased fallen stock and lower productivity. The appellant advises that pullets can very quickly panic if something disturbs them, leading to the birds huddling together. This huddling increases the risk that birds will suffocate. These smothering incidents can be triggered for several reasons, including if the temperature in the poultry unit is either too hot or too cold. The appellant advises that bird losses can occur in as little as 5 minutes after the birds initially huddle.
12. The poultry units include an alarm system that covers potential failures in the unit's automated ventilation, lighting, power, feed and water systems. The Council accepts that a failure of the automated systems represents a risk to the productivity of the poultry unit, and to the welfare of the birds, if not responded to quickly. It is the rearing supervisors' responsibility to react first when alarms are activated. The on-site alarm includes a siren that would be audible to any on-site workers, including the 2 rearing supervisors at the site for the mobile home. The alarm system is also linked to the mobile phones of 4 other Heal Eggs Ltd employees. These 4 other employees are each 'on-call' for one week every 4 weeks, during which they are responsible for responding to alarms at all of the Heal Eggs Ltd locations. These on-call employees are accommodated at various dwellings owned by Heal Eggs Ltd within the surrounding area.
13. The appellant has submitted alarm logs that show alarms triggered several times each month at the poultry unit, including outside of the rearing supervisors' core working hours. The alarm logs also show frequent alarms at Heal Eggs Ltd's other poultry sites. In a best case scenario, quick responses to alarms at the bird rearing poultry unit (travel time less than 5 minutes) would be possible from existing Heal Eggs Ltd employees living at Hazeldene Bungalow (Production Manager), Croftside Bungalow (Maintenance Manager), Chapel House (Audit Manager), and at Greystones (Production Manager).
14. The Council asserts that it is reasonable to expect existing employees in nearby dwellings to respond to emergency call outs. Taking into account the need to maintain thorough biosecurity measures for off-site arrivals, and the potential

² PPG Paragraph 010 Reference ID 67-010-20190722

that the alarm is received whilst the on-call employee is at another poultry unit, the response time for the on-call employee could, however, be significantly longer than 5 minutes.

15. The operations of Heal Eggs Ltd includes egg units at 8 different egg sites, plus the rearing unit, giving a total of 24 individual sheds. It is, therefore, a significant operation, with sites spread out over the local area and journeys of up to approximately 11km between sites. The significant labour requirements of the overall operations are clearly indicated by the Butlers Bank poultry unit's requirement for 3 full-time workers when assessed with the John Nix Farm Management Pocketbook methodology. The appellant advises that the on-call employees have multiple units to oversee, and it is not possible for them to constantly monitor the poultry unit at Butlers Bank.
16. Whilst the number of employees on-call at any one time could be increased, this would inevitably generate additional labour requirements. The mobile home provides accommodation for additional labour in a location that significantly increases the chances that issues resulting in alarms will be addressed swiftly, with quick response times that reduce the risk to the productivity of the poultry unit, and to the welfare of the birds. Furthermore, minimising the number of visits of off-site workers to the poultry unit reduces the risk that diseases, such as avian influenza, will be spread through the contamination of vehicles, equipment, clothing, and footwear.
17. The appellant has also drawn my attention to a range of scenarios where the automated systems and alarms would not be effective in preventing bird losses. For example, the failure of a single ventilation fan, or an increase in noise level, such as from aircraft or adverse weather events, would not trigger alarms but may cause the birds to panic and huddle. Whilst the Heal Eggs Ltd employees living at Chapel House and Greystones are situated close to the poultry unit, there is no direct visibility of the unit due to extensive tree planting to the south of the unit. The closer proximity of the mobile home to the poultry unit means occupants would be more likely to detect issues and respond to them almost immediately.
18. The appellant has drawn my attention to the theft of an excavator at the nearby Coolmoor site. I do not, however, find the limited evidence of security concerns at the site would justify the need for a temporary workers' dwelling on the site. Nevertheless, the additional surveillance provided by the temporary workers' dwelling would increase site security and does, therefore, weigh in favour of the proposal.
19. The Council asserts that the required farm workers could be housed in Shawbury. The appellant's planning statement, however, included details of a search for rental properties within a 3-mile radius of the site but did not identify any suitable properties. The appellant's appeal statement indicates that some affordable properties may be available in Shawbury. Whilst travel times from dwellings in Shawbury could potentially be within 5 minutes, occupants of such dwellings would not be able to effectively monitor the poultry unit for issues where close proximity is essential to their identification. Furthermore, the response time for the on-call employee could be longer than 5 minutes when considering necessary bio-security measures.
20. The Council has also highlighted that planning permission has recently been granted for conversion of the existing pool house at Greystones to provide two

agricultural workers dwellings³. During my site visit, I observed that the conversion of the pool house appeared to have commenced, but that significant work remained to be completed before the approved dwellings would be ready for occupation. As such, whilst these dwellings, once completed, will factor into any assessment of available dwellings serving Heal Eggs Ltd's operations, they cannot reasonably be considered to be available at this time. The weight to be given to the extant permission for conversion of the pool house is therefore very limited given the appeal proposal is for a temporary permission to meet an immediate functional need.

21. My attention has also been drawn to two recent appeal decisions at Coolmoor Farm⁴ and at The Hazles Farm⁵, both for temporary agricultural workers' dwellings at nearby Heal Eggs Ltd sites. Whilst these recent appeal decisions related to free range egg poultry units rather than the poultry rearing sheds relevant to the current appeal, there are similarities in that they all relate to large modern poultry units with alarm systems that cover potential failures in the units' automated ventilation, lighting, power, feed and water systems. As such, the issues relating to bird welfare and productivity in the recent appeals were similar to this appeal.
22. In the two recent appeal decisions, despite the highly automated functioning of the modern poultry units, the Inspector found that it was necessary for a property to be within sight and sound of the egg laying units in order to deal with potential bird welfare issues. As such, these appeals were allowed due to the essential need for the temporary agricultural workers' dwellings having been demonstrated. Given the closer proximity of existing dwellings owned by Heal Eggs Ltd to the Butlers Bank poultry unit, I do not find that the circumstances of the recent appeals are wholly comparable to those for the current proposals. Nevertheless, considering the other material similarities in terms of the need for the near constant and close monitoring of stock, the need for swift response times to issues, the requirement for additional labour, and the lack of suitable alternative available accommodation, I give them significant weight in favour of the proposal. The Council's assertion that the automated functioning of modern poultry units negates the essential need for an available nearby worker's dwelling is inconsistent with the findings of the recent appeal decisions.
23. Overall, I find the unpredictable timing of the potential issues that can negatively affect bird welfare, combined with the difficulty in remotely detecting those issues, and the time critical nature of effectively responding to them, necessitates near constant attention of a nearby farm worker. Establishing agricultural need is an area of specific expertise. A substantial labour requirement at the site, and across the wider Heal Eggs Ltd operations, has been demonstrated by the appellant with reference to accepted industry standards. I do not find the Council's evidence, regarding whether or not there is an essential functional need for the 2 rearing supervisors to live at the appeal site sufficiently substantive to override that provided by the appellant. There is no substantive evidence of suitable alternative available accommodation. The essential need for the proposed temporary workers' dwelling has, therefore, been demonstrated.

³ LPA ref: 21/03070/FUL

⁴ APP/L3245/W/20/3247409

⁵ APP/L3245/W/20/3247412

24. As such, the proposal accords with Policies CS5 and CS6 of the Shropshire Local Development Framework Core Strategy (2011) and Policy MD7a of the Site Allocation and Management of Development (SAMDev) Plan (2015) which, amongst other matters, seek to strictly control new development in the countryside in accordance with national planning policies, supporting new dwellings for rural workers when an essential need has been demonstrated. It would also accord with paragraph 80 of the Framework and the Council's Type and Affordability of Housing Supplementary Planning Document (2012).

Conditions

25. I have considered the conditions suggested by the Council against the advice set out in the Guidance and the discussion at the hearing. As the mobile home is being permitted to support an essential need within the open countryside where residential development would not normally be permitted, a condition restricting occupancy is necessary. A condition specifying the approved plans is necessary as this provides certainty.
26. As the proposal is for accommodation to be provided within a mobile home rather than a permanent building, and given that the appellant states that the development is only intended to provide a temporary dwelling, a condition is necessary to ensure that it is removed after the period applied for.

Conclusion

27. The proposed development would comply with the development plan when taken as a whole. There are no other considerations which outweigh this finding.
28. Accordingly, for the reasons given above, the appeal is allowed.

S D Castle

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Deborah Sharples LLB	Solicitor, Birketts
Mandy Seedhouse MRICS MRTPI CAAV	Senior Planning Consultant, Berrys
Tony Heal	Appellant, Heal Eggs Ltd
Lucy Grinnell LLB	Trainee Solicitor, Birketts

FOR THE LOCAL PLANNING AUTHORITY:

Richard Denison MRTPI	Senior Planning Officer, Shropshire Council
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DOCUMENTS SUBMITTED DURING THE HEARING

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H5	Officer Report Ref: 12/04974/FUL (Drayton Rd, Shawbury)
H6	Decision Notice Ref: 12/04974/FUL (Drayton Rd, Shawbury)
H7	Officer Report Ref: 19/02332/FUL (The Hazels Farm, Shawbury)
H8	Decision Notice Ref: TWC/2018/0624 (High Ercall Poultry Unit, Telford)
H9	Decision Notice Ref: 07/02425/FUL (Haw Green Farm, Peplow)
H10	Officer Report Ref: 07/02425/FUL (Haw Green Farm, Peplow)
H11	Decision Notice Ref: TWC/2016/0131 (Ellerdine Heath, Telford)
H12	Decision Notice Ref: TWC/2020/0837 (Ellerdine Free Range Unit, Telford)
H13	Appeal Decision Ref: APP/R0660/W/19/3236598 (Daisy Bank Farm)
H14	Decision Notice Ref: TWC/2021/0531 (Osbaston, Telford)
H15	Decision Notice Ref: 21/03070/FUL (Greystones, Butlers Bank)
H16	Updated LPA Statement Appendix 2 – Map of Heal Eggs Poultry Units
H17	Application Planning Statement Ref: TWC/2020/0837 (Ellerdine Poultry Unit)
H18	Application Planning Statement Ref: TWC/2018/0624 (High Ercall)
H19	Costs Application on Behalf of the Appellant
H20	Shropshire Council Costs Rebuttal

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Costs Decision

Hearing Held on 2 November 2022

Site visit made on 3 November 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/L3245/W/22/3301727

Heal Farms, Butlers Bank, Shawbury, Shropshire SY4 4HG

- 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 T Heal (Heal Eggs Ltd) for a full award of costs against Shropshire Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for the siting of a single caravan for use as a temporary agricultural workers' dwelling.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (the Guidance) states that, irrespective of the outcome of the appeal, an award of costs may be made where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour can be procedural or it can relate to the substance of the matters under consideration as part of the appeal.
3. The Guidance¹ provides examples of behaviours that risk an award of costs, including, amongst others: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failing to produce evidence to substantiate each reason for refusal on appeal; not determining similar cases in a consistent manner; and persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.²
4. The applicant asserts that, by refusing permission inconsistently with strongly relevant material decisions, the Council has acted unreasonably in relation to the substantive issues of the appeal. In particular, the applicant contends that the Council has acted unreasonably in objecting to the development given an Inspector recently found materially similar proposals at Coolmoor Farm³, and at The Hazles Farm⁴, to be acceptable. Those appeals were allowed in July 2020, prior to the Council issuing its decision for the current proposals in February 2022. The applicant, during the planning application process, highlighted to the

¹ PPG Paragraph: 049 Reference ID: 16-049-20140306 - Revision date: 06 03 2014

³ APP/L3245/W/20/3247409

⁴ APP/L3245/W/20/3247412

Council the significant materiality of the recent appeal decisions to the assessment of the current proposal.

5. Whilst these recent appeal decisions related to free range egg poultry units rather than the poultry rearing sheds relevant to the current appeal, there are similarities in that all the appeals relate to large modern poultry units with alarm systems that cover potential failures in the units' automated ventilation, lighting, power, feed and water systems. As such, the issues relating to bird welfare and productivity in the recent appeals were similar to this appeal.
6. In the recent appeal decisions, despite the highly automated functioning of the modern poultry units, the Inspector found that it was necessary for a dwelling to be within sight and sound of the egg laying units in order to deal with potential bird welfare issues. As such, these appeals were allowed due to the essential need for the temporary agricultural workers' dwellings having been demonstrated given there was no available alternative accommodation.
7. Consistency in decision making is important. It was, therefore, imperative that in reaching its decision, the Council clearly demonstrated due consideration had been given to the findings of the Inspector as set out in the recent appeal decisions. Furthermore, considering the clear similarities between the recent appeal decisions and the current appeal, it was essential the Council provided clear reasons for not following the findings of the recent appeals. However, whilst the Council's Officer Report acknowledges the findings of the recent appeal decisions, there is no substantive assessment of the weight that should be given to those appeal decisions in the Officer Report.
8. The failure to substantively assess the weight to be given to those recent appeal decisions persists into the Council's appeal statement. Given the closer proximity of existing dwellings owned by Heal Eggs Ltd to the Butlers Bank poultry unit, I do not find that the circumstances of the recent appeals are wholly comparable to those for the current appeal. Nevertheless, considering the other material similarities in terms of the need for the near constant and close monitoring of stock, the need for swift response times to issues, the requirement for additional labour, and the lack of suitable alternative available accommodation, I have given the recent appeal decisions significant weight in favour of the proposal.
9. Establishing agricultural need is an area of specific expertise. A substantial labour requirement at the site and across the wider Heal Eggs Ltd operations has been demonstrated by the appellant with reference to accepted industry standards. The Council's assertion that the automated functioning of modern poultry units negates the essential need for an available nearby worker's dwelling is inconsistent with the findings of the recent appeal decisions.
10. The Council's failure to have due regard to the importance of consistency in decision-making, combined with its failure to robustly justify a departure from the analogous findings of the Inspector in the recent appeal decisions, represents unreasonable behaviour.
11. Without giving due consideration and weight to the recent appeal decisions, it was unreasonable for the Council to refuse planning permission on the issue of essential agricultural need. This unreasonable behaviour has resulted in the applicant directly incurring unnecessary and wasted expense in submitting their

appeal. Having regard to the provisions of the Guidance, a full award of costs is therefore justified.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Shropshire Council shall pay to Mr T Heal (Heal Eggs Ltd), the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to Shropshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S D Castle

INSPECTOR

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Appeal Decision

Hearing Held on 2 November 2022

Site visit made on 3 November 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/L3245/W/22/3301728

Poultry Buildings, Muckleton Road, Edgebolton, Shawbury SY4 4EP

- 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 T Heal (Heal Eggs Ltd) against the decision of Shropshire Council.
 - The application Ref 20/03923/FUL, dated 24 September 2020, was refused by notice dated 1 February 2022.
 - The development proposed is temporary accommodation for agricultural workers.
-

Decision

1. The appeal is allowed and planning permission is granted for the siting of a single caravan for use as a temporary agricultural workers' dwelling at Poultry Buildings, Muckleton Road, Edgebolton, Shawbury SY4 4EP in accordance with the terms of the application, Ref 20/03923/FUL, dated 24 September 2020, subject to the following conditions:
 - 1) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
 - 2) The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 3 years from the date of this permission in accordance with a scheme of work first submitted to and approved in writing by the Local Planning Authority.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan Dwg No. SA37699-PL01; Block Plan Dwg No. SA37699-PL02;
Static Caravan Floor Plans & Elevations Dwg No. SA37699-PL03

Application for costs

2. At the Hearing an application for costs was made by Mr T Heal against Shropshire Council. That application is the subject of a separate decision.

Preliminary Matters

3. The appellant's description of the proposal is for temporary accommodation for agricultural workers, whereas the decision notice describes the proposal as the siting of a mobile home for use as a temporary agricultural workers dwelling
4. As the proposal is for accommodation to be provided within a mobile home, it is the siting of the mobile home which is the development itself. I have therefore utilised the Council's description in my decision.
5. At my site visit, I saw that the mobile home on site was orientated perpendicular to that shown on the submitted plans. In light of this discrepancy, I have determined the appeal based on the plans submitted as part of the application rather than as retrospectively.

Main Issue

6. Whether or not there is an essential functional need for an agricultural worker to live on the site.

Reasons

7. The appeal site is located adjacent to a free-range egg poultry unit (the poultry unit) that accommodates approximately 32,000 laying birds. The site is within the open countryside to the east of Shawbury and is accessed via a farm track off the southern side of Muckleton Road. The existing mobile home has been sited to the west of the unit within a fenced-off area adjacent to the access drive. The appellant advises that there are currently two full-time site supervisors employed and living in the mobile home. There is common ground between the main parties that the poultry unit can financially support the proposed temporary agricultural workers' dwelling and I see no reason to disagree.
8. At the hearing, the appellant set out in some detail the daily routine of the two site supervisors currently living in the mobile home. I noted that the core hours for the site supervisors are 0730h to 1530h, with further visits to the poultry unit at 1830h and 2100h to check for any blockages to feeders, and to pick up floor eggs. At 2100h, site supervisors are also required to walk around the outside of the poultry unit, ushering in any lingering birds and ensuring that all the pop holes are securely shut, before finishing for the day.
9. The appellant advises that, based on figures within the John Nix Farm Management Pocketbook 49th edition 2019, a 32,000 bird free range unit generates a requirement for 7 full-time workers¹. The Council does not dispute that it has been clearly demonstrated that two suitably skilled and competent full-time workers are required to operate the poultry unit. The Council does not accept, however, that the operational needs of the poultry unit result in an essential functional need for a dwelling on the site.
10. In order to determine whether the need is essential, it is necessary to establish whether there is a physical need for someone to be on-site at most times. The Planning Practice Guidance² (the Guidance) indicates that in considering paragraph 80a of the National Planning Policy Framework (the Framework), it may be relevant to consider the necessity for a rural worker to live at, or in

¹ Standard Man Day Calculation (not including an allowance for general maintenance)

² PPG Paragraph 010 Reference ID 67-010-20190722

close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise. It refers to examples where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products.

11. The appellant advises that free range hens quickly panic if something disturbs them, leading to the birds huddling together. This huddling increases the risk that birds will suffocate. These smothering incidents can be triggered for several reasons, including if the temperature in the poultry unit is either too hot or too cold. The appellant advises that bird losses can occur in as little as 5 minutes after the birds initially huddle. I note that the loss of mature birds would depress egg output for the whole of the remaining production cycle, potentially resulting in a substantial financial effect.
12. The poultry unit includes an alarm system that covers potential failures in the unit's automated ventilation, lighting, power, feed and water systems. The Council accepts that a failure of the automated systems represents a risk to the productivity of the poultry unit, and to the welfare of the birds, if not responded to quickly. It is the site supervisors' responsibility to react first when alarms are activated. The on-site alarm includes a siren that would be audible to any on-site workers. The alarm system is also linked to the mobile phones of 4 other Heal Eggs Ltd employees who live off-site. These off-site employees are each 'on-call' for one week every 4 weeks, during which they are responsible for responding to alarms at all of the Heal Eggs Ltd locations. These on-call employees are accommodated at various dwellings owned by Heal Eggs Ltd within the surrounding area.
13. The appellant has submitted alarm logs that show alarms triggered numerous times each month at the site, including outside of the site supervisors' core working hours. The alarm logs also show frequent alarms at Heal Eggs Ltd's other poultry sites. In a best-case scenario, travel time from their homes to the site (by car) for the on-call employees would be approximately 5 minutes. Taking into account the need to maintain thorough biosecurity measures for off-site arrivals, and the potential that the alarm is received whilst the employee is at another poultry unit, the response time for the on-call employee could be significantly longer than 5 minutes.
14. The Council asserts that a response time to emergency call outs of 10 to 15 minutes would be desirable for animal welfare, whilst a 20 minute response time for a mechanical failure would not be unreasonable. Establishing agricultural need is, however, an area of specific expertise. I do not find the Council's evidence, with regards to the acceptability of these response times, sufficiently substantive to override that provided by the appellant. Whilst the number of employees on-call at any one time could be increased, having on-site employees significantly increases the chance that issues resulting in alarms will be addressed swiftly, with quick response times that reduce the risk of both bird and productivity losses. Furthermore, minimising the number of visits of off-site workers to the poultry unit reduces the risk that diseases, such as avian influenza, will be spread through the contamination of vehicles, equipment, clothing, and footwear.

15. The appellant has also drawn my attention to a range of scenarios where the automated systems and alarms would not be effective in preventing bird losses. For example, the failure of a single ventilation fan, the presence of predators, or an increase in noise level, such as from aircraft or adverse weather events, would not trigger alarms but may cause the birds to panic and huddle. Occupants of an on-site mobile home would be in close enough proximity to the poultry unit to be able to detect most disturbances and respond to an emergency almost immediately.
16. The risk of the birds being panicked by aircraft noise is of particular concern at this site given its proximity to RAF Shawbury, a helicopter pilot training base where night flying is to be anticipated. I note that the on-site staff are required to immediately enter the poultry unit and switch off the lights upon hearing aircraft noise. The appellant advises that this process has been successful in preventing the bird losses previously experienced due to such noise disturbance. The Council contends that any helicopter will likely have flown passed before an on-site worker is able to respond. Whilst that may be the case, the worker would be responding to any panic amongst the birds caused by the aircraft noise rather than the noise itself.
17. The isolated nature of the appeal site means that the opportunities for natural surveillance of the site are limited. This has implications for both security and poultry welfare. Whilst I have had regard to the theft of an excavator at the nearby Coolmoor site, I do not find the limited evidence of security concerns would justify the need for a temporary workers' dwelling on the site. Nevertheless, the additional surveillance provided by the temporary workers' dwelling would increase site security and does, therefore, weigh in favour of the proposal.
18. Existing off-site Heal Eggs Ltd employees are accommodated too far from the site to effectively detect and swiftly respond to many of the above potential issues at the poultry unit. The Council asserts that the required farm workers could be housed in Shawbury. The appellant's planning statement, however, included details of a search for rental properties within a 3-mile radius of the site but did not identify any suitable properties. The appellant's appeal statement does, however, indicate that some affordable properties may be available in Shawbury. Whilst travel times from dwellings in Shawbury to the poultry unit could potentially be within 5 minutes, occupants of such dwellings would not be able to effectively monitor the poultry unit for issues where close proximity is essential to their identification.
19. My attention has been drawn to two recent appeal decisions at Coolmoor Farm³ and at The Hazles Farm⁴, both for temporary agricultural workers' dwellings at nearby Heal Eggs Ltd sites. Whilst these appeals related to larger poultry units (64,000 birds), there are similarities in that all the appeals relate to large modern poultry units with alarm systems that cover potential failures in the units' automated ventilation, lighting, power, feed and water systems. As such, the issues relating to bird welfare and productivity in the recent appeals were similar to this appeal.
20. In the recent appeal decisions, despite the highly automated functioning of the modern poultry units, the Inspector found that it was necessary for a dwelling

³ APP/L3245/W/20/3247409

⁴ APP/L3245/W/20/3247412

to be within sight and sound of the egg laying units in order to deal with potential bird welfare issues. As such, these appeals were allowed due to the essential need for the temporary agricultural workers' dwellings having been demonstrated.

21. I find that the circumstances of the recent appeals are substantially comparable to those for the current proposals. In particular, there are material similarities in terms of the need for near constant and close monitoring of stock, the need for swift response times to issues, the requirement for additional labour, and the lack of suitable alternative available accommodation. I therefore give the recent appeals significant weight in favour of the proposal. The Council's assertion that the automated functioning of modern poultry units negates the essential need for an available nearby worker's dwelling is inconsistent with the findings of the recent appeal decisions.
22. I also note that, in 2013, the Council granted a temporary permission⁵ for the siting of a static caravan adjacent to the Muckleton Road poultry unit in order to provide a temporary dwelling for essential agricultural workers. Whilst I have not been provided with the full details of that previous permission, I have considered the relevant officer report and decision notice submitted by the appellant at the hearing. The officer report for the 2013 permission states that there was sufficient justification for a full-time worker to be residing at, or near, the site. A temporary permission was, therefore, recommended and granted.
23. I acknowledge that Heal Eggs Ltd's wider operations have expanded since the earlier 2013 temporary permission was granted. I also recognise that there have been changes in relevant planning policies and available technology. Nevertheless, there is no substantive evidence before me to suggest that the Council's previously stated reasons for finding an essential need for a worker to live at or nearby to the site have been addressed. As such, I give the Council's decision to grant a previous temporary permission at the poultry unit some limited weight in favour of the proposal.
24. Overall, I find the unpredictable timing of the potential issues that can negatively affect bird welfare, combined with the difficulty in remotely detecting those issues, and the time critical nature of effectively responding to them, necessitates near constant attention of a nearby farm worker. A substantial labour requirement at the site, and across the wider Heal Eggs Ltd operations, has been demonstrated by the appellant with reference to accepted industry standards. I do not find the Council's evidence, regarding whether there is an essential functional need for the site supervisors to live at the appeal site, sufficiently substantive to override that provided by the appellant. There is no substantive evidence before me of suitable alternative available accommodation. The essential need for the proposed temporary workers' dwelling has, therefore, been demonstrated.
25. As such, the proposal accords with Policies CS5 and CS6 of the Shropshire Local Development Framework Core Strategy (2011) and Policy MD7a of the Site Allocation and Management of Development (SAMDev) Plan (2015) which, amongst other matters, seek to strictly control new development in the countryside in accordance with national planning policies, supporting new dwellings for rural workers when an essential need has been demonstrated. It

⁵ LPA ref: 12/04974/FUL

would also accord with paragraph 80 of the Framework and the Council's Type and Affordability of Housing Supplementary Planning Document (2012).

Conditions

26. I have considered the conditions suggested by the Council against the advice set out in the Guidance and the discussion at the hearing. As the mobile home is being permitted to support an essential need within the open countryside where residential development would not normally be permitted, a condition restricting occupancy is necessary. A condition specifying the approved plans is necessary as this provides certainty.
27. As the proposal is for accommodation to be provided within a mobile home rather than a permanent building, and given that the appellant states that the development is only intended to provide a temporary dwelling, a condition is necessary to ensure that it is removed after the period applied for. Whilst I acknowledge that the Guidance states that it will rarely be justifiable to grant a second temporary permission, the benefits of the proposal significantly outweigh any conflict with the Guidance in this regard.

Conclusion

28. The proposed development would comply with the development plan when taken as a whole. There are no other considerations which outweigh this finding.
29. Accordingly, for the reasons given above, the appeal is allowed.

S D Castle

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Deborah Sharples LLB	Solicitor, Birketts
Mandy Seedhouse MRICS MRTPI CAAV	Senior Planning Consultant, Berrys
Tony Heal	Appellant, Heal Eggs Ltd
Lucy Grinnell LLB	Trainee Solicitor, Birketts

FOR THE LOCAL PLANNING AUTHORITY:

Richard Denison MRTPI	Senior Planning Officer, Shropshire Council
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H19	Costs Application on Behalf of the Appellant
H20	Shropshire Council Costs Rebuttal

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Costs Decision

Hearing Held on 2 November 2022

Site visit made on 3 November 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Costs application in relation to Appeal Ref: APP/L3245/W/22/3301728 Poultry Buildings, Muckleton Road, Edgebolton, Shawbury SY4 4EP

- 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 T Heal (Heal Eggs Ltd) for a full award of costs against Shropshire Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for the siting of a single caravan for use as a temporary agricultural workers' dwelling.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (the Guidance) states that, irrespective of the outcome of the appeal, an award of costs may be made where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour can be procedural or it can relate to the substance of the matters under consideration as part of the appeal.
3. The Guidance¹ provides examples of behaviours that risk an award of costs, including, amongst others: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failing to produce evidence to substantiate each reason for refusal on appeal; not determining similar cases in a consistent manner; and persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.²
4. The applicant asserts that, by refusing permission inconsistently with strongly relevant material considerations, the Council has acted unreasonably in relation to the substantive issues of the appeal. In particular, the applicant contends that the Council has acted unreasonably in objecting to the development given an Inspector recently found materially similar proposals at Coolmoor Farm³, and at The Hazles Farm⁴, to be acceptable. Those appeals were allowed in July 2020, prior to the Council issuing its decision for the current proposals in February 2022. The applicant, during the planning application process,

¹ PPG Paragraph: 049 Reference ID: 16-049-20140306 - Revision date: 06 03 2014

³ APP/L3245/W/20/3247409

⁴ APP/L3245/W/20/3247412

highlighted to the Council the significant materiality of those recent appeal decisions to the assessment of the current proposal.

5. I have found that the circumstances of the recent appeals were substantially comparable to those for the current proposals given they all relate to large modern poultry units with alarm systems that cover potential failures in the units' automated ventilation, lighting, power, feed and water systems. As such, the issues relating to bird welfare and productivity in the recent appeals were similar to this appeal.
6. In the recent appeal decisions, despite the highly automated functioning of the modern poultry units, the Inspector found that it was necessary for a dwelling to be within sight and sound of the egg laying units in order to deal with potential bird welfare issues. As such, these appeals were allowed due to the essential need for the temporary agricultural workers' dwellings having been demonstrated given there was no available alternative accommodation.
7. Consistency in decision making is important. It was, therefore, imperative that in reaching its decision, the Council clearly demonstrated due consideration had been given to the findings of the Inspector as set out in the recent appeal decisions. Furthermore, considering the clear similarities between the recent appeal decisions and the current appeal, it was essential the Council provided clear reasons for not following the relevant findings of the recent appeal decisions. However, whilst the Council's Officer Report acknowledges the findings of the recent appeal decisions, there is no substantive assessment of the weight that should be given to those appeal decisions in the Officer Report.
8. The failure to substantively assess the weight to be given to those recent appeal decisions persists into the Council's appeal statement. Considering the material similarities between the appeals in terms of the need for the near constant and close monitoring of stock, the need for swift response times to issues, the requirement for additional labour, and the lack of suitable alternative available accommodation, I have given the recent appeal decisions significant weight in favour of the proposal.
9. Establishing agricultural need is an area of specific expertise. A substantial labour requirement at the site, and across the wider Heal Eggs Ltd operations, has been demonstrated by the appellant with reference to accepted industry standards. The Council's assertion that the automated functioning of modern poultry units negates the essential need for an available nearby worker's dwelling is inconsistent with the findings of the recent appeal decisions.
10. The Council's failure to have due regard to the importance of consistency in decision-making, combined with its failure to robustly justify a departure from the analogous findings of the Inspector in the recent appeal decisions, represents unreasonable behaviour.
11. Without giving due consideration and weight to the recent appeal decisions, it was unreasonable for the Council to refuse planning permission on the issue of essential agricultural need. This unreasonable behaviour has resulted in the applicant directly incurring unnecessary and wasted expense in submitting their appeal. Having regard to the provisions of the Guidance, a full award of costs is therefore justified.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Shropshire Council shall pay to Mr T Heal (Heal Eggs Ltd), the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to Shropshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S D Castle

INSPECTOR

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Appeal Decision

Hearing Held on 2 November 2022

Site visit made on 3 November 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/L3245/W/22/3301729

Haw Green Farm, Haw Green Lane, Peplow TF9 3LA

- 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 T Heal (Heal Eggs Ltd) against the decision of Shropshire Council.
 - The application Ref 20/03920/FUL, dated 23 September 2020, was refused by notice dated 18 February 2022.
 - The development proposed is temporary accommodation for agricultural workers.
-

Decision

1. The appeal is allowed and planning permission is granted for the siting of a single caravan for use as a temporary agricultural workers' dwelling at Haw Green Farm, Haw Green Lane, Peplow TF9 3LA in accordance with the terms of the application, Ref 20/03920/FUL, dated 23 September 2020, subject to the following conditions:
 - 1) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
 - 2) The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 3 years from the date of this permission in accordance with a scheme of work first submitted to and approved in writing by the Local Planning Authority.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan Dwg No. SA37702-PL01; Block Plan Dwg No. SA37702-PL02;
Static Caravan Floor Plans & Elevations Dwg No. SA37702-PL03

Application for costs

2. At the Hearing an application for costs was made by Mr T Heal against Shropshire Council. That application is the subject of a separate decision.

Preliminary Matters

3. The appellant's description of the proposal is for temporary accommodation for agricultural workers, whereas the decision notice describes the proposal as the siting of a mobile home for use as a temporary agricultural workers dwelling
4. As the proposal is for accommodation to be provided within a mobile home, it is the siting of the mobile home which is the development itself. I have therefore utilised the Council's description in my decision.
5. At my site visit, I saw that a mobile home, although different to that depicted in the submitted plans, had already been sited at the appeal site. I have, however, determined the appeal based on the plans submitted as part of the application rather than as retrospectively.

Main Issue

6. Whether or not there is an essential functional need for an agricultural worker to live on the site.

Reasons

7. The site is within the open countryside approximately 2.5km south of the village of Hodnet. It is accessed via a farm track off the western side of the A442. The existing mobile home has been sited at the southern edge of the farmyard buildings at Haw Green Farm, approximately 100m south of the free-range egg poultry unit (the poultry unit). The appellant advises that the mobile home is occupied¹ by the two full-time site supervisors currently employed to operate the poultry unit. A range of general storage agricultural buildings are located between the site for the mobile home and the poultry unit. There is not, therefore, visibility of the poultry unit from the site for the mobile home. An alarm linked to the poultry unit is, however, located on the general storage agricultural building adjacent to the site for the mobile home. There is no dispute between the main parties that the poultry unit can financially support the proposed temporary agricultural workers' dwelling and I see no reason to disagree.
8. At the hearing, the appellant set out in some detail the daily routine of the two site supervisors currently living in the mobile home. I noted that the core hours for the site supervisors are 0730h to 1530h, with further visits to the poultry unit at 1830h and 2100h to check for any blockages to feeders, and to pick up floor eggs. At 2100h, site supervisors are also required to walk around the outside of the poultry unit, ushering in any lingering birds and ensuring that all the pop holes are securely shut, before finishing for the day.
9. The appellant's submissions advise that, based on figures within the John Nix Farm Management Pocketbook 49th edition 2019, a 32,000 bird free range unit generates a requirement for 7 full-time workers². At the hearing, the appellant clarified that the poultry unit housed 24,000 birds. Despite the lower number of birds, the Council does not dispute that it has been clearly demonstrated that two suitably skilled and competent full-time workers are required to operate the poultry unit. The Council does not accept, however, that the operational

¹ H3 - Updated Heal Eggs Ltd Staff Accommodation List

² Standard Man Day Calculation (not including an allowance for general maintenance)

- needs of the poultry unit result in an essential functional need for a dwelling on the site.
10. In order to determine whether the need is essential, it is necessary to establish whether there is a physical need for someone to be on-site at most times. The Planning Practice Guidance³ (the Guidance) indicates that in considering paragraph 80a of the National Planning Policy Framework (the Framework), it may be relevant to consider the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise. It refers to examples where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products.
 11. The appellant advises that free range hens quickly panic if something disturbs them, leading to the birds huddling together. This huddling increases the risk that birds will suffocate. These smothering incidents can be triggered for several reasons, including if the temperature in the poultry unit is either too hot or too cold. The appellant advises that bird losses can occur in as little as 5 minutes after the birds initially huddle. I note that the loss of mature birds would depress egg output for the whole of the remaining production cycle, potentially resulting in a substantial financial effect.
 12. The poultry unit includes an alarm system that covers potential failures in the unit's automated ventilation, lighting, power, feed and water systems. The Council accepts that a failure of the automated systems represents a risk to the productivity of the poultry unit, and to the welfare of the birds, if not responded to quickly. It is the site supervisors' responsibility to react first when alarms are activated. The on-site alarm includes a siren that would be audible to any on-site workers, including those at the site for the mobile home. The alarm system is also linked to the mobile phones of 4 other Heal Eggs Ltd employees who live off-site. These off-site employees are each 'on-call' for one week every 4 weeks, during which they are responsible for responding to alarms at all of the Heal Eggs Ltd locations. These on-call employees are accommodated at various dwellings owned by Heal Eggs Ltd within the surrounding area.
 13. The appellant has submitted alarm logs that show alarms triggered numerous times each month at the site, including outside of the site supervisors' core working hours. The alarm logs also show frequent alarms at Heal Eggs Ltd's other poultry sites. In a best-case scenario, travel time from their homes to the site (by car) for the on-call employees would be approximately 8 to 10 minutes. Taking into account the need to maintain thorough biosecurity measures for off-site arrivals, and the potential that the alarm is received whilst the employee is at another poultry unit, the response time for the on-call employee could be significantly longer than the 8 to 10 minutes.
 14. The Council asserts that a response time to emergency call outs of 10 to 15 minutes would be desirable for animal welfare, whilst a 20 minute response time for a mechanical failure would not be unreasonable. Establishing agricultural need is, however, an area of specific expertise. I do not find the Council's evidence, with regards to the acceptability of these response times,

³ PPG Paragraph 010 Reference ID 67-010-20190722

sufficiently substantive to override that provided by the appellant. I acknowledge that the number of employees 'on-call' at any one time could be increased and that existing Heal Eggs Ltd employees are currently accommodated at the closer Ellerdine Heath poultry unit (approximately 5 minutes travel time from the appeal site). Nevertheless, having on-site employees significantly increases the chance that issues resulting in alarms will be addressed swiftly, with quick response times that reduce the risk of both bird and productivity losses. Furthermore, minimising the number of visits of off-site workers to the poultry unit reduces the risk that diseases, such as avian influenza, will be spread through the contamination of vehicles, equipment, clothing, and footwear.

15. The appellant has also drawn my attention to a range of scenarios where the automated systems and alarms would not be effective in preventing bird losses. For example, the failure of a single ventilation fan, the presence of predators, or an increase in noise level, such as from aircraft or adverse weather events, would not trigger alarms but may cause the birds to panic and huddle. Whilst there is not visibility between the site for the mobile home and the poultry unit, occupants would be within close enough proximity to the poultry unit to detect many issues and respond to an emergency almost immediately.
16. The risk of the birds being panicked by aircraft noise is of concern at this site given its proximity to RAF Shawbury, a helicopter pilot training base where night flying is to be anticipated. I note that the on-site staff are required to immediately enter the poultry unit and switch off the lights upon hearing aircraft noise. The appellant advises that this process has been successful in preventing the bird losses previously experienced due to such noise disturbance. The Council contends that any helicopter will likely have flown passed before an on-site worker is able to respond. Whilst that may be the case, the worker would be responding to any panic amongst the birds caused by the aircraft noise rather than the noise itself.
17. The isolated nature of the appeal site means that the opportunities for natural surveillance of the site are limited. This has implications for both security and poultry welfare. Whilst I have had regard to the theft of an excavator at the nearby Coolmoor site, I do not find the limited evidence of security concerns would justify the need for a temporary workers' dwelling on the site. Nevertheless, the additional surveillance provided by the temporary workers' dwelling would increase site security and does, therefore, weigh in favour of the proposal.
18. Existing off-site Heal Eggs Ltd employees are accommodated too far from the site to effectively detect and swiftly respond to many of the above potential issues at the poultry unit. The Council asserts that the required farm workers could be housed in Hodnet. The appellant's planning statement, however, included details of a search for rental properties within a 3-mile radius of the site but did not identify any suitable properties. Given the rural location of the site, a very limited supply of available properties is to be anticipated. Whilst travel times from dwellings within Hodnet could potentially be within 5 minutes, occupants of such dwellings would not be able to effectively monitor the poultry unit for issues where close proximity is essential to their identification. The Council has provided no substantive evidence of suitable alternative available accommodation.

19. My attention has been drawn to two recent appeal decisions at Coolmoor Farm⁴ and at The Hazles Farm⁵, both for temporary agricultural workers' dwellings at nearby Heal Eggs Ltd sites. Whilst these appeals related to larger poultry units (64,000 birds), there are similarities in that all the appeals relate to large modern poultry units with alarm systems that cover potential failures in the units' automated ventilation, lighting, power, feed and water systems. As such, the issues relating to bird welfare and productivity in the recent appeals were similar to this appeal.
20. In the recent appeal decisions, despite the highly automated functioning of the modern poultry units, the Inspector found that it was necessary for a property to be within sight and sound of the egg laying units in order to deal with potential bird welfare issues. As such, these appeals were allowed due to the essential need for the temporary agricultural workers' dwellings having been demonstrated.
21. I find that the circumstances of the recent appeals are substantially comparable to those for the current proposals. In particular, there are material similarities in terms of the need for near constant and close monitoring of stock, the need for swift response times to issues, the requirement for additional labour, and the lack of suitable alternative available accommodation. I therefore give the recent appeals significant weight in favour of the proposal. The Council's assertion that the automated functioning of modern poultry units negates the essential need for an available nearby worker's dwelling is inconsistent with the findings of the recent appeal decisions.
22. I also note that, in 2007, North Shropshire District Council (NSDC) granted a temporary permission⁶ for the siting of a static caravan within the farmyard at Haw Green Farm in order to provide a temporary dwelling for an essential farm worker. Whilst I have not been provided with the full details of that previous permission, I have considered the relevant officer report and decision notice submitted by the appellant at the Hearing. The officer report for the 2007 permission accepts that there is a functional need to provide accommodation at the Haw Green Farm in order to ensure adequate monitoring of the flock. This conclusion is reached following an assessment of the proposal by an agricultural consultancy on behalf of NSDC.
23. I acknowledge that Heal Eggs Ltd's wider operations have expanded since the earlier 2007 temporary permission was granted. I also recognise that there have been changes in relevant planning policies and available technology. Nevertheless, there is no substantive evidence before me to suggest that the Council's previously stated reasons for finding an essential need for a worker to live at Haw Green Farm have been addressed. As such, I give the Council's decision to grant a previous temporary permission at the poultry unit some limited weight in favour of the proposal.
24. Overall, I find the unpredictable timing of the potential issues that can negatively affect bird welfare, combined with the difficulty in remotely detecting those issues, and the time critical nature of effectively responding to them, necessitates near constant attention of a nearby farm worker. Establishing agricultural need is an area of specific expertise. A substantial

⁴ APP/L3245/W/20/3247409

⁵ APP/L3245/W/20/3247412

⁶ LPA ref: 07/02425/FUL

labour requirement at the site, and across the wider Heal Eggs Ltd operations, has been demonstrated by the appellant with reference to accepted industry standards. I do not find the Council's evidence, regarding whether there is an essential functional need for the site supervisors to live at the appeal site, sufficiently substantive to override that provided by the appellant. There is no substantive evidence of suitable alternative available accommodation. The essential need for the proposed temporary workers' dwelling has, therefore, been demonstrated.

25. As such, the proposal accords with Policies CS5 and CS6 of the Shropshire Local Development Framework Core Strategy (2011) and Policy MD7a of the Site Allocation and Management of Development (SAMDev) Plan (2015) which, amongst other matters, seek to strictly control new development in the countryside in accordance with national planning policies, supporting new dwellings for rural workers when an essential need has been demonstrated. It would also accord with paragraph 80 of the Framework and the Council's Type and Affordability of Housing Supplementary Planning Document (2012).

Conditions

26. I have considered the conditions suggested by the Council against the advice set out in the Guidance and the discussion at the hearing. As the mobile home is being permitted to support an essential need within the open countryside where residential development would not normally be permitted, a condition restricting occupancy is necessary. A condition specifying the approved plans is necessary as this provides certainty.
27. As the proposal is for accommodation to be provided within a mobile home rather than a permanent building, and given that the appellant states that the development is only intended to provide a temporary dwelling, a condition is necessary to ensure that it is removed after the period applied for. Whilst I acknowledge that the Guidance states that it will rarely be justifiable to grant a second temporary permission, the benefits of the proposal significantly outweigh any conflict with the Guidance in this regard.

Conclusion

28. The proposed development would comply with the development plan when taken as a whole. There are no other considerations which outweigh this finding.
29. Accordingly, for the reasons given above, the appeal is allowed.

S D Castle

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Deborah Sharples LLB	Solicitor, Birketts
Mandy Seedhouse MRICS MRTPI CAAV	Senior Planning Consultant, Berrys
Tony Heal	Appellant, Heal Eggs Ltd
Lucy Grinnell LLB	Trainee Solicitor, Birketts

FOR THE LOCAL PLANNING AUTHORITY:

Richard Denison MRTPI	Senior Planning Officer, Shropshire Council
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DOCUMENTS SUBMITTED DURING THE HEARING

H1	E-mail from Deborah Sharples (DS) to Richard Denison (RD) (05 Oct 22)
H2	Letter sent by DS to RD (dated 07 May 21)
H3	Updated Appellant's Statement Appendix 3 – Staff Accommodation List
H4	Egg Units' Accommodation Planning History Summary Table
H5	Officer Report Ref: 12/04974/FUL (Drayton Rd, Shawbury)
H6	Decision Notice Ref: 12/04974/FUL (Drayton Rd, Shawbury)
H7	Officer Report Ref: 19/02332/FUL (The Hazels Farm, Shawbury)
H8	Decision Notice Ref: TWC/2018/0624 (High Ercall Poultry Unit, Telford)
H9	Decision Notice Ref: 07/02425/FUL (Haw Green Farm, Peplow)
H10	Officer Report Ref: 07/02425/FUL (Haw Green Farm, Peplow)
H11	Decision Notice Ref: TWC/2016/0131 (Ellerdine Heath, Telford)
H12	Decision Notice Ref: TWC/2020/0837 (Ellerdine Free Range Unit, Telford)
H13	Appeal Decision Ref: APP/R0660/W/19/3236598 (Daisy Bank Farm)
H14	Decision Notice Ref: TWC/2021/0531 (Osbaston, Telford)
H15	Decision Notice Ref: 21/03070/FUL (Greystones, Butlers Bank)
H16	Updated LPA Statement Appendix 2 – Map of Heal Eggs Poultry Units
H17	Application Planning Statement Ref: TWC/2020/0837 (Ellerdine Poultry Unit)
H18	Application Planning Statement Ref: TWC/2018/0624 (High Ercall)
H19	Costs Application on Behalf of the Appellant
H20	Shropshire Council Costs Rebuttal

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Costs Decision

Hearing Held on 2 November 2022

Site visit made on 3 November 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/L3245/W/22/3301729

Haw Green Farm, Haw Green Lane, Peplow TF9 3LA

- 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 T Heal (Heal Eggs Ltd) for a full award of costs against Shropshire Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for the siting of a single caravan for use as a temporary agricultural workers' dwelling.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (the Guidance) states that, irrespective of the outcome of the appeal, an award of costs may be made where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour can be procedural or it can relate to the substance of the matters under consideration as part of the appeal.
3. The Guidance¹ provides examples of behaviours that risk an award of costs, including, amongst others: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failing to produce evidence to substantiate each reason for refusal on appeal; not determining similar cases in a consistent manner; and persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.²
4. The applicant asserts that, by refusing permission inconsistently with strongly relevant material considerations, the Council has acted unreasonably in relation to the substantive issues of the appeal. In particular, the applicant contends that the Council has acted unreasonably in objecting to the development given an Inspector recently found materially similar proposals at Coolmoor Farm³, and at The Hazles Farm⁴, to be acceptable. Those appeals were allowed in July 2020, prior to the Council issuing its decision for the current proposals in February 2022. The applicant, during the planning application process,

¹ PPG Paragraph: 049 Reference ID: 16-049-20140306 - Revision date: 06 03 2014

³ APP/L3245/W/20/3247409

⁴ APP/L3245/W/20/3247412

highlighted to the Council the significant materiality of those recent appeal decisions to the assessment of the current proposal.

5. I have found that the circumstances of the recent appeals were substantially comparable to those for the current proposals given they all relate to large modern poultry units with alarm systems that cover potential failures in the units' automated ventilation, lighting, power, feed and water systems. As such, the issues relating to bird welfare and productivity in the recent appeals were similar to this appeal.
6. In the recent appeal decisions, despite the highly automated functioning of the modern poultry units, the Inspector found that it was necessary for a dwelling to be within sight and sound of the egg laying units in order to deal with potential bird welfare issues. As such, these appeals were allowed due to the essential need for the temporary agricultural workers' dwellings having been demonstrated given there was no available alternative accommodation.
7. Consistency in decision making is important. It was, therefore, imperative that in reaching its decision, the Council clearly demonstrated due consideration had been given to the findings of the Inspector as set out in the recent appeal decisions. Furthermore, considering the clear similarities between the recent appeal decisions and the current appeal, it was essential the Council provided clear reasons for not following the relevant findings of the recent appeal decisions. However, whilst the Council's Officer Report acknowledges the findings of the recent appeal decisions, there is no substantive assessment of the weight that should be given to those appeal decisions in the Officer Report.
8. The failure to substantively assess the weight to be given to those recent appeal decisions persists into the Council's appeal statement. Considering the material similarities between the appeals in terms of the need for the near constant and close monitoring of stock, the need for swift response times to issues, the requirement for additional labour, and the lack of suitable alternative available accommodation, I have given the recent appeal decisions significant weight in favour of the proposal.
9. Establishing agricultural need is an area of specific expertise. A substantial labour requirement at the site, and across the wider Heal Eggs Ltd operations, has been demonstrated by the appellant with reference to accepted industry standards. The Council's assertion that the automated functioning of modern poultry units negates the essential need for an available nearby worker's dwelling is inconsistent with the findings of the recent appeal decisions.
10. The Council's failure to have due regard to the importance of consistency in decision-making, combined with its failure to robustly justify a departure from the analogous findings of the Inspector in the recent appeal decisions, represents unreasonable behaviour.
11. Without giving due consideration and weight to the recent appeal decisions, it was unreasonable for the Council to refuse planning permission on the issue of essential agricultural need. This unreasonable behaviour has resulted in the applicant directly incurring unnecessary and wasted expense in submitting their appeal. Having regard to the provisions of the Guidance, a full award of costs is therefore justified.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Shropshire Council shall pay to Mr T Heal (Heal Eggs Ltd), the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to Shropshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S D Castle

INSPECTOR

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Appeal Decision

Hearing Held on 2 November 2022

Site visit made on 3 November 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/L3245/W/22/3301730

Hazeldene Office, Stanton Crossroads, Shawbury SY4 4ET

- 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 T Heal (Heal Eggs Ltd) against the decision of Shropshire Council.
 - The application Ref 20/03961/FUL, dated 28 September 2020, was refused by notice dated 1 February 2022.
 - The development proposed is temporary accommodation for agricultural workers.
-

Decision

1. The appeal is allowed and planning permission is granted for the siting of a single caravan for use as a temporary agricultural workers' dwelling at Hazeldene Office, Stanton Crossroads, Shawbury SY4 4ET in accordance with the terms of the application, Ref 20/03961/FUL, dated 28 September 2020, subject to the following conditions:
 - 1) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
 - 2) The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 3 years from the date of this permission in accordance with a scheme of work first submitted to and approved in writing by the Local Planning Authority.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan Dwg No. SA37931-PL01; Block Plan Dwg No. SA37931-PL02;
Static Caravan Floor Plans & Elevations Dwg No. SA37931-PL03

Application for costs

2. At the Hearing an application for costs was made by Mr T Heal against Shropshire Council. That application is the subject of a separate decision.

Preliminary Matters

3. The appellant's description of the proposal is for temporary accommodation for agricultural workers, whereas the decision notice describes the proposal as the siting of a mobile home for use as a temporary agricultural workers dwelling
4. As the proposal is for accommodation to be provided within a mobile home, it is the siting of the mobile home which is the development itself. I have therefore utilised the Council's description in my decision.
5. At my site visit, I saw that a mobile home, although different to that depicted in the submitted plans, had already been sited at the appeal site. I have, however, determined the appeal based on the plans submitted as part of the application rather than as retrospectively.

Main Issue

6. Whether or not there is an essential functional need for an agricultural worker to live on the site.

Reasons

7. The appeal site is located within an extensive farmyard off the western side of the A53, within the open countryside between Shawbury to the south and Hodnet to the north. The existing mobile home has been sited at the south-eastern corner of the farmyard, adjacent to a large grain store building and the rear of Hazeldene Bungalow. The poultry sheds (the poultry unit) are located at the northern end of the farmyard, approximately 100 m north of the site for the mobile home. The poultry unit houses approximately 122,220 laying birds within enriched colony cages, with around 60-80 birds in each cage.
8. The appellant advises that the existing mobile home is occupied by the two full-time site supervisors currently employed to operate the poultry unit. A range of different types of agricultural buildings are located between the site for the mobile home and the poultry unit. There is not, therefore, good visibility of the poultry unit from the site for the mobile home. An alarm linked to the poultry unit is, however, located on the grain store building adjacent to the site for the mobile home. There is no dispute between the main parties that the poultry unit can financially support the proposed temporary agricultural workers' dwelling and I see no reason to disagree.
9. At the hearing, the appellant set out in some detail the daily routine of the two site supervisors currently living in the mobile home. I noted that the core hours for the site supervisors are 0730h to 1630h, with further visits to the poultry unit at 1830h and 2100h to check the welfare of the birds and for blockages to feeders. All of the day-to-day duties associated with the poultry unit are carried out by the site supervisors, including collecting eggs, packing eggs, collecting broken eggs, stock husbandry and monitoring, collecting fallen stock, site upkeep and paperwork. The site supervisors' duties also include welfare checks throughout the day and evening, and responsibility for checking the poultry unit for potential problems.
10. The appellant advises that, based on figures within the John Nix Farm Management Pocketbook 49th edition 2019, a 122,220 caged bird unit

generates a requirement for 7.5 full-time workers¹. The Council does not dispute that it has been clearly demonstrated that two suitably skilled and competent full-time workers are required to operate the poultry unit. The Council does not accept, however, that the operational needs of the poultry unit result in an essential functional need for an additional dwelling at the farmyard.

11. In order to determine whether the need is essential, it is necessary to establish whether there is a physical need for someone to be on-site at most times. The Planning Practice Guidance² (the Guidance) indicates that in considering paragraph 80a of the National Planning Policy Framework (the Framework), it may be relevant to consider the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise. It refers to examples where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products.
12. The appellant advises that caged laying poultry requires close supervision to reduce risks to animal welfare, maintain good productivity, and to deal swiftly with emergencies. Potential problems that can occur at any time and which require immediate remedial action include ventilation failure, feed or water system break downs, fire, and trespassers. If birds are left without the right amount of food or water, or the temperature in the building is too hot or cold it can quickly impact the birds' welfare, resulting in increased fallen stock and lower productivity.
13. The poultry unit includes an alarm system that covers potential failures in the unit's automated ventilation, lighting, power, feed and water systems. The Council accepts that a failure of the automated systems represents a risk to the productivity of the poultry unit, and to the welfare of the birds, if not responded to quickly. It is the site supervisors' responsibility to react first when alarms are activated. The on-site alarm includes a siren that would be audible to any on-site workers, including the 2 site supervisors at the site for the mobile home. The alarm system is also linked to the mobile phones of 4 other Heal Eggs Ltd employees. These 4 other employees are each 'on-call' for one week every 4 weeks, during which they are responsible for responding to alarms at all of the Heal Eggs Ltd locations. These on-call employees are accommodated at various dwellings owned by Heal Eggs Ltd within the surrounding area.
14. The appellant has submitted alarm logs that show alarms triggered several times each month at the poultry unit, including outside of the site supervisors' core working hours. The alarm logs also show frequent alarms at Heal Eggs Ltd's other poultry sites. In a best case scenario, quick responses to alarms at the Hazeldene poultry unit (travel time less than 5 minutes) would be possible for existing Heal Eggs Ltd employees living at Hazeldene Bungalow (Production Manager), Croftside Bungalow (Maintenance Manager), Chapel House (Audit Manager), and at Greystones (Production Manager).

¹ Standard Man Day Calculation (not including an allowance for general maintenance)

² PPG Paragraph 010 Reference ID 67-010-20190722

15. The Council asserts that it is reasonable to expect existing employees in nearby dwellings to respond to emergency call outs. Taking into account the need to maintain thorough biosecurity measures for off-site arrivals, and the potential that the alarm is received whilst the employee is at another poultry unit, the response time for the on-call employee could, however, be significantly longer than 5 minutes.
16. The operations of Heal Eggs Ltd includes egg units at 8 different sites, plus a rearing unit. It is, therefore, a significant operation, with sites spread out over the local area and journeys of up to approximately 11km between sites. The significant labour requirements of the overall operations are clearly indicated by the Hazeldene poultry unit's requirement for 7.5 full-time workers when assessed with the John Nix Farm Management Pocketbook methodology. The appellant advises that the on-call employees have multiple units to oversee and it is not possible for them to constantly monitor the poultry unit at Hazeldene.
17. Whilst the number of employees on-call at any one time could be increased, this would inevitably generate additional labour requirements. The mobile home provides accommodation for additional labour in a location that significantly increases the chances that issues resulting in alarms will be addressed swiftly, with quick response times that reduce the risk of both bird and productivity losses. Furthermore, minimising the number of visits of off-site workers to the poultry unit reduces the risk that diseases, such as avian influenza, will be spread through the contamination of vehicles, equipment, clothing, and footwear.
18. Inevitably, the alarms will not sound in all eventualities. As such, ensuring enough workers are living at the farmyard provides the best chance that issues and emergencies can be detected and responded to swiftly, thereby reducing the risk of both bird and productivity losses. Whilst there is not visibility between the site for the mobile home and the poultry unit, occupants would be within close enough proximity to detect many issues and would be able to easily carry out checks even after the end of the normal working day.
19. The appellant has drawn my attention to the theft of an excavator at the nearby Coolmoor site. I do not, however, find the limited evidence of security concerns at the site would justify the need for a temporary workers' dwelling on the site. Nevertheless, the additional surveillance provided by the temporary workers' dwelling would increase site security and does, therefore, weigh in favour of the proposal.
20. The Council asserts that the required farm workers could be housed in Shawbury. The appellant's planning statement, however, included details of a search for rental properties within a 3-mile radius of the site but did not identify any suitable properties. The appellant's appeal statement indicates that some affordable properties may be available in Shawbury. Whilst travel times from dwellings in Shawbury could potentially be within 5 minutes, occupants of such dwellings would not be able to effectively monitor the poultry unit for issues where close proximity is essential to their identification. Furthermore, the response time for the on-call employee could be longer than 5 minutes when considering necessary bio-security measures.
21. The Council has also highlighted that planning permission has recently been granted for conversion of the existing pool house at Greystones to provide two

agricultural workers dwellings³. During my site visit, I observed that conversion of the pool house had commenced but that significant work remained before the approved dwellings would be ready for occupation. As such, whilst these dwellings, once completed, will factor into any assessment of available dwellings serving Heal Eggs Ltd's operations, they cannot reasonably be considered to be available at this time. The weight to be given to the extant permission for conversion of the pool house is therefore very limited given the appeal proposal is for a temporary permission to meet an immediate functional need.

22. My attention has also been drawn to two recent appeal decisions at Coolmoor Farm⁴ and at The Hazles Farm⁵, both for temporary agricultural workers' dwellings at nearby Heal Eggs Ltd sites. Whilst these recent appeal decisions related to free range egg poultry units rather than the caged bird unit relevant to the current appeal, there are similarities in that all the appeals relate to large modern poultry units with alarm systems that cover potential failures in the units' automated ventilation, lighting, power, feed and water systems. As such, the issues relating to bird welfare and productivity in the recent appeals were similar to this appeal.
23. In the recent appeal decisions, despite the highly automated functioning of the modern poultry units, the Inspector found that it was necessary for a property to be within sight and sound of the egg laying units in order to deal with potential bird welfare issues. As such, these appeals were allowed due to the essential need for the temporary agricultural workers' dwellings having been demonstrated. Given the closer proximity of existing dwellings owned by Heal Eggs Ltd to the Hazeldene poultry unit, I do not find that the circumstances of the recent appeals are wholly comparable to those for the current proposals. Nevertheless, considering the other material similarities in terms of the need for the near constant and close monitoring of stock, the need for swift response times to issues, the requirement for additional labour, and the lack of suitable alternative available accommodation, I give them significant weight in favour of the proposal. The Council's assertion that the automated functioning of modern poultry units negates the essential need for an available nearby worker's dwelling is inconsistent with the findings of the recent appeal decisions.
24. Overall, I find the unpredictable timing of the potential issues that can negatively affect bird welfare, combined with the difficulty in remotely detecting those issues, and the time critical nature of effectively responding to them, necessitates near constant attention of a nearby farm worker. Establishing agricultural need is an area of specific expertise. A substantial labour requirement at the site, and across the wider Heal Eggs Ltd operations, has been demonstrated by the appellant with reference to accepted industry standards. I do not find the Council's evidence, regarding whether there is an essential functional need for the site supervisors to live at the appeal site sufficiently substantive to override that provided by the appellant. There is no substantive evidence of suitable alternative available accommodation. The essential need for the proposed temporary workers' dwelling has, therefore, been demonstrated.

³ LPA ref: 21/03070/FUL

⁴ APP/L3245/W/20/3247409

⁵ APP/L3245/W/20/3247412

25. As such, the proposal accords with Policies CS5 and CS6 of the Shropshire Local Development Framework Core Strategy (2011) and Policy MD7a of the Site Allocation and Management of Development (SAMDev) Plan (2015) which, amongst other matters, seek to strictly control new development in the countryside in accordance with national planning policies, supporting new dwellings for rural workers when an essential need has been demonstrated. It would also accord with paragraph 80 of the Framework and the Council's Type and Affordability of Housing Supplementary Planning Document (2012).

Conditions

26. I have considered the conditions suggested by the Council against the advice set out in the Guidance and the discussion at the hearing. As the mobile home is being permitted to support an essential need within the open countryside where residential development would not normally be permitted, a condition restricting occupancy is necessary. A condition specifying the approved plans is necessary as this provides certainty.
27. As the proposal is for accommodation to be provided within a mobile home rather than a permanent building, and given that the appellant states that the development is only intended to provide a temporary dwelling, a condition is necessary to ensure that it is removed after the period applied for.

Conclusion

28. The proposed development would comply with the development plan when taken as a whole. There are no other considerations which outweigh this finding.
29. Accordingly, for the reasons given above, the appeal is allowed.

S D Castle

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Deborah Sharples LLB	Solicitor, Birketts
Mandy Seedhouse MRICS MRTPI CAAV	Senior Planning Consultant, Berrys
Tony Heal	Appellant, Heal Eggs Ltd
Lucy Grinnell LLB	Trainee Solicitor, Birketts

FOR THE LOCAL PLANNING AUTHORITY:

Richard Denison MRTPI	Senior Planning Officer, Shropshire Council
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DOCUMENTS SUBMITTED DURING THE HEARING

H1	E-mail from Deborah Sharples (DS) to Richard Denison (RD) (05 Oct 22)
H2	Letter sent by DS to RD (dated 07 May 21)
H3	Updated Appellant's Statement Appendix 3 – Staff Accommodation List
H4	Egg Units' Accommodation Planning History Summary Table
H5	Officer Report Ref: 12/04974/FUL (Drayton Rd, Shawbury)
H6	Decision Notice Ref: 12/04974/FUL (Drayton Rd, Shawbury)
H7	Officer Report Ref: 19/02332/FUL (The Hazels Farm, Shawbury)
H8	Decision Notice Ref: TWC/2018/0624 (High Ercall Poultry Unit, Telford)
H9	Decision Notice Ref: 07/02425/FUL (Haw Green Farm, Peplow)
H10	Officer Report Ref: 07/02425/FUL (Haw Green Farm, Peplow)
H11	Decision Notice Ref: TWC/2016/0131 (Ellerdine Heath, Telford)
H12	Decision Notice Ref: TWC/2020/0837 (Ellerdine Free Range Unit, Telford)
H13	Appeal Decision Ref: APP/R0660/W/19/3236598 (Daisy Bank Farm)
H14	Decision Notice Ref: TWC/2021/0531 (Osbaston, Telford)
H15	Decision Notice Ref: 21/03070/FUL (Greystones, Butlers Bank)
H16	Updated LPA Statement Appendix 2 – Map of Heal Eggs Poultry Units
H17	Application Planning Statement Ref: TWC/2020/0837 (Ellerdine Poultry Unit)
H18	Application Planning Statement Ref: TWC/2018/0624 (High Ercall)
H19	Costs Application on Behalf of the Appellant
H20	Shropshire Council Costs Rebuttal

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Costs Decision

Hearing Held on 2 November 2022

Site visit made on 3 November 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/L3245/W/22/3301730

Hazeldene Office, Stanton Crossroads, Shawbury SY4 4ET

- 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 T Heal (Heal Eggs Ltd) for a full award of costs against Shropshire Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for the siting of a single caravan for use as a temporary agricultural workers' dwelling.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (the Guidance) states that, irrespective of the outcome of the appeal, an award of costs may be made where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour can be procedural or it can relate to the substance of the matters under consideration as part of the appeal.
3. The Guidance¹ provides examples of behaviours that risk an award of costs, including, amongst others: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failing to produce evidence to substantiate each reason for refusal on appeal; not determining similar cases in a consistent manner; and persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.²
4. The applicant asserts that, by refusing permission inconsistently with strongly relevant material decisions, the Council has acted unreasonably in relation to the substantive issues of the appeal. In particular, the applicant contends that the Council has acted unreasonably in objecting to the development given an Inspector recently found materially similar proposals at Coolmoor Farm³, and at The Hazles Farm⁴, to be acceptable. Those appeals were allowed in July 2020, prior to the Council issuing its decision for the current proposals in February 2022. The applicant, during the planning application process,

¹ PPG Paragraph: 049 Reference ID: 16-049-20140306 - Revision date: 06 03 2014

³ APP/L3245/W/20/3247409

⁴ APP/L3245/W/20/3247412

highlighted to the Council the significant materiality of the recent appeal decisions to the assessment of the current proposal.

5. Whilst these recent appeal decisions related to free range egg poultry units rather than the caged bird poultry sheds of the current appeal, there are similarities in that they all relate to large modern poultry units with alarm systems that cover potential failures in the units' automated ventilation, lighting, power, feed and water systems. As such, the issues relating to bird welfare and productivity in the recent appeals were similar to this appeal.
6. In the recent appeal decisions, despite the highly automated functioning of the modern poultry units, the Inspector found that it was necessary for a dwelling to be within sight and sound of the egg laying units in order to deal with potential bird welfare issues. As such, these appeals were allowed due to the essential need for the temporary agricultural workers' dwellings having been demonstrated given there was no available alternative accommodation.
7. Consistency in decision making is important. It was, therefore, imperative that in reaching its decision, the Council clearly demonstrated due consideration had been given to the findings of the Inspector as set out in the recent appeal decisions. Furthermore, considering the clear similarities between the recent appeal decisions and the current appeal, it was essential the Council provided clear reasons for not following the findings of the recent appeals. However, whilst the Council's Officer Report acknowledges the findings of the recent appeal decisions, there is no substantive assessment of the weight that should be given to those appeal decisions in the Officer Report.
8. The failure to substantively assess the weight to be given to those recent appeal decisions persists into the Council's appeal statement. Given the closer proximity of existing dwellings owned by Heal Eggs Ltd to the Hazeldene poultry unit, I do not find that the circumstances of the recent appeals are wholly comparable to those for the current appeal. Nevertheless, considering the other material similarities in terms of the need for the near constant and close monitoring of stock, the need for swift response times to issues, the requirement for additional labour, and the lack of suitable alternative available accommodation, I have given the recent appeal decisions significant weight in favour of the proposal.
9. Establishing agricultural need is an area of specific expertise. A substantial labour requirement at the site, and across the wider Heal Eggs Ltd operations, has been demonstrated by the appellant with reference to accepted industry standards. The Council's assertion that the automated functioning of modern poultry units negates the essential need for an available nearby worker's dwelling is inconsistent with the findings of the recent appeal decisions.
10. The Council's failure to have due regard to the importance of consistency in decision-making, combined with its failure to robustly justify a departure from the analogous findings of the Inspector in the recent appeal decisions, represents unreasonable behaviour.
11. Without giving due consideration and weight to the recent appeal decisions, it was unreasonable for the Council to refuse planning permission on the issue of essential agricultural need. This unreasonable behaviour has resulted in the applicant directly incurring unnecessary and wasted expense in submitting their

appeal. Having regard to the provisions of the Guidance, a full award of costs is therefore justified.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Shropshire Council shall pay to Mr T Heal (Heal Eggs Ltd), the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to Shropshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S D Castle

INSPECTOR

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