

DELEGATED

AGENDA NO
PLANNING COMMITTEE

18 JANUARY 2012

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

11/3056/RET

2-4 Shannon Crescent, Stockton-on-Tees,
Retrospective application for installation of ATM cash machine

Expiry Date 30 January 2012

SUMMARY

This application seeks retrospective permission for the installation of an ATM at McColl's Retail Store at 2 – 4 Shannon Crescent, Stockton on Tees. Six letters of objection have been received to the application including the residents opposite the site at 1, 3 and 5 Shannon Crescent raising concerns over the additional traffic generated and the impact in terms of noise and disturbance.

The Head of Technical Services has no objection on landscape and visual or highway grounds.

The applicant requested permission for the use of the ATM 24 hours a day, however this is not considered acceptable and it is considered necessary to attach conditions to limit the use to between the hours of 0600 and 2200 which are the shop opening hours. It is considered limiting the hours of use in line with the shop opening hours will ensure there is no significant detrimental impact on amenity of neighbouring occupiers.

RECOMMENDATION

That planning application 11/3056/RET be approved subject to the following conditions and informatives below;

01 *This consent relates to the following approved plans*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
SBC0002	2 December 2011
SBC0001	2 December 2011
E007906	2 December 2011
CTS0295	2 December 2011

Reason: *To define the consent.*

02. *Notwithstanding information submitted as part of the application, with 3 months of the date of this decision a roller shutter shall be installed over the ATM Machine*

hereby approved, details of which shall be submitted to, and approved in writing by the Local Planning Authority and shall be retained for the life of the development.

Reason: In the interest of residential amenity

- 03. *Notwithstanding any information submitted as part of the application, the ATM roller shutter that is to be installed shall enclose the ATM machine hereby approved outside the hours of 0600 and 2200 hours Monday to Sunday.***

Reason: In the interest of residential amenity.

- 04. *The ATM Machine hereby permitted shall not be open for use outside the hours of 0600 and 2200 hours Monday to Sunday.***

Reason: In the interest of residential amenity

INFORMATIVES

The scheme has been considered against the policies and documents identified below. It is considered that the scheme accords with these documents as the scheme does not lead to an unacceptable loss of amenity for neighbouring residents. It is further considered that the scheme will not lead to a loss of highway safety. There are no material planning considerations, which indicate that a decision should be otherwise.

The following policies of the Adopted Core Strategy Development Plan Document (March 2010), the Saved Policies from the Adopted Stockton on Tees Local Plan (1997) and associated documents are considered to be relevant to the determination of this application

Planning Policy Guidance 24 (PPG24): Noise and Planning

BACKGROUND

1. A previous application (00/0835/P) for the installation of an ATM machine and 2 no. concrete bollards was refused in 2000. The reasons for refusal were;
 - a) The proposal would generate additional traffic movements within a residential area. The general increase in activity and associated noise disturbance, both pedestrian and car-borne, would be detrimental to the residential amenity that the occupiers of nearby premises would reasonably expect to enjoy.
 - b) The proposed use would generate additional traffic along Antrim Avenue and Shannon Crescent in an area subject to traffic problems. Such a proposal could lead to the mis-use of the one-way system operating in the area.

There is also a related advertisement consent application (11/3057/ADV), which seeks retrospective permission for the installation of 1 No. internally-illuminated cash machine advert.

SITE AND SURROUNDINGS

2. The application site is a newsagents located on Shannon Crescent, just off Bishopton Road West. The site is located in a residential area, to the north of the site is the highway with residential properties beyond, to the east of No.1 Doyle Way, to the south is No. 310 & No. 312 Bishopton

Road West and to the west is the highway of Shannon Crescent with No.1, No.3 & No .5 Shannon Crescent beyond.

PROPOSAL

3. This application seeks retrospective permission for the installation of an ATM cash machine to the front of 2 - 4 Shannon Crescent, Stockton on Tees. The ATM machine has been installed into the existing brickwork to the side of the existing shop front. The ATM machine also has an illuminated fascia sign.

CONSULTATIONS

4. The following Consultees were notified and comments received are set out below:-

Head of Technical Services

General Summary

Subject to the comments below Technical Services have no objections.

Highways Comments

Shannon Crescent is clearly marked as being one-way at this point with both traffic signs and road markings. Parking is available in a lay by immediately adjacent to the property. There are no highway objections.

Landscape & Visual Comments

No comments.

Environmental Health Unit

I have no comments or objection in principle to this retrospective application.

Councillor M Perry

No comments received

Councillor W Woodhead

No comments received

PUBLICITY

5. Neighbours were notified and six letters of objection were received, details of which are below:

Mr Ian Garbutt

10 Rydal Way Redmarshall

My parents have the misfortune of living opposite McColl's who operate their shop out of the address where the ATM is currently situated. As a regular visitor to Shannon Crescent I can testify to the high levels of noise and light pollution that those who live in the immediate vicinity of McColl's suffer. Additionally of course these problems are compounded by the manner in which thoughtless drivers use the street with little, if any consideration for others.

Until the installation of the ATM the noise pollution suffered by my parents commenced before 6.00 am and continued through until 10.00 pm when the shop closed. The noise is the result of motorists closing car doors, starting engines, leaving engines running; car stereo's being left on and loud voices. Additionally their peace is disturbed by the banging and clanging of deliveries as well as by the whirring and whining of wagon based generators.

The installation of the ATM has now exposed them and their neighbours to noise pollution for 24 hours as I have no doubt that the ATM will attract customers wishing to use its services outside of the shop opening hours. I find this an unacceptable imposition on those who live opposite and next to it.

The light pollution starts when darkness falls and continues through until daylight. Recently McColl's were instructed to reposition two external lights as the ugly, sodium glow intruded on to properties opposite the shop. The ATM and its ludicrous and hideous illumination has added to the light pollution that local residents suffer.

I would venture that the ATM will attract extra traffic into the street and given the track record of a large number of motorists who flout Road Traffic and Highways legislation that cannot be anything other than unacceptable. As it stands many vehicles (including delivery, police and shop customer vehicles) are driven into Shannon Crescent from Bishopton Road West in contravention to the 'No Entry' signs. On top of this, a disappointing number of drivers abandon their vehicles in positions where one is given the impression that they may have broken down. It matters not to them whether their vehicles are left on pavements, across driveways or across the mouth of the junction of Doyle Way and Shannon Crescent. Since the ATM has been installed I have seen people drive into Shannon Crescent in contravention to the 'one way system', use the ATM then turn their vehicle around in the road using forward and reverse gears before driving out of the street the correct way. The ATM is an eyesore and should have no place in a residential area.

I cannot understand how a nationwide concern such as McColl's can install an ATM without being aware of the need to obtain planning permission for it, surely they have access to quality legal advice? Perhaps people feel it is far easier to make a successful application retrospectively than it is to apply before work is carried out. They have imposed their will on local residents and now seek 'retrospective' permission. This should not be allowed and I object to the application for this ATM in the strongest possible terms. Big business should not be permitted to bully residents by imposing their wishes on them. McColl's describes its stores as being 'At the heart of neighbourhood retailing'. Perhaps it should be changed to read 'At the heart of reducing neighbourhood quality of life', more apt I believe given the total lack of consideration for their neighbours.

On 9th December 2011 my parents sent a letter by recorded delivery to McColl's Head Office in Essex. In it they asked why the ATM had been installed without planning permission being sought beforehand. They did ask a number of other questions about the ATM but despite the letter being delivered and signed for before 9.35 am on 12th December they have yet to receive any acknowledgement from McColl's let alone a structured, formal reply. I wonder why.

Mrs Catherine Garbutt
10 Rydal Way Redmarshall

It is very wrong that this ATM was installed without planning permission. I can only speculate as to why the work was carried out with permission being sought retrospectively.

My in-laws live opposite 2-4 Shannon Crescent and already suffer unacceptable levels of light and noise pollution connected to the building in question. Noise pollution commences before 6.00 am. and runs through until 10.00 pm when the shop closes. Light pollution extends throughout the hours of darkness.

Traffic problems include customers and delivery drivers blocking driveways, footpaths and a junction. On top of that a goodly number drive in contravention to the 'No Entry' sign, entering Shannon Crescent from Bishopton Road West. Those visiting the premises by vehicle create noise through slamming car/van/wagon doors, starting engines/leaving engines running and through leaving car stereo's playing. Delivery vehicles create a lot of noise.

The ATM exposes residents to additional light pollution and increased noise pollution, as people will visit the facility/ are/building outside of shop hours.

Visually it is awful and its presence is no in keeping with a residential street. If the management of McColl's want an ATM let them put it opposite their own houses.

Eileen Hosker

49 Green's Lane Stockton-on-Tees

The change of use is not acceptable or appropriate to the area; this is not a shopping parade or centre of commerce or high street.

It should be a quiet residential area – a crescent of bungalows for the retired, and the increase in traffic to potentially 24 hrs a day is too much for the local residents to bear.

It is causing distress to the residents opposite who do not want more traffic pulling up at all hours and do not want to look out at a cash machine.

There is a shopping parade on Rimswell Road, with a car park purpose built which would be more suitable. There are concerns about the High Street, so why take business away from the banks?

The machine is not required or wanted by the residents of Shannon Crescent.

Heavy vehicles park up delivering to the shop. The nuisance is far greater than before and the new arrival is adding to the misery. It was installed without permission and shows a callous disregard to the health and well being of the near neighbours. As my family member lives there I am deeply concerned at the disturbance and lack of sleep it is causing her. There is potential for crime at a vending machine for money and I fear for her safety also. The minibank owners must also be concerned about security because the floodlights they have installed would not have been out of place at a high security compound. It is my request that you refuse planning permission, refuse the retrospective application and enforce its removal.

Please also enforce a limit on the size of the wagons to the shop, limit the early morning deliveries and enforce the shop workers parking in the shop driveway, and not outside the residents opposite.

Please ask for the excessive advertising of booze in the shop window to be removed and refuse any renewal of the drink/alcohol license.

Although I do not live in Shannon Crescent it is perfectly feasible that I, or other visitors may stay there and like anyone else would expect to be able to sleep at night and not be disturbed or inconvenienced.

The cash machine does not provide a service we want and is a detrimental to health and well being.

Ronald Garbutt

5 Shannon Crescent Stockton-on-Tees

I wish to protest most strongly against the installation of this ATM machine on Shannon Crescent. I gather planning permission was not sought to do this. Retrospective planning permission always seems to be the way to get round the law. This machine is totally out of place in a residential crescent, where the residents' ages range from middle age to the very old. The machine is attracting more people into the area, so therefore more traffic, more noise and more lights. Our quality of life has diminished somewhat since McColl's took this store over. We have this from 6 am – 10 pm daily. The only respite we get is Christmas day when they are closed. The customers who use the shop tend to run in to it leave car engines and car radios blaring. Now the machine is in

place, they can come 24 hours a day to withdraw money. I feel that this should be looked into as why it was allowed to happen.

Mrs T Carrick

1 Shannon Crescent Stockton-on-Tees

First letter received:

I am 90 years old and arthritis makes it difficult to write so my daughter is writing this for me. Please accept this as my opposition to granting the application for the ATM machine and its sign and lights and in effect a change of use. I do not want to look at a cash machine from my living room window, or hear more car doors and engines. I do not want to look at green glowing signs or advertising 'free money' – it's a lie, a joke and inappropriate.

This is a residential area and the additional traffic at all times of the day and night is distressing, adding to the heavy traffic caused by the shop which I have complained about, as well as my neighbours complaining.

It is not acceptable to install a machine which can be used 24 hours a day in a crescent of bungalows intended for the retired, and throw out harsh lighting.

It is not acceptable to impose this on the residents and seek approval afterwards. I strongly object and ask for its removal to a site where car parking facilities are available and residents won't be disturbed or harassed. I do not want this machine or lighting or sign.

Second letter received:

I object to this machine which has already been put in place directly opposite my lounge window. The glowing lights of this machine are so unsightly that I have to keep my curtains drawn making me feel like a prisoner in my own home not to mention the full reflection of this machine flanked by wall lights for all passing to see.

There is also the noise of cars and slamming doors who park on the pavement in front of my property, adding to the many who park while using the shop all day long.

I am asking politely to give a little consideration to me before allowing this to go ahead.

Mrs B Pattison

3 Shannon Crescent Stockton-on-Tees

I am against the ATM illuminated cash machine; it will be 24 hr traffic, more noise and more litter

PLANNING POLICY

6. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan (STLP)

7. The following planning policies are considered to be relevant to the consideration of this application:-

Planning Policy Statement 24: Planning and Noise

Paragraph 12:

Noise-sensitive development

Local planning authorities should consider carefully in each case whether proposals for new noise-sensitive development would be incompatible with existing activities. Such development should not normally be permitted in areas which are - or are expected to become - subject to unacceptably high levels of noise. When determining planning applications for development which will be exposed to an existing noise source, local planning authorities should consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future, for example at an airport. Annex 3 gives guidance on the assessment of noise from different sources. Authorities will also wish to bear in mind that, while there will be sites where noise is significantly lower at night than during the day, other sites may be subjected to night-time noise, for example from traffic, at a level which is little below the daytime level. These sites warrant particular protection: noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00).

Ministerial Statement from Greg Clark

“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)
- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date
- (v) Ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

MATERIAL PLANNING CONSIDERATIONS

8. The main planning considerations in regard to this application are the impact of the proposed scheme on the existing building and surrounding area, the impact on the amenity of neighbouring properties, and the impact on highway and public safety.

Impact on building and surrounding area

9. It is considered that the ATM machine to the front does not have a significant adverse impact on the character and the appearance of the existing building due to the modest functional design, appearance and scale of the scheme and due to the appearance of the existing commercial unit.

10. Given that the ATM machine is of a modest scale and design, it is considered that the proposal constitutes an acceptable development associated with a commercial building and does not have a significant adverse impact on the visual amenity of the surrounding area, including the residential properties within vicinity of the application site.

In addition, The Head of Technical Services has raised no objections to the scheme in landscape and visual terms.

Impact on amenity of neighbouring properties

11. The ATM machine is located within the front elevation of the building and residential properties surround the application site.

12. PPG24 (Planning and Noise) outlines that local planning authorities must ensure that development does not cause an unacceptable degree of disturbance and that they should have regard to subsequent intensifications or changes of use which may result in greater intrusion. Equally paragraph 12 states that there will be sites which may be subjected to night-time noise, for example from traffic and that noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00).

13. Whilst it is acknowledged that the ATM machine is unlikely to have a detrimental impact upon the amenity of surrounding residential dwellings during the day time, it is considered that the ATM could generate increased amounts of visitors to the area during unsociable hours. The attraction of visitors in these hours is likely to increase the overall level of activity at the site, causing increased noise and disturbance from vehicles arriving and leaving the site, headlights shining into homes, engines revving and car doors being slammed.

14. Objections have been received from the occupiers and relatives of No's 1, 3 and 5 Shannon Crescent that are opposite the application site. One of the main concerns is the increase in traffic and subsequent noise pollution caused by the use of the ATM 24 hours a day. The applicant has requested the ATM be permitted for use 24 hours a day, however it is considered that the use of the ATM outside the existing shop opening hours will have a detrimental impact on the amenity of the surrounding residential properties, as the area is a quiet residential area.

15. Owing to the presence of residential properties within proximity of the site it is considered necessary to impose planning conditions for the ATM to be fully closed by a roller shutter between the hours of 2200 and 0600, these hours are in line with the shops opening times. There currently is no roller shutter that covers the ATM; therefore a new roller shutter will need to be installed to ensure the ATM cannot be used outside the approved hours. The applicant has been made aware of the conditions of the approval.

16. The objections also raise concern over the recently installed floodlights. These floodlights are attached to the building and have replaced previous lights installed on the building. The Environmental Health Unit have visited the site to assess the impact of the newly installed lights and requested the beam of the lights be redirected and this has been completed.

Impact on highway and public safety

17. The objections received raise concern over the parking of vehicles and the contravention to the one-way system that operates along this part of Shannon Crescent.

18. The Head of Technical Services has raised no objections to the proposal and states Shannon Crescent is clearly marked as being one-way at this point with both traffic signs and road markings. Parking is available in a lay-by immediately adjacent to the property.

19. The previous application for an ATM machine was refused on highway grounds due to concern over the additional traffic and possible mis-use of the one-way system operating in the area. The Head of Technical Services has been made aware of this and has confirmed there are no objections to the ATM. The original application was considered over 11 years ago and ATM's are more prevalent throughout the area and it is considered the use of the ATM will not exacerbate any existing traffic issues.

20. Overall, it is considered that the use of the ATM during shop opening hours will not lead to a loss of highway or public safety.

CONCLUSION

21. Overall, it is considered that due to the appearance of the commercial building, the addition of the ATM does not have a significant detrimental impact on the character of the existing building and does not form an incongruous feature within the street scene.

22. Furthermore, it is considered that by restricting the use of the ATM during shop opening hours, it will not have a significant detrimental impact on the amenity of neighbouring occupiers. It is considered that the additional traffic generated by the use of the ATM during shop opening hours has to be seen in the context of the generation of traffic by the existing shop which is a cause of concern to the residents who have objected to the proposal but is a lawful use.

Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Debra Moody Telephone No 01642 528714

WARD AND WARD COUNCILLORS

Ward **Fairfield**
Ward Councillor **Councillor W. Woodhead**

Ward **Fairfield**
Ward Councillor **Councillor M Perry**

IMPLICATIONS

Financial Implications: n/a

Legal Implications: n/a

Environmental Implications: n/a

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers:

PPG 24: Planning and Noise

Stockton on Tees Borough Council Core Strategy 2010

