



**Leeds**  
CITY COUNCIL

Originator: Kate Mansell

Tel: 0113 247 8360

---

**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 4<sup>th</sup> September 2014**

**Subject: 14/03475/FU – External alterations and relocation of an ATM.**

**Yorkshire Bank, Church Street, LS10 2AP**

**APPLICANT**

National Australia Group

**DATE VALID**

12<sup>th</sup> June 2014

**TARGET DATE**

10<sup>th</sup> September 2014

---

**Electoral Wards Affected:**

**Fill in appropriate Ward / Wards – check they are the right one(s)!**

Y Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

---

**RECOMMENDATION:**

**GRANT PERMISSION subject to the following conditions:**

- (i) Development to commence within 3 years of the decision date;**
- (ii) Development in accordance with the approved plans.**

## **1. INTRODUCTION**

- 1.1 This application is brought to Plans Panel at the request of Ward Councillor Nash who has raised concerns on behalf of the City and Hunslet Ward Councillors that cars stopping on Church Street to access ATM machines are blocking the road and causing a danger to pedestrians.

## **2.0 PROPOSAL**

- 2.1 The application relates to the premises of the Yorkshire Bank within the Penny Hill Shopping Centre in Hunslet. It is a two-storey modern building constructed in red brick with one long frontage to Church Street and a shorter side return frontage that adjoins the entrance to the shopping centre. The Church Street frontage comprises brick piers and long vertical windows with dark brown frames and darkened glass. There is an existing projecting sign to this elevation advertising that the bank has an ATM. The shorter side return frontage incorporates the entrance to the bank and two clear glazed windows with two ATMS; one within the brickwork and one within the window. These ATMs are most directly accessed from Church Street via a set of steps.
- 2.2 This application seeks to remove the ATM that is presently installed within the window to the shorter side return elevation and re-glaze this window. The ATM will then be re-installed within the brickwork to the Church Street elevation. The ATM is positioned at a height of 0.8 metres above ground level. The application also proposes to spray the existing brown window and doorframes in a dark grey powder coated finish whilst to the Church Street elevation, the existing tinted glass at ground floor level will be replaced with new clear glass.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The Penny Hill Shopping Centre is a small modern retail centre serving the Hunslet area; it incorporates a variety of retail and banking services. The Centre fronts onto Church Street, which is a busy thoroughfare. A number of retail units face directly on to Church Street, including the application site and adjacent to that, the Post Office and Nat-West Bank. To the north of the application site is a bus turning area that adjoins the Centre and further retail units.
- 3.2 Along the Church Street frontage, parking is controlled by means of double yellow lines on both sides of the road. Immediately in front of part of the Yorkshire Bank facade is a highway balustrade/guarding railings at the pavement edge and on the road, there are zig-zag white lines associated with the nearby pedestrian crossing.
- 3.3 Beyond the shopping centre, the area is mixed comprising both commercial and residential properties with a park bounded by Church Street and Grove Road directly opposite.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There are no previous applications that are relevant to the determination of this application.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 There is no record of any pre-application advice being sought.

## **6.0 PUBLIC/LOCAL RESPONSE**

6.1 The application was advertised by means of a site notice posted on 27<sup>th</sup> June 2014.

6.2 One letter of objection has been received from the occupier of the Waterloo Road Post Office, situated adjacent to the application property, who object as they already have an ATM at 86 Church Street. The objector believes that this application seeks an additional ATM to the two existing cash machines (rather than a relocation of one ATM, which is proposed), which they consider will affect their machine and business.

6.3 Councillor Nash has also advised that the Ward Councillors object on the grounds that the City & Hunslet Councillors receive repeated complaints about cars stopping on Church Street to access these machines, blocking the road and being dangerous to pedestrians. Rather than relocating an ATM on Church Street she advises that they would like the two existing ones re-located. She has further commented that frequent complaints have been made to Enforcement in the Highways Department and suggests that perhaps a Highways CCTV camera could deter motorists from stopping here.

## **7.0 CONSULTATIONS RESPONSES**

7.1 Highways Development Control has considered the application and raises no objection. They do not consider the application to give rise to any specific concerns in relation to road safety. In response to the issue raised by Councillor Nash, the Highways Officer advises that there are existing Traffic Regulation Orders on Church Street restricting parking such that it would be difficult to sustain a highways objection to the relocated ATM proposal.

7.2 Following on from the concerns raised by Councillor Nash, Traffic Management have confirmed that there have been issues in this area with drivers stopping on the waiting restrictions and they do share her concern that another ATM might increase the possible attraction of parking where there are restrictions in place.

## **8.0 PLANNING POLICIES**

8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

### Development Plan

8.2 The development plan for Leeds comprises the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

8.3 The following UDP policies are relevant to the consideration of the application:

GP5 – General planning considerations: Development proposals should resolve detailed planning considerations including access and design. Proposals should seek to avoid problems of environmental intrusion, loss of amenity, pollution, danger to health or life and highway congestion.

Policy B6 - All alterations and extensions should respect the scale, form, detailing and materials of the original building.

BD7 - All new shop fronts should relate architecturally to the buildings in which they are inserted.

T2 – New development should not create or materially add to problems of safety, environment or efficiency of the highway network.

8.4 The following DPD policies are also relevant:

GENERAL POLICY 1 – Presumption in favour of sustainable development.

Draft Core Strategy

8.5 The Local Development Framework will eventually replace the UDP but it is presently still in production with the Core Strategy at an advanced stage.

8.6 On 12th June 2014 the Council received the last set of Main Modifications from the Core Strategy Inspector, which he considers are necessary to make the Core Strategy sound. These were published for a six week consultation between the 16th June and 25th July 2014. The Inspector has indicated that following this consultation he will publish his Report in August. The Plan is therefore at the most advanced stage it can be prior to the receipt of the Inspectors Report and subsequent adoption by the Council. Accordingly, significant weight can now be attached to the Draft Core Strategy as amended by the main modifications. Of relevance to this application is the following:

Policy P10 - new development and alterations to existing buildings should provide good design appropriate to its scale and function.

National Planning Policy

8.7 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published in March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.8 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. Paragraph 12 of the NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

8.9 In relation to matters of transport, the NPPF notes at Paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

## 9.0 MAIN ISSUES

- (i) Design
- (ii) Accessibility
- (iii) Highways.

## 10.0 APPRAISAL

- 10.1 The application proposes the relocation of an existing ATM within the side elevation of the Yorkshire Bank within the Penny Hill Shopping Centre to the front elevation onto Church Street. It also proposes the refurbishment of the windows to powder coated grey and the re-glazing of the ground floor windows from tinted glass to clear glass.

### Design and Character

- 10.2 Policy BD6 of the UDP relates to all alterations and extensions and advises that they should respect the scale, form, detailing and materials of the original building. Policy BD7 relates to shopfronts and notes that they should relate architecturally to the buildings in which they are inserted. Finally UDP Policy GP5 advises that development proposals should resolve detailed planning considerations including design, amenity and highway safety. Policy P10 of the Core Strategy similarly requires high quality design.

- 10.3 This application will result in the existing dark brown frames to the windows and doors being re-sprayed in a dark grey powder coated finish. It is considered that this will deliver a more contemporary appearance to the bank overall. Moreover, the existing tinted windows to the ground floor of the Church Street elevation are to be replaced with clear glass, which will provide an enhanced active elevation to the street and improve the appearance of the bank overall. The amendments are therefore considered to respect the scale, form and materials of the original building and be of a sufficiently high quality in accordance with UDP Policies BD6, BD7 GP5 and Policy P10 of the Core Strategy.

### Accessibility

- 10.4 This application will relocate one of the two ATMs that is presently positioned on the side return elevation onto the main Church Street elevation. This relocated ATM is to be installed at a height of 0.8 metres above pavement level to the bottom of the machine with 1 metre to the top of the number panel. With reference to the Equality Act 2010, which requires public bodies to have due regard to eliminate discrimination and to advance equality of opportunity, the Council's Access Officer advises that ATMs or cash machines should be positioned so that they are as usable as possible for as many people as possible. Guidance on the positioning of ATMs is found in "Access to ATMs: UK Design Guidelines" (2002) which is produced by the Centre for Accessible Environments. In general, the highest button/ contact point on this machine should be no higher than 1000mm, and the reach into the machine buttons should be no greater than 210mm from the vertical position where someone would be using the machine from. The guidance also states that a level area that is preferably 2 metres x 2 metres should be provided in front of the ATM. The applicant has confirmed that the proposed ATM is compliant with the height guidance whilst the width of the pavement in front of the relocated ATM would be 5 metres. It is therefore considered to be as usable as possible for as many people as possible.
- 10.5 Moreover, the relocation of one ATM onto the Church Street frontage will result in a more readily accessible and visible ATM with good levels of natural surveillance and lighting, which is considered a positive element to the relocation.

## Highways

- 10.6 Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations and should seek to avoid a range of problems including highway congestion. Policy T2 advises that new development should not create or materially add to problems of the safety or efficiency of the highway network.
- 10.7 In this regard, it is noted that the local Ward Councillors have objected to this application on the grounds that they receive repeated complaints about cars stopping on Church Street to access these machines, blocking the road and being dangerous to pedestrians.
- 10.8 The Council's Development Control Highways Officer does not consider that the relocation of one ATM machine from the side return elevation of the Yorkshire Bank to the Church Street elevation would give rise to highway safety issues to the extent that a highway objection could be sustained. The Officer notes that Church Street already incorporates double yellow lines adjacent to the shopping centre whilst immediately in front of the proposed location of the ATM are zig-zag white lines associated with the nearby pedestrian crossing. For reference, the Highway Code confirms that you must not park on a crossing or in the area covered by the zig-zag lines and there is no waiting at any time on double yellow lines such that motorists choosing to park on the road in front of the Penny Hill centre are in breach of highway regulations. Furthermore, with reference to the accident data held by the Council, in the last three years there have been 3 accidents in the vicinity of the application site; two at the junction of Grove Road/Church Street and one due to a shunt behind queuing traffic along Church Street near Grove Road. These accidents were unrelated to illegally parked cars on Church Street in front of the shopping centre. The last time an accident occurred that was evidently related to an ATM was in relation to parking at the NatWest ATM in 2010.
- 10.9 The specific concern raised by Ward Members is that cars stop on Church Street to access these machines, thereby blocking the road and being dangerous to pedestrians. Whilst it is clear that some cars do appear to park without regard to parking restrictions, in assessing this planning application, the issue to consider is whether the relocated ATM will create or materially add to problems of the safety or efficiency of the highway network or result in highway congestion. In undertaking the assessment, it is important to recognise that this is the relocation of an ATM rather than a new ATM, albeit that it is to be installed onto a more prominent street frontage.
- 10.10 It must be acknowledged that there are already mechanisms in place to promote the flow of traffic and pedestrian safety in the vicinity of the application site – Traffic Regulation Orders to stop people parking on the highway and a pedestrian crossing in very close proximity to the ATM to help people safely cross Church Street. In addition, the Shopping Centre is clearly already attracting customers to use the existing ATM facilities and indeed, the Yorkshire Bank already benefits from a small projecting sign to the Church Street elevation to highlight the availability of an ATM in this location. On this basis, it is the view of Officers that to recommend refusal on the grounds that the relocation of one ATM from one elevation of a bank to another would create or materially add to problems of the safety or efficiency of the highway network could not be upheld. It would also not result in a severe cumulative impact and could not, therefore be considered contrary to guidance within the NPPF.

- 10.10 There are also positive benefits to the relocation of the ATM in terms of surveillance and lighting as noted above, which must be weighed against the concerns raised by the Ward Councillors.
- 10.11 In response to the suggestion by Ward Councillors that the installation of a Highways CCTV camera could deter motorists from stopping on Church Street, to require such a measure as part of this proposal is not considered fairly and reasonably related in scale and kind to the proposed development given that it is an existing issue. Moreover, the Council's Parking Manager has advised that Councils have had notice that the Government intends to ban the use of CCTV for general parking offences "at the earliest opportunity" with a few closely defined exceptions such as outside schools or in bus stops.

#### Other matters

- 10.12 It is acknowledged that the owner of the Waterloo Road Post Office objects to this application on the grounds that it would affect their business and machine as they also have a cash machine. However, the objector understands the proposed ATM to be in addition to the two existing ATM's when it is, in fact, the relocation of one machine such that there is still the same number of ATM's at the Yorkshire Bank as existing. Moreover, competition is not a material planning consideration.

### **11.0 CONCLUSION**

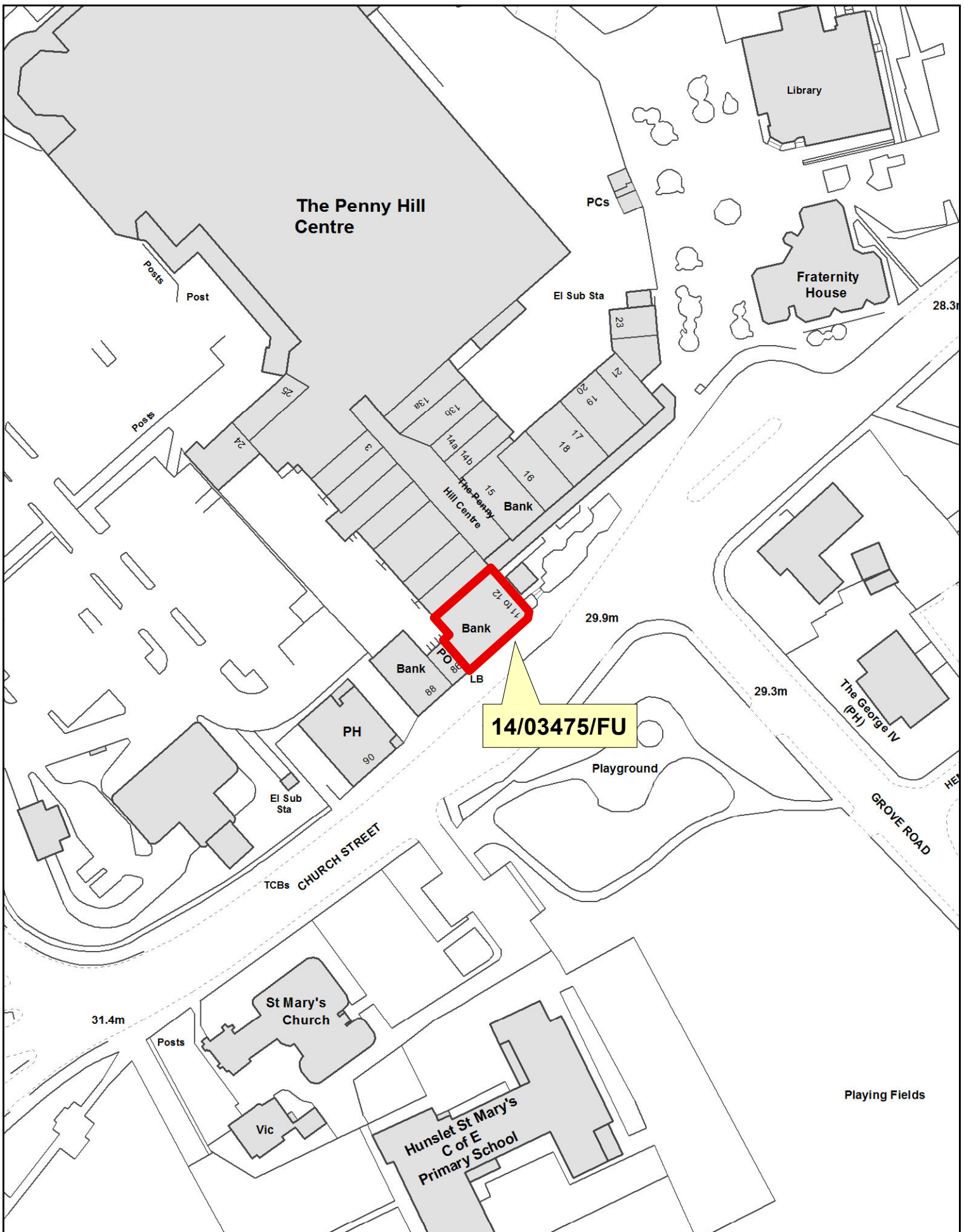
- 11.1 This application proposes the relocation of an existing ATM within the side return elevation of Yorkshire Bank within the Penny Hill Shopping Centre to their front elevation onto Church Street. It also proposes the refurbishment of the windows to powder coated grey and the re-glazing of the ground floor windows from tinted glass to clear glass.
- 11.2 The amendments to the shopfront are considered to respect the scale, form and materials of the original building and will enhance the appearance of the bank and its relationship to the street in accordance with UDP Policies BD6, BD7 GP5 and Policy P10 of the Core Strategy. The ATM is also considered to be usable by as many people as possible and will be relocated to a more readily accessible and visible location.
- 11.3 With regard to highway issues, this application proposes the relocation of an ATM from one elevation to another rather than the installation of a new machine. It is not considered reasonable to conclude that this scale of development would give rise to highway congestion to the extent that it could be considered contrary to Policies T2 and GP5 of the UDP nor to the extent that a refusal is warranted. This is particularly the case as there are already Traffic Regulation Orders in place on the adjoining highway to restrict car parking and a pedestrian crossing and contravention of these TROs is an existing highway matter rather than a reason to refuse this planning application.
- 11.4 Overall, it is concluded that the development is acceptable in accordance with up-to-date planning policies and it is therefore recommended that the application be approved subject to conditions.

#### **Background Papers:**

Application and history files.  
Certificate of Ownership







# SOUTH AND WEST PLANS PANEL

© Crown copyright and database rights 2014 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1000

