

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 February 2019	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	10 Rochester Row, London, SW1P 1NS,		
Proposal	Installation of ATM to shopfront.		
Agent	Indigo Planning Ltd		
On behalf of	Sainsbury's Supermarkets Ltd		
Registered Number	18/09086/FULL	Date amended/ completed	24 October 2018
Date Application Received	24 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	Outside Conservation Area		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

10 Rochester Row is a retail unit located on the ground floor of Emmanuel House. The unit is currently occupied by 'Sainsbury's Local' supermarket. Permission is sought to install an ATM in the ground floor Rochester Row frontage of Sainsbury's.

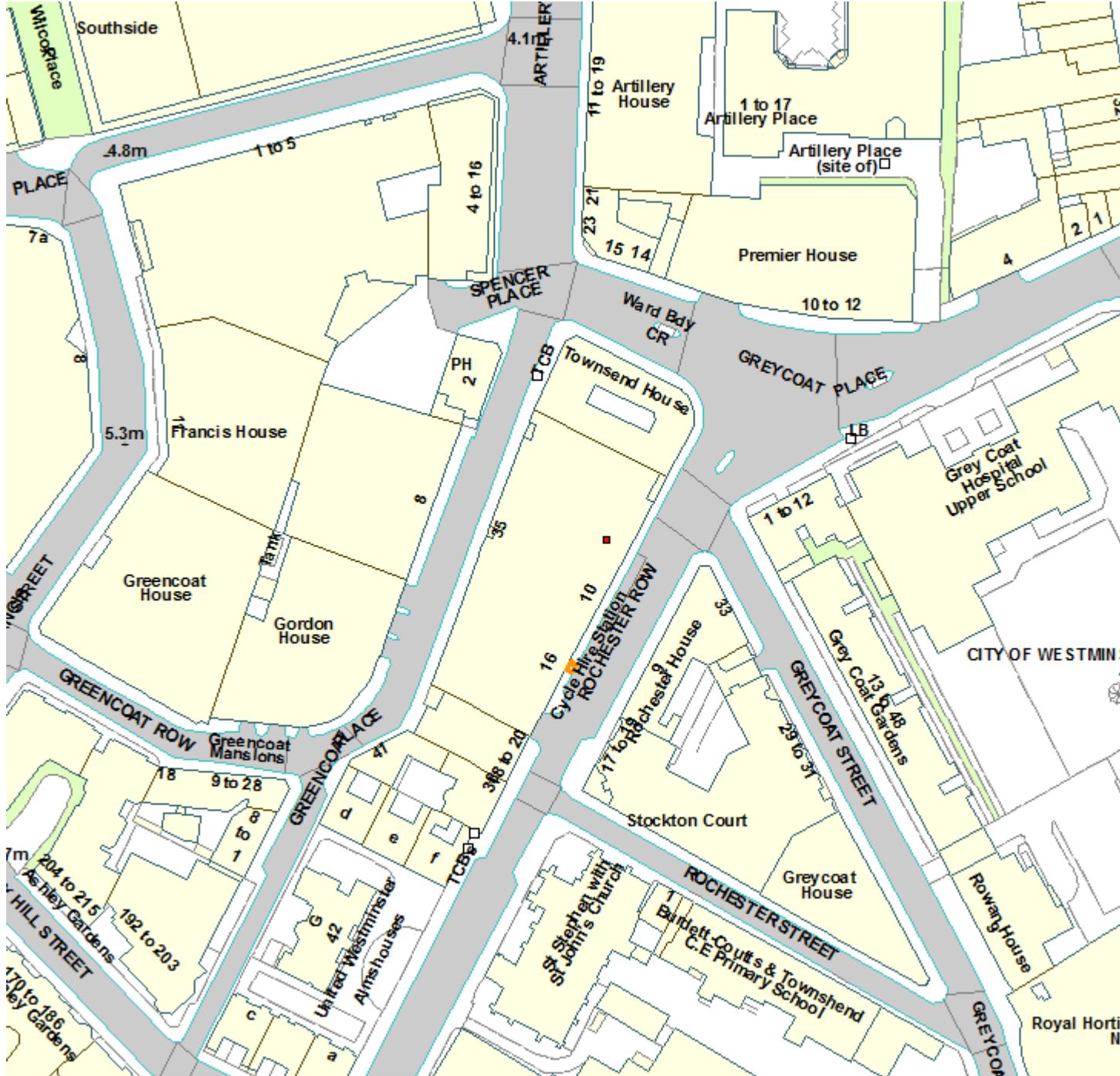
On 21 October 2014 planning permission was granted by committee to install an ATM in this location (RN: 14/01818/FULL). This permission was not implemented and has now expired.

There are three residential blocks of flats located above the application site, known as Emmanuel House (18 Rochester Row), 35 Greencoat Place and 10 Rochester Row. Objections have been received from both residents and ward councillors primarily on the grounds that an ATM in this location is unnecessary and would result in harm to the amenity of neighbours in terms of noise and disturbance and additional pedestrian and vehicular activity.

Residents also raise concern with the way Sainsbury's operate. The City Council has received regular complaints that deliveries and servicing to the Sainsbury's Local in question are being carried out in breach of the permitted hours for servicing, and that Sainsbury's is failing to comply with the measures set out in an approved 'Delivery and Servicing Plan'. The City Council has taken enforcement action in respect of this matter and issued a Breach of Condition Notice on 4 April 2018.

Notwithstanding the objections raised, it is not expected that an ATM in this location would give rise to such an increased level of activity as to result in significant harm to the residential amenity of surrounding residents. The proposal is considered to comply with the Council's policies in relation to residential amenity, highways, and design as set out in the City Plan (November 2016) and the Unitary Development Plan (2007).

3. LOCATION PLAN



4. PHOTOGRAPHS



Sainsbury's Local, 10 Rochester Row

5. CONSULTATIONS

VINCENT SQUARE WARD COUNCILLORS:

Object on the following grounds:

- An ATM in this location would cause disturbance to local residents as it will be used at all times of day and night.
- Concerns that Sainsbury's has not shown itself to be a good neighbour and it is not keeping to the agreed delivery times.
- Concerns that they see no evidence that Sainsbury's have a policy to deal with rough sleepers and organised beggars and related safeguarding issues.

WESTMINSTER SOCIETY:

No response to date.

VICTORIA NEIGHBOURHOOD FORUM:

No response to date.

DESIGNING OUT CRIME OFFICER:

Given the reported crime figures for the area around the vicinity of the application site within the last twelve months, concerns are raised that the proposed external position of the ATM will provide another location to commit more crime and compromise the safety of legitimate users.

Recommends that ATMs ideally should be located within the unit and security features are installed such as mirrors, CCTV, bollards and signage lighting.

HIGHWAYS PLANNING MANAGER:

On balance, while significant concern is raised to the location of the ATMs and their impact on pedestrian movements, given the width of the footway in this location, an objection is not raised.

The introduction of the ATM will increase servicing activity relating to the subject site as an additional delivery is made. No details of servicing have been provided with this application. This element of servicing does not form part of the wider Delivery and Servicing Management Plan for the site and that the DSP has not been updated to reflect this additional and new servicing activity.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 126

No. of replies: 10

No. of objections: 10 (from 5 residents)

Ten letters of objection from five residents on some or all of the following grounds:

Amenity

- Increased noise and disturbance from users 24 hours a day;
- Increased vehicular activity at late hours; cab drivers and passing vehicles stopping at any time of day and night.

Highways

- Disruption to flow of traffic due to vehicles double parking or park illegally when using the ATM;
- Narrow pavement outside store so users may obstruct pedestrians
- Lack of information on servicing of the ATM.

Other

- ATM is not necessary given there are many other ATMs in the vicinity and Sainsbury's offers cashback;
- Heightened security problem: increased begging, anti-social behaviour and crime. An ATM in this dark and quiet location would offer an excellent opportunity for those intent on robbery;
- Pavement is narrow which may pose a security risk for users;
- ATM may attract anti-social behaviour such as begging;
- Increased litter and anti-social behaviour from users and beggars;
- Sainsbury's staff can be noisy and staff smoking outside harms health of residents above;
- Sainsbury's have a disregard to the original terms of their planning consent;
- Failure to adhere to the approved Delivery and Servicing Plan;
- The Council has served a Breach of Condition Notice in respect of servicing and deliveries;
- Goods left overnight
- Staff ignorant of safety guidelines.
- Mistrust of Sainsbury's, consider there planning applications are based on mistruths and blatant lies.
- Concerns that Sainsbury's will not comply with restrictions.

ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

10 Rochester Row is a retail unit located on the ground floor of Emmanuel House. The unit is currently occupied by 'Sainsbury's Local' supermarket. The adjacent ground floors units are occupied by a coffee shop and office premises.

There are three residential block of flats located above the application site known as Emmanuel House at 18 Rochester Row, 35 Greencoat Place and 10 Rochester Row.

The site is located outside a conservation area but within the Core Central Activities Zone and the Victoria Opportunity Area.

6.2 Recent Relevant History

14/01818/ FULL

On 21 October 2014, permission was granted for: 'Installation of ATM to shopfront on Rochester Row frontage with associated alterations including the installation of a CCTV camera and light'.

This permission was not implemented and has now expired.

12/03338/FULL and 12/03341/FULL

Applications for planning permission were submitted in April 2012 for the use of the ground floor unit at 10 Rochester Row as a food retailer (Sainsbury's Local), with servicing proposed to take place from the rear of the site on Greencoat Place.

Two applications were submitted, each with differing options for the location of a servicing door on Greencoat Place. Servicing Option 1 (ref: 12/03338/FULL) proposed a new service door adjacent to the existing bin store on Greencoat Place, with modifications to the existing bin store and doors. Servicing Option 2 (ref: 12/03341/FULL) proposed the installation of a service door close to the northern end of the site, next to the residential entrance to 35 Greencoat Place.

The City Council refused to grant planning permission for both applications by decision notices dated 17th July 2012. The reasons for refusal related to the adverse impact on vehicular movement in Greencoat Place and obstruction to pedestrian movement along the footpath causing harm to the amenities of occupiers of adjoining properties by reason of general disturbance; and due to insufficient information submitted to demonstrate that servicing between 11.00 and 14.00 was a workable option.

Both planning applications were subject to an appeal to the Planning Inspectorate. By decision notice dated 18th September 2013, an Inspector appointed by the Secretary of State allowed both appeals. The Inspector decided that neither proposal would give rise to unacceptable conditions for pedestrian safety, and by imposing a condition requiring a Delivery and Servicing Plan (DSP) to regulate the size of vehicle used so as to be appropriate to day and time, neither proposal would give rise to unacceptable conditions for vehicular safety. The Inspector further decided that the impact of the proposal on living conditions of residents is not so adverse as to be unacceptable, due to the

perceived moderate level and limited duration of the adverse impacts and noise levels which can be controlled by condition and through the DSP.

Condition 7 of the planning permission granted on appeal on 18 September 2013 states:

No deliveries other than newspapers and periodicals shall be taken at or despatched from the site outside the hours of 07.00 to 19.00 on Mondays to Fridays, 09.00 to 17.00 on Saturdays, Sundays, Bank or Public Holidays nor otherwise than in accordance with the submitted Delivery and Servicing Plan by Vectos transport planning specialists dated May 2013.

On 4 April 2018 the Council issued breach of condition notice to allow the requirements of condition 7 of the relevant appeal decision to be formally enforced. This followed regular complaints from residents that deliveries and servicing to the Sainsbury's Local in question are being carried out in breach of the permitted hours for servicing, and that Sainsbury's is failing to comply with the measures set out in the DSP.

7. THE PROPOSAL

Permission is sought for the installation of a cash machine on the Rochester Row frontage of the building.

The ATM would be accessed externally by customers. The rear of the ATM would be located internally within the shop unit where its servicing would take place.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No change to existing use.

8.2 Townscape and Design

In design terms the ATM is consistent with the contemporary design of the shopfront and so is considered acceptable.

8.3 Residential Amenity

Objections have been received from the residents who live in the block above the retail unit on the grounds of noise and disturbance from people using the ATM, particularly in the evening. Concern is also raised that users are likely to arrive by car, which will cause disturbance from car engines and doors opening/ closing.

It is not expected that an ATM in this location would give rise to such an increased level of activity as to result in a significant loss of amenity to surrounding residents to justify a recommendation for refusal. In addition traffic movements are a common feature within a central London location such as this.

A condition is recommended to ensure that servicing of the ATM is undertaken within the same hours as under the approved scheme for the food retailer (07:00 to 19:00 Monday to Fridays, 09:00 to 17:00 Saturdays, Sunday or Public Holidays), to ensure that this does not occur at quieter times which could cause disturbance to residents.

8.4 Transportation/Parking

Objections have been raised relating to parking, highways impact, and servicing.

The Highways Planning Manager has raised concerns that the ATM may create an obstruction of the pavement from people queuing and preferably the ATM should be located inside. However, given the pavement is 2.3 m wide in this location, there is sufficient width to allow pedestrians to pass ATM users safely. This is in accordance with policy TRANS 3 of the UDP and therefore no objection is raised to the principle of an ATM in this location.

The Highways Planning Manager also comments that the introduction of the cash machine will increase servicing activity to the site and this element of servicing does not form part of the wider Delivery and Servicing Plan (DSP) which was approved as part of the appealed applications in 2013. However, despite this no objection is raised regarding the servicing of the ATM itself, which can be undertaken from either the adjacent car parking spaces or from or from the double yellow lines at the northern end of Rochester Row in the worst case scenario. A condition is recommended to limit the hours of servicing and an informative to advise the applicant that they will need to adhere to the approved DSP is also recommended.

In respect of concerns relating to vehicles double parking/ parking illegally when using the ATM. This is not considered a sustainable reason for refusal and it is expected that road users abide by the rules of the road, which would not permit such actions.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Other UDP/Westminster Policy Considerations

Not applicable.

8.7 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and closed on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.8 Neighbourhood Plans

Not applicable.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.12 Environmental Impact Assessment

The proposals are of insufficient scale to require an environmental assessment.

8.13 Other Issues

Security

Concerns have been raised by residents with regards to possible security risks linked with increased begging, anti-social behaviour, and criminal activity in an area, which residents consider to be quiet and dark in the evenings.

The Designing Out Crime Officer advises that an ATM should ideally be located inside a premises as those located outside are subject to more criminal activity. However it is not considered reasonable to refuse permission on potential increase levels of crime due to the installation of an ATM. At daytime the cash machine will benefit from the natural surveillance of the ground floor activity and there is an existing CCTV camera directly adjoining the proposed location for the ATM. The applicant is advised of the security features recommended by the Designing out crime Officer.

It is not considered that the security details recommended by the Metropolitan Police such as mirrors, pin shields and illumination can be imposed as planning condition as part of this application as it is beyond the remit of planning to control the security design of ATM. In all likelihood, the provider of the ATM is likely to install these measures, however the applicant is being advised by way of an informative.

Litter

Whilst the concerns about litter are understood, it is not considered that a refusal on these grounds can be sustained. An ATM can normally generate a receipt on request however customers are expected to keep these as they contain personal data.

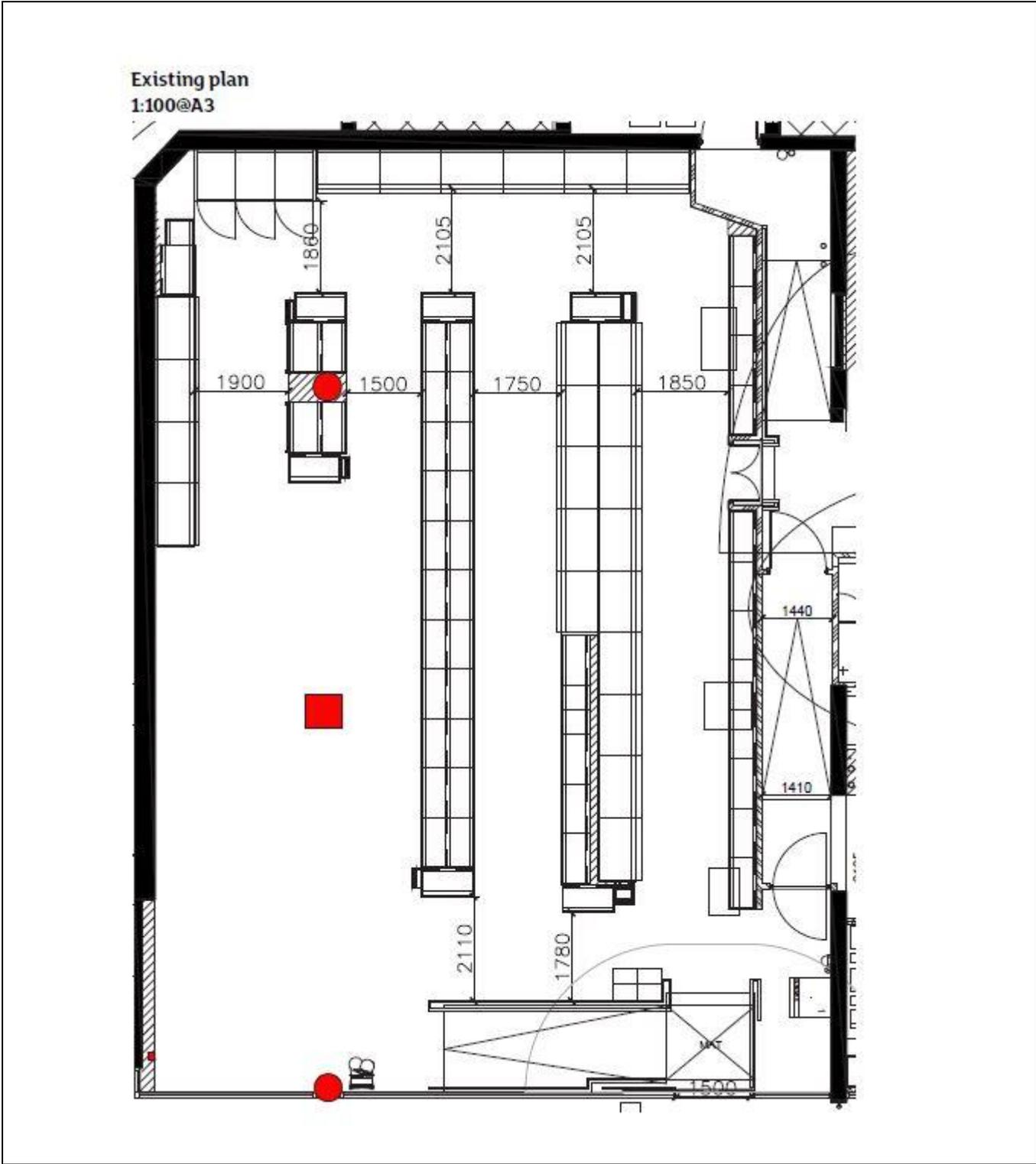
Necessity

Objections on the grounds that there are already other ATMs nearby is not considered a sustainable ground to refuse permission.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

9. KEY DRAWINGS



Proposed ATM plan
1:100@A3

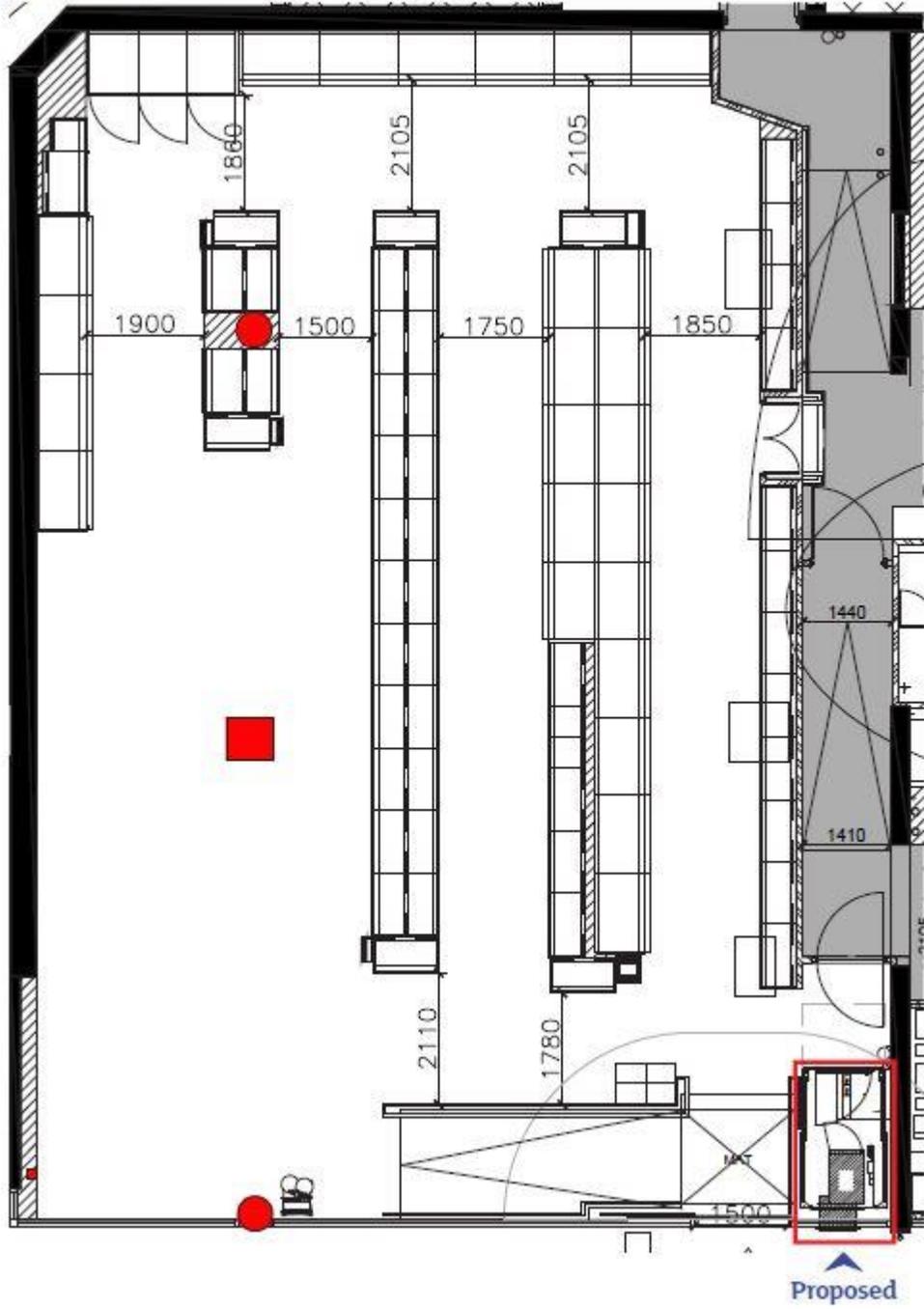




Photo of existing

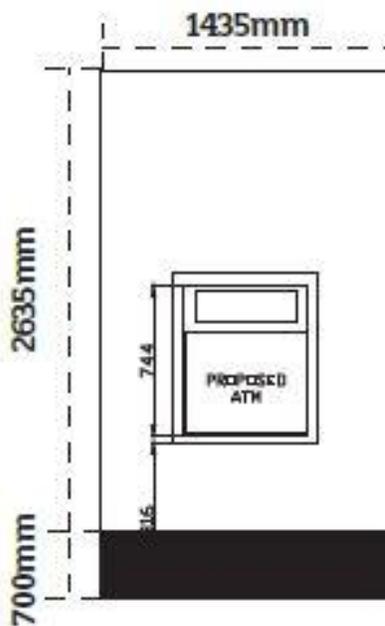
A4 CCTV vinyl applied externally to glazing.

ATM set into shop front.

ATM set into shop front with New Plum and orange vinyl applied internally to glazing.



Proposed external elevation



Proposed elevation

DRAFT DECISION LETTER

Address: 10 Rochester Row, London, SW1P 1NS,
Proposal: Installation of ATM to shopfront.
Reference: 18/09086/FULL
Plan Nos: 0677; AS-0677_0000-RDS-Z07-XX-DR-J-0252 rev.1# (x2).

Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 No servicing of the ATM will occur outside of the following hours: 07:00 to 19:00 Monday to Fridays, 09:00 to 17:00 Saturdays, Sunday or Public Hoildays.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.,

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that the ATM will need to be serviced in line with the Delivery and Servicing Plan as approved under applications 12/03338/FULL and 12/03341/FULL.
- 3 You are advised that the Metropolitan Police Designing Out Crime Officer refers you to "Best Practice for Physical ATM Security" guidelines.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.