

## Development Management Report

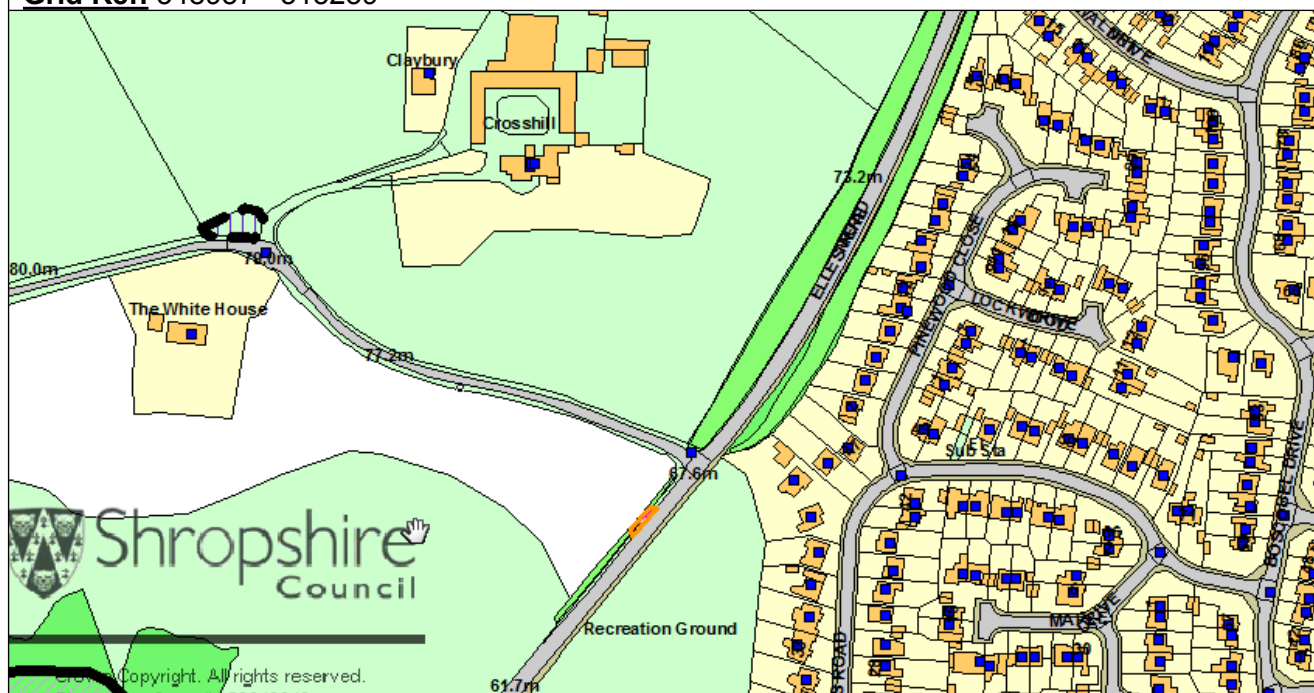
Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 18/04537/ADV	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Erect and display 2No. externally illuminated roadside feature display entrance name signs		
<b><u>Site Address:</u></b> Proposed Concierge Glamping Site at Hencote Farm Cross Hill Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Mr Andrew Stevens		
<b><u>Case Officer:</u></b> Jane Raymond	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 348957 - 315239



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**Recommendation:** Grant advert consent subject to the conditions set out in Appendix 1.

**REPORT****1.0 THE PROPOSAL**

- 1.1 This application relates to advert consent to erect and display two externally illuminated roadside feature display entrance name signs.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The signs will be located either side of the entrance drive that serves the Hencote estate vineyard, winery and restaurant that is accessed off Ellesmere Road to the North of Shrewsbury.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Town Council have submitted a view contrary to officers and the Planning Manager in consultation with the committee chairman, vice chairman and the Local Member agrees that the Town Council has raised material planning issues and that the application should be determined by committee

**4.0 Community Representations****4.1 - Consultee Comments**

- 4.1.1 There are no statutory consultees for this application.

**4.1.2 - Public Comments**

- 4.1.3 **Shrewsbury Town Council** - The Town Council objects to this application as Members consider the signs, which sit on the edge of Shrewsbury Conservation Area, to be unnecessarily big. They question the need for the signs to be illuminated and if lighting is essential request that conditions be imposed whereby the lights are turned off outside of business operating hours.

- 4.1. **Three letters of objection** received from the public summarised as follows:

Note these comments were received in relation to earlier signs displayed at the site  
These signs have now been removed and the frames that remain will also be removed from the site.

Only one sign is necessary.

One sign obliterates the other sign

The two signs are a distraction to road users

The signs are too large and inappropriate and look like signs at the entrance to a 'Harvester' style restaurant that are designed to attract passing trade.

The signs should be more discrete and appropriate for a 'country estate'.

Any signs should be smaller and for information only and not advertising purposes.

It is not necessary for the signs to be illuminated

Illuminated signs in addition to the lights already at this site are incompatible with

protecting the increasingly fragile tranquility of Winney Hill and environs, and insufficiently minimises light disturbance for local wildlife.

## 5.0 THE MAIN ISSUES

The NPPF and the advert regulations advise that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

## 6.0 OFFICER APPRAISAL

### 6.1 Impact on public safety and amenity

6.1.1 Planning Practice Guidance advises that *'amenity is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement'*.

6.1.2 Officers initially considered that the signs were too large and that illumination was inappropriate in this location which although close to the urban boundary of Shrewsbury is situated in countryside. The agent was advised that it was considered that the proposed signs would adversely affect the visual amenity of the area due to their scale and proposed illumination not being in keeping with the character of the locality where they are proposed to be sited.

6.1.3 The applicant has since temporarily erected the signs so that the scale and visual impact of the signs could be better assessed. The signs do not contain any advertising material but simply display the name of the estate 'Hencote' and the company logo of a tree.



- 6.1.4 It is considered that having regard to the design and materials proposed and the limited advertising material being displayed the signs are an appropriate scale given the context of the site and would have no adverse impact on the visual amenity of the locality. Landscaping is also proposed including planting and boulders and it is considered that this will soften the appearance of the signs and enhance the appearance of the entrance to the site.
- 6.1.5 The signs will frame the access to the site and are angled to face in opposite directions so that they can be viewed by traffic approaching from either direction. Due to there being no advertising material to read, the signs would not be a distraction to drivers. They are also positioned so that they will not impact on the visibility of drivers exiting the site. It is therefore considered that the proposal would have no adverse impact on highway or public safety.
- 6.1.6 The signs are proposed to be illuminated by low level lights to externally illuminate the surface of the signs. The proposed illuminance levels or lux will be 9 lumens per square metre (9 cd/m<sup>2</sup>). Illuminance is a measure of how much luminous flux is spread over a given area and is a measure of the intensity of illumination on a surface. A luminance level of 9 cd/m<sup>2</sup> is very low and it is considered that it would have no adverse impact on visual amenity or result in glare to drivers. However in order to minimise any unnecessary illumination at night a condition is recommended so that the signs are only illuminated when the restaurant and winery are open to the public.

## 7.0 CONCLUSION

- 7.1 Subject to the recommended conditions it is considered that the scale, location, design and materials of the proposed signs and proposed illumination would have no adverse impact on public safety and would have no adverse impact on the character and appearance of the site or the visual amenity of the locality. It is considered that the proposed development meets the criteria of national guidance on advertisements and of Core Strategy Policy CS6.

## 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:

National Planning Policy Framework  
Advert Regulations

**Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:**  
CS6

**RELEVANT PLANNING HISTORY:**

15/03349/FUL Erection of a winery, visitor centre (to include a restaurant and event hall) and maintenance building; formation of court yard, service yard, visitors car parking; landscaping to include boundary fencing and entrance gates; associated facilities GRANT 24th March 2016

16/01596/FUL Change of use from Holiday lets to a Private Hotel (C1) use. GRANT 9th June 2016

17/04363/FUL Creation of a concierge 10 unit glamping site for tourism and leisure operation (using previously approved vehicular access); formation of car parking area GRANT 19th January 2018

11. Additional Information

**List of Background Papers**

18/04537/ADV - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Alex Phillips

**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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

7. Prior to the installation of external illumination of the sign full details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and shall thereafter be maintained.

Reason: To enable the Local Planning Authority to minimize light spillage beyond the site and thus minimize the potential for light pollution and safeguard residential and local amenity.

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

8. The sign permitted by this consent shall only be illuminated during the opening hours of Hencote restaurant, winery and visitor centre.

Reason: To minimize the potential for light pollution and safeguard residential and local amenity.