

DELEGATED REPORT

Report by Mark Kilby	Date of report: 21/09/2022	Ref: 68723/FUL
Registration: 27/07/2022	LDFC: 14/09/2022	Expiry Date: 21/09/2022
Site Visit: 10/09/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Retention of ATM (Automated teller machine)

Location: 237 Wash Lane, Bury, BL9 7DH

Description

The application site is a convenience store on the corner of Wash Lane and Willow Street. Wash Lane is one of two main routes from Bury town centre to the Heap Bridge junction of the M66 and the application site is approximately 200 metres from it. The planning land use context of the area is residential.

The application is for the retention of an existing automatic teller machine (ATM) using the through the wall (TTW) installation method. The ATM is on the south east elevation of the store immediately adjacent to the adopted highway facing Willow Street. There is an existing forecourt to the front elevation facing Wash Lane which is not adopted highway. The ATM has been installed in an existing window opening. The existing roller shutter as shown on the submitted plan is isolated in the open position. The submitted design and access statement states the purposed of the installation of the ATM is to provide a 24 hour banking facility for the local community and visitors to the area. There is no evidence on site or on the submitted plan of external security lighting or closed circuit television surveillance (CCTV) specifically for the ATM operation or a demarcated defensible space. A CCTV camera is installed on the corner of the building but historic street view images would suggest it pre-dates the installation of the ATM and does not appear to be covering the ATM area.

The submitted design and access statement refers to the ATM has having been installed in accordance with national guidelines but does not explain what that guidance is and the submitted plan does not show how the ATM has been securely anchored.

Relevant Planning History

50339 - TWO SINGLE SIDED FREE STANDING INTERNALLY ILLUMINATED DISPLAY UNITS ON FORECOURT (RETROSPECTIVE) - 16/03/2009

43130 - ERECTION OF SINGLE STOREY EXTENSION TO SHOP & NEW ROOF OVER EXISTING GROUND FLOOR EXTENSION AT REAR - Approve with Conditions 04/10/2004

48309 - EXTERNAL COVERED STAIRCASE EXTENSION AT SIDE TO CREATE SEPARATE ACCESS TO FLAT OVER SHOP - Approve with Conditions 24/08/2007

50339 - TWO SINGLE SIDED FREE STANDING INTERNALLY ILLUMINATED DISPLAY UNITS ON FORECOURT (RETROSPECTIVE) - RefuseRefused 19/09/2008

68724 - Retention of 1no. non-illuminated top sign, 1no. non-illuminated bottom sign and 1no. illuminated logo panel -

09/0114 - UNAUTHORISED ERECTION OF TWO ADVERTISEMENTS - 15/05/2009.

Publicity

None.

Statutory/Non-Statutory Consultations

Greater Manchester Police - designforsecurity - responded with the following comments:

- Lighting should be provided to the area around the proposed ATM to an adequate and uniform level, so as not to allow any areas of pooling/shadowing.
- Defensible space ground markings (e.g. 1m² painted area, change in surface texture, metal studs within paving etc.) should be employed and maintained at the front of the ATM to indicate that only one user at a time may enter the space.
- The proposed ATM should be protected by a closed circuit television system that should view the area and the users of the ATM, but not the ATM keypad itself.
- Replenishment of the ATM should be carried out from a secure area inside the host building / while the public are excluded from the building. A dedicated parking area should be provided for the cash-in-transit vehicle within the immediately vicinity of the ATM.
- The ATM itself must be securely anchored, alarmed and should include a banknote degradation system or similar.

Traffic Section has made the following comments: - The proposed measures on the adopted highway required to meet Greater Manchester Police's requirements would result in an unacceptable impact on existing pedestrian facilities on Willow Street by restricting the available width of the footway and would result in the implementation on non-prescribed markings on the footway, which would be detrimental to pedestrian safety and would present additional maintenance liabilities for the Highway Authority.

Pre-start Conditions - Not applicable.

Unitary Development Plan and Policies

EN1/5	Crime Prevention
EN1/1	Visual Amenity
EN1/8	Shop Fronts
SPD3	DC Policy Guidance Note 3: Planning Out Crime
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

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Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Visual Amenity - The ATM is of a typical size and design seen on retail premises. It would be located within the existing window opening which was previously covered with a closed roller shutter and according to the submitted plan the roller shutter would be isolated in the open position for the 24 hour operation of the ATM. An early morning site visit revealed that the shutter was in the closed position and is therefore not being operated as 24 hour facility. However it is still considered the ATM would have a less negative impact than the existing dead frontage on the street scene. As such it would have only a minimal impact on the appearance of the building without any serious detriment to the visual amenity of the area. The proposal would comply with UDP Policies EN1/8 - Shop Fronts and EN1/2 - Townscape and Built Design.

Crime Prevention - The Greater Manchester Police Crime Prevention Unit has indicated a number of crime prevention and security measures which need to be addressed in order to make the retention of the ATM acceptable. These in part cannot be achieved as an existing development because of unacceptable impact on the adopted highway as indicated in the Councils' highway engineer comments. In addition to the comments from the Councils' highway engineer and Greater Manchester Police it is considered that anti ram raid bollards would need to be installed on the adopted highway to prevent a direct vehicular attack from Wash Lane. This development on the adopted highway would also be unacceptable for reasons of pedestrian flow conflict and maintenance liabilities. Furthermore the application contains insufficient information about CCTV coverage, security lighting and how the ATM is securely anchored. Several attempts to contact the agent via telephone and email to discuss re-siting the ATM to the front of the building, where the issues raised could have been resolved. The agent has subsequently requested the application to be determined as submitted. As such the retention of the ATM in its current position would not comply with adopted policy of the UDP EN1/5 - Crime Prevention and SPD 3 - Planning Out Crime.

Recommendation: Refuse

Conditions and Reasons:

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- 1 The proposed measures on the adopted highway required to meet Greater Manchester Police's requirements would result in an unacceptable impact on existing pedestrian facilities on Willow Street by restricting the available width of the footway and would result in the implementation on non-prescribed markings on the footway, which would be detrimental to pedestrian safety and would present additional maintenance liabilities for the Highway Authority.
- 2 The application, submitted plans and design and access statement contain insufficient information regarding the secure anchoring of ATM, details of security lighting and CCTV, the operation and security of the proposed ATM within the store and the safety of staff to enable this aspect of the scheme to be properly assessed and as such would be contrary to adopted Bury UDP Policy EN1/5 - Crime Prevention, SPD 3 - Planning Out Crime and Paragraph 14 of the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	21/09/2022		