

## **EAST AYRSHIRE COUNCIL**

### **DEVELOPMENT SERVICES COMMITTEE (PLANNING) – 1 APRIL 2004**

#### **DECISION OF THE MEETING OF THE NORTHERN AREA LOCAL PLANNING COMMITTEE HELD ON 19 MARCH 2004 RELATING TO PLANNING APPLICATION NUMBER 04/0012/FL – PROPOSED INSTALLATION OF NEW ATM SYSTEM THROUGH EXISTING SHOP FRONTAGE AND ERECTION OF SATELITTE DISH AT ALLDAYS RETAIL STORE, 1 SUNNYSIDE, KILMAURS**

#### **Report by the Depute Chief Executive/Director of Corporate Resources**

### **1. PURPOSE OF REPORT**

- 1.1** The purpose of this report is to inform the Committee of the decision of the Northern Area Local Planning Committee held on 19 March 2004 regarding the above planning application.

### **2. BACKGROUND**

- 2.1** The Northern Area Local Planning Committee on 19 March 2004 considered a report dated 10 March 2004 by the Head of Planning and Building Control (attached as an Appendix) and agreed that the application be referred to the Development Services Committee for consideration with the recommendation that permission be granted on the grounds that in the Committee's view there was no perceived increase in the risk to road safety as a result of the installation of this ATM.
- 2.2** One objection was received in respect of this application and arrangements have been made for a Hearing to take place.

### **3. FINANCIAL/LEGAL IMPLICATIONS – Nil**

### **4. POLICY IMPLICATIONS**

- 4.1** The Committee are referred to the report dated 10 March 2004 by the Head of Planning and Building Control attached as an Appendix to this report.

### **5. RECOMMENDATION**

**5.1** It is recommended:-

- (i) that the committee consider that planning application with reference to the Head of Planning and Building Control's report dated 10 March 2004 contained under an Appendix to this report and with consideration to the recommendation by the Northern Area Local Planning Committee, as detailed in paragraph 2.1 above; and
- (ii) otherwise to note the contents of the report.

Fiona Lees  
Depute Chief Executive/Director of Corporate Resources

23 March 2004

JM/KM

**LIST OF BACKGROUND PAPERS**

**NIL**

Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager on telephone number (01563) 576135.

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 19 MARCH 2004**

**04/0012/FL: PROPOSED INSTALLATION OF NEW ATM SYSTEM THROUGH  
EXISTING SHOP FRONTAGE AND ERECTION OF SATELLITE DISH  
AT ALLDAYS RETAIL STORE, 1 SUNNYSIDE, KILMAURS  
BY CO-OPERATIVE BANK PLC**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 The proposed development is to install an Automatic Telling Machine (ATM) on the east elevation (Townend), and an associated satellite dish to the rear on an outbuilding. The equipment has been installed and is operational.

1.2 A further two applications have been received for this property – one for signage and one for the installation of roller shutters. During a recent visit to the site, it was noted that the signage has already been installed. These applications will be considered separately from that currently before the Committee.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be refused for the reasons shown on the attached sheet.**

#### **3. CONCLUSIONS**

3.1 As indicated at Section 5 of this report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development is not specifically covered by policies in the Development Plan and therefore greatest weight should be attached to the material considerations.

3.2 The consultation response from East Ayrshire Council's Roads and Transportation Division recommends refusal, and this in itself is considered to be of sufficient weight to justify an unfavourable recommendation. The installation of an ATM at this location would prejudice road safety where, due to the presence of a bus stop, mini roundabout and double yellow lines and the

absence of appropriate parking facilities, customers of the ATM would obstruct the main traffic flow when parking their vehicles.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control the application will require to be referred to the Development Services Committee as it would constitute a significant departure from Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

**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.**

## EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 19 MARCH 2004

### 04/0012/FL: PROPOSED INSTALLATION OF NEW ATM SYSTEM THROUGH EXISTING SHOP FRONTAGE AND ERECTION OF SATELLITE DISH AT ALLDAYS RETAIL STORE, 1 SUNNYSIDE, KILMAURS BY CO-OPERATIVE BANK PLC

#### Report by Head of Planning and Building Control

#### 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 recommended for refusal.

1.2 This application is now retrospective as the ATM was installed in late February.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is within the town centre of Kilmaurs to the north of the junction of Sunnyside and Townend, and is currently used for retail purposes.

2.2 **Proposed Development:** The proposed development is to install an Automatic Telling Machine (ATM) on the east elevation (Townend), and an associated satellite dish to the rear on an outbuilding. The equipment has been installed and is operational.

2.3 A further two applications have been received for this property – one for signage and one for the installation of roller shutters. During a recent visit to the site, it was noted that the signage has already been installed. These applications will be considered separately from that currently before the Committee.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has advised that there are no parking or stopping facilities at this location due to the proximity

of the road junction, mini roundabout, double yellow lines and also the bus stop. Any vehicle parking close to the proposed ATM facility would cause an obstruction to the main traffic flow. They have recommended refusal for road safety reasons.

***Noted. (See below Section 6).***

#### **4. REPRESENTATIONS**

4.1 No letters of representation have been received.

#### **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that 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.

***There are no policies specifically relating to the installation of ATM's in either the Approved Ayrshire Joint Structure Plan or the Adopted East Ayrshire Local Plan. The proposal is therefore neither policy complement nor contrary to policy and greatest weight in the determination of the application shall be placed on the other material considerations.***

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

6.1 The material consideration relevant to the determination of this application is the consultation response received from East Ayrshire Council Roads and Transportation Division. They advised that the installation of an ATM at this location, close to a road junction with mini roundabout and bus layby, would raise negative road safety issues as there are no parking or stopping facilities. They have therefore recommended refusal for road safety reasons.

***This consultation response is considered to be of great significance in the determination of the application.***

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

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

## **8. CONCLUSIONS**

8.1 As indicated at Section 5 of this report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development is not specifically covered by policies in the Development Plan and therefore greatest weight should be attached to the material considerations.

8.2 The consultation response from East Ayrshire Council's Roads and Transportation Division recommends refusal, and this in itself is considered to be of sufficient weight to justify an unfavourable recommendation. The installation of an ATM at this location would prejudice road safety where, due to the presence of a bus stop, mini roundabout and double yellow lines and the absence of appropriate parking facilities, customers of the ATM would obstruct the main traffic flow when parking their vehicles.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons shown on the attached sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control the application will require to be referred to the Development Services Committee as it would constitute a significant departure from Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

10 March 2004  
(AG/MMM)

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 Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Ailsa Graham on 01563 576787.

***Implementation Officer: Dave Morris***

040012FL

## EAST AYRSHIRE COUNCIL

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

04/0012/FL

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Site of Proposal:	Alldays Retail Store 1 Sunnyside KILMAURS
Nature of Proposal:	Proposed Installation of New ATM System through Existing Shop Frontage and Erection of Satellite Dish
Name & Address of Applicant:	Co-operative Bank plc PO Box 101 1 Balloon Street MANCHESTER M60 4EP
Name & Address of Agent:	APM Contracts Broad Street Business Centre Broad Street GLASGOW G40 2QW

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DPOs Reference: AG/MMM

The above FULL application should be refused for the following reasons:-

1. The proposed development would be detrimental to road safety in that it would generate customer parking/stopping at a location adjacent to a road junction with a mini roundabout; next to a bus stop; and adjacent to double yellow lines and where there are no existing, appropriate parking facilities.

**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.**