South Tyneside Council

Reference:	ST/0344/24/FUL
Location:	28 Victoria Road East Hebburn NE31 1XQ
Ward:	Hebburn North
Description:	Retention of an automated teller machine (Retrospective)
Recommendation:	Grant Permission No Conditions
Case Officer:	Samantha Gallagher
Case Officer Contact No.:	0191 4247447 or 07741109243

Description of the Site and Description of the Proposal

This application relates to a retail unit in Hebburn. Retrospective planning permission is sought to insert an ATM with a grey bezel surround and surrounded by illuminated signage.

An advertisement application, ref ST/0343/24/ADV, is being considered concurrently to this application.

Relevant Planning History

No relevant planning history

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 26/06/2024.

Northumbria Police
No objections

Community Safety Team
No objections

Traffic & Road Safety Team
The details of the application have been examined and are considered acceptable, we therefore have no highway objections to the proposal.

Summary of Representations

No responses received

Relevant planning policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The statutory development plan comprises the Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007 and a Development Management Policies Development Plan Document (DPD) 2011,

The following policies of the South Tyneside Local Development Framework Core Strategy are relevant to this planning application:

- DM1 - Management of Development

A Regulation 19 version of the South Tyneside Local Plan was recently subject to consultation from 15/01/2024 to 03/03/2024 and this marked the second of two statutory consultation periods in the plan-marking process. While the draft Local Plan is now at a more advanced stage of preparation, with the Regulation 19 consultation completed, the extent to which there are unresolved objections to particular policies is currently being assessed and therefore only very limited weight can be afforded to policies in the emerging local plan at the current time having regard to paragraph 48 of the NPPF. As such, any relevant emerging local plan policies that are listed below are not appraised in detail in the assessment set out below:

- LP Policy 47 - Design Principles
- LP Policy 48 – Shopfronts
- LP Policy 49 - Advertisements

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

Assessment

The key issues in the assessment of this planning application are as follows:

- Visual Amenity
- Residential Amenity
- Highways Safety

Visual Amenity
The ATM is located within an existing shopfront with signs and shutters, therefore the addition of an ATM has no further adverse impact upon the visual amenity of the area.

Residential Amenity
The ATM is set against a commercial background in an existing shop. It is not considered that the proposal has a significant adverse impact upon residential amenity. The ATM is set a sufficient distance from the adjacent residential property (103 Tweed Street) and window openings to ensure no persons using the ATM would be directly outside resulting in a loss of privacy or loss of amenity through the generation of noise.

Highways Safety

The ATM is located facing onto Tweed Street. The Council's Traffic and Road Safety team have been consulted on this application and raise no objections. The ATM has a relatively wide pavement immediately before it to allow for users to stand clear of the highway and the adjacent parking bays.

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Conclusion

In conclusion it is considered that the ATM has an acceptable impact upon visual and residential amenity and highway safety. The development therefore accords with all relevant local and national planning policy and consequently the application is recommended for approval. As this application is retrospective and the ATM has already been installed, it is not considered necessary to impose any conditions.

Recommendation

Grant Permission No Conditions

Informatives

1 Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

List of plans etc. for standard note on decision

Plan Reference
Existing and Proposed Elevations Drg No E025494 Received 28/05/2024

Green Illuminateed Logo Panel Drg No CS0033 Received 28/05/2024

Case officer: Samantha Gallagher

Signed: S Gallagher

Date: 02/07/2024

Authorised Signatory: Helen Lynch

Date: 02/07/2024