

Development Management Report

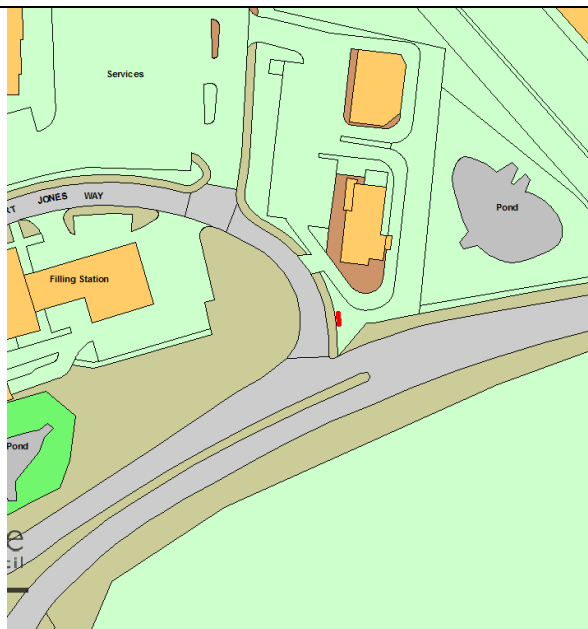
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 19/04987/ADV	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erect and display 1no internally illuminated 8m Totem Pole Sign (to replace 6mtr totem pole sign on site already) (amended description)		
<u>Site Address:</u> Battlefield Services, Starbucks Robert Jones Way Battlefield Shrewsbury SY4 3EQ		
<u>Applicant:</u> Euro Garages		
<u>Case Officer:</u> Kelvin Hall	<u>email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 351755 - 316898



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

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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks advertisement consent for the erection and display 1no internally illuminated totem pole sign. The sign would be 8 metres high and advertise Starbucks 'drive thru' café. It would be internally illuminated with static light. It would replace a 6 metres high sign at the same position which is of similar design. The applicant seeks consent for retention of the sign until 12/11/2024.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located at the Battlefield Services, on the northern side of the roundabout which links the A53, A49, A5112 and A5124 at the northern side of Shrewsbury. The services include a petrol filling station, hotel, fast food outlets, shop, pub/restaurant, and café. The proposed advertisement sign would be sited at the entrance to the services off the A53, within a landscaped area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The views of the Town Council are contrary to the Officer recommendation and the Principal Planning Officer in consultation with the Committee Chairman 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 **Shrewsbury Town Council** Objects. Whilst the Town Council appreciates the need for advertising signs, it felt the introduction of a new totem 50% larger than the existing was excessive. Members would prefer to see the roadside hedge trimmed to provide visibility for the existing sign rather than a much higher sign erected.
- 4.1.2 **SC Highways** No objection subject to a condition to require that no development takes place until a structural report has been submitted and approved.

In order for the proposed development to be appropriately assessed, from a highways and transport perspective, the following information is required to be submitted, by the applicant:

- ☐ Calculations submitted are not specifically for the site in Battlefield and are actually for a Starbucks in Kilmarnock. Site specific calculations will be required.
- ☐ Baseplate design is for 4 No. bolts, drawings supplied show 8 No.
- ☐ Foundation size in calculations (2100mm x 2100mm x 750mm) not as on submitted drawings (2500mm x 2500mm x 1000mm).
- ☐ Calculations assume 600mm soil over top of foundation – drawing indicates top of foundation level with ground.
- ☐ No assessment on existing ground conditions specific to the Battlefield site have been undertaken.
- ☐ No derivation of vertical dead load from sign provided.

- ☐ Calculations for foundations have insufficient reinforcement present (see pg Pad 6 – FAIL).
- ☐ No indication of final reinforcement solution for foundations has been provided.

4.2 **Public Comments**

- 4.2.1 The application has been advertised by site notice. No public representations have been received.

5.0 **THE MAIN ISSUES**

- 5.1 Under the advertisement regulations, the relevant issues for consideration are amenity and public safety, taking into account the provisions of the Development Plan and other relevant factors.

6.0 **OFFICER APPRAISAL**

6.1 **Impact upon the amenity of the area**

- 6.1.1 Core Strategy policy CS6 requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. There are a number of existing advertisement signs at the entrance to the Battlefield Services. These include an adjacent sign, approximately 4.5 metres high x 1.5 metres wide which advertises the Burger King, Travelodge and The Two Henrys pub/restaurant. On the opposite side of the entrance road is a relatively large sign which advertises the BP petrol filling station and incorporates advertisements for Spar, Subway and Costa Express.

- 6.1.2 The application as originally submitted proposed that the sign would be 9 metres high. In response to the concerns of the Town Council over the height of the proposed sign revised plans were submitted to reduce its height to 8 metres. This would make the sign two metres higher than the existing sign that it would replace. The sign would be set back from the public highway. The thick hedgerow alongside the A53 to the north-east would limit views of the sign from that direction. In relation to the Town Council's comments regarding the hedgerow, the applicant does not have control over the roadside hedgerow and would therefore not be able to manage its height in the long term to improve the visibility of the existing sign.

- 6.1.3 The application should be considered on its own merits. However for reference it is noted that advertisement consent for a 9 metres high Starbucks totem sign was granted at the A49/A5/A5112 roundabout (Dobies) at the south side of Shrewsbury in 2015 (ref. 15/00909/ADV). Further afield, consent was granted in 2016 for a 9 metres high Starbucks 'drive thru' totem sign at the A41/A525/B5398 roundabout at Whitchurch (ref. 15/05460/ADV). The proposed sign at Battlefield would be one metre shorter than these two, and it is considered that the Battlefield site can accommodate a sign of this particular design of 8 metres height without it be overly imposing or out of context in this area at the entrance to the services. As such Officers do not consider that consent should be withheld on the grounds of impact on amenity of the area.

6.2 **Impact on public safety**

- 6.2.1 The proposed sign would be set back from the public highway by approximately 10 metres. It is considered that this is a sufficient distance to avoid distraction to drivers. A condition can be imposed to require that a structural report is submitted for approval

to demonstrate an appropriate wind loading. Subject to this it is considered that the proposal would not have an adverse impact on public or highway safety.

7.0 **CONCLUSION**

7.1 The proposed signs would not have a detrimental impact on highway or public safety, and their scale, location and design would not be harmful to the amenity of the area. It is considered that the proposal meets the relevant criteria, taking account of the Development Plan and therefore that advertisement consent can be granted subject to the conditions set out in Appendix 1.

8. **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 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 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. Financial Implications

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. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS6 - Sustainable Design and Development Principles

RELEVANT PLANNING HISTORY:

SA/08/0538/RM Reserved Matters pursuant to Outline planning permission ref: 06/0970/O dated 25th August 2006 for the erection of two single storey buildings for use as roadside services to include appearance, landscaping, layout and scale PERCON 17th June 2008
SA/06/0970/O Outline application for the erection of a single storey building for use as a roadside services restaurant (amended description) GRANT 25th August 2006

Appeal

SA/APP/06/0970/O Outline application for the erection of a single storey building for use as a roadside services restaurant (amended description) ALLOW 6th February 2007

11. Additional Information

View details online:

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 Gwilym Butler

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. The sign hereby permitted shall not be erected until a structural report has been submitted to and approved in writing by the local planning authority. The submitted report shall include a structural assessment undertaken by an appropriately-qualified person(s) and provide details of the construction of the sign and its suitability in the area in relation to public safety.

Reason: To avoid adverse impact on public safety.