

DELEGATED REPORT

Report by Claire Booth	Date of report: 06/06/2025	Ref: 71581/FUL
Registration: 05/03/2025	LDFC: 27/03/2025	Expiry Date: 30/04/2025
Site Visit:	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: Alterations to existing shopfront, including conversion from frameless to framed shopfront, replacement glazing, alterations to ATM

Location: 1 Central Street, Bury, BL9 0JN

Description

The application site comprises a retail unit which fronts onto Central Street in the centre of Bury. The unit is currently occupied by Barclay's Bank and the frontage currently provides a frameless glazing solution. The site is located in the Rock/Moorgate area in a high street location, and as such, the unit occupies a prominent position along a street with heavy footfall.

Currently, there is hoarding in situ at the unit which is to protect the frontage from a high-risk threat of vandalism following intelligence known to Barclay's bank.

Retrospective planning permission is sought to secure alterations to the banks frontage, following a Barclay's board-level decision to improve the resilience of its UK stores nationally in terms of vandalism protection and repair. The proposed solution across the majority of its sites, is to move from frameless glazing systems to framed systems with laminated glazing.

Alterations are therefore sought to the existing shop front, including conversion from frameless to framed shopfront, replacement glazing to all elevations, and alterations to the ATM's including an additional ATM and adding internally illuminated surround to them.

As originally submitted, the application also proposed to replace glazing with aluminum panels and remove a night safe from the north-western rear elevation facing The Rock. None of these works at the rear of the branch are now proposed. However all other works are proposed as per the submitted application.

For completeness amended existing and proposed floorplans and elevations showing no changes to this rear elevation. They have also shown the fire door not opening across the pavement (public highway) and in the fixed position to overcome the concerns of the LPA that the originally submitted plans contained information that contravened the requirements of Condition no. 24 pursuant to application 71581, dated November 2007 which was as follows:

Notwithstanding the details indicated on the approved plans, no doors to any part of the development shall open outwards onto the adopted highway.

Reason. To ensure good highway design in the interests of pedestrian safety pursuant to UDP Policy S2/1 - All New Retail Proposals: Assessment Criteria.

Relevant Planning History

63643 - Lawful development certificate for the proposed use for any purpose within Use

Class A2 of the Town and Country Planning (Use Classes) Order 1987 (as amended)
- Lawful Development, 25/02/2019

71582 - Advertisement consent for 2 no. internally illuminated fascia signs on runner; 1 no. internally illuminated projecting sign - Approve with Conditions

48384: Mixed use development comprising shopping, financial and professional services and food and drink uses within the A1, A2, A3, A4 and A5 Use Classes, residential use within Use Class C3, comprising 297 units; assembly and leisure uses within D1 and D2 Use Classes; Nightclub use; multi-storey and other car parking; new streets, highways and other means of circulation and other associated works and facilities. Approved, 28th November 2007

Publicity

The application has been advertised by Site Notice. No representations have been received as a result of this notice.

Statutory/Non-Statutory Consultations

Traffic Section - Raised concerns about existing fire door opening onto the adopted highway and its adverse impact on pedestrian safety.

Pre-start Conditions - Not applicable

Development Plan and Policies

S1/1 Shopping in Bury Town Centre
EN1/2 Townscape and Built Design

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.

Assessment

The application site is located within The Rock Shopping Area within Bury Town Centre on Central Street, with an outlook over a square of similarly designed units all in uses appropriate in a Town Centre, as defined within the Glossary section of the NPPF.

Design and Visual Amenity

UDP Policy EN1/2 seeks to ensure proposals do not have an unacceptable effect on the character and townscape of the boroughs towns, villages and other settlements.

In respect of the proposed changes to the glazing; the Rock Shopping Area was designed to have unframed clear glazing to all frontages within the Shopping Area. This proposal seeks an framed glazing arrangement. The justification for this is to make the banking operation more secure. The glazing proposed has been put in the building and the frames are a light grey colour to accord with the colour of Barclay's Bank branding.

The glazing proposed does differ from the other commercial/ retail buildings that overlook the un-named square of buildings, all built as part of the original development of the Rock Shopping Area, however, the changes proposed to the glazing of property is not demonstrably harmful to the visual amenity of the street scene/ shopping area.

The external changes that is proposed around the two ATM machines on the elevation of the building seek to frame the ATM's. The colour of which is in the Barclay's Banking branding colour and whilst they are now more visually prominent on the elevation of the building facing central street, they are not demonstrably harmful to visual amenity.

Overall, the proposals (retrospective) are considered to be acceptable and thus the proposal accords with UDP Policy EN1/2 of the Development Plan.

Crime and Disorder

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to 'do all that it reasonably can to prevent crime and disorder in its area'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 96 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

PfE Policy JP-P1: Sustainable Places of the Greater Manchester Places for Everyone Plan

and the NPPF requires proposals to, amongst other things, design out crime and terrorism, to reduce opportunities for anti-social behaviour and by ensuring that developments make appropriate provision for response and evacuation in the case of an emergency or disaster.

UDP Policy EN1/5 Crime Prevention makes clear that "The Council will encourage development proposals which include environmentally sensitive design features aimed at discouraging crime..."

The proposal has been put forward as the Bank, occupying the premises as the existing glazing has been repeatedly damaged by anti-social behaviour in this part of the shopping centre and due to a Bank having to be completely secure. Accordingly, the proposal complies with UDP Policy EN1/5, PfE Policy JP-P1 and paragraph 96 of the NPPF.

Highway Safety

The proposals do not adversely affect highway or public safety.

However, during the course of the application the Local Highway Authority raised concerns about a fire door positioned on the other side elevation, that faces on to The Rock, an adopted highway, which opens outwards onto the adopted highway, contrary to condition no. 51247 pursuant to application no. 48384. This fire door does not form part of this application. A revised plan has been submitted, which has removed this door from the plans.

This matter has been passed back to Highways to see whether it is expedient to justify enforcement action being taken over the existing rear door and will be passed to the Planning Enforcement team, if necessary.

Conclusion

For all the reasons above, the proposals considered under this application are acceptable and comply with the planning policies listed and the Development Plan as a whole. It is therefore recommended that the application be approved.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

1.

This decision relates to the following drawings:

Drawing ref. Location Plan - JLL;

Drawing no. RMWBS10049_012 Rev. A - Ground Floor Plan As Proposed Damage Mitigation 2024;

Drawing no. RMWBS10049_031 Rev. G - Front Elevation - Option 2 As Proposed Damage Mitigation 2024;

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Drawing no. RMWBS10049_032 Rev. G: Proposed Side Elevation (West Side)
Option 2 As Proposed Damage Mitigation; and,

Drawing no. RMWBS10049_033 Rev.E: Existing/ Proposed Rear Elevation Damage
Mitigation 2024

The development shall not be carried out except in accordance with the drawings
hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design
pursuant to the policies of the Bury Unitary Development Plan and Places for
Everyone Joint Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB - 06/06/2025		HL 6/6/25	