

Agenda Item 3

East Area Planning Committee

8th May 2014

Application

Numbers:

- 1) 14/00445/FUL
- 2) 14/00447/FUL
- 3) 14/00446/FUL
- 4) 14/00448/ADV

Decision Due by: 15th April 2014

Proposal:

- 1) 14/00445/FUL - Installation of an ATM cash machine to front elevation
- 2) 14/00447/FUL - Installation of new shop front
- 3) 14/00446/FUL - Erection of a rooftop plant
- 4) 14/00448/ADV- Display of 1no. Internally illuminated fascia sign, 1no non-illuminated fascia sign and 1no. internally illuminated hanging sign

Site Address: 83 - 85 London Road Headington Oxford Oxfordshire

Ward: Headington

Agent: Mr James Dempster

Applicant:

Application Called in –

by Councillors – Wilkinson, Goddard, Campbell and Brett
for the following reasons –

I wish to call in these applications in total because as yet there is no response from Environmental health which could prove critical in terms of detriment to the amenity of neighbours, there is as yet no response from TVP re ATM, and because there is so little information in the application that needs to be elicited in the public realm. This is an application with significant public interest, and it would be good to give all sides the opportunity to debate it openly.

Recommendation:

APPLICATIONS BE APPROVED

For the following reasons and subject to the conditions listed in each case:

- 1 14/00445/FUL: Installation of ATM - The proposed development would not have a detrimental impact upon the appearance of the shop front or the existing street scene, crime prevention or highways safety. The proposals satisfy the relevant policies of the Oxford Local Plan 2001-2016 and Oxford Core Strategy 2026.

Conditions:

- 1 Development begun within time limit

2 Materials as specified

- 2 14/00447/FUL: Installation of shop front - The alterations to the shop front would not have a detrimental impact upon the appearance of the shop front or the existing street scene. As such the proposal would satisfy the relevant policies of the Oxford Local Plan 2001-2016 and Oxford Core Strategy 2026.

Conditions:

- 1 Development begun within time limit
- 2 Materials as specified

- 3 14/00446/FUL: erection of rooftop plant - It is considered that the roof plant in the proposed location, and given the advice from Environmental Development, that it would accord with policies in the Oxford Local Plan 2001-2016.

Conditions:

- 1 Development begun within time limit
- 2 Materials as specified
- 3 Noise – ensuring that existing noise level is not increased.

- 4 14/00488/ADV: display of advertising - The proposed advertisements form an appropriate visual relationship with the existing building and the surrounding area, and would not detract from the character and appearance of the area. Proposals comply with policies in the Oxford Local Plan 2001-2016 and Core Strategy.

Conditions:

- 1 Development begun within time limit
- 2 Materials as specified
- 3 Illumination levels – fascia sign
- 4 Illumination levels – projecting sign
- 5 Materials as specified

- 5 The Council considers that all of the proposals listed above accord with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP9 – Creating Successful new places

CP10 - Siting Development to Meet Functional Needs

CP13– Accessibility

CP19 – Nuisance
CP21– Noise
RC4 – District shopping centre
RC13 – Shop fronts
RC14 - Advertisements

Core Strategy

CS18_ - Urban design, town character, historic environment
CS19_ - Community safety

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

80/00838/NF - 85 London Road (demolished) - Single storey building at first floor level for toilets and rest room with enclosed staircase-conversion of existing toilets to form office.. REF 27th February 1981.

80/00839/NF - 85 London Road (demolished) - Extension to existing store and installation of a through the wall cash issuing machine. PER 24th November 1980.

80/00872/A - 85 London Road (demolished) - Projecting illuminated sign. PER 24th November 1980.

84/00419/NF - Erection of three storey building to provide retail 288 sq. m (3 shops) and office 480 sq. m (3 shops) and office 480 sq. m (Amended Plans) (83-85 London Road). PER 18th December 1984.

86/00278/NF - Two-storey development of three shop units (83-85 London Road). PER 25th April 1986.

87/00049/NF - Change of use of Shop Unit 3 (under construction) from retail to office (use by Estate Agent or Building Society) (Amended Plans). REF 11th March 1987.

87/00167/NF - Change of use of Shop Unit 1 (under construction) from retail to office (use by Estate Agent or Building Society). REF 6th April 1987.

Representations Received:

Installation of ATM

18 St Annes Road – Objects – I wish to object on the grounds we don't need another ATM as we are very well served by adjoining banks.

2 Latimer Road – Objects – There are more than 6 other ATMs within 100 metres several within a much smaller distance there is no need for yet another one.

New Shop front

18 St Annes Road – Objects – We also have enough supermarkets and feel that the change of use will not enhance the shopping in the street.

2 Latimer Road – There are many other supermarket / small supermarkets / convenience stores in the immediate area (at least 7). This type of store is dominating the area too much and reducing the variety of other types of shops.

Roof plant

2 Latimer Road – objects – Concern that the additional plant may cause noise and other inconvenience to nearby flats and other dwellings.

Cllr Smith – Objects – I strongly object to this application. The effect on neighbouring properties will be one of 24/7 noise.

Statutory and Internal Consultees:

Thames Valley Police Chief Constable (Operations):

I do not wish to object to the proposals at this time. However, I would query whether there is a need for another ATM at this location given that there are several within a short distance of the site. Regardless, I would recommend that a condition to ensure that the facility will be provided and managed adhering to current guidelines of the ATM Security Working Group is placed upon any planning approval.

Environment Development:

No grounds to object to the proposal but would advise the following standard condition to protect residential amenity.

In respect of any proposed air conditioning, mechanical ventilation or associated plant, applicant should ensure that existing noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this the plant should be designed / selected or the noise attenuated so that it is 10db below the existing background level. This will maintain the existing noise climate and prevent 'ambient noise creep'

Officers Assessment:

Site Location and Description:

1. The site is located on the northern side of London road and is within the Headington District Shopping centre RC4. The site comprises a two storey building, with two separate retail units (use class A1) on the ground floor, and upper floors are used for ancillary floorspace.

Proposal:

2. Tesco Stores Ltd are seeking planning permission to make alterations to the front elevation to the shop, which will consist of the installing of new bi parting telescopic shop-front doors to improve the access and internal layout of the unit, to insert an ATM to the new shop-front, and to display three new signs; 1 internally illuminated fascia sign, 1 non-illuminated fascia sign and 1 internally

illuminated hanging sign.

3. Their occupation of the unit does not require planning permission as a supermarket is a shop use (Class A1), current use is A1.
4. Tesco Stores LTD is also seeking planning permission to install plant equipment to the rear of the unit on the part one storey element of the premises. The plant will be screened by a timber fence compound.

Officers consider the main issues to be:

- Design and street scene,
- Highway safety,
- Crime and disorder, and
- Noise and disturbance

Design and street scene:

5. Policies CP1, CP8 and CP9 of the Oxford Local Plan 2001-2016 states that development proposals should show a high quality of design that respects the character and appearance of the area and used materials of a quality appropriate to the nature of the development, its site context and surroundings. Policy CP10 furthers this by stating developments must be sited to ensure the street frontage and streetscape is maintained, enhanced or created.
6. Policy RC13 states that permission will only be granted for new shop fronts whose design and materials respect the style, proportions, and character of the existing building and enhance the street scene. Policy CS18 of the Oxford Core Strategy (OCS) states that planning permission will only be granted for development that demonstrates high quality urban design

Installation of ATM

7. The ATM proposed will be situated to the front of the building, and will be set flush against the wall, colours and materials to be used will ensure that it is unobtrusive in the shop front and in the street scene.
8. In visual terms the new ATM would have no detrimental impact upon the appearance of the new shop front or the street scene and therefore the proposal is considered to comply with planning policies.

New shop-front

9. The new shop-front will consist of a new access by way of new bi parting telescopic shopfront doors, which will improve the access into the unit, and full height glazing to enhance visibility into the retail unit. The materials to be used are modern and of good quality, which will assist in the improvement of the current run down and dated shop fronts.
10. In visual terms the alterations would have no detrimental impact upon the appearance of the shop front within the existing London Road, and pose no harm to the street scene.

11. Tesco's do not need to apply for planning permission to occupy the unit as a supermarket is a shop use (Class A1).

New rooftop plant:

12. The new rooftop plant will be located at the rear of the property where other plant exists at neighbouring properties, on the part one storey element of the premises. The plant will be screened by 2m fencing, which will obscure it from view.
13. In visual terms the new roof top plant would have no detrimental impact upon the appearance of the existing building or the street scene, and therefore the proposal is considered to comply with current planning policies.

Advertisements:

14. Legislation requires that applications for advertisement consent are determined on the grounds of visual amenity and highway safety. The application site is centrally situated in the district shopping centre and surrounded by other shops with various appended signs, both illuminated and non-illuminated. Officers do not consider that the proposed advertisements will have any adverse impact in the street scene. Conditions are recommended to ensure that the intensity of illumination is appropriate. The signs would refer to Tesco and the associated logo.

Highway safety:

Installation of ATM

15. No comments have been received from the County Highways Officer about the location of the ATM. The site is situated in a wide pavement area set back from the road.

Advertisement consent

16. Oxfordshire County Council as Local Highway Authority are not raising any objections to the application for advertisement consent which will not result in any obstruction of the highway.

Crime Prevention:

17. Policy CS19 of the Oxford Core Strategy states that new developments should promote safe environments and reduce the opportunity for crime and maximize natural surveillance.

Installation of ATM

18. The proposed ATM has been sited such to enhance natural surveillance, along the busy London Road frontage. The Crime prevention design advisor raises no objections to the proposal but advises a condition be applied to ensure that the facility will be provided and managed adhering to current guidelines of the ATM Security Working Group is placed upon any planning approval. An

informative has been added to advise the application of the guidelines.

Noise and disturbance:

19. Policy CP10 states that developments must be sited to ensure the use or amenities of other properties is adequately safeguarded. CP19 seeks to ensure that developments do not cause unacceptable nuisance from dust, noise, vibration etc. CP21 goes on to state that development that cause unacceptable noise will be refused, particularly close to noise-sensitive locations such as residential or public and private amenity space both indoor and outdoor. In both CP19 and 21 conditions may be imposed that minimize any harmful impact.
20. Environmental Development (ED) have assessed the documentation which accompanied the application 'Rating Industrial Noise affecting Mixed Industrial and Residential Areas' by KR Associates (UK) Ltd. 'KR Associates (UK) Ltd has undertaken an environmental noise survey in accordance with British Standard 4142:1997 and has concluded that the resultant levels are unlikely to give rise to complaints from the local residents.
21. Assessment includes installation of a 2m solid wood barrier (with 500mm air gap at the bottom) on 2 sides of the plant installed on the roof.
22. The impact on nearby residential properties from the noise generated by the plant is assessed, in accordance with section 9 of BS4142:1997:
 - Day time (07.00-23.00) impact – 10db gives an assessment of below 'Complaints Unlikely'
 - Night time (23.00 – 07.00) impact – 14db gives an assessment of below 'Complaints unlikely'
23. ED raises no objection therefore to the proposal on this basis, and recommend that any permission granted is conditional upon plant being designed / selected or the noise attenuated so that it is 10db below the existing background level. This will maintain to existing noise climate and prevent 'ambient noise creep'.

Other matters:

24. An objection has been raised stating that there is already sufficient supply of ATMs in the area, although this may be a concern it is not an issue which can be addressed within the planning framework, and as such cannot be assessed as part of this planning application.

Conclusion:

25. The proposals are considered to represent development appropriate to the Headington District shopping centre, in terms of design and street scene, highway safety, crime prevention, and noise and disturbance. Consequently the proposals are considered to accord with all relevant policies of the development plan such that Committee is recommended to grant planning permission subject to the conditions set out at the beginning of the report.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Appendix 1: Site plan

14/00445/FUL

14/00447/FUL

14/00446/FUL

14/00448/FUL

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Date: 23rd April 2014