

Report to Planning applications committee

Item

12 May 2016

Report of Head of planning services

Subject Application no 16/00223/F - YMCA 10 Winalls Yard,
Norwich, NR1 3GX

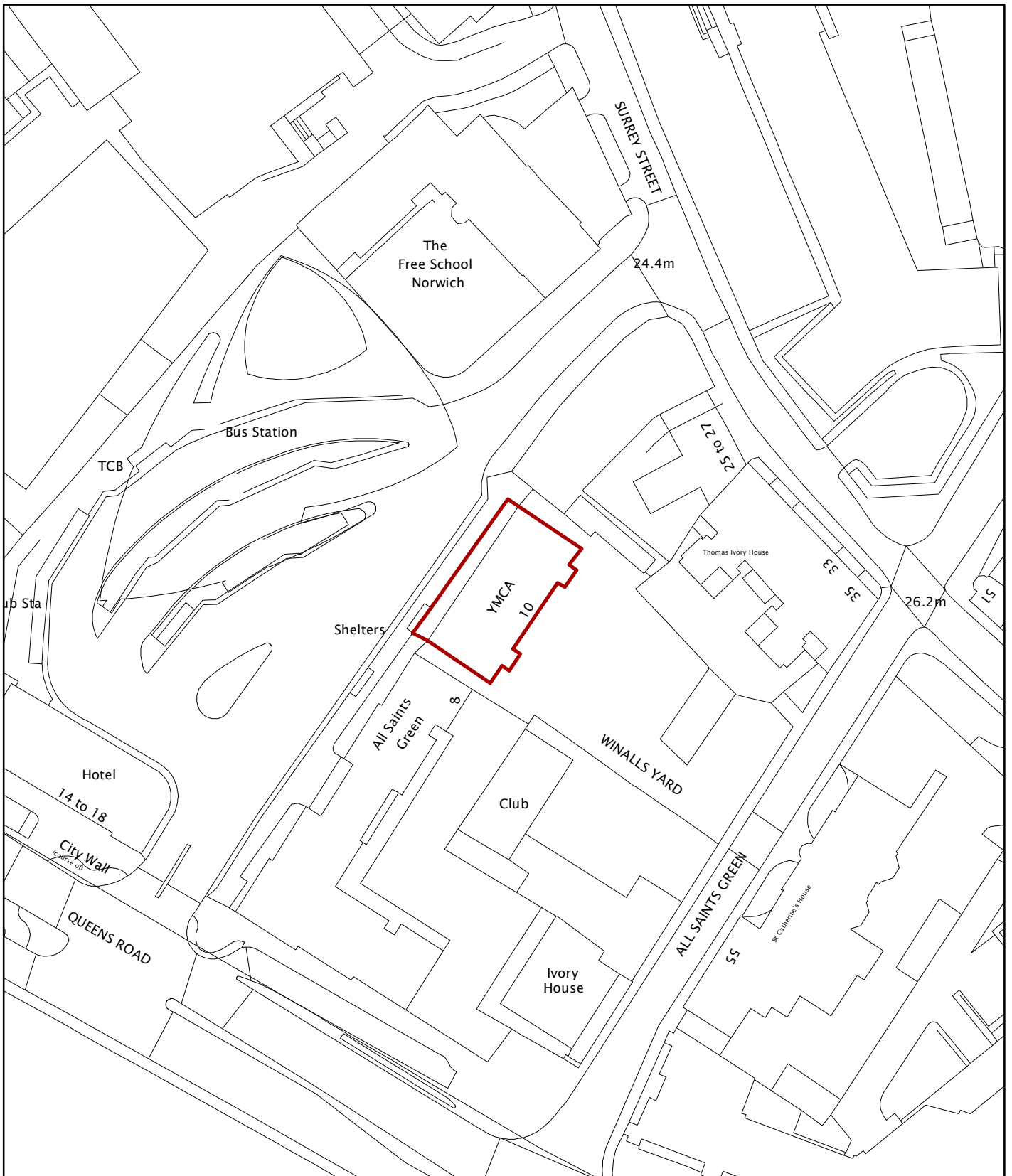
**Reason for
referral** Authorisation for enforcement action sought

4(o)

Ward:	Mancroft
Case officer	Samuel Walker - samuelwalker@norwich.gov.uk

Development proposal		
Retention of a freestanding ATM.		
Representations		
Object	Comment	Support
0	0	0

Main issues	Key considerations
1	Visual Amenity
2	Transportation
3	Crime and Security
Expiry date	14 April 2016
Recommendation	Refuse & authorise enforcement action.



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Planning Application No 16/00223/F & 16/00224/A

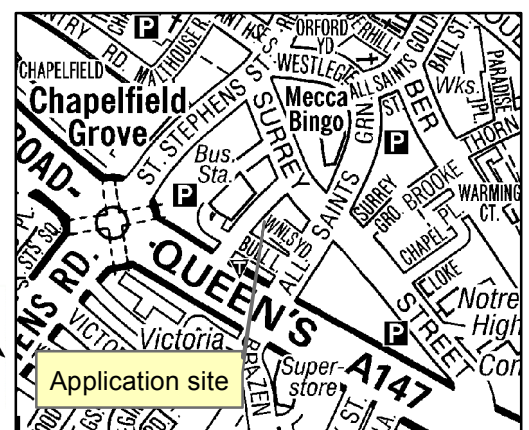
Site Address 10 Winalls Yard

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. 10 Winalls Yard is a three storey building of modern design occupied by the YMCA, Winalls Yard is a cul de sac off All Saints Green towards the junction with Queens Road. The bus station lies directly to the north-west of the property – the free standing ATM subject to this application has been located on the north west facing elevation of the site, it is on the property of 10 Winalls Yard, outside of the ground floor café, facing into the bus station.

Constraints

2. The site is located within the City Centre Conservation area.

Relevant planning history

- 3.

Ref	Proposal	Decision	Date
11/00578/U	Change of use of ground floor dining and kitchen areas from areas ancillary to the hostel (Sui Generis) to restaurant/cafe use (Class A3) to allow use by residents of the hostel and visiting members of the public.	APPR	03/06/2011
14/00293/VC	Variation of condition 2 of previous planning permission 11/00578/U 'Change of use of ground floor dining and kitchen areas from areas ancillary to the hostel (Sui Generis) to restaurant/cafe use (Class A3) to allow use by residents of the hostel and visiting members of the public' to allow the opening of the premises between 07:30 to 19:00 Mon-Sat and 08:00 to 16:00 Sun.	APPR	25/04/2014

The proposal

4. The application seeks retention of a freestanding ATM adjacent to the YMCA building and café.

Summary information

Proposal	Key facts
Appearance	
Materials	Metal case construction with vinyl advertisements

Construction	Pin kerbs and paving slabs to access.
Operation	
Opening hours	24hour operation
Transport matters	
Vehicular access	There is no vehicular access for users of the ATM. Vehicular Access for servicing of the ATM have not been resolved
Servicing arrangements	The agent has not been able to provide information regarding servicing arrangements, including use of bus station. They have requested that the application is assessed based on there being no arrangements in place.

Representations

- Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Consultation responses

- Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Design and conservation

- This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

Highways (local)

- I have no objection to the principle of an ATM in this location. The availability of cash is very useful to users of the bus station, so is complimentary. However it is unclear how the ATM is serviced (The Design and Access statement omits this most crucial piece of information). Norfolk CC own the bus station and Konectbus operate it, it is important that the bus station is not affected by bank security vehicles (do they have permission or not?). This needs to be resolved, before we can make a full assessment of the application.
- The question is pretty simply; how will the ATM be serviced (filled with cash or repaired?) given that the bus station is private land (owned by the County Council) and operated on their behalf by Konect bus. The alternative, should permission not

be granted by Norfolk CC, is that the ATM is serviced via a vehicle on Winnalls Yard and the operatives walk to the ATM. It's not my call to give authorisation for use of the bus station, so it's really down to the applicant to do their due diligence and give us the information we need to assess the application.

Norfolk police (architectural liaison)

10. Whilst the Design and access Statement states "We install and anchor the ATMs in accordance with National Guidelines" the author does not make clear what guidelines they refer to. I recommend that all relevant Security Measures as detailed in the ATM Security working Group 'Best Practice for Physical ATM Security' document are included. A copy of this document is available from the website www.link.co.uk/about-link/site-owners/security-for-atms/

Of course once installed the best opportunity to incorporate Crime Reduction Measures will have gone.

11. In relation to safety of cash in transit personnel I recommend the following:-

The cash in transit vehicle should be able to park as close to the machine as possible.

On arrival at the site the 'replenisher' or service engineer must be able to rapidly survey the immediate area to check visually that the area is safe.

The ATM should ideally be positioned to allow constant line of sight between the replenisher's vehicle and the ATM.

CCTV should also cover the area where the cash in transit vehicle will park when attending to replenish the machine (several companies replenish ATMs overnight so CCTV and lighting has to be of good quality around the premises)

Without permission to service the cash machine from the Bus Station, cash in transit personnel will be forced to walk from Winnall's Yard or Surrey Street - ideally they should be able to park next to the machine, they will be unable to adequately check that the area is visually safe and line of site between vehicle and ATM will not be possible.

On behalf of Norfolk Constabulary I object to this proposal for the reasons outlined above.

Assessment of planning considerations

Relevant development plan policies

12. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**

- JCS2 Promoting good design
- JCS5 The economy
- JCS6 Access and transportation
- JCS7 Supporting communities
- JCS8 Culture, leisure and entertainment
- JCS11 Norwich city centre

13. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design

- DM10 Supporting the delivery of communications infrastructure
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM20 Protecting and supporting city centre shopping
- DM23 Supporting and managing the evening and late night economy
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

14. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF7 Requiring good design

Case Assessment

15. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Amenity (Visual)

16. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
17. The ATM is positioned in front of the YMCA building and adjacent to the café. Whilst the context is of the bus station, the bus station has been redeveloped to a high standard as has the surrounding developments. The ATM is an incongruous piece of street furniture which would be preferably incorporated within the building or located internally within the café.
18. Whilst the development in this area is of modern design, the ATM in this location does nothing to improve this. The soft landscaping in this area has been removed to facilitate installation of the ATM and associated hardstanding. The numerous advertisements add visual clutter to an already busy environment.

Main issue 2: Transport

19. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
20. There is no objection to the location of the ATM with regards to facility for users of the machine, although such a facility would perhaps be better located near the bus station itself where there is a higher footfall. There is no vehicular access for use, but this would not be expected in this location.

21. The suitability of the location with regards to servicing cannot be properly assessed on highways grounds, as the agent has been unable to provide any details of this and has asked that the application is assessed on the basis that no permissions/arrangements have been made. Indeed there is no indication that the necessary permissions could be achieved and in this context it is not considered that conditioning these details would necessarily be appropriate particularly in the context of a retrospective application.

Main issue 3: Crime and Security

22. Section 17 of the Crime and Disorder Act.
23. Insufficient information has been supplied to assess whether safe servicing operation can be undertaken. The council has a duty to prevent, crime and disorder in the exercise of its functions. The police have objected to the application on the basis of servicing arrangements not being possible from the Bus Station and the applicant has not provided any information to demonstrate that this is achievable. On the basis of no servicing arrangements being demonstrated and servicing from Winalls Yard being unacceptable from a crime prevention perspective the proposal is considered to be unacceptable.

Compliance with other relevant development plan policies

Equalities and diversity issues

24. There are no significant equality or diversity issues.

Local finance considerations

25. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
26. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
27. In this case local finance considerations are not considered to be material to the case.

Conclusion

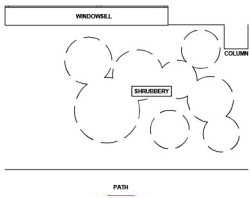
28. For the reasons outlined above and in the reasons below the recommendation is to refuse the application and take enforcement action to secure the removal of the ATM and reinstatement of the former landscaping. The development is not in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that the application should be refused, and enforcement action taken to remove the unauthorised ATM.

Recommendation

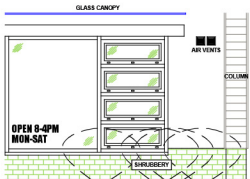
- (1) refuse application no. 16/00223/F - YMCA 10 Winalls Yard Norwich NR1 3GX for the following reasons:
- (a) The ATM by virtue of its location and freestanding nature would be an incongruous feature which in combination with the advertising on it would detract from the surrounding area and fail to enhance this recently regenerated part of the City Centre and as such would be contrary to policy DM3 of the adopted City of Norwich Replacement Local Plan and contrary to paragraph 64 of the NPPF.
 - (b) The applicant has failed to demonstrate that the ATM can be serviced in a safe manor which would ensure the prevention of crime in accordance with the Council's duties under section 17 of the Crime and Disorder Act 1998 and policy DM3 of the adopted City of Norwich Replacement Local Plan.
- (2) Authorise enforcement action under section 172 of the Town and Country Planning Act 1990 (as amended) to secure the cessation of the unauthorised structure, the replacement of landscaping and the taking of legal proceedings, including prosecution if necessary.

Article 35(2) Statement

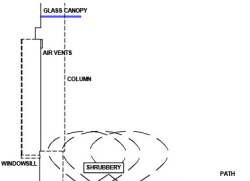
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. The local planning authority has sought to negotiate amendments to the scheme in order to overcome the reasons for refusal outlined above, however the applicant has not been able to make the amendments in order to ensure the development complies with national policy and the development plan as such the application has been refused for the reasons outlined above.



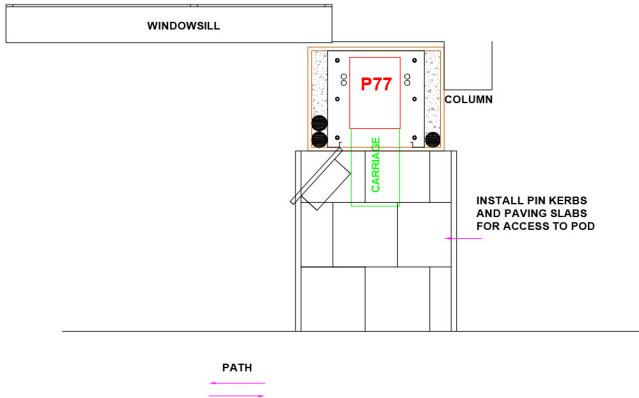
EXISTING (PART) PLAN



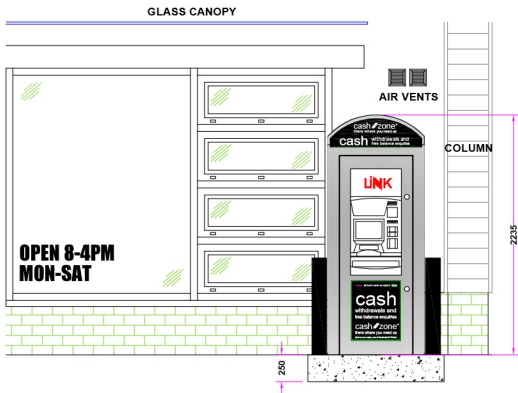
EXISTING ELEVATION



EXISTING SECTION VIEW A-A



PROPOSED (PART) PLAN



PROPOSED ELEVATION



GENERAL NOTES

LIGHTING :-
ALL LIGHTING TO BE POSITIONED TO AVOID DIRECT GLARE ON THE EYES OF THE USER AND UNWANTED REFLECTIONS FROM THE SCREEN OR OPERATING FEATURES. GLARE FROM LIGHTING TO BE AVOIDED.

SIGNAGE :-
ALL SIGNAGE TO CONFORM TO BS 8300:2001 SECTIONS 9.2.2 LOCATION & DESIGN OF SIGNS & INFORMATION AND 9.2.3 VISUAL SIGNS.
ALL NEW GLAZING CONFORMS TO BS 6206.
ALL ELECTRICAL WORK CONFORMS TO BS 7671.

SITE NOTES

FLOOR CONSTRUCTION:
SOIL, SHRUBBERY

SCAN PROPOSED POD AREA BEFORE COMMENCING GROUNDWORK

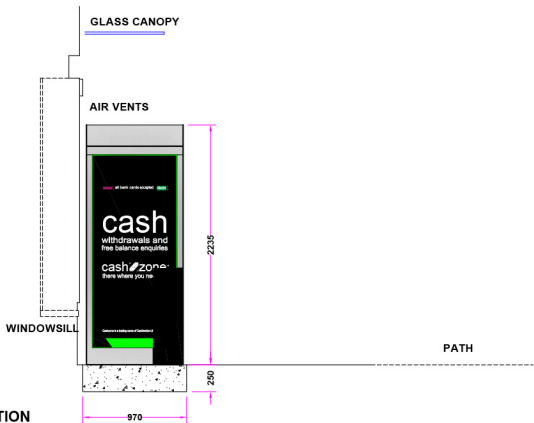
EXCAVATE SOIL AND BUSHES.

LAY NEW STEEL BASE FRAME, DUCTING CONCRETE BASE AND BOLLARDS

INSTALL POD, ATM AND ELECTRICS.

PIN KERBS AND PAVING SLABS FOR ACCESS TO POD.

WORK TO BE CARRIED OUT BY OTHERS



LHS ELEVATION

SITE ADDRESS

YMCA
10 WINALLS YARD,
ALL SAINTS GREEN,
NORWICH, NR1 3GA

TITLE								drawing approval	
PROPOSED AUTOMATED TELLER MACHINE (ATM) INSTALLATION FOR CASHZONE				03		NAME:-			
				02					
DRAWN	DATE	SCALE	01	CASHZONE DECALS ADDED TO POD AND SCALE BARS UPDATED	08/02/16	KG	POSITION:-	APPROVED:-	
REF/DRG No.	SHEET	REVISION	01	REVISION	DESCRIPTION	DATE	BY	DATE:-	SIGNED:-
E016767									

