

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 01/08/2022

Ref:68538/FUL

Registration: 08/06/2022

LDfC: 28/07/2022

Expiry Date: 03/08/2022

Site Visit: 12/07/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: MIOT

Proposal: Retention of ATM (Automated Teller Machine)

Location: Topping Fold Convenience Store, 52 Topping Fold Road, Bury, BL9 7NG

Description

The application relates to a three storey terraced commercial unit located on Topping Fold Road. The ground floor is utilised as a newsagents, although closed during the site visit around midday.

Retrospective permission is sought for the retention of 1 (one) ATM (Automated Teller Machine) at the front of the retail unit.

It should be noted that a separate application has been submitted for the retention of 1no. internally illuminated fascia panel and 1no. non-illuminated sign (see 68539).

Relevant Planning History

68539 - Retention of 1no. internally illuminated fascia panel and 1no. non-illuminated sign - Under consideration.

Publicity

Immediate neighbours notified by letter dated 06/07/2022 sent to 6 (six) neighbours. No representations were received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/9	Advertisements
EN1/7	Throughroutes and Gateways
HT6/2	Pedestrian/Vehicular Conflict
EC6/1	New Business, Industrial and Commercial
SPD3	DC Policy Guidance Note 3: Planning Out Crime

SPD14 Employment Land and Premises
SPD16 Design and Layout of New Development in Bury

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.

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.

Principle of Development

UDP Policy S1/4 - Local Shopping Centres seeks to maintain and enhance local shopping centres. The proposed ATM would improve facilities within the local shopping area and would not appear out of place within the frontage. As such the proposal complies with Policy S1/4.

UDP Policy S1/5 - Neighbourhood Centres and Local Shops states that the council will retain retailing (Class A1 - UCO 1995), as the predominant use in small neighbourhood centres and in new or existing local shops to cater primarily for the day to day needs of residents and businesses. It is considered that the proposed ATM would be compatible with Class A1.

Visual Amenity

The design of the building would essentially remain the same albeit with the insertion of the ATM within the front elevations. The alterations to the frontage are considered to be of a design and materials that in keeping with the character and appearance of the adjacent retail units. Therefore, the proposal is considered to comply with the requirements of Bury UDP Policy EN1/2 - Townscape and Built Design and EN1/8 - Shop Fronts.

Crime Prevention

The ATM is located on the front elevation of the building, off a main road position, where there is a good level of natural surveillance, positioned to the rear of the footway. The ATM also has illuminated signage panels. Therefore, the proposal is considered to comply with UDP Policy EN1/5 - Crime Prevention.

Access for all

The proposed ATM is of the correct height to enable access by wheelchair users. Therefore, the proposal is considered to comply with the requirements of Bury UDP Policy HT5/1 - Access for Those with Special Needs.

Highways

No changes proposed. The proposal would not affect the existing parking arrangements above and beyond the current situation / recent approved planning permission as mentioned above. The proposed development would be acceptable and comply with UDP Policy HT2/4 and associated guidance in SPD11.

Conclusion

In consideration of the above, it is considered that the proposed ATM would be acceptable in terms of the design, and siting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies EN1/8 Shop Fronts, H2 HT5/1 Access for those with Special Needs, and EN1/2 - Townscape and Built Design. It is recommended that this application should be approved alongside 68539.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 The development must be begun not later than three years beginning with the date of this permission.
 Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to Drawing E024630, Drawing NW0091, Drawing NW0305A

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and 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 listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Steven Gunn-Russell	01/08/2022		