

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 04 JUNE 2004**

**04/0319/FL: PROPOSED INSTALLATION OF CASH POINT MACHINE  
AT MACPHAIL POST OFFICE, 55 MACPHAIL DRIVE, KILMARNOCK  
BY NATIONWIDE BUILDING SOCIETY**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for the installation of an Automated Telling Machine (ATM) to be located within the existing glazed shop front, immediately to the right-hand side of the entrance door to the premises. The ATM is proposed to be located 850mm from floor level to enable use by wheelchair users.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions on the attached sheet.**

#### **3. CONCLUSIONS**

3.1 As is indicated in paragraph 5.1 of the report the application should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is not specifically covered by appropriate policies within the Development Plan and therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 greatest weight in the determination of the application should be given to the material considerations.

3.2 As indicated in Section 6 there are material considerations relevant to this application, consisting of the letter of objection and consultation responses received. The consultation responses received from the East Ayrshire Council Roads and Transportation Division and Strathclyde Police have no adverse comments to make on the application. It is considered that no aspects of the letter of objection are of sufficient weight as to merit the refusal of this application. The installation of an ATM is appropriate in this location given the fact of the application site being within an established retail development serving the local residential neighbourhood. East Ayrshire Roads and Transportation Division have no objection to the proposal based on the existing off-street parking facilities immediately adjacent to the application site. It is not therefore considered that the installation of an ATM would have an additional detrimental impact on the

residential amenity of the area. The objectors' concerns relating to potential criminal activity in the vicinity can be addressed by means of a condition to install additional lighting at the ATM as advised by Strathclyde Police in their consultation response.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee, as there would be no significant breach of Council Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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CENTRAL LOCAL PLANNING COMMITTEE: 04 JUNE 2004

### 04/0319/FL: PROPOSED INSTALLATION OF CASH POINT MACHINE AT MACPHAIL POST OFFICE, 55 MACPHAIL DRIVE, KILMARNOCK BY NATIONWIDE BUILDING SOCIETY

#### Report by Head of Planning, Development and Building Standards

#### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to an objection.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the existing Spar Store and Post Office on MacPhail Drive, Kilmarnock. The premises are located within an established terrace of neighbourhood convenience stores and a hot food takeaway. The site is bound on all elevations by housing with flatted accommodation to the north and south of the application site and terraced two storey dwellings to the east and west of the application site. To the east of the application site there is an access lane leading to a play park and housing, while to the south of the site there are off-street parking bays associated with the shops.

2.2 **Proposed Development:** Full planning consent is sought for the installation of an Automated Telling Machine (ATM) to be located within the existing glazed shop front, immediately to the right-hand side of the entrance door to the premises. The ATM is proposed to be located 850mm from floor level to enable use by wheelchair users.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division and Strathclyde Police have no adverse comments to make regarding the proposed development.

***Noted.***

#### 4. REPRESENTATIONS

There is one objector to the proposed development and the main grounds of objection are as follows:

4.1 The shop currently closes at 10pm. If there is a 24-hour cash machine this will in effect increase the shop opening hours and people will stop outside the objectors' house, as the cash machine is to be located nearest to their house. If it was located to the other end of the front elevation of the shop, cars would be more likely to use the lay-by provided in front of the shops.

***Noted. The lay-by for vehicle parking begins adjacent to number 41 MacPhail Drive and finishes at the end of the Spar/ Post Office premises at number 55 MacPhail Drive providing vehicle parking adjacent to the location of the proposed ATM. There is a distance of approximately 13.5 metres from the parking lay-by to the gable of the objectors home at number 57 MacPhail Drive. In addition the East Ayrshire Council Roads Division has made no adverse comments on this application.***

4.2 The ATM machine would be a further security risk attracting would-be robbers into the area.

***Noted. Strathclyde Police have no adverse comments to make in relation to this application but have suggested the area be well-illuminated for the personal safety of the users of the ATM. This can be achieved by means of an appropriately worded condition attached to any grant of planning consent.***

#### 5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

5.2 There are no policies specifically related to the installation of an Automated Telling Machine within the Approved Ayrshire Joint Structure Plan or the Adopted East Ayrshire Local Plan (EALP). As a result greatest weight in the determination of this planning application shall be placed on the other material considerations relevant to this application.

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and letter of objection received, which are addressed in Sections 3 and 4 of this report.

### **6.2 Planning History**

01/0328/FL: Proposed alterations and single-storey extension to form offices/staff accommodation for existing shop - Approved with Conditions 17 August 2001;

01/0097/FL: Proposed installation of ATM cash machine - Approved 22 March 2001;

01/0821/FL Proposed alterations and single-storey extension to form offices/staff accommodation for existing shop - Approved with Conditions 04 January 2002;

02/0591/FL Installation of disabled access ramp to serve the proposed ATM cash machine - Refused 23 January 2004.

6.3 It should be noted that planning consent was previously granted for an ATM to be sited on the front elevation of the shop closest to the adjoining shop unit (Planning Application No. 01/0097/FL). The proposed disabled access ramp to serve this ATM was refused by the Central Local Planning Committee on 23 January 2003 in the interests of pedestrian safety. It should also be noted that the applicant has confirmed in writing, that Post Office Counters have now awarded the contract for the proposed ATM to Nationwide Building Society. This is because the position of the ATM previously approved (Planning Application No. 01/0097/FL) was deemed unsuitable due to the need for a disabled access ramp to meet Disability Discrimination Act Regulations and owing to the subsequent refusal of same, the ramp could not be achieved. The position of the ATM now proposed will not require a ramp due to existing ground levels at the shop.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in the determination of this application.

## **8. CONCLUSIONS**

8.1 As is indicated in paragraph 5.1 of the report the application should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is not specifically covered by appropriate policies within the Development Plan and therefore given the terms of Sections 25 and 37(2) of the Town and Country

Planning (Scotland) Act 1997 greatest weight in the determination of the application should be given to the material considerations.

8.2 As indicated in Section 6 there are material considerations relevant to this application, consisting of the letter of objection and consultation responses received. The consultation responses received from the East Ayrshire Council Roads and Transportation Division and Strathclyde Police have no adverse comments to make on the application. It is considered that no aspects of the letter of objection are of sufficient weight as to merit the refusal of this application. The installation of an ATM is appropriate in this location given the fact of the application site being within an established retail development serving the local residential neighbourhood. East Ayrshire Roads and Transportation Division have no objection to the proposal based on the existing off-street parking facilities immediately adjacent to the application site. It is not therefore considered that the installation of an ATM would have an additional detrimental impact on the residential amenity of the area. The objectors' concerns relating to potential criminal activity in the vicinity can be addressed by means of a condition to install additional lighting at the ATM as advised by Strathclyde Police in their consultation response.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions on the attached sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee, as there would be no significant breach of Council Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

26 May 2004  
(BD/MMM/SA)

FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application forms and plans
2. Statutory notices/certificates
3. Consultation replies
4. Adopted East Ayrshire Local Plan
5. Approved Ayrshire Structure Plans
6. Planning application numbers:
  - 01/0328/FL
  - 01/0097/FL
  - 01/0821/FL
  - 02/0591/FL

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576770.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0319/FL

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Site of Proposal: MacPhail Post Office  
55 MacPhail Drive  
KILMARNOCK KA3 7ET

Nature of Proposal: Proposed Installation of Cash Point Machine

Name & Address of Applicant: Nationwide Building Society  
Technology SS Banking  
Nationwide House  
Pipers Way  
SWINDON SN38 1SB

Name & Address of Agent: BP & H Services Ltd  
Unit C Bridge Farm  
Reading Road  
Arborfield  
BERKSHIRE RG2 9HT

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DPOs Reference: BD/MMM

The above FULL application should be granted subject to the following conditions:-

1. Notwithstanding the submitted plans hereby approved details of an external light, as indicated on the elevation plan and letter received on 12 May 2004, shall be submitted to and approved by the Planning Authority in writing prior to the commencement of development and shall thereafter be implemented on site as approved prior to the cash point machine being brought into use. The method and level of illumination shall be such as not to cause light pollution to neighbouring residential properties.

REASON In the interests of public safety.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**