

Report

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Report to:	Hamilton Area Committee
Date of Meeting:	14 February 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0442
Planning Proposal:	Installation of an ATM and Freestanding Steel Secure Room. (Retrospective)

1 Summary Application Information

- ◆ Application Type : Detailed Planning Application
- ◆ Applicant : NoteMachine UK Ltd
- ◆ Location : Petrol Station
Machan Road
Larkhall
ML9 1HX

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission – Subject to conditions (Based on the Conditions attached)

2.2 Other Actions/Notes

- (1) The Hamilton Area Committee has delegated powers to determine the application.

3 Other Information

- ◆ Applicant's Agent: Ms Jan Clark
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development Management and Placemaking
Policy 6- General Urban Area/Settlements
Development management, placemaking and design supplementary guidance (2015)

◆ Representation(s):

- ▶ 6 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The applicant seeks retrospective planning permission for the installation of a freestanding secure room and automated teller machine (ATM) within the grounds of a petrol filling station at Machan Road, Larkhall.
- 1.2 The area directly surrounding the garage is largely residential in nature. However Machan Road (B7078) is a busy arterial road leading through Larkhall providing access to the nearby Strutherhill Industrial Estate as well as the M74. The defined Larkhall Town Centre is broadly to the North of the site while the newly developed Asda Superstore and other retail units are within general walking distance.
- 1.3 The petrol filling station has been in existence for a long period of time, is relatively large and operates on a 24 hour basis. As well as offering petroleum products there is also a garage shop as well as facilities for car washing. Part of the forecourt is covered and illuminated. The site also has a variety of signs including an internally illuminated totem sign. Machan Road is well lit from the existing street lighting. Traffic lights exist at the nearby junction of Machan Road and John Street.

2 Proposal(s)

- 2.1 The application is for retrospective planning permission for the installation of a freestanding automated teller machine (ATM) positioned within a 'secure room' at the side of the shop nearest the forecourt vehicular exit. The ATM faces the petrol pumps/forecourt of the filling station. The 'secure room' is painted white.
- 2.2 The freestanding secure room measures, including the base plinth, 1170mm wide, 2320mm deep and 2120mm high.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 None directly applicable given the scale and nature of the proposal.

3.2 Local Plan Status

- 3.2.1 The South Lanarkshire Local Development Plan (SLLDP) identifies the site, in land use terms, as being within a general urban area/settlement, covered by Policy 6. Policy 6 states that all proposals should be assessed in terms of their potential impact upon the character and amenity of the area. Developments, particularly "bad neighbour" uses which by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety shall not be permitted if they are detrimental to the amenity of residents.
- 3.2.2 All development proposals are also affected by additional policies within the local development plan. Policies 4 – Development Management and Placemaking seeks to ensure that any proposed development takes due cognisance of the local context and provides high quality design. Policy DM13 – Development within general urban area/settlement is also applicable in this instance.
- 3.2.3 A full assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.3 Planning History

3.3.1 In the last 28 years there have been four previous planning applications for the site, namely:

HN-90- 051 - installation of an automatic car wash. Approved.

HM/98/0112 - refurbishment of the filling station incorporating the enclosure of the car wash and extension to the sales building. Approved.

HN-95-0415 – Installation of an ATM. Refused on the grounds of public and traffic safety as the applicant was unable to provide adequate levels of parking provision within the site. (It should be noted that this application was determined prior to the refurbishment/modernisation of the filling station as authorised by consent HM/98//0112).

HM/17/0431- Installation of illuminated fascia signage associated with ATM. Approved.

4 Consultation(s)

4.1 **Roads Development Management Team.** – Have confirmed that they have no objections to the proposal.

Response:- Noted.

4.2 **Environmental Services:-** Have confirmed that they have no objection to the proposal.

Response:- Noted.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken in respect of the proposal following which six letters of objection were received (two are from the same individual). A local Councillor has also asked that the application be heard at Committee due to their concerns regarding the proposal. The grounds of objection and comment can be summarised as follows;

(a) I surmise that an ATM would only encourage more anti social attractiveness to this residential area instead of the town/main street. There is very loud noise and a disregard for long term residents within this area. The additional custom generated by this machine again creates additional noise and disturbance for us again often at night. Since its installation the ATM has acted as a magnet to late night delinquents.

Response:- It must be accepted that there will always be an element of noise associated with a petrol filling station that is open 24 hours each day, especially one located on a busy arterial road.

The filling station will already generate traffic to the site both vehicular and pedestrian whether to purchase fuel or to use the associated shop. Clearly the major consideration in this instance is whether the ATM will generate such additional traffic that it will be to a material extent and degree in terms of increased noise and disturbance.

Without doubt the ATM will result in additional ‘customers’ to the filling station to solely use the cash machine. It will however also be used by customers purchasing fuel or buying provisions from the shop.

As highlighted in point (b) below there are already a number of other cash machines in the general locality of the filling station. In addition the use of such machines is generally during ‘normal’ trading hours rather than late evening or early morning.

Given all these factors, especially the sites location on a arterial road, I am not persuaded that any increase in traffic to the filling station as a direct result of the ATM, either vehicular or pedestrian, will be so significant that there will be a material or adverse impact on residential amenity. Indeed Environmental Services have offered no objection to the ATM.

If, on the off chance, regular excessive noise disturbance occurs from the petrol station for any reason then Environmental Services can be contacted as they have the appropriate legislative provisions to address such matters. Furthermore if any anti social behaviour is noted then Police Scotland should be contacted immediately.

(b) Why is the Shell garage open 24hrs within a small town? Who is the ATM accommodating? Garage customers? Valeting business? Larkhall is already well served by ATMs (there are 11 cash points and 4 banks less than half a mile from this location) and the provision at this location is superfluous to local requirements?

Response:- The filling station at this site is a lawful 24 hour business and it is located on one of the busy main arterial routes into/out of Larkhall. Many filling stations open 24 hours, this reflecting the fact that peoples lifestyles and working practices have changed and that some customers now require access to petrol/diesel and other services on a 'round the clock' basis. Many filling stations now also act as a small 'corner shop' where a variety of products can be purchased when other traditional retailers are closed.

It is not within the remit of this application for an ATM to question the opening hours of the filling station which ultimately is for the commercial judgement of the owners/operator of the facility. In a similar manner the planning process cannot be used to regulate the demand/supply of ATM's.

(c) The valeting business at the site ignores advice from the planning officials where others would have been fined.

Response:- This application is for the assessment of the ATM at the site only. That said applications for advertisement consent and planning permission related to the car wash business have now been lodged with the Planning Service. These applications will be assessed against the policies established in the adopted South Lanarkshire Local Development Plan.

(d) I live directly opposite the Petrol Station at No. 8. Blue lights surround the ATM which shine all day and night. Their appearance is intrusive and unnecessary. They shine very brightly into both rooms at the front of my house. They impact significantly on my sleep despite blinds and heavy curtains.

Response:-The ATM is installed within the grounds of a 24 hour petrol station which already has an internally lit canopy and illuminated totem signage. Machan Road also has a degree of street lighting present and there will be a multitude of cars, vans and trucks all with lighting during the night passing by this property. There is therefore already a relatively high degree of light pollution within the area surrounding the petrol station, as must be expected.

The front wall of the house at 8 Machan Road is approximately 20 metres from the ATM. The front of the ATM, where the illuminated signage is positioned, sits at an acute angle to the front of the objector's house. This must therefore reduce the visual presence of the signage and in turn its impact. Given the relatively diminutive size of the illuminated signage on the ATM, the existing illumination of the filling station and

again the presence of the main road I am of the view that the proposal will cause no material loss of amenity through its lighting.

(e) The position of the ATM and freestanding steel secure room has been sited carelessly. It has been positioned in a way as to remove part of a sound protection fence necessary for fridges and freezers within the garage. The increase in volume from the fans is marked again impacting on my sleep.

Response:- There are AC/Condenser units sited at the side of the petrol station shop. These were previously screened by a wooden panelled fence and gate with sound insulation materials attached. The installation of the steel secure room and ATM has necessitated the removal of the wooden gate, however, the fencing on two sides of the AC/Condensers and its associated sound insulation remains.

Environmental Services have previously investigated a complaint relating to potential noise nuisance breakout from the AC/Condenser units at the site as a result of the installation of the ATM. Environmental Services concluded that the bulk of the sound insulation material around the enclosure remains and is functioning adequately as the condenser units cannot be heard over the background noise. Environmental Services have confirmed that they have no concerns in relation to the development.

(f) Parking road safety concerns; cars are parked on the adjoining pavement blocking pedestrians who have to pass on the road carriageway, others are parking adjacent to the machine causing vehicles problems when entering the carriageway from the petrol station. Already the Police have been called. People are not parking on the forecourt to use the machine but in Orchard Gate and the main road. Sight lines from Orchard Gate traffic are also being blocked by the ATM causing a major, unnecessary safety risk. Why can't the ATM be located within the garage shop instead? Vehicles are often unaware of the opening of Orchard Gate close by and I have often had to brake suddenly when vehicles come out of the garage at speed. Additional signs tied to the fence further block driver's vision.

Response:- Any inconsiderate parking by drivers has potential to obstruct visibility splays or block pavements. Unfortunately the planning system cannot prevent thoughtless parking. The ATM however is associated with a filling station where on the balance of probability there is sufficient off street parking in the forecourt and as most drivers are responsible individuals the provision of such off street parking should be sufficient, especially as such 'spaces' are closer to the ATM than Orchard Gate for example. In addition parking spaces beside the fuel pumps are covered thereby providing an element of protection from any inclement weather.

Roads and Transportation Services have no objections to the proposal on road safety grounds. They have advised, however, that a couple of bollards should be installed on the footway directly next to the ATM in order to restrict parking on the pavement to discourage parking at the exit to the filling station. This will improve visibility at the exit. A condition to this effect can be imposed should consent be issued.

In terms of the 'additional signs' these are small scale mobile free standing boards. The filling station manager has been advised that such 'pavement signs' should be located in such a position that visibility is unaffected.

(g) Litter; These premises generate enormous amounts of litter and broken glass including disregarded slips from the ATM. The petrol station takes no responsibility for any litter outwith its boundary despite having come from items sold by them.

Response:-The petrol station cannot be held responsible for any unsociable littering that patrons make when they are not on their premises. Notwithstanding this and whilst the irresponsible dropping of any litter cannot be condoned, the impact of an ATM in terms of litter generation will be marginal.

- 5.2 The letters of representation have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks retrospective planning approval for the installation of an ATM within a freestanding steel secure room within the grounds of a petroleum filling station. The determining issues in consideration of this application are its compliance with local plan policy and, in particular, its impact on the amenity of surrounding properties and road and public safety.
- 6.2 The ATM and associated secure room is relatively small and located within the garage forecourt of a popular and long established petrol station. The station is located on a busy arterial route through Larkhall and is within general walking distance of the defined town centre and newly constructed retail units. Given the scale of the development and the context of the built environment surrounding the site, the physical impact of the proposal and its operating consequences will be relatively minor and can be accommodated in terms of Policy 4 and 6 in that any impact upon the amenity of the site or surrounding area will be marginal.
- 6.3 Environmental Services were consulted as part of the assessment of the application. They have responded that they have no objections to the proposal.
- 6.4 It is acknowledged that there was a previous application for the installation of an ATM at this site in 1995, which was refused planning permission due to Roads and Transportation recommendations. However, Roads and Transportation Services have now stated that they have no objection to the proposal, this revised position acknowledging that sufficient parking does now exist within the forecourt of the filling station.
- 6.5 The requirements of the remaining statutory consultees can be addressed through the use of conditions where appropriate.
- 6.6 In summary, it is considered that the application conforms with local plan policy and that the proposal raises no amenity or public/road safety issues that cannot be satisfactorily mitigated. I would, therefore recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposed development will have no material impact on residential amenity and poses no risk to public or road safety. It therefore complies with Policies 4, and 6 of the South Lanarkshire Local Development Plan (adopted June 2015) and the associated Supplementary Guidance. There are no additional material considerations which would justify the refusal of planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

25 January 2018

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 20 September 2017
- ▶ Press advert, Hamilton Advertiser dated 28 September 2017

- ▶ Consultations

Environmental Services 28/09/2017

Roads & Transportation Services 16/10/2017

- ▶ Representations

Representation from : Dianne MacLennan, DATED 25/09/2017

Representation from : William Stevely, 4 Orchard Gate, Larkhall DATED 28/09/2017

Representation from : Robert Hawke, 1 Orchard Gate, Larkhall, DATED 01/10/2017

Representation from : Jennifer Barton, DATED 04/10/2017

Representation from : Gini Huis, DATED 10/10/2017

Representation from : William Stevely, 4 Orchard Gate, Larkhall DATED 09/10/2017

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Robert McIntosh, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB

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Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/17/0442

CONDITIONS

- 1 That within one month of the date of this consent, details of the traffic bollards to be installed, along the area of public footpath, located between the exit of the petroleum filling station and the entrance of Orchard Gate, shall be submitted to and approved by the Council as Planning Authority. Within three months of the date of this consent, the approved traffic bollards shall be installed, at the applicant's expense, and will be maintained in perpetuity to the satisfaction of the Council.

REASONS

- 1 In the interest of public safety

For information only

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