

Committee: Development Committee	Date: 15 December 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application and Advertisement Consent
Case Officer: Chris Stacey-Kinchin	Ref No's: PA/16/01213 and PA/16/01214
	Ward: Lansbury

1.0 APPLICATION DETAILS

Location: 42-44 Aberfeldy Street, E14 0NU

Existing Use: Retail (A1 Use)

Proposal: **PA/16/01213 (Full planning application)**
The retention of an existing ATM (in an alternate location), including re-placing part of the existing glazing with a white laminate composite security panel incorporating the ATM fascia with black bezel surround, security mirrors, a privacy zone and no illumination.

PA/16/01214 (Advertisement application)
The retention of an existing ATM (in an alternate location), including re-placing part of the existing glazing with a white laminate composite security panel incorporating the ATM fascia with black bezel surround, security mirrors, a privacy zone and no illumination.

Drawing & Documents: Site Location Plan, Ref. 3462021
NM-05-2015-29-1, Rev A (Existing Elevations)
NM-05-2015-29-2, Rev A (Proposed Elevations)
Design & Access Statement
Planning Statement

Applicant: Notemachine UK Ltd

Site Ownership: Poplar HARCA

Historic Building: N/A

Conservation Area: N/A

2.0 EXECUTIVE SUMMARY

- 2.1 This report considers two separate retrospective applications, one for planning permission for the retention of an existing ATM within a shop front (in an alternate location) and the second application is for advertisement consent for the associated non-illuminated fascia serving the ATM and lettering sign set above the ATM keyboard.
- 2.2 The proposed development 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 the existing noise situation. Associated anti-social behaviour 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 to be limited. The ATM is located on a street within a shopping parade that has a number of food takeaways in close proximity (all of which are open in the evening), and it is considered that these uses collectively are likely to result in greater noise and potential congregation of people outside their premises 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 an ATM within the shop front (in an alternate location), an associated non-illuminated fascia screen to the ATM, and a non-illuminated sign set above the ATM keyboard stating the words 'Free Cash withdrawals'. It is also proposed to attach security mirrors to the ATM fascia and install a privacy zone around the ATM (in the form of ground markings).

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 is 0.865m (width) x 1.256m (height). The ATM machine is set 0.9m above pavement level.



Fig.1 – Proposed Front Elevation

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.



Fig.2 – Existing Shop Front

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 PA/15/01444 - Retrospective planning application for installation of ATM (Cash Machine) installed through a white laminate composite security panel replacing part of the existing glazing, incorporating the ATM fascia with black surround and white illuminated lettering Free Cash Withdrawals out of black background. Blue LED halo illumination to ATM surround.
- 6.2 PA/15/01445 - Retrospective advertisement consent for integral illumination and screen to the ATM fascia and internally illuminated CASH sign set immediately above the cash (ATM) machine.
- 6.3 PA/15/03434 - Retrospective planning application for the retention of an ATM (Cash Machine).

- 6.4 PA/15/03435 - Retrospective advertisement consent for integral illumination and screen to the ATM fascia and internally illuminated 'Free Cash Withdrawals' sign set above the cash (ATM) machine.

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

7.3 London Plan (March 2016)

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 21 planning notification letters were sent to nearby properties for each of the applications.
- 8.2 No written representation has been received in respect of the advertisement application for display of advertisements associated with the ATM.
- 8.3 A petition has been received with 39 signatories from local residents in Aberfeldy Street in respect of the planning consent for the installation of an ATM.
- 8.4 The petition states:

"A 24 hour cash machine proposes that 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 arise 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 in Costcutter Supermarket which provides the service to the local community.

We all totally oppose 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

- No response received.

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 is 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 ATM is located on a street that has three fast food takeaways in close proximity (all of which open 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 of the signage and the fact that it is non-illuminated means it is unlikely to impair the vision or cause a distraction to drivers. Aberfeldy Street is a side road without direct access from nearby arterial roads (notably the A12 and A13). As such, there are no prospects of the usage of the ATM giving rise to a 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 design and access statement which details crime prevention measures with regards to the installation and design of this ATM. The ATM would be located in a shopping parade, on a street with reasonable footfall levels that is well lit and with good levels of natural surveillance from both sides of the streets, from residents living above the retail units. Security mirrors are to be attached to the fascia of the ATM and a privacy zone will also be installed around the ATM (in the form of ground markings). The pavement is set above the carriageway which makes the

ramming of the machine by a vehicle not possible. Additional engineering has been added to the shop front to further secure the machine and CCTV cameras with digital recording are installed within the shop.

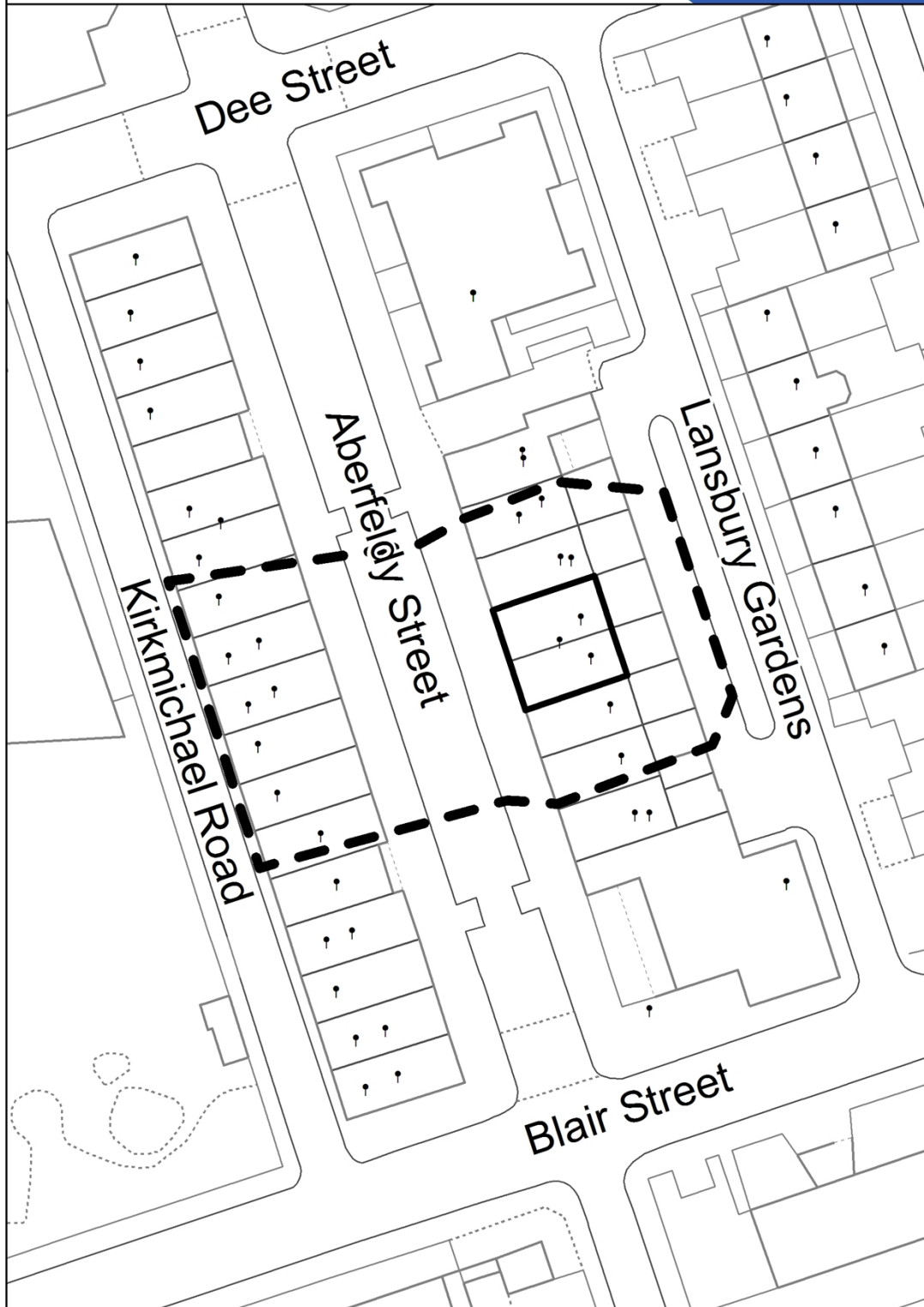
- 9.12 In addition, from an anti-social behaviour point of view, it should be noted that the Met Police has offered advice under previous applications on this site (PA/15/01444 and PA/15/01445) confirming that they would not normally have any issues with an ATM unit as this alone does not normally draw 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 and advertisement consent should be granted for the reasons set out in the report



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



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