

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 23 JANUARY 2003**

**02/0591/FL: PROPOSED INSTALLATION OF A DISABLED ACCESS RAMP  
TO SERVE THE PROPOSED ATM CASH MACHINE  
AT 55 MACPHAIL DRIVE, KILMARNOCK  
BY ALLIANCE & LEICESTER**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought to install a disabled access ramp to the front elevation of a retail shop with associated handrail to allow access to a new Automatic Teller Machine that is to be installed in the future.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 There are no policies within the EALP which would specifically affect the determination of this application and so the greatest weight should be attached to other material considerations. The consultation responses and letter of objection whilst noted have not raised any issues that would warrant the refusal of the application. The access ramp is of small scale and design and will not adversely affect the movement of pedestrians in the vicinity of the shop units. The ramp is to allow access for disabled persons to the ATM machine which has already received planning consent. The design and location of the access ramp is in keeping with the existing shop and is acceptable in terms of the Council's Design Guidance.

**CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application 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 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.**

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### CENTRAL LOCAL PLANNING COMMITTEE: 23 JANUARY 2003

#### 02/0591/FL: PROPOSED INSTALLATION OF A DISABLED ACCESS RAMP TO SERVE THE PROPOSED ATM CASH MACHINE AT 55 MACPHAIL DRIVE, KILMARNOCK BY ALLIANCE & LEICESTER

#### 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 because it is subject to an objection.

1.2 *The proposal to install the disabled access ramp at 55 MacPhail Drive, Kilmarnock was presented to the Central Local Planning Committee on 08 November 2002. Following conclusion of the planning hearing into the application, it was requested that officers investigate the ownership of the ground which was alleged not to be within the applicants' control. The applicants have now notified the Council as owner of the ground to the front of the retail unit and this Division has consulted Housing and Technical Services.*

### 2. APPLICATION DETAILS

2.1 **Site Description:** This application site relates to the SPAR grocery store at 55 MacPhail Drive, New Farm, Kilmarnock. The application site comprises the existing shop unit and associated ground adjacent to the gable elevation and to the front of the shop. The shop forms part of a row of 3 neighbourhood shops. The site is bound to the north by ground associated with residential units at MacNicol Place, to the south by a footpath beyond which is MacPhail Drive, to the east by a public footpath beyond which is a grassed area and terraced residential properties and to the west the other shop units. The building is flat-roofed with a shopfront constructed of facing brick and aluminium frame windows and doors. Side and rear elevations have a facing brick base course and render walls.

2.2 **Proposed Development:** Full planning consent is sought to install a disabled access ramp to the front elevation of a retail shop with associated handrail to allow access to a new Automatic Teller Machine that is to be installed in the future.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division, New Farm Loch Community Council, Transco and The Coal Authority have no objections to the proposal.

***Noted.***

3.2 Kilmarnock Forum on Disability has not replied to its consultation letter at the time of writing this report.

***Noted.***

3.3 Strathclyde Police have verbally advised that there is not a major security risk although it may attract youths.

***Noted.***

3.4 Housing and Technical Services have no objections to make.

***Noted.***

### 4. REPRESENTATIONS

One letter of objection has been received and the points raised comprise the following:-

4.1 Neighbour notification has not been received by the adjoining shop unit. It is considered that the proprietor of this unit is entitled to neighbour notification owing to the proximity of the premises to the application site.

***Noted. The applicant's agent has now re-neighbour notified and has fulfilled the regulations in this regard.***

4.2 The formation of a ramp would be an obstruction to the foot pavement.

***The Roads Division have not objected to this application. Furthermore the ramp projects out from the front elevation of the shop by some 1.5 metres. The footpath at this location is wider than the usual 2 metres width and it is considered that the ramp will not adversely affect pedestrian movement.***

4.3 It is considered that there is no requirement for a ramp to be formed, if the cash machine were to be re-positioned away from the neighbouring shop unit, the gradient of the foot pavement would be such that a ramp would not be necessary for disabled people to have access to the machine. In addition it is

understood that the machine could be manufactured so as to provide a service to disabled people without the presence of a ramp.

***Planning consent has already been granted for the ATM and the applicant is seeking permission for the disabled access ramp only. With regard to the alternative location for the ATM, the Committee is asked to consider only the merits of the proposal before them. Under the Disability and Discrimination Act every person is entitled to access to buildings. This Act is due to be introduced in 2004. For commercial buildings a handrail is required for a ramp in excess of 2 metres to allow disabled persons extra support in accessing the facility.***

4.4 It is considered that the ramp would be a security risk if it were constructed with a security rail and a 'dead end' because of troublemakers who congregate at the shopping development in the evenings. Anyone accessing the cash machine would be at risk of being trapped on the ramp within the rails and consequently subjected to a potential for robbery.

***Strathclyde Police and Kilmarnock Forum on Disability have been consulted on this application. The Disability Forum have not replied to their consultation although Strathclyde Police have advised that the ramp is of standard design and will not be a major security issue although it may attract youths.***

## **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 Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against this document and its associated policies. There are however no relevant policies and therefore greater weight should be placed on the 'other material considerations' as identified in Section 6 of this report.

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

6.1 The principal other material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with

Modifications, (EALP), the planning history of the site, the consultation responses and letter of objection which are detailed in Sections 3 and 4 of the report.

### East Ayrshire Local Plan Finalised Version with Modifications

6.2 The Adopted Kilmarnock Local Plan is considerably out-of-date and it is therefore appropriate that greater weight should be attached to more recent expressions of Policy. The Council has agreed that the EALP should be considered as a prime material consideration. In terms of the EALP the application site is located in a residential area within the settlement boundary of Kilmarnock. There are no specific policies within the EALP although the requirement in ENV 7 to have regard to the Council's Design Guidance requires proposals to alter shop fronts to respect the size, scale, design, materials, finishes and colour of the building. Proposals should not encroach above ground floor level; should not protrude from the face of the building and should be contained within the width of the building of which they form a part.

***It is considered that the access ramp is appropriate in terms of design and location and will not detract from the amenity of the shopfront or the adjacent shops. Although the access ramp protrudes beyond the face of the building it is considered to be acceptable in this location to allow all members of the public access to the ATM.***

### Planning History

6.3 01/0097/FL: Planning permission was granted for an ATM machine on 22 March 2001.

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

7.1 There are no financial implications for the Council in the determination of this application. The Council has an ownership interest.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report there are no applicable policies in the Adopted Kilmarnock Local Plan and therefore greater weight should be attached to the other material considerations.

8.2 There are no policies within the EALP which would specifically affect the determination of this application and so the greatest weight should be attached to other material considerations. The consultation responses and letter of objection whilst noted have not raised any issues that would warrant the refusal

of the application. The access ramp is of small scale and design and will not adversely affect the movement of pedestrians in the vicinity of the shop units. The ramp is to allow access for disabled persons to the ATM machine which has already received planning consent. The design and location of the access ramp is in keeping with the existing shop and is acceptable in terms of the Council's Design Guidance.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the condition 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 and Building Control, the application 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 and Building Control**

14 January 2003  
(FMF/MMM)  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Objection.
4. Statutory Consultations.
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. Adopted Kilmarnock Local Plan.
7. Approved Strathclyde Structure Plan.
8. Approved Ayrshire Joint Structure Plan.
9. Planning Application No: 01/0097/FL.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

02/0591/FL

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Site of Proposal:	55 MacPhail Drive KILMARNOCK
Nature of Proposal:	Install a Disabled Access Ramp to Serve the Proposed ATM Cash Machine
Name & Address of Applicant:	Alliance & Leicester plc Carlton Park King Edward Avenue NARBOROUGH Leicester LE9 5XX
Name & Address of Agent:	Technical Solutions Unit 11A Provincial Park Nether Lane SHEFFIELD S35 9ZX

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DPOs Reference: FMF/MMM

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

1. Prior to any work commencing on site, a sample of the external facing brick shall be submitted to and approved in writing by the Planning Authority. The ramp shall thereafter be formed using the approved facing brick .

REASON In the interests of visual amenity and in order to ensure the satisfactory integration of the proposed ramp with the existing building.

Note:-

A copy of the consultation response received from Transco is attached and the developer is strongly advised to note the content of same.

**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.**