



Committee and date

South Planning Committee

9 May 2018

Development Management Report

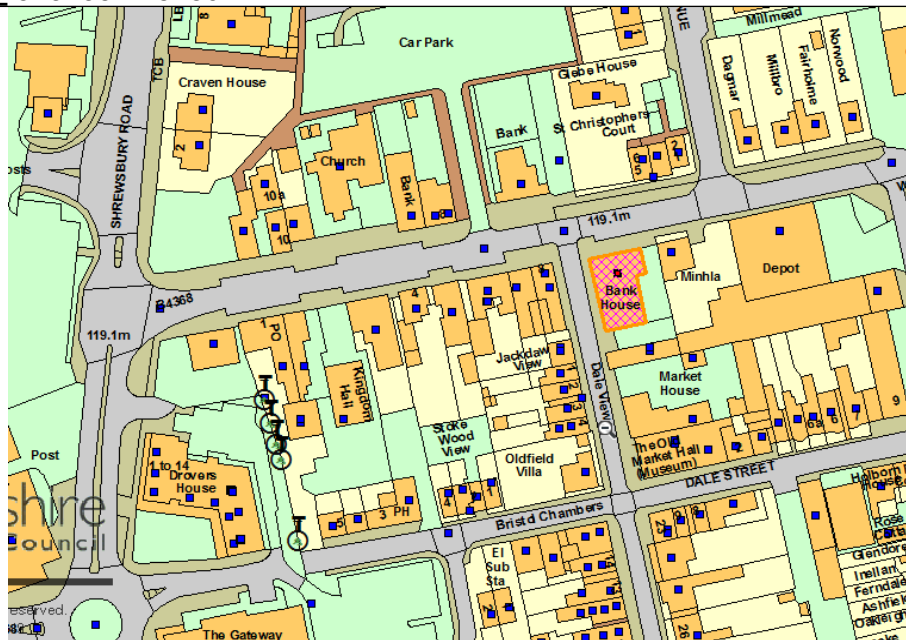
Responsible Officer: Tim Rogers

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Summary of Application

Application Numbers: 17/06051/FUL and 17/06052/ADV	Parish: Craven Arms
Proposals: Installation of ATM and internally illuminated signage (17/06051/FUL) Erect and display 1 No: internally illuminated top sign and 1 No: internally illuminated ATM logo panel (17/06052/ADV)	
Site Address: Bank House Corvedale Road Craven Arms SY7 9NG	
Applicant: Cardtronics UK Ltd, Trading As CASHZONE	
Case Officer: Vincent Maher	email: planningdmsw@shropshire.gov.uk

Grid Ref: 343435 - 282807



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Recommendation:- Grant Planning Permission and Advertisement Consent subject to the conditions set out in Appendix 1.

Contact: Tim Rogers (01743) 258773

REPORT

1.0 THE PROPOSAL

- 1.1 This report covers two applications. The first of these is for a cash machine (an ATM) on the street frontage of Banks Store on Corvedale Road, Craven Arms (17/06051/FUL). The applicant has also applied for advertisement consent for a modest advertisement associated with this ATM (17/06052/ADV). This would measure 60cm wide by 17 cm height.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located on the main shopping street in Craven Arms. It is also located at the north eastern edge of the Craven Arms Conservation Area (CA). The building forms part of a grid of streets built in the late 19th century.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The case has been referred to the South Planning Committee for approval to avoid any perceived conflict of interest as the owner of the building is on the Committee.

4.0 Community Representations

- Consultee Comments

SC Heritage – Whilst in principle no objection is raised to the siting of an ATM somewhere in/on the building, in its current form we have concerns that the proposal will introduce unnecessary visual clutter which will disrupt the architectural balance of the building, causing harm to its character and appearance as a non-designated heritage asset, and to the surrounding street scene/Craven Arms conservation area, a designated heritage asset.

Concerned that current proposal will introduce an entirely new opening on a prominent, well balanced principle elevation, and therefore does not appear to be particularly well considered. Acknowledges that while the proposal will not result in a substantial degree of harm to the character and appearance of the street scene/conservation area or the building itself, it will introduce a further unnecessary addition which will disrupt the attractively balanced principle elevation, which will do nothing to preserve or enhance the character and appearance of the conservation area, a designated heritage asset, or Bank House itself, a non-designated heritage asset.

As an ATM is desired, we would question whether it could be incorporated into an existing aperture on the West elevation (facing Market Street) – or alternatively fitted within the single storey far South-West end of the building which is a more recent addition, and is considered to be of less value. It is appreciated that the ATM will be illuminated and needs to be prominent. Illumination should be kept to a minimum and confined to the machine itself - any additional illuminated signage should be omitted.

Parish Council - await comments

- Public Comments
None received

5.0 THE MAIN ISSUES

ATM (17/06051/FUL)

Principle of development
Siting, scale and design of structure

Advertisement (17/06052/ADV)

The impact of the advertisement on amenity and public safety

6.0 OFFICER APPRAISAL

ATM 17/06051/FUL

6.1 Principle of development

6.1.1 This development would support a traditional high street by providing an extra facility for shoppers and indirectly supports the vitality of this shopping area consistent with the NPPF. The last bank in Craven Arms - Barclays Bank - has recently closed and it is desirable in principle to provide other banking facilities in the town.

6.2 Siting, scale and design of structure

6.2.1 Officers have reviewed carefully the advice of the Council's heritage officer and take a different view. They consider the ATM would sit well within the proportions of an existing commercial building on a commercial street. It is a modest development that would overall preserve the character and appearance of the CA. It would not conflict with other development plan design policies (SAMDev Policy MD2, CS Policies CS6 and CS17). Relocating it to another façade would have the same effect on the CA.

Advertisement 17/06052/ADV

6.3 Impact of the advertisement on amenity and public safety

6.3.1 This application must be determined under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Regulation 3 states that the local planning authority must determine an application in the interests of amenity and public safety. The NPPF (refer paragraph 67) confirms the council's legal obligations and advises that "only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to. ... detailed assessment".

6.3.2 The policies of the development plan only have the weight of material considerations and are not to be considered as decisive factors in the determination of an application for advertisement consent.

6.3.3 The signage will not harm the interests of amenity and public safety for the following reasons:

- The application signage is modest in its proportions and does not protrude from the existing shopfront. It fits easily within the shop frontage.
- It is of a scale that is readily associated with the shop and the surrounding retail parade.
- The signage is not visible from the public highway and is not likely to cause a highway hazard or other public safety concern.

6.3.4 It is therefore recommended that advertisement consent be given subject to the “standard” conditions set out in the 2007 Regulations.

7.0 CONCLUSION

7.1 This modest proposal “supports the high street” and the design of the proposal sits in well in the context of the host building.

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

National Planning Policy Framework

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

SS/PREMPE/06/00310 Erection of a ramp at front of premises REC

SS/1982/573/P/ Alterations and additions to existing building. PERCON 10th February 1983

SS/1979/447/P/ Erection of a temporary storage building. PERCON 29th August 1979

SS/1976/486/P/ Alterations to west elevation to extend shop front. PERCON 19th November 1976

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=P167NLTDIGX00>

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=P167OETDIGY00>

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)
Cllr R. Macey

Local Members
Cllr. Lee Chapman
Cllr David Evans

Appendices
APPENDIX 1 – Conditions for both applications

APPENDIX 1

Conditions for 17/06051/FUL

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 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.

Conditions for advertisement application 17/06052/ADV

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.