

**DELEGATED REPORT**

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| <b>Report by</b> Jennie Townsend | <b>Date of report:</b> 26/08/2026 | <b>Ref:</b> 73369/FUL          |
| <b>Registration:</b> 06/07/2026  | <b>LDfC:</b> 27/07/2026           | <b>Expiry Date:</b> 31/08/2026 |
| <b>Site Visit:</b>               | <b>Site Notice:</b> 08/07/2026    | <b>Press Date:</b> 09/07/2026  |
| <b>Objections:</b> 0             | <b>Con Area:</b> BURY             | <b>Adv Type:</b> CA            |
| <b>Reason for Delay:</b><br>N/A  |                                   | <b>EIA:</b> NA                 |
|                                  |                                   | <b>Dec Level:</b> DEL          |
|                                  |                                   | <b>Stat Class:</b> MIOT        |

**Proposal:** Installation of an ATM

**Location:** 12 Bolton Street, Bury, BL9 0LQ

**Description**

The application relates to a two storey mid terraced property located on a shopping street in Bury Town Centre which is within the Conservation Area.

This side of the shopping street comprises a restaurant, bars/pubs and a mix of Class E uses.

At the rear of the site is a paved area used as a servicing area where most of the premises on this row of store bins.

The premises originally operated as a retail sport shop at ground floor with associated storage rooms above.

Following its closure, the premises remained vacant for a period of time and was granted consent for a change of use of the ground floor to a sports bar (sui generis) with storage above (May 2024) and following that, the change of use of the whole building to a sports bar (17/1/25).

The permission for the sports bar was implemented but the bar only operated for a short period of time before closing.

Works had also been carried out unlawfully to remove the entire shop front and fascia and replacement with a fully glazed flat aluminium framed frontage which was entirely different to the historic and unique shop front which had originally characterised the building. (The original shop front was art deco in style and comprised recessed entrances, bay and side quarter glazed shop frontages with a timber frame).

Following enforcement intervention, an application was thereafter received to restore the front elevation to emulate the original shop front and change the use from a sports bar to a convenience store (planning ref 72243).

This has now been implemented and the shop has opened.

This application seeks the installation of an ATM within the shop front.

The ATM would be positioned within the centrally glazed shop window between the two entrance doors.

It would be set approximately 800 from ground floor level with the top of the ATM set 1600mm above ground level.

Signage would be incorporated within the ATM which is the subject to a separate advertisement consent application (ref 73385).

**Relevant Planning History**

69796 - Prior approval for proposed change of use from commercial, business and service (Class E) to mixed use including 2 No. Flats (Class C3) - Prior Approval Required and

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Granted 08/02/2024

70545 - Change of use of ground floor shop (Class E) to sports bar with first floor offices (Sui Generis) - Approve with Conditions 08/05/2024

70841 - Installation of extraction flue and 2 no air conditioning units - Approve with Conditions 08/08/2024

71158 - Internally illuminated fascia sign - Refused 14/11/2024

71159 - Change of use of the building from a mixed use to a sports bar - Approve with Conditions 17/01/2025

72243 - Change of use from a sports bar (Sui Generis) to a convenience store (Class E) and restore front elevation. - Approve with Conditions 20/02/2026

73297 - 1no. fascia sign (externally illuminated) -

73385 - Installation of 2 no. non-illuminated sign to ATM -

25/0252 - Change of use of business to convenience store and installation of new shop front - 28/08/2025

### **Publicity**

Letters sent to 7 properties on 6/7/26.

Site notice posted 8/7/26

Press advert 9/7/26.

No responses received.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - Object on highway safety grounds

**Conservation Officer** - Object on heritage impacts

**Design for Security** - earliest date of decision 21st August

**Pre-start Conditions** - Not relevant

### **Development Plan and Policies**

NPPF National Planning Policy Framework

EN1/2 Townscape and Built Design

EN1/8 Shop Fronts

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

EN1/5 Crime Prevention

JP-P2 Heritage

JP-C5 Streets For All

JP-C8 Transport Requirements of New Development

### **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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

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.

### **Amenity and Conservation Area impacts**

The application site is within Bury town centre conservation area. The new shop front has been recently installed. The previous blue painted historic timber Art Deco shop front was removed and replaced with a very modern contemporising aluminium framed, fully glazed shop front without planning permission. The current shop front is a replacement. It is a timber approximation of the Art Deco timber shop front. A full restoration could not be achieved due to the manner and speed of its demolition but as such it is considered to restore the street scene character and appearance of that part of the conservation area and removes the harm caused to the character and appearance of the conservation area by the unlawful aluminium framed window.

The conservation area is on Historic England's Heritage at Risk Register (HAR). This is due in part to inappropriate shop front advertisements and inappropriate alterations to shop fronts without the benefit of advertisement regulation consent or planning permission. Paragraph 219 of the NPPF states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.

Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The proposal is for an automatic teller machine (ATM) to be inserted into the shop front through the central glazed panel. The ATM would represent an incongruous and

contemporising feature. It would be a highly visual and prominent feature in the street scene. It would cause harm to the visual amenity of the shop front severely diminishing its contribution to the character and appearance of the conservation area. Its installation would reverse the improvement the new shop front provided to the character and appearance of the conservation area after the original shop front was removed.

As such the installation of the ATM would cause less than substantial harm to the character and appearance of the conservation area causing a loss significance. There would be only a minor public benefit with the installation of the ATM as there others in close proximity at the corner of Silver Street and Bolton Street (HSBC) and The Rock (NatWest). However, this minor public benefit would not outweigh the harm identified to the character and appearance of the conservation area and the installation of an ATM in this location would not progress efforts to remove the conservation area from the HAR.

The proposal would not preserve or enhance the character or appearance of the conservation area contrary to section 72(1) of the Planning (Listed Building & Conservation areas) Act 1990 or comply with the relevant policies of the NPPF, UDP and Places for Everyone (PfE) Greater Manchester Combined Authority Joint Plan.

### **Highway issues**

The Highway section have been consulted and consider that the ATM could lead to vehicles stopping briefly on the double yellow lines outside the premises and Bolton road to use the ATM, as well as the cash in transit deliveries as there would be no other place to park securely where the driver and the van would be in sight. This could cause a bottleneck for two way traffic using this road especially as it is also a route through the town for buses and some larger delivery vehicles.

The other aspect to consider would be use of the machine/queuing and the impact that may have on the footway which is fairly narrow at this point.

The Highway Section have therefore recommended refusal for 2 reasons -

- Due to the established need to avoid an unnecessarily long distance to walk between the vehicle and the ATM, in addition to allowing constant line of sight between the replenisher's vehicle and the machine, the proposed installation is highly likely to lead to cash in transit vehicles parking in the immediate vicinity of the property on the existing double yellow lines, which would cause a bottleneck for two-way traffic on Bolton Street, one of the primary accesses into Bury town centre for several bus routes, to the detriment of highway safety.
- The installation of the proposed ATM and resultant use of the machine and queuing by pedestrians on the existing narrow footway could lead to obstruction of the footway for all users in addition to pedestrians having to step into carriageway, to the detriment of pedestrian safety.

### **Safety**

The applicant states that site approval by the Cash In Transit Company has been obtained. They have considered routes to and from the ATM, ensuring there is protection of their staff and of any staff or customers at the site although no details have been provided.

The ATM would be installed in a well-lit area in full view of pedestrians which would aide natural surveillance. It is also stated that there is CCTV covering the area.

The Design for Security Team have been consulted. No response has been received.

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The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Refuse

**Conditions and Reasons:**

- 1 The proposed development would introduce an incongruous and discordant feature into the Bury Town Centre Conservation Area which would be a highly visual and prominent feature which would cause harm to the visual amenity if the shop front and its setting within the Conservation Area. The proposal would not preserve or enhance the character or appearance of the conservation area. The proposal therefore conflict with the following policies of the Unitary Development Plan: EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control and the principles of the NPPF.
- 2 Due to the established need to avoid an unnecessarily long distance to walk between the vehicle and the ATM, in addition to allowing constant line of sight between the replenisher's vehicle and the machine, the proposed installation is highly likely to lead to cash in transit vehicles parking in the immediate vicinity of the property on the existing double yellow lines, which would cause a bottleneck for two-way traffic on Bolton Street, one of the primary accesses into Bury town centre for several bus routes, to the detriment of highway safety. The proposed development would therefore be contrary to policies EN1/2, JP-C5 and JP-C6.
- 3 The installation of the proposed ATM and resultant use of the machine and queuing by pedestrians on the existing narrow footway could lead to obstruction of the footway for all users in addition to pedestrians having to step into carriageway, to the detriment of pedestrian safety. The proposed development would therefore be contrary to policies EN1/2, JP-C5 and JP-C8.

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|-----------------------------------|-------------|------------------------------------------|-------------|
| <u>Case Officer</u><br>JT 26/8/26 | <u>Date</u> | <u>Sign off Officer</u><br>DM 26/08/2028 | <u>Date</u> |
|-----------------------------------|-------------|------------------------------------------|-------------|