

DELEGATED DECISION REPORT

HPK/2024/0073	2 RUBICON HOUSE MARKET PLACE	ATM REPLACEMENT
Valid 04/03/2024	CHAPEL-EN-LE-FRITH	(FULL - MINOR)

MAIN ISSUES

- Design and Conservation

DESCRIPTION OF SITE

The application relates to the southern elevation of No.2 Rubicon House, Market Place, Chapel. The elevation, constructed in a natural stone, contains an ATM cash machine operated by Natwest Bank, and lies within the Chapel-en-le-Frith Conservation Area.

PROPOSAL

The application seeks full planning permission to replace the existing ATM cash machine with a new ATM machine.

An application for new replacement branded signage is currently being considered by the Local Planning Authority under HPK/2024/0081.

The application is accompanied by standard plans and drawings, a Heritage Statement, and Lighting Assessment, Design and Access Statement and supporting photographs.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the Chapel-en-le-Frith Neighbourhood Plan (2015) and the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

- S1 Sustainable Development Principles
 - S1a Presumption in Favour of Sustainable Development
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment

Chapel-en-le-Frith Neighbourhood Plan

No relevant policies.

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Promoting Healthy and Safe Communities	Chapter 8
Achieving Well Designed and Beautiful Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2024/0081 Proposed signage above ATM (Pending)

CONSULTATIONS

Publicity

Site Notice expiry date: 23rd April 2024
Neighbour consultation period ends: 2nd April 2024
Press Advert: 11th April 2024

Public Comments

None

Chapel-en-le-Frith Town Council Comments

Supports application

Conservation Officer

No objection, I don't foresee this becoming contentious in terms of heritage.

Derbyshire Police

The current ATM installation has not historically presented great crime problems according to recorded data.

The location is reasonable open, and approaches well-lit by road lighting columns. Consequently, as a direct replacement for an existing provision, there would be no reason to object to this application as a matter of principle.

In respect of the detail, I would recommend that the illumination of the immediate ATM area frontage is given further consideration to what appears within the supporting information.

The issue of illumination is explored, but this relates more to the legibility of the ATM screen and surrounds, as opposed to ambient illumination for the reassurance of

legitimate users, and identification of those committing crimes at the ATM face, such as the fraudulent use of cards and fitting of card skimming or retention devices.

The output of 150 candelas per square metre is a standard feature (potentially higher) for external LED screen legibility.

To assist with the prevention and detection of crime, and to provide sufficient illumination to accompany the CCTV camera mounted to the side of the ATM face, I'd ask that the installation should follow the ATM industry's own Security Working Group guidance of a minimum 50 lux illumination up to 1 metre from the ATM face and 75cm either side of the ATM central point.

There is an existing floodlight mounted directly above the ATM, which on face value would provide far too intense an output for the application, and possibly because of this, is not operating at present.

The replacement of the ATM would give an opportunity to replace this floodlight with a more appropriate provision, probably a flush mounted and vandal resistant bulkhead unit, with operating capacity matching that mentioned above.

Derbyshire County Council Highways

No objections

OFFICER COMMENTS

Principle of Development

It is questionable whether the proposed replacement of the ATM constitutes development having regard to Section 55 of the Act 1990. Notwithstanding, on the basis that it does constitute development, and requires planning permission, the application lies within the Chapel Neighbourhood Plan area, within the Chapel Conservation Area and thus is subject to Local Plan (LP) Policy EQ7 and relevant paragraphs under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act 1990.

The principle of development can only be supported where the application is judged to comply with these policies.

Design & Conservation

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

Paragraph 135 of the NPPF states amongst other things that development should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.

Paragraphs 205-208 of the NPPF sets out how a local planning authority should assess the significance of a heritage asset and the potential impact of a development proposal on that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

The application relates to an existing ATM that is integrated within the rear wall of the building which fronts the public highway. The proposed replacement ATM would have a consistent function to its original, and would simply represent an updated ATM. It is not considered to result in any material change to either the character and appearance of the building or indeed the wider street scene and setting of the Conservation Area.

A separate Advertisement Consent application under HPK/2024/0081 is currently being considered for replacement signage associated with the ATM.

Having regard to the above, it is considered that the proposal would sustain the character and appearance of the building and wider Conservation Area, and thus the application is acceptable having regard to LP Policies S1, EQ6 and EQ7, relevant paragraphs relating to Design under Chapter 12, and relevant restrictive planning policies under Chapter 16 of the NPPF, the latter underpinned by Section 72(1) of the Act 1990.

Other Matters

Chapter 8 of the NPPF contain policies aiming to Promote Healthy and Safe Communities. Paragraph 96 states that decisions should aim to achieve healthy, inclusive and safe places which amongst other things "*are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.*"

Crime and Public Safety

Derbyshire Constabulary have commented in connection with the proposals as follows:

- No objection to principle
- Recommend that illumination of immediate ATM frontage is given further consideration – refers to legibility of ATM as opposed to ambient illumination for safety and crime prevention.
- Installation should follow the ATM industry's own Security Working Group guidance of a minimum 50 lux illumination up to 1 metre from the ATM face and 75cm either side of the ATM central point.
- Existing floodlight directly above ATM provides intense output and possible as such is not operating at present. Replacement of ATM presents opportunity to replace this floodlight with a more appropriate provision, perhaps a flush mounted and vandal resistant bulkhead unit.

The agent was asked to consider these comments and where appropriate amend the proposals in the interests of public safety and crime prevention, having regard to Paragraph 96 of the NPPF.

The comments from Derbyshire Constabulary requested that the lux levels have a minimum 50 lux levels. Having forwarded these comments to the agent, a formal written response has been received confirming that the applicant is willing to accept this recommendation. As the illumination is directly related to the proposed advertisement, it is considered that this matter can be secured by way of suitably qualified condition on any grant of advertisement consent.

The existing floodlight does not form part of the application and therefore is not relevant. In any event, it is considered that the site is located on a busy Main Road in a relatively well-lit area.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks full planning permission for the replacement of an existing ATM contained within the rear wall of 2 Market Street, Chapel-en-le-Frith which fronts the public highway.

It has been judged that the proposal would have a no impact on the character and appearance of the building, the wider street scene and setting of the Conservation Area, thereby preserving the historic asset. The development therefore accords with LP Policies S1, EQ6 and EQ7, relevant paragraphs relating to Design under Chapter 12, and relevant restrictive planning policies under Chapter 16 of the NPPF, the latter underpinned by Section 72(1) of the Act 1990.

Matters of Crime and Public Safety have been addressed by way of the applicant agreeing to minimum 50 lux levels.

In light of the above the application is considered to comply with all relevant Local Development Plan policies and all other material considerations including the National Planning Policy Framework.

The application thus constitutes a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 7th May 2024

X

On behalf of High Peak Borough Council