

# ATM at Perth Road Shop

## KEY INFORMATION

**Ward** West End

**Address**

306 Perth Road, Dundee,  
DD2 1AU

**Applicant**

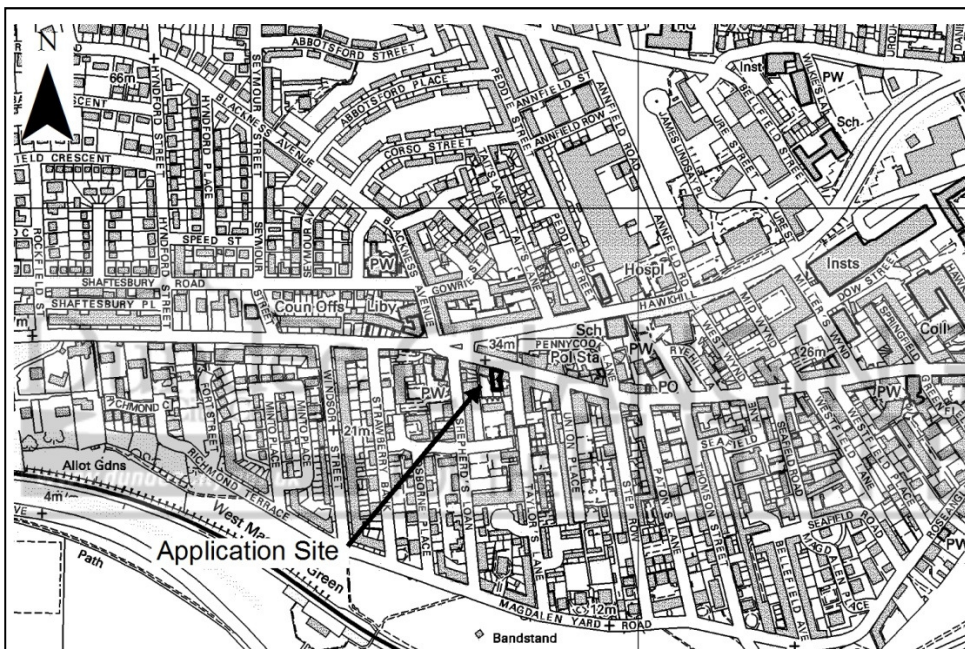
Mr Roy Lanning, Elvicta  
Business Park, Crickhowell,  
Powys, NP8 1DF

**Agent**

Des Ager Retail and Planning  
Consultant, 1 Turner  
Cottages, 33 Charterhouse  
Road, Godalming, GU7 2AG

**Registered** 30 May 2013

**Case Officer** A Ballantine



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## SUMMARY OF REPORT

- This application seeks planning permission for the installation of an illuminated ATM on the front elevation of the retail unit at 306-308 Perth Road.
- The ATM has recently been installed at the premises.
- Policies 1 (Vibrant and Sustainable Communities) and 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 are relevant in the determination of this application. The ATM is in accordance with these policies.
- The statutory neighbour notification procedure was carried out. No letters of objection have been received.
- The application is being referred to the Development Management Committee at the request of an elected member.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=MN7DNTGC68000>.

## RECOMMENDATION

The installed ATM has no adverse impact on the visual amenities of the area or on the character and appearance of the West End Lanes Conservation Area. It also has no adverse impact on the existing parking situation within the area. The ATM therefore complies with the requirements of the Development Plan and discharges the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify laying aside the provisions of the Development Plan. Therefore, the application is recommended for APPROVAL.

## 1 DESCRIPTION OF PROPOSAL

- 1.1 The proposal is for the installation of an illuminated ATM on the external fascia of the application site. It will be installed to the left of the sliding entrance doors and will be of a conventional ATM design, size and style. Illumination will be through LED surround lighting. At the time of visiting the site, the ATM was installed. Discussions with the agent for the application have identified that the ATM was installed on 14 June 2013.



## 2 SITE DESCRIPTION

- 2.1 The application site is a large commercial unit of modern design located on the south side of Perth Road, close to the junction of Perth Road with Hawkhill and Blackness Avenue. The application site is occupied by the “SPAR” retailer and the surrounding area is characterised by a variety of retail and other office/commercial uses with upper floors used as residential accommodation. There is limited on-street parking along Perth Road, on both sides, however, there are instances of illegal parking outside the shop on the double yellow lines. The shop is accessible via regular bus services on Perth Road. The application site also falls within the West End Lanes Conservation Area as well as the Perth Road District Centre.



## 3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

### **DUNDEE LOCAL PLAN REVIEW 2005**

Policy 1 – Vibrant and Sustainable Communities

Policy 61 – Development in Conservation Areas

### **PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN**

Policy 7 – High Quality Design

Policy 50 – Development in Conservation Areas

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

## 4 SITE HISTORY

- 4.1 Application for planning permission (Ref: 01/30179/FUL) for the installation of an ATM was refused by the Council's Development Management Committee on 24 September 2001, however, it was subsequently granted on appeal on 9 July 2002.

- 4.2 Application for advertisement consent (Ref: 01/30183/ADV) for the installation of illuminated signage for the ATM was approved under delegated powers subject to conditions on 18 October 2001.
- 4.3 Application for advertisement consent (Ref: 13/00311/ADV) for the installation of ATM signage - pending consideration.

## 5 PUBLIC PARTICIPATION

- 5.1 The Statutory Neighbour Notification was carried out and no public comments were received.

## 6 CONSULTATIONS

- 6.1 No adverse comments have been received from Statutory Consultees.

## 7 DETERMINING ISSUES

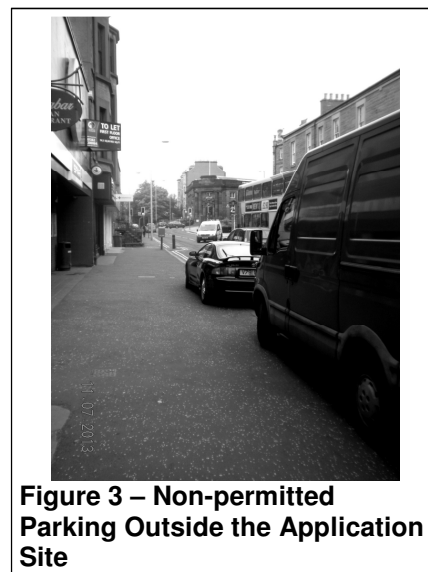
- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

### THE DEVELOPMENT PLAN

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

### DUNDEE LOCAL PLAN REVIEW 2005

- 7.2 **Policy 1 – Vibrant and Sustainable Communities** – of the Dundee Local Plan Review 2005 encourages the development of an appropriate range of services and facilities close to and within housing areas without adversely affecting the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.
- 7.3 The installed ATM is of a simple, standard design. It is finished in black and has an illuminated signage surround. It is considered there is no adverse impact on the appearance of the shopfront and the surrounding West End Lanes Conservation Area.
- 7.4 The ATM provides a cash dispensing service to the local community and will help the vitality of the Perth Road District Centre. It is considered the application site is in a location that is readily accessible on foot and by public and private transport. It is considered that the pavement at the front of the application site is wide enough to allow pedestrians to safely pass a queue of people at the ATM. In terms of the safety of road users, it is considered there are existing issues with non-permitted parking on the double yellow lines immediately outside the shop, however it is considered that the installation of the ATM does not give rise to any significant worsening of the existing situation. There are other existing ATMs on



**Figure 3 – Non-permitted Parking Outside the Application Site**

Perth Road where there are double yellow lines on the road. That said, the enforcement of non-permitted parking is controlled through other legislation.

- 7.5 It is considered that the ATM does not generate any issues surrounding noise or smell.
- 7.6 **The proposal therefore satisfies the requirements of Policy 1.**
- 7.7 **Policy 61 – Development in Conservation Areas** – is supportive of proposals that seek to maintain or enhance the character of the Conservation Area.
- 7.8 It has already been considered that the ATM has no adverse impact upon the character and appearance of the West End Lanes Conservation Area by virtue of the design, size, and location of the ATM on a modern building.
- 7.9 **The proposal therefore satisfies the requirements of Policy 61.**
- 7.10 It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

## **STATUTORY DUTY**

- 7.11 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 7.12 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.
- 7.13 These matters have already been considered in the assessment of the development under Policies 1 and 61 of the Dundee Local Plan Review 2005. It was concluded that the proposals do not detract from the appearance and character of the West End Lanes Conservation Area.
- 7.14 It is concluded from the above assessment that by approving the application the Council would be discharging its statutory duties in an appropriate manner.

## **OTHER MATERIAL CONSIDERATIONS**

The other material considerations to be taken into account are as follows:

### **(A) PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN**

- 7.15 Policies 7 (High Quality Design) and 50 (Development in Conservation Areas) of the Proposed Dundee Local Development Plan are relevant in the consideration of the proposals. These policies raise no new policy issues than those relevant policies in the Dundee Local Plan Review 2005. As such, it is considered in terms of the requirements of these proposed Policies that these matters have already been considered and the proposals comply with these proposed Policies.

### **(B) Applicant's Design and Access Statement**

- 7.16 A Design and Access Statement has been submitted by the applicant to accompany the planning application. The majority of issues included within the Statement have already been considered in the assessment above. It is considered that the Statement is a material consideration in support of the application.

### (C) Planning History

- 7.17 As indicated in the Site History section above, there have been two relevant previous applications for an ATM and associated signage at the application site:
- an application for advertisement consent (ref: 01/30183/ADV) for the installation of illuminated signage for an ATM was approved under delegated powers subject to conditions on 18 October 2001;
  - an application for planning permission (ref: 01/30179/FUL) for the installation of an ATM was refused by the Council's Development Management Committee on 24.09.2001, on grounds that the ATM would likely encourage very short-stay parking of vehicles adjacent to the site to the detriment of traffic safety, pedestrian safety, and the free flow of vehicles in this location which is subject to periodic traffic congestion. Following the Committee's decision to refuse planning permission, an appeal was lodged to the Scottish Executive. A decision was issued on 09.07.2002, and the appeal was allowed. The Reporter concluded that the proposed ATM would be compatible with the commercial character of this part of Perth Road and would preserve and enhance the Conservation Area. Both in itself and cumulatively, the Reporter also concluded that the proposal would not reduce existing levels of traffic safety or be detrimental to the free flow of traffic or unduly interfere with pedestrian flows, as well as concluding that this was an instance where the planning system should not be used to secure objectives more properly achieved by other legislation.
- 7.18 The decision to approve application ref:01/30183/ADV under delegated powers and to allow on appeal application ref:01/30179/FUL weigh in support of the application.
- 7.19 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

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## 8 CONCLUSION

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- 8.1 The proposal satisfies the requirements of the Development Plan and discharges the statutory requirements under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify refusal of planning permission. Therefore, it is therefore recommended that planning permission be granted.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that consent be GRANTED:
- 1 No Conditions attached to this consent.

### Reasons

- 1 No Reasons attached to this consent.