

Development Management Report

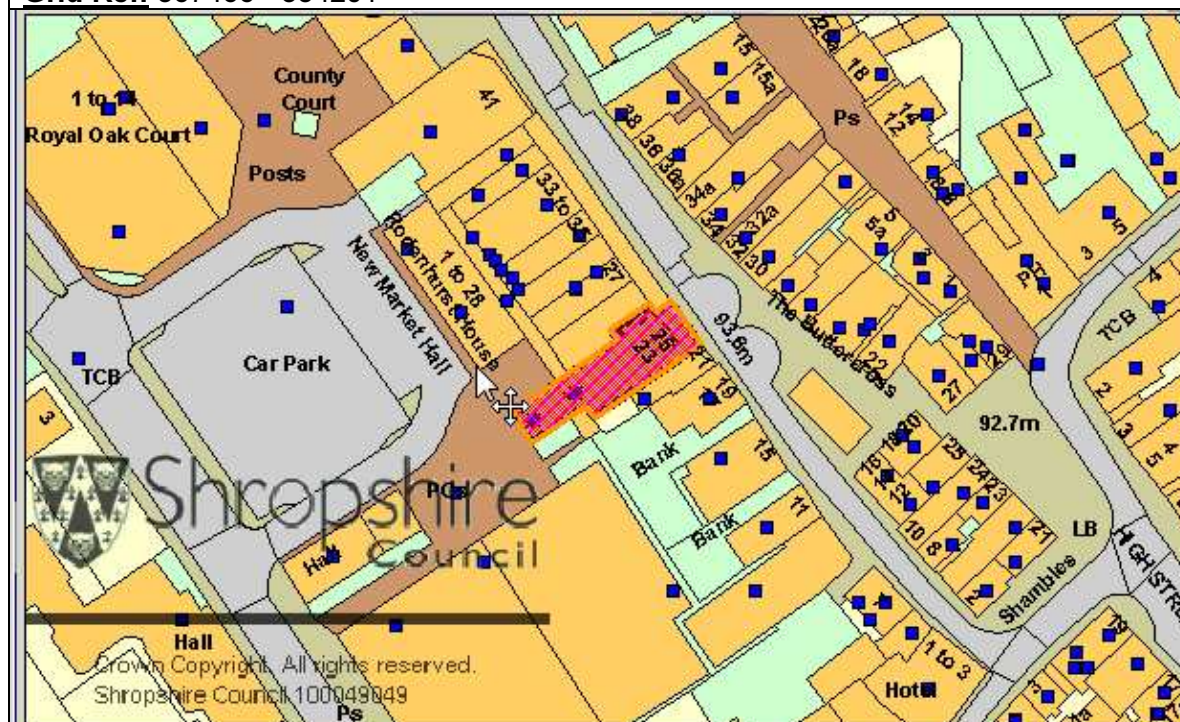
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 14/03559/FUL	<u>Parish:</u>	Market Drayton Town
<u>Proposal:</u> Shopfront modifications		
<u>Site Address:</u> 23 - 25 Cheshire Street Market Drayton Shropshire TF9 1PH		
<u>Applicant:</u> Costa Limited		
<u>Case Officer:</u> Alison Groom		<u>email:</u> planningdmne@shropshire.gov.uk

Grid Ref: 367466 - 334201



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal seeks full planning approval for shop front modification to facilitate the new business to be run from the unit, Costa Coffee. Associated applications have also been submitted reference: 14/03427/FUL 'change of use from A1 retail to mixed A1/A3 coffee shop with an area of outdoor seating and installation of associated air conditioning equipment' and for the 'display of two fascia signs' reference: 14/03560/ADV

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located within the town centre of Market Drayton and lies with the Market Drayton Conservation area. Cheshire Street is north of the main high street and contains a mix of retail outlets and to the rear of Cheshire Street, is the town centre car park. The unit was, until recently, occupied by Stead and Simpson (A1 retail). The unit is now vacant; the upper floors of the building are in residential use.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The site to which the application relates to is owned by Shropshire Council.

4.0 Community Representations

4.1 Consultee Comments

4.1.2 SC Conservation

Following the submission of amended plans reducing the size of the proposed lettering, we raise no objection to the application.

4.1.3 SC Archaeology

I have no comments to make on this application with respect to archaeological matters.

4.1.4 SC Drainage

We have no comment from the drainage and flood risk perspective, regarding the shop front modifications.

4.2 Public Comments

- 4.2.1 Parish Council raise no objection to this application.

Site Notice Displayed

Neighbouring Properties notified no comments received

5.0 THE MAIN ISSUES

Principle of development

Character and appearance of the Conservation Area

Amenity impact on neighbouring units

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Core Strategy Policy CS15 recognises the need for development to maintain and enhance the vitality and viability of Shropshire's network of town and rural centres, and support the delivery of appropriate comparison and convenience retail; office; leisure; entertainment and cultural facilities.

6.1.2 The property is located within the main commercial area of Market Drayton and due to its location and the surrounding commercial units the proposed shop front modifications would not be out of character to the surrounding area.

6.2 Character and appearance of conservation area

6.2.1 The proposed shop front modifications are to improve the unit for the running of the proposed business and the potential customers, the modifications have been kept to a minimum and given the properties location within the centre of Market Drayton, it is considered that the proposed changes would not significantly alter the character of the area.

6.3 Amenity impact on neighbouring units

6.3.1 Core Strategy Policy CS15 identifies Market Drayton to act as a principal centre to serve local needs and the wider service and employment needs of the communities within their spatial zone. Appropriate convenience and comparison retail, office, and other town centre uses will be permitted to support these roles.

6.3.2 The shop front modifications will accommodate the business to run from the property. The proposal is not to enlarge or alter the floor area of the shop in anyway and the modifications will assist the potential customers in accessing the unit. In view of the nature of the proposed modifications it is considered the scheme would not significantly impact on the surrounding neighbouring units.

7.0 CONCLUSION

The proposed shop front modification would not compromise the character of the area and would not harm the appearance of this part of the Market Drayton. The character and appearance of the conservation area would be preserved. Further the levels of residential amenity would not be unduly harmed. As such it is considered that the proposal complies with the main objectives of relevant development plan policy and it is recommended that planning permission is granted.

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 three months 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
Planning Practice Guidance

Core Strategy and Saved Policies:
CS6 – Sustainable Development and Development Principles
CS15 – Town and Rural Centres
CS17 – Environmental Networks

11. ADDITIONAL INFORMATION

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 M. Price
Local Member Cllr Roger Hughes Cllr David Minnery
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 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.

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