

## PLANNING APPLICATION NUMBER:P07/0245

Type of approval sought	Full Planning Permission
Ward	Upper Gornal & Woodsetton
Applicant	Bank Machine Ltd
Location:	<b>MCDONALDS RESTAURANTS LTD, KENT STREET, DUDLEY, DY3 1UX</b>
Proposal	<b>INSTALLATION OF ATM MACHINE (RESUBMISSION OF WITHDRAWN APPLICATION P06/0545)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

1. This McDonalds restaurant is situated on the prominent corner of Kent Street/Pale Street in Upper Gornal. The building has a typical corporate design, is single storey with the familiar McDonalds signage.
2. The site is on the edge of Upper Gornal Town Centre but is opposite residential premises within Pale Street.

### PROPOSAL

3. The proposal is to erect a freestanding ATM machine within the landscaped frontage of the site facing Pale Street. It would measure 0.75m wide, 0.75m long and have a height of 1.85m. A set of six bollards would be placed around the ATM machine for security purposes.
4. Trellis is indicated to the rear and sides of the ATM machine. This would be stepped in height and would almost mask the view of the ATM machine from the adjacent footpath. The ATM machine would however, be readily viewed from within the curtilage of Mc Donalds.

## HISTORY

5.

APPLICATION No.	PROPOSAL	DECISION	DATE
P01/1592	Demolition of existing PH and erection of drive thru restaurant	Approved (on appeal)	04/02/2002
P05/2317	Installation of freestanding ATM machine (Retrospective)	Refused	13/12/2005
P06/0545	Installation of ATM machine	Withdrawn	05/05/2006

6. The applicant had originally placed an ATM machine on the site without the benefit of planning permission. A retrospective planning application for the machine (P05/2317) was refused on 13<sup>th</sup> December 2005 for the following reason:

‘The development has removed a prominent section of landscaping close to the entrance to the site and is bright green in colour. It is located close to housing and it is available for use 24 hours a day, seven days a week. The development therefore has an incongruous appearance out of keeping with the area, it is detrimental to the safe and efficient operation of the public highway and the application site and, by reason of its 24 hour a day use, creates noise nuisance to local residents. As such it is contrary to Policies DD1, DD4, DD6 and EP7 of the Adopted Dudley Borough UDP.’

7. Enforcement action then commenced and the applicant made an appeal against the enforcement notice. This appeal was dismissed because of the visual appearance of

the ATM machine which was bright green and its 24 hour operation which, the inspector concluded, could cause intermittent but serious night time disturbance. The inspector however, noted that on the basis of the evidence made available to him, the ATM had no material effect on the safe and efficient operation of the public highway or the appeal site. He also did not discount the operation of a machine on this site during restaurant opening times.

8. The ATM machine was recently removed from the site.

## **PUBLIC CONSULTATION**

9. One letter of objection has been received to the application. The objector contends that the traffic survey was carried out when it was quiet and not at the weekend
10. He contends that customers park their vehicles on the road to use the machine. There are other machines nearby and he questions whether the machine will in reality stay open during the night.

## **OTHER CONSULTATION**

11. Group Engineer Development Section – considering the Planning Inspector's view on this site there appear to be no sustainable highway reasons to refuse the application.
12. West Midlands Police, Crime Reduction Officer – the machine should be sited where there is maximum natural surveillance. The landscaping should be to a maximum of 1 metre in height. The application is contrary to these recommendations.

## RELEVANT PLANNING POLICY

13. Adopted Dudley Borough Unitary Development Plan

Policy CR1 – Upper Gornal Town Centre.

Policy DD1 – Urban Design

Policy DD4 – Development in Residential Areas

Policy DD6 - Access and Transport Infrastructure

Policy EP7 – Noise Pollution

The site fronts part of the Strategic Highway Network (Kent Street)

## ASSESSMENT

14. This application is for an ATM machine of differing colour (grey) and appearance than that previously refused. It would have trellis (stained dark brown) constructed on three sides of the machine and would have ivy planted underneath to soften its appearance. The agent has indicated that the machine would only be operational during the restaurant's opening hours.
15. Traffic concerns have only been raised by one local resident opposite the site in Pale Street. However, the Group Engineer Development Section is of the opinion that there are no sustainable highway reasons to refuse the application.
16. Revisions to the original planning application have been negotiated with the agent. It is now considered that the appearance of the ATM which would now be grey in colour is acceptable. The appearance would be softened by the introduction of trellis planted with ivy. The Crime Reduction Officer has verbally agreed that although not ideal, a compromise position would be lighting on top of the bollards around the site during night time hours to improve surveillance. The agent has agreed to a condition requiring such lighting. Finally, the operation of the machine to match those of the opening hours of the adjacent restaurant is considered to be acceptable. This will prevent anti-social noise during the early hours of the night.

## CONCLUSION

17. The site is of a commercial nature where ATM machines are increasingly becoming associated. In principle, it is considered that a fast food restaurant could also accommodate an ATM machine within the curtilage of its site. The colour of the ATM machine and associated trellis/planting is acceptable. Lighting and hours of operation can be controlled by condition.

## RECOMMENDATION

18. It is recommended that the application is approved subject to the following conditions:

### **Reason for Approval**

The decision to grant planning permission has been taken with regard to Policies DD1, DD4, DD6 and EP7 of the adopted Dudley Unitary Development Plan (2005) and to all other relevant material considerations. The detailed reasons for the granting of approval are contained within the application report.

### **Note for Applicant**

The development hereby permitted shall be built in accordance with the approved plans, numbered BM/P07/0245A, BM/P07/0245B, BM/P07/0245C, BM/P07/0245D and BM/P07/0245E unless otherwise agreed in writing by the Local Planning Authority.

### **Conditions and/or reasons:**

1. The development hereby permitted shall be discontinued and the land restored to its former condition on or before two years from the date of this permission.
2. The ATM machine shall not be brought into use unless the casing is coloured grey. This colour shall be maintained for the life of the development.
3. The ATM machine shall not be brought into use until the associated trellis is installed and under planted with ivy (*Hedera Hibernica*). This shall be maintained for the life of the development.
4. The ATM machine shall not be brought into use until a lighting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The

approved scheme shall be thereafter implemented and maintained for the life of the development.

5. The ATM machine shall not be operational for public use before 7.30am hours nor after 11.30pm, Monday to Sunday inclusive.