

Committee: Development Committee	Date: 28 th October 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Gareth Gwynne	Ref Nos: PA/15/01444 and PA/15/01445
	Ward: Lansbury

1. APPLICATION DETAILS

Location: 42-44 Aberfeldy Street, E14 0NU

Existing Use: Retail (A1 Use)

Proposal: **PA/15/01444**
Retrospective planning application for the installation of an ATM (Cash Machine) inserted through existing window opening and a white laminate composite security panel.

PA/15/01445
Retrospective advertisement consent for integral illumination and screen to the ATM fascia and internally illuminated CASH sign set immediately and blue LED halo illumination to the ATM surround.

Drawing & Documents: NM-05-2015-29-1 (Existing Elevations)
NM-05-2015-29-2 (Proposed Elevations)
Design & Access Statement including security note addendum

Applicant: Notemachine UK Ltd

Site Ownership: Poplar HARCA

Historic Building: N/A

Conservation Area: N/A

2 EXECUTIVE SUMMARY

- 2.1 This report considers two separate applications, one for retrospective planning permission for the installation of a cash machine or as it is also known, an Automated Teller Machine (ATM) within a shop front and the second application is for retrospective advertisement consent for the associated internally illuminated fascia serving the ATM and lettering sign set above the ATM keyboard.

2.2 The advertisement application has attracted a petition. The main concerns relate to the increase in noise nuisance caused by people using the machine during the evening/night and aggravating existing noise situation. Associated anti-social behaviour and light pollution amenity nuisance to residents stemming from the illuminated signage was also raised as a concern by nearby residents.

2.3 Officers consider the proposal to be acceptable for the following reasons:

- a) The location of an ATM on an established shop frontage in the context of a locally designated shopping parade is considered acceptable in principle and would help support the general activity and vitality of the local shopping parade to the benefit of local community, in accordance with adopted Local Plan policies.
- b) Any noise and other disturbance affecting the amenity of surrounding residential properties from public usage of the ATM is considered limited. Notably set within this site context and with the cash machine being located on a street within a shopping parade that has the presence of food takeaways in close proximity (all opened in the evening), it is considered that these uses are liable to result collectively in greater noise and potential congregation of people outside their premises rather than an ATM cash machine.
- c) The site is well lit and therefore, benefits from good levels of natural surveillance.
- d) The applicant has provided evidence which shows that appropriate security measures to safeguard against criminal gangs seeking to target the wholesale theft of the cash machine from the street have been put in place.

3.0 RECOMMENDATION

3.1 That the Committee resolve to GRANT both planning permission and advertisement consent subject to the following conditions:

3.2 Conditions on planning permission

- (a) Three year time limit
- (b) Development to be built in accordance with the approved plans

3.3. Conditions on advertisement consent

- (a) Consent expire after 5 years
- (b) Development to be built in accordance with the approved plans
- (c) Standard set of five conditions imposed on all advertisement consent Permit-free condition

3.4 Any other condition(s) considered necessary by the Corporate Director for Development & Renewal.

4.0 PROPOSAL

- 4.1 The proposal is for the retention of the ATM within the shop front and the associated internally illuminated fascia screen to the ATM and signage namely an internally illuminated cash sign set above the ATM keyboard stating the words ' Free Cash withdrawals' and a blue LED halo illumination to the ATM surround.
- 4.2 The works include the replacement of some glazing within the shop front and its replacement with a laminate security panel and modifications to the existing shutters.
- 4.3 The ATM as built is 0.865m (width) x 1.256m (height). The ATM machine is set 0.9m above pavement level.

5.0 SITE AND SURROUNDS

- 5.1 The application site of the cash machine opening is a small grocery/convenience store selling fresh vegetables located in the centre of the designated Aberfeldy Street Local Shopping Parade. The shop was originally in two parts and hence has two shop fronts.
- 5.2 The Aberfeldy Street local shopping parade serves the residents of Aberfeldy Estate and surrounding residential properties located in Poplar Riverside which is bounded by the A13 to the east and A12 to the south of the site.
- 5.3 The Aberfeldy Street local shopping parade is situated on Aberfeldy Street between the junction of this road with Blair Street to the south and Dee Street to the north. The application site shares with its neighbours (on both sides of the street) small retail premises at ground floor with 2 storeys of residential set above. The ground floor retail premises at No 42-44 is set slightly forward of residential floor space located above, as is the case with all the shops on this side of the road, with a balcony located on the roof of the projecting ground floor element. The balcony serves the individual residential flat located above the shop.

6.0 RELEVANT PLANNING HISTORY

- 6.1 No relevant planning history

7.0 POLICY FRAMEWORK

- 7.1 For details of the status of relevant policies, see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

7.2 Government Planning Policy/ Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)
National Planning Practice Guidance (March 2014)

- 7.3 **London Plan (March 2015)**
7.5 Public Realm
- 7.4 **Tower Hamlets Core Strategy (adopted September 2010)**
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating distinct and durable places
- 7.5 **Managing Development Document (2013) (MDD)**
DM1 Development in the town centre hierarchy
DM23 Streets and the public realm
DM24 Place Sensitive Design
DM25 Amenity

8.0 CONSULTATIONS

Local Representations

- 8.1 A total of 24 planning notification letters were sent to nearby properties for each of the applications. Site notices were also displayed on the public highway outside the premises in respect of each application. A further round of public consultation and fresh site notices were displayed after it was known the application site was wrong (originally stated No 42A Aberfeldy Street as opposed to 42-44); and also following the change in the description of development from proposed development to retrospective planning and advertisement consent applications with the actual installation of the ATM and the associated signage (after the original site notices and written consultation was undertaken with neighbours).
- 8.2 No written representation has been received in respect of the planning application for the installation of the ATM within the shop front.
- 8.3 A petition has been received with 34 signatories from local residents in Aberfeldy Street in respect of the advertisement consent for the illuminated signage associated with the ATM.
- 8.4 The petition states

"We would like to raise some concerns with the proposed installation of an ATM cash machine.

Aberfeldy Street is predominantly a residential area, by installing a 24 hour cash machine with an illuminated sign will have an effect on the residential area; due to the reflection of the bright light during the evening time will cause nuisance to residents.

A 24 hour cash machine proposes there will be an increase in the amount of noise caused by people passing through to use the machine throughout the late hours of the night, which will be heard through our single glazed window. A problem which already exists is the noise caused by three food outlets in street which close quite late in the evening (Indian take away, Chinese takeaway and a Chicken and Chip Shop). Having a 24 hour cash machine will add to the noise, not to mention the anti-social behaviour that will rise due to having many people driving by to use the cash machine very

late at night, Unfortunately, this will produce much more distress for the local residents.

Also there is already an available cash machine [with] in Costcutter Supermarket which provides the service to the local community.

We are all to totally opposed to the above proposal”

Internal/External Consultation Responses

8.5 LBTH Highways and Transportation Team:

Highways have no objection to the application

8.6 Metropolitan Police Crime Prevention Design Advisor

The Crime Prevention Advisor identified considerations when considering the security/appropriateness of siting an ATM within the borough. The CPA raised reservations about the provision of an ATM within a retail store without any increased security fitted. No other concerns were raised. From an anti-social behaviour point of view, the Police would not normally have any issues with an ATM unit as they, alone do not often draw a group together around the unit as they are usually used in a 'visit and go' fashion.

(Officer's comments: It is noted that the applicant has removed some glazing within the shop front and replaced it with a laminate security panel and modifications to the existing shutters).

9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 The planning considerations to consider with the advertisement consent are limited to:

- Amenity
- Public/Highway Safety

9.2 With respect to the planning application these two considerations also apply alongside the consideration of:

- Principle of land use
- General security and the development not unnecessarily attracting criminal activities by its design

9.3 When making a decision about whether to grant advertisement consent, the Council is restricted to considering the effects on amenity and public safety. The 2007 Control of Advertisement regulations 3(i) states an LPA should take development plan policies in so far as they are material.

9.4 Part 4b of policy DM23 of the adopted Managing Developing Document (2013) states that it will be necessary for advertisements and hoardings in the public realm to demonstrate that:

1. they do not harm the character, appearance and visual amenity of the site and the surrounding area;
2. they do not intrude into the outlook of nearby residents;
3. they do not have an adverse impact on public or highway safety; and
4. they enhance the visual amenity of vacant sites and building sites and the surrounding area.

Land Use

- 9.5 The principle of the installation of an ATM into a shop front is accepted in land use terms as it does not impact on the underlying use of the site; and in the absence of an alternative free cash withdrawal machine in the vicinity of the local designated shopping parade, it is considered in principle acceptable and indeed would help support the general activity and vitality of the local shopping parade to the benefit of local community, in accordance with adopted Local Plan policies. A town centre location is considered to be an appropriate location for cash machines as town centres by their very nature are defined as being accessible locations.

Amenity

- 9.6 The existing shop front on the premises is unprepossessing and is located in a shop parade of diverging shop fronts often of indifferent quality. The installation of the ATM is not considered to detract from the visual appearance of this shop front or the general appearance of the premises in the street scene more generally.
- 9.7 The ATM machine and associated signage is of a crisp design, avoids lettering of undue size and built of robust materials that should be suitably durable and should weather well.
- 9.8 Any noise and other disturbance resulting from the use of the ATM are considered to be limited. The cash machine is located on a street that has three fast food takeaways in close proximity (all opened late into the evening). As such, it is not considered that the presence of the ATM will result in any increase in noise to residents living above the shopping parade or lead to an unwelcome congregation of people outside the site premises.
- 9.9 The activity generated by the ATM is unlikely to significantly impact on the amenity of residents within the residential block above. As such, the proposal accords with Policy SP10 of the Core Strategy (2010), policy DM25 in the Managing Development Document (2013) which seek to ensure that new development does not compromise the residential amenity of neighbouring properties through unacceptable noise impacts. The ATM and signage as built is visually appropriate within the shop front context and as such this accords with Policy SP10 of the Core Strategy (2010) and Policies DM23 and DM24 in the Managing Development Document (2013).

The above policies seek to ensure that new developments respect the visual appearance of the host building including the site context.

Public Safety/Highways considerations

- 9.10 The general design and luminance levels of the signage are not likely to impair the vision or cause a distraction to drivers. Aberfeldy Street is a side road without ready access from the arterial roads of the A12 and A13. As such, there are no prospects of the usage of the ATM giving rise to marked rise in dangerous unauthorised parking from future users of the ATM arriving by motor vehicle.

Crime Prevention

- 9.11 The application is accompanied by a statement on crime prevention measures with regards to the installation of this ATM. The ATM would be located in a shopping parade, on a well walked street that is well lit and with good levels of natural surveillance from both sides of the streets, from residents living above the retail units. The pavement is set above the carriageway which makes ramming of the machine not possible. Additional engineering has been added to the shop front to further secure the machine and CCTV cameras are installed within the shop.
- 9.12 In addition, from an anti-social behaviour point of view, the Met Police has confirmed that they would not normally have any issues with an ATM unit as this alone does not normally draw a group together around the unit as they are usually used in a 'visit and go' fashion. As such, the proposal is considered to have made the necessary measures to safeguard against criminal behaviour and complies with policy SP09 of the Core Strategy (2010).

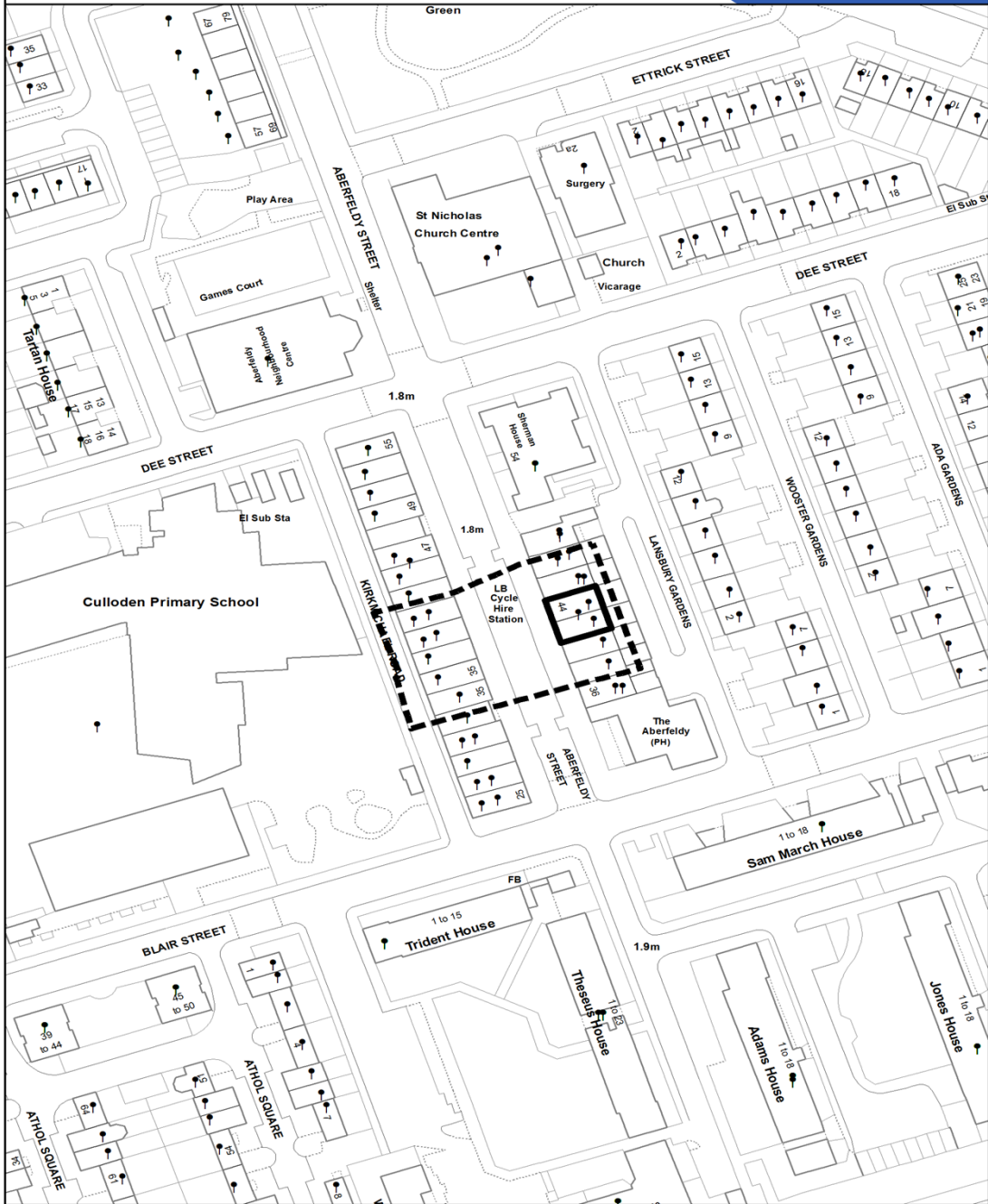
10.0 CONCLUSION

- 10.1 For the reasons set out earlier in this report and with regards to relevant planning policies, the two applications are not considered to give rise to undue amenity issues to neighbours from noise or other forms of disturbances nor impact adversely on the visual appearance of the premises and the shopping parade more generally; in the absence of other negative material planning considerations, the retrospective applications are recommended for approval.

11.0 RECOMMENDATION

- 11.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the report.

Planning Application Site Map
PA/15/01445



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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