

5e 3/13/1635/FP – Installation of ATM unit with lockable cover at Tesco Stores, Havers Lane, Bishop’s Stortford CM23 3PD for Tesco Stores Ltd

Date of Receipt: 12.09.2013

Type: Full – Minor

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – CENTRAL

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10) ‘2132/PL20; 23132/56’
3. The ATM hereby approved shall only be operational between the hours of 6am and 11pm and outside of these hours the machine shall be covered and locked to prevent its use, in accordance with the details shown on drawing 2132/56.

Reason: In the interests of the amenities of surrounding residential occupiers in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL1)

Summary of Reasons for Decision

East Herts Council has considered the applicant’s proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the ‘saved’ policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the amendments made to LPA reference 3/12/2152/FP is that permission should be granted.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. The existing

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building on the plot is detached, two storey and is set back from Havers Lane by some 15 metres. It is of brick construction part painted and currently has a use as a retail store. There are projecting gable features to the front and rear and it also has some dormers to the roof. There is a significant area of hardstanding to the front of the building, and also an area of hardstanding to the rear. There is an existing vehicular access to the site from Havers Lane.

- 1.2 It is proposed to install an ATM within the south west corner of the front elevation of the existing building. The ATM would be sited in an existing window opening and would be 0.8 metres above ground level. A lockable cover would be attached to the front of the ATM to allow its hours of operation to be controlled.

2.0 Site History:

- 2.1 At the meeting of the Development Management Committee on the 20th March 2013, Members considered four different proposed applications at the site as follows:

- 3/12/2150/FP – installation of air conditioning units, enclosed by a 2.5 metres high timber panel fence and condenser unit enclosed by a 2 metre high close boarded timber panel fence – approved with conditions and implemented;
- 3/12/2151/AD – replacement and installation of externally lit car park signage, installation of two externally illuminated fascia signs and one externally illuminated projecting sign - approved with conditions and implemented;
- 3/12/2152/FP – installation of ATM unit – refused;
- 3/12/2153/FP – external alterations including raising the roof of the existing porch, construction of external staircase to first floor, infill existing doorway, new glazing to existing door opening and infill of windows on the approved extension – approved with conditions and implemented.

- 2.2 In March 2012 advertisement consent was granted for the relocation of an existing sign on the grass area to the south west of the building, and consent was refused for the erection of an internally illuminated double sided totem sign under reference 3/12/0167/AD.

- 2.3 Planning permission was granted in June 2012 for the construction of a single storey rear extension, external alterations including the insertion of

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four doors and associated works under reference 3/12/0820/FP. As already stated in this report, this permission has been implemented.

3.0 Consultation Responses:

3.1 County Highways has recommended approval of the application and comment that the installation of an ATM on the site is acceptable in a highways context. Highways further comment that traffic generation will have a minimal impact as many of the visits are likely to have a dual use (store and ATM) and that out of hours the ATM will not be available.

3.2 At the time of writing this report, no further comments have been received from any of the other statutory consultees consulted on the application.

4.0 Town Council Representations:

4.1 Bishop's Stortford Town Council objects to the application for the following reasons:

- Noise and light pollution;
- Safe route to school affected;
- Increase in anti-social behaviour and crime;
- Detrimental to residents specifically those from Havers Lane and Beechlands;
- Increase in traffic and lead to parking issues;
- Threat to economic vitality;
- Against the Localism Act;
- Highways impact from users of the ATM.

5.0 Other Representations:

5.1 The application has been advertised by way of site notice and neighbour notification.

5.2 At the time of writing this report, no neighbour responses have been received.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies include the following:-

ENV1 Design and Environmental Quality

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ENV3 Planning Out Crime – New Development
ENV24 Noise Generating Development

6.2 The National Planning Policy Framework (NPPF) is also of relevance in the determination of this application.

7.0 Considerations:

7.1 Members may recall that the building was previously used as a public house but is now a retail unit. This change of use was permitted under the General Permitted Development Order and did not require express planning permission. Permission was, however, granted in March 2013 for the signage and alterations to the building and for boundary fencing to facilitate the use. These approved alterations have now been implemented and the premises now operates as a retail store

7.2 Planning permission was refused, again in March 2013, for the installation of an ATM at the site for the following reason:-

‘The use of the proposed ATM and its 24 hour operation would result in additional activity with associated noise and disturbance and has the potential to result in anti-social behaviour which together would have a harmful impact on the amenity of local residents. The proposal is thereby contrary to policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007’.

7.3 It is now proposed, however, to install an ATM within the south west corner of the front elevation of the existing building. The ATM would be sited in an existing window opening and would be 0.8 metres above ground level. The proposal also includes the provision of a lockable cover that would be fixed over the face of the machine when the store is closed.

7.4 The proposed ATM would not result in the construction of a new building or an increase in the built footprint of the premises. Its size, siting and design are considered to be acceptable and would not have an adverse impact on the character and appearance of the building or the surrounding area. It would be located on the frontage of the building in a location which is visible from Havers Lane and the car park. It is therefore considered that a sufficient level of natural surveillance of the ATM would occur, and other security measures are also in place i.e. stainless steel bollards, to protect the facility and deter criminal activity.

7.5 The proposed lockable cover would be painted to match the colour of

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the brick work of the existing building and would not therefore have a harmful impact upon the character and appearance of the existing building or that of the surrounding locality. The proposed ATM is therefore considered to comply with Policies ENV1 and ENV3 of the Local Plan.

- 7.6 In relation to neighbour amenity, it is noted that Members previously refused planning permission for the installation of an ATM at the above premises following concerns that its 24 hour operation would result in additional activity with associated noise and disturbance and would have the potential to result in anti-social behaviour which, together, would have a harmful impact on the amenity of local residents.
- 7.7 Within this amended application it is important to note that the ATM would not be in operation for 24 hours a day. Instead, it is proposed to be in use between the hours of 6am and 11pm which would reflect the shop's current opening hours. A lockable cover would be fitted over the front of the ATM outside of these hours of operation to ensure that it could not be used. Having regard to these restrictions and that the proposed ATM would be some 16 metres from the nearest residential property, Officers are satisfied that there will be no significant adverse impact on the amenities of neighbouring properties from noise and disturbance or similar.
- 7.8 Whilst it is acknowledged that the existence of the ATM may encourage additional visits to the site, it is not considered that this would be to a degree which would be harmful to the amenities of local residents or unacceptable given a comparison with the previous use of the site and the existing use of the site as a retail premises. The Highways Authority also agrees that the installation of the ATM on site is unlikely to give rise to additional traffic movements, with most visits having a dual use.
- 7.9 It is considered that sufficient parking space is provided within the site to accommodate any parking needs associated with the use of the ATM. Officers also consider that the level of traffic generation associated with the facility would not be to such a degree that would be harmful to the free flow of traffic on Havers Lane and surrounding roads, or to road safety. Again, the Highways Authority also considers that the installation of an ATM will have a minimal impact upon traffic generation.

8.0 Conclusion:

- 8.1 Whilst the concerns of the Town Council have been considered in respect of the impact of the proposed ATM, Officers consider that these

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concerns can be satisfactorily overcome by conditions relating to the use of the machine. In this way, the proposal will not have a detrimental impact upon neighbour amenity and will not impact upon highway safety or capacity. The proposed alterations would also not have a harmful impact upon the character and appearance of the existing building or the surrounding street scene.

- 8.2 Having considered the proposed development and the additional measures proposed to control the ATM's hours of operation, Officers consider that the proposed development is acceptable and overcomes the previous reason for refusal within application reference 3/12/2152/FP. It is therefore recommended that planning permission is granted subject to the conditions at the head of this report.