

Development Management Report

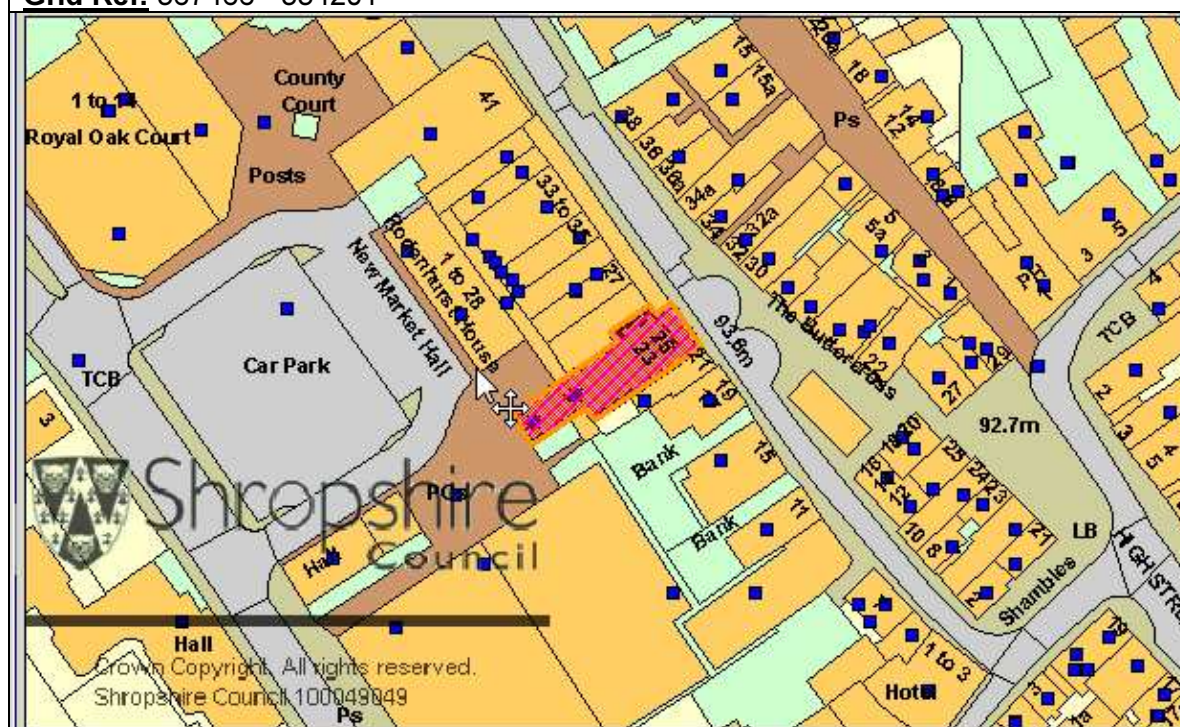
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Summary of Application

<u>Application Number:</u> 14/03560/ADV	<u>Parish:</u>	Market Drayton Town
<u>Proposal:</u> Erect and display 2no. fascia signs		
<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 advertisement consent for the display of two fascia signs. 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 proposed shopfront modifications reference: 14/03559/FUL

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.

4.2 Public Comments

- 4.2.1 Parish Council have made no comments but support the shopfront modifications application ref: 14/03559/FUL which includes the proposed signage.

Site Notice Displayed

Neighbouring Properties notified and no comments have been received.

5.0 THE MAIN ISSUES

In accordance with the National Planning Policy Framework, applications for advertisement consent are considered against the following issues:

- Impact upon public safety
- Impact on the visual amenity of the area.

6.0 OFFICER APPRAISAL

6.1 Impact upon public safety

- 6.1.1 The proposed signs will be fixed to the front and side elevation of the site, it is set

back from the highway. It will not interfere with the visibility of vehicles or have any other detrimental impact on highway safety or the general public.

6.2 Impact upon public safety

- 6.2.1 The signage will be in place of the previous tenant's signage on the unit. Due to the current signage surrounding on the commercial premises the size and colour of the signs are not deemed to be excessive and are proportionate to the application site. It is not considered that the proposed signage will be detrimental to visual amenity.

7.0 CONCLUSION

There will be no detrimental impact on highway safety. The scale, location, design and materials of the sign respect the context of the site and would not be harmful to the character and appearance of the area. The proposed development meets the criteria of national guidance on advertisements and of Core Strategy Policy CS6.

Therefore the application 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 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. 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

2. 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

3. 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

4. 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

5. 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.

6. This consent shall operate for a period of 5 years from the date of this consent.

Reason: In the interests of amenity.

7. 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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