

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 16 AUGUST 2002**

**02/0495/FL: PROPOSED INSTALLATION OF AN AUTOMATED TELLER  
MACHINE AT SPAR BONNYTON SPSO 25 MUNRO AVENUE  
KILMARNOCK BY ALLIANCE AND LEICESTER**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 The proposal involves the installation of an automated teller machine (ATM) in the front elevation of a shop. The existing glazing unit is to be removed and a new laminate panel is to be installed incorporating a cash machine. This present proposal is identical to the proposal for the installation of an automated teller machine approved on 18 January 2002 by the Central Local Planning Committee. The applicant has submitted this further application as they were not aware that an individual had an ownership interest in the previous application site and therefore they had failed to carry out the correct ownership notification in terms of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 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.

3.2 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 comments of the Roads Division are noted however significant weight should be attached to the decision of the Central Local Planning Committee on a previous application for a similar proposal on the site. It was agreed that the proposal would not aggravate the existing car parking difficulties and therefore would not be detrimental to road safety. The design of the proposed ATM is in keeping with the existing shop. The concerns of the objector regarding an increase in crime, noise and disturbance are noted but these are not considered to be increased significantly by the installation of ATM.

## **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 because there would be no significant breach of 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: 16 AUGUST 2002

### 02/0495/FL: PROPOSED INSTALLATION OF AN AUTOMATED TELLER MACHINE AT SPAR BONNYTON SPSO 25 MUNRO AVENUE KILMARNOCK BY ALLIANCE AND LEICESTER

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

#### 1. PURPOSE OF THE 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 is the Spar shop which is surrounded by residential properties to the east, west and south and a dry cleaners shop to the north. The building is 2 storey in height containing the Spar shop and a dry cleaner's business with residential flats on the first floor.

2.2 **Proposed Development:** The proposal involves the installation of an automated teller machine (ATM) in the front elevation of a shop. The existing glazing unit is to be removed and a new laminate panel is to be installed incorporating a cash machine. This present proposal is identical to the proposal for the installation of an automated teller machine approved on 18 January 2002 by the Central Local Planning Committee. The applicant has submitted this further application as they were not aware that an individual had an ownership interest in the previous application site and therefore they had failed to carry out the correct ownership notification in terms of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have recommended refusal as the parking available adjacent to the cash machine is presently insufficient for the present shop and it is to be expected that the installation of such a facility will result in an increase in parked vehicles. Any increase in parking manoeuvres in this area is likely to be detrimental to road safety.

***A previous identical application for the installation of an ATM machine on the same site was approved by the Central Local Planning Committee on 18 January 2002. The Roads Division in***

***their consultation response to the previous application had an identical response and recommended refusal. The Central Committee did not consider that the installation of the ATM would aggravate the existing car parking difficulties in the area, nor would it result in further car parking in the public road to the detriment of road safety. Significant weight is therefore due to be placed upon the previous decision of the Central Committee.***

3.2 Bonnyton Community Council have not responded to their consultation letter at the time of writing of this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 One letter of objection has been received with regard to the proposed development.

4.2 The proposed installation of the ATM at the front of the shop will provide 24 hour access to the ATM. Their son and daughter's bedrooms are immediately above the intended location of the ATM and they would be frequently disturbed by the noise of people utilising the machine at all times of the day and night. These machines are extremely noisy in their operation. A suggestion would be to situate the ATM within the back extension of the shop which is not directly under their property, possibly facing the adjacent lane leading to the garages.

***It is considered that the installation of the ATM will not have a significant impact on the amenity of the adjacent residential properties. The ATM is to be installed in the shopfront of an existing shop which has long opening hours and a certain level of noise and disturbance already associated with it. With regard to an alternative location for the ATM the Committee is asked to consider only the merits of the proposal before them.***

4.3 Security organisations normally fill these cash machines during the early hours of the morning. This will be a noisy exercise as it will involve raising and closing the shutters of the main shop to gain access to the cash machines. They already encounter noise problems in the early hours with newspaper and delivery vans leaving engines running, playing loud music and the banging of steel storage doors.

***Refer to 4.2 above.***

4.4 There is inadequate street parking at the shop considering the late opening times and the availability of a lottery machine and off-licence within the shop. For example their car has been damaged in the past with traffic accessing the small parking area in front of the shop. Cars currently double park at the traffic island causing problems to pedestrians and heavy vehicles.

***Refer to Section 3.1 of the report.***

4.5 There have been several traffic accidents outside the area of the shop over the last couple of years with the increase in trade and longer opening hours of the Spar shop. This would only get worse with the introduction of a cash dispenser.

***Refer to Section 3.1 of the report.***

4.6 The installation of a cash machine will encourage “ram raiders” in the future.

***It is not envisaged that the installation of the ATM machine will increase the incidence of “ram raiding” in the future.***

4.7 There have been increased incidents of youth gangs gathering outside the shop recently and the installation of this machine could potentially lead to increased levels of street crime.

***It is not envisaged that the installation of an ATM machine will increase the incidence of levels of street crime in the area.***

## **5. DEVELOPMENT PLAN STATUS**

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 material considerations relevant to the determination of the application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP) and the consultation responses.

## East Ayrshire Local Plan Finalised Version with Modifications

6.2 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 that relate to ATM's. The proposal does not conflict with any of the Council's Design Guidance for shop fronts.

### Consultation Replies

6.3 The Roads and Transportation Division have raised objection to the proposal as the installation of an automated teller machine would further increase car parking on the public road which would be detrimental to road safety.

### Planning History

6.4 01/0773/FL: An identical proposal for an automated teller machine (ATM) at the same site was approved by the Central Local Planning Committee on 18 January 2002. At that time, the Roads Division recommended refusal of the application on the grounds that the proposed development would aggravate the existing car parking difficulties in the area which would result in further cars parking on the public road to the detriment of road safety. The Committee did not consider that the ATM would aggravate the existing car parking difficulties in the area or result in further car parking in the public road to the detriment of road safety. It was therefore agreed to approve the development. Consequently, significant weight can be attached to the previous decision to approve the installation of an ATM.

## **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 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 comments of the Roads Division are noted however significant weight should be attached to the decision of the Central Local Planning Committee on a previous application for a similar proposal on the site. It was agreed that the proposal would not aggravate the existing car parking difficulties and therefore would not be

detrimental to road safety. The design of the proposed ATM is in keeping with the existing shop. The concerns of the objector regarding an increase in crime, noise and disturbance are noted but these are not considered to be increased significantly by the installation of ATM.

## **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 and Building Control the application will not require to be referred to the Development Services Committee because there would be no significant breach of policy.

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

7 August 2002 (PC/SA)  
FV-DVM

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letter of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted Kilmarnock Local Plan.
7. East Ayrshire Local Plan Finalised Version with Modifications.
8. Approved Strathclyde Structure Plan.
9. Planning Application No. 01/0773/FL
10. Town and Country Planning (General Development Procedure) (Scotland) Order 1992.

***Implementation Officer: Alan Neish***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0495/FL

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Site of Proposal: Spar Bonnyton SPSO  
25 Munro Avenue  
KILMARNOCK KA1 2PJ

Nature of Proposal: Proposed Installation of an Automated  
Teller Machine

Name & Address of Applicant: Alliance and Leicester  
C/o Agent

Name & Address of Agent: Complete Technical Services Ltd  
Hope Street  
ROTHERHAM S60 1LH

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DPOs Reference: PC/SA

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

(1) Notwithstanding the approved plans, details of the new roller shutter shall be submitted to and approved by the Planning Authority prior to the commencement of development on site.

REASON In the interests of visual amenity.

**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.**

**AGENDA**