

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel
 Planning Application Report of the Planning and Development Manager**

| | | | |
|---|--|-----------------------------|--|
| Application address: Tesco Express, Butts Road SO19 1BJ | | | |
| Proposed development: Installation of an ATM | | | |
| Application number | 13/01912/FUL | Application type | FUL |
| Case officer | John Fanning | Public speaking time | 5 minutes |
| Last date for determination: | 03.02.2014 | Ward | Sholing |
| Reason for Panel Referral: | Request by Cllr and five or more letters of objection have been received | Ward Councillors | Cllr Mrs Blatchford Cllr Jeffery Cllr Kolker |

| | |
|------------------------------------|------------------------|
| Applicant: Tesco Stores Ltd | Agent: Cgms Ltd |
|------------------------------------|------------------------|

| | |
|-------------------------------|------------------------------|
| Recommendation Summary | Conditionally Approve |
|-------------------------------|------------------------------|

| | |
|---|-----------|
| Community Infrastructure Levy Liable | No |
|---|-----------|

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

| | | | |
|--------------------------|---------------------------|---|------------------|
| Appendix attached | | | |
| 1 | Development Plan Policies | 2 | Planning history |

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The site is located on the corner of Butts Road and Heathfield Road. The site is currently occupied by a two-storey building which was previously in use as a public house and is currently being operated as a Tesco. Land surrounding the building includes existing hard standing and open areas. There is no change in site levels on the site. The site currently has two vehicular access points, one from Butts Road and one from Heathfield Road.
- 1.2 The site is located within a predominately residential area, with the adjoining Butts Road frontage featuring a row of commercial use. Butts Road is a Class C classified road.

2.0 Proposal

- 2.1 The current application proposes an external ATM on the Butts Road frontage, situated adjacent to the car parking area. The applicants have suggested a condition to limit the operative hours of the ATM to the store opening hours.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 Permission was originally granted for the erection of a licensed premises on this site in 1954. The opening hours were not restricted as part of this permission. More recently, in 2011, an application was refused for the redevelopment of the site to provide a retail unit and 8 flats.
- 4.2 The building was vacant for a period after ceasing to trade as a public house. Following a number of applications for minor alterations to facilitate the permitted development conversion of the building to a retail use (see **Appendix 2**) the building was converted and run as a retail unit by Tesco. These applications received significant public interest and were called before the Planning and Rights of Way Panel.
- 4.3 The only one of these applications to be refused was for an external ATM (12/00356/FUL). This application was refused based on increased activity causing potential for anti-social behaviour and increased noise.

4.4 An application was resubmitted for an external ATM in a different location within the site, with a suggested condition by the applicants that the ATM would not be operative outside of store opening hours. The Highways team objected to the new location (situated towards the corner of the site on the junction between Heathfield Road and Butts Road) and as such the application was refused on the grounds of highways safety.

4.5 The current application proposes an external ATM in the same location as the originally refused application, which was recommended for approval but refused by the Planning and Rights of Way Panel. It is situated on the Butts Road frontage, adjacent to the car parking area.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners (including all those who had commented on previous applications) and erecting a site notice (20.12.2013). At the time of writing the report **23** representations (from 12 different addresses) have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Two previous applications for external ATMs have been refused and the circumstances have not changed***

5.3 Response

The first refusal was for increase in noise and potential anti-social behaviour late at night. The second refusal was for an ATM in a different location closer to the junction and was refused on highways grounds. No highways objection has been raised to this application and a condition is proposed to address the reason for refusal in relation to noise and anti-social behaviour late at night.

5.4 ***Store is currently open 6AM til 11PM and an external ATM would exacerbate existing noise/anti-social behaviour/perception of crime issues within a residential area***

5.5 Response

A condition is proposed to require the ATM to be inoperative outside of store opening hours. No objection has been raised by the Police in relation to anti-social behaviour.

5.6 ***ATM should be installed inside the store***

5.7 Response

ATMs are a common feature of retail frontages which are generally considered to have a minimal impact. Without objection from an external consultee (such as the Police or Highways department) it would not generally be considered that the addition of an external ATM would have a significantly harmful impact to a retail unit. An internal ATM would not require planning permission.

5.8 ***ATM is not required by the local community***

5.9 **Response**

It is for the applicant to consider if they feel a proposal is viable given local circumstances and as part of the customer service they wish to provide.

5.10 ***The ATM would attract additional traffic***

5.11 **Response**

No objection has been raised on Highways grounds to this application.

5.12 **Consultation Responses**

5.13 **SCC Highways - No objection**

5.14 **SCC Environmental Health - No objection**

5.15 **Police - No objection**

5.16 **Cllr Cunio** - Raised concern regarding traffic and late night noise, however noted that an ATM would be useful and had spoken to a local resident who was aggrieved at the lack of an ATM. Expressed support for either internal or conditioned consent.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

6.2 **Principle of Development**

The application site is adjacent to several other retail units. For this reason it is judged that the proposed ATM unit would not represent an incongruous or harmful addition to the street scene in the proposed location in terms of visual character. ATMs can provide a useful local service and an enhanced shopping experience at local centres or individual shops which serve the needs of the community.

6.3 **Highways safety**

The ATM is located adjacent to the store car park and away from the nearby junction. On this basis it is considered that the proposal will not have a significant impact in terms of highways safety.

6.4 **Residential amenity**

The previous application for an ATM in this location was refused on the grounds of a potentially harmful impact in terms of noise and anti-social behaviour. The applicant has proposed a condition to limit the hours of operation to match those of the store, allowing the store to better manage the impacts of the ATM. While it is possible that people will be unaware that the ATM is not operative and may still stop and visit the site late at night, this will

prevent any potential congregation of individuals and associated anti-social behaviour or crime. Overall, it is not considered that the potential additional noise and activity generated by the ATM would be sufficient to justify a reason for refusal.

7.0 Summary

7.1 Given the nature of the proposal, it is considered to be supportable taking into account the context and scale of the proposals.

8.0 Conclusion

Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1 (a) (b) (c) (d) 2 (b) (d) 4 (vv) 6 (a) (i)

JF1 for 18/02/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Hours of Operation. [Performance Condition]

The ATM to which this permission relates shall not operate outside the following hours:
Monday to Saturday 06.00 hours to 23.00 hours (6.00am to 11pm)

REASON

To protect the amenities of the occupiers of nearby residential properties.

03. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

Other Relevant Guidance

National Planning Policy Framework (March 2012)

Relevant Planning History

1006/E - Erection of licensed premises
Permitted, 27.11.52

1031/24 - Erection of licensed premises
Conditionally Approved, 12.01.54

1546/E8 - Formation of a new entrance porch and alterations to the external appearance,
Conditionally Approved, 17.10.78

1665/E40 - Erection of single storey extension
Conditionally Approved, 23.07.85

11/00508/FUL - Redevelopment of the site. Erection of a 3-storey building to provide a new convenience store (class A1) on the ground floor, and 8 flats on the first and second floors (6x2-bed and 2x1-bed flats) with associated parking and cycle/refuse storage,
Refused, 07.07.11

12/00353/FUL, External alterations to the building including: creation of new shopfront, and infilling of existing openings at ground and first floor level
CAP, 31.05.2012

12/00355/FUL - Erection of 11 no. steel bollards on Butts Road and Healthfield Road frontages (description modified following amended plans)
CAP, 31.05.2012

**12/00356/FUL - Installation of ATM to front of proposed store (description modified following amended plans)
Refused, 31.05.2012**

12/00357/FUL - Erection of open sided canopy to rear of building
CAP, 31.05.2012

12/00358/FUL - Extension and reconfiguration of existing car park hard standing
CAP, 31.05.2012

12/00359/FUL - Installation of plant equipment comprising of 3no. A/C units and external condenser unit, within contained rear plant yard
CAP, 31.05.2012

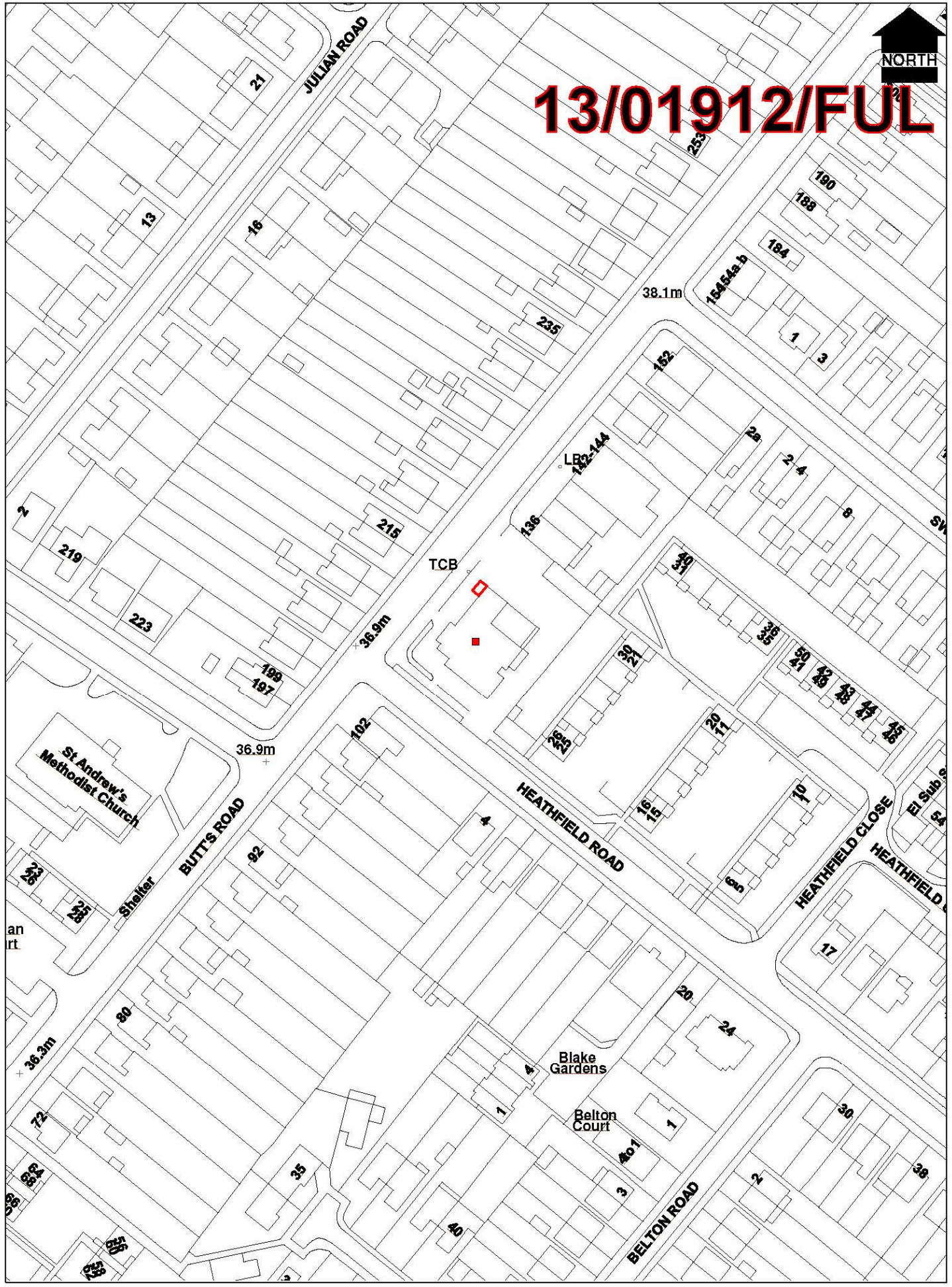
12/00360/FUL - Installation of external chiller/freezer unit to servicing area
CAP, 31.05.2012

12/00361/ADV - Advertisement application for 3 internally illuminated fascia signs, 1 projecting sign, 1 replacement gantry sign and 2 free-standing signs (description modified following amended plans)
CAP, 31.05.2012

**13/01679/FUL - Installation of ATM
Refused, 29.11.2013**



13/01912/FUL



Scale : 1:1250

Date :04 February 2014

© Crown copyright. All rights reserved. Southampton City Council 100019679 2004.

