

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 135792/AO/2022

**Date registered valid:** 5 January 2023

**Proposal:** Retention of 1 non-illuminated surround sign and 1 illuminated logo panel to ATM

**Address:** 9 Bury New Road, Manchester, M8 8FW

**Ward(s):** Cheetham Ward

**Applicant:** Cardtronics UK Ltd, t/a Cashzone

**Agent (if any):** Ms Natalie Gaunt, Cardtronics Service Solutions

**Case officer:** Adam Mitchell  
Tel: 0161 234 4165  
Email: adam.mitchell@manchester.gov.uk

**Recommendation:** REFUSAL

**Date of recommendation:** 21.02.2023

## Application details

**Type of application:** Advertisement Consent

**Development type:** Advertisements

**Date of site visit:** 12 January 2023

### Standard consultations:

Printed: 12 January 2023 Expired: 2 February 2023

### Neighbour notifications

Printed: 12 January 2023 Expired: 2 February 2023

### Site notice

No site notice has been produced

### Press advert

No press advert had been published

**Departure from Development Plan:** No

**Environmental Statement:** Not required

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

## Description of Site/Area

The application site relates to no.9 Bury New Road a two storey brick built building located at the back of the Bury New Road footway within nearly a dozen commercial properties located between Irwell Street and Sherbourne Street. There is a yard area located to the rear, located within the application site edged red.

Located just beyond the city fringe, the application property is located within the Workshop Village of the Strangeways area. The premises are located within Flood Zone 3 of the Environmental Agency's mapping system. The surrounding context is dominated by whole warehousing, cash and carry trades and other similar commercial properties.

## Description of development

Planning permission is sought for the retention of 1 non-illuminated surround sign and 1 illuminated logo panel in associated with an ATM located within the application site. It should be noted that an additional planning application has been submitted for the retention of the ATM (application ref. 135791/FO/2022).

## Consultations & Notification Responses

Local residents were notified and one response was received. The objector comments are summarised below:

- ATM machine currently installed at Number 5 Bury new Road M8 8FW which is very next door to number 9.
- Agreement was in place that no.9 Bury New Road would not install a new ATM.

Environmental Health- Have reviewed the application and based on the proposed illuminance level of 100cd/m<sup>2</sup> have no further comments to make at the time of consultation.

Highways Comments:

The ATM is building mounted and projects to a distance of 0.04m, and therefore a Projection Over License is not required.

The area within the vicinity of the ATM is sufficiently wide so that any queuing for the machine can be accommodated without inconveniencing passing pedestrians on the adjacent footway.

Due to the location, it is anticipated that the ATM will not cause a significant increase to the level of vehicular trips on the surrounding highway. It is expected that many of the ATM users would arrive on-foot, by sustainable modes or park on-street on the surrounding residential roads.

Clarification is sought in relation to whether a 'Cash In Transit' vehicle will undertake servicing of the proposed ATM, and if this is the case, where such vehicles will park in consideration of possible access restraints to the forecourt and surrounding waiting/loading restrictions.

The illuminated panel associated with the ATM features static internal illumination. The applicant proposed luminance of such signage is stated as 100cd/m<sup>2</sup> which, as such, is considered acceptable.

Bollards are in place on the footway adjacent to the carriageway along Bury New Road. Due to the nature of the proposed installation, it is thought the application will not benefit from any future landscaping.

Greater Manchester Police Comments:

The area around Bury New Road/Strangeways/Cheetham Hill is widely accepted to be the UK capital as far as the sale of counterfeit goods is concerned. This is however not just the sale of counterfeit clothing, as it includes counterfeit tobacco, vapes, fragrance, electrical goods and controlled drugs. Trading standards estimate that Cheetham Hill/Strangeways accounts for 50% of the £8 billion per year taken in sales of counterfeit goods within the UK, and these goods are not only dangerous but can be lethal. Cash is king within the shops selling these items on Bury New Road due to the fact they controlled by organised crime groups, and the fact there are so many ATMs within such a short distance illustrates that these counterfeit shops require (and can sustain) a vast amount of cash input. In daily patrolling duties it is not uncommon to see queues of people waiting to get cash out of the numerous ATMs on Bury New Road, feeding their cash into the shops and thereby straight into the organised crime groups behind them. The shops themselves are also dangerous places, with old and crumbling buildings having been structurally altered and new floors within them self- built with little or no regard for building or fire regulations and zero concern for the safety of the persons using the buildings.

Since Operation Vulcan commenced in late October we have seized approx. £250k in cash and 1.1 million tablets of controlled drugs. We have also conducted warrants and searches of counterfeit shops and have recovered over 250 tonnes of goods from within them with an estimated street value of over £30 million. We are finding though that a short time after we leave the premises and secure them that the gangs are breaking back in, re stocking the shops and starting trading again. Also from this OCG activity comes the exploitation of vulnerable persons,

violence between rival groups and the negative impact on legitimate business owners. Cutting off the supply of cash to these shops would greatly assist in addressing the problems in the locality, and therefore we would support the refusal of the application.

## Policy

In considering the impact of the application on visual amenity and public safety, regard was had to the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), The Town and Country Planning (Control of Advertisement) (England) Regulations 2007, The Adopted Core Strategy for the City of Manchester, The Guide to Development SPD and the saved policies of the Unitary Development Plan for the City of Manchester. The relevant policies are as follows:

**National Planning Policy Framework** - This Framework came into effect on 27th March 2012 and was amended and updated in July 2018 and 2021. It sets out the government's planning policies for England and how these are expected to be applied. It defines the government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The statutory status of the development plan remains as the starting point for decision making. However, paragraph 11 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

National Policy Framework has been related to the proposed development, with particular emphasis given to the following:

Core planning principles - Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan making and decision-taking with the following specific policies being particularly relevant to the proposed development:

### Chapter 12 Achieving well-designed places

Paragraph 124 states that in 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.' It further states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Paragraph 132 states that the quality and character of places can suffer when advertisements are poorly sited and designed. It acknowledges that a separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Significantly, chapter 12 states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Government Guidance on advertisements within the NPPG Paragraph 026 advises that advertisements should be controlled only in the interests of amenity and public safety, taking into account the provisions of the development plan so far as they are material and any other relevant factors.

Government Guidance on advertisements within the NPPG Paragraph 079 advises that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state within Part 1 Regulation 3 that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

The following policies within **Manchester Core Strategy** are considered relevant:

Policy EN1 (Design Principles and Strategic Character Areas) of the Core Strategy seeks to enhance the overall image of the City Centre by requiring good designs and high quality development alongside major orbital road routes.

Policy DM1 (Development Management) of the Core Strategy states that all development should have regard to appropriate siting, layout, scale, form, massing, materials and detail and the effects on amenity and the character of the surrounding area.

Policy SP1 (Spatial Principles) of the Core Strategy states that development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protecting and enhancing the built and natural environment.

### **Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)**

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

Policy DC15 relates to advertisement hoardings and posters. The main matters to be considered in the context of this application are:

- The general location of the proposed advertisements and the effect of visual amenity;
- The number of advertisements in the locality and their cumulative effect on visual amenity.

## **Issues**

### **Principle**

The proposal seeks to retain an ATM and associated internally illuminated signs. The principle of the proposal for the automated telling machine has been deemed as unacceptable. Matters which require consideration in the determination of the signage application are whether the visual appearance of the signage is acceptable and whether or not the signage would impact on public safety.

## **Scale**

The ATM will measure approx. 1.3metres in overall height and will be 0.7metres wide. The ATM is not considered to be excessive in scale and will sit appropriately in the streetscene.

## **Appearance**

The structure is black with a black bezel surround and illuminated cash withdrawals signage. White internally illuminated lettering on black background. The illumination of the fascia is limited to 100 cd/m2. The appearance of the structure would be appropriate if it were not associated with an unauthorised automated telling machine which has been refused. The signage would therefore lead to visual clutter that would causes harm to the visual amenity of the area.

## **Other Legislative Requirements**

### **Equality Act 2010**

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

### **Human Rights Act 1998 considerations**

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation:** REFUSAL

## **Article 35 Declaration**

## **Reasons for recommendation to refuse**

Refuse on the basis that the advertisements are unacceptable as they relate to the ATM structure which has been refused planning consent and the signage proposed provides visual clutter that causes visual harm to the area. This is therefore contrary to the National Planning Policy Framework and Policies DM1, SP1, of the Manchester's Core Strategy Development Plan Document and saved policy DC15 of the Unitary Development Plan for the City of Manchester.

## **Appendix 1 – List of consultees & neighbours notified**

Highway Services  
Environmental Health

Unit 11, 2 - 14 Bury New Road, Manchester, M8 8FR  
Unit 10, 2 - 14 Bury New Road, Manchester, M8 8FR  
Unit 9, 2 - 14 Bury New Road, Manchester, M8 8FR  
Unit 8, 2 - 14 Bury New Road, Manchester, M8 8FR  
Unit 7, 2 - 14 Bury New Road, Manchester, M8 8FR  
Unit 6, 2 - 14 Bury New Road, Manchester, M8 8FR  
Unit 5, 2 - 14 Bury New Road, Manchester, M8 8FR  
Unit 4, 2 - 14 Bury New Road, Manchester, M8 8FR  
Unit 3, 2 - 14 Bury New Road, Manchester, M8 8FR  
Unit 2, 2 - 14 Bury New Road, Manchester, M8 8FR  
2 - 14 Bury New Road, Manchester, M8 8FR  
First Floor, The Legendary Building, 18 - 22 Bury New Road, Manchester, M8 8FR  
Ground Floor, The Legendary Building, 18 - 22 Bury New Road, Manchester, M8 8FR  
11A Bury New Road, Manchester, M8 8FW  
11B Bury New Road, Manchester, M8 8FW  
First And Second Floors, 7 Bury New Road, Manchester, M8 8FW  
7 Bury New Road, Manchester, M8 8FW  
5 Bury New Road, Manchester, M8 8FW  
Beds Direct, Sherborne Street, Manchester, M8 8NE  
Unit 2, 39 Sherborne Street, Manchester, M8 8LE  
Unit 1, 39 Sherborne Street, Manchester, M8 8LE  
Millar GB Limited, 10 Hornby Street, Manchester, M8 8DQ  
9 - 11 Bury New Road, Manchester, M8 8FW  
1B Bury New Road, Manchester, M8 8FW  
1A Bury New Road, Manchester, M8 8FW  
17C Bury New Road, Manchester, M8 8FW  
17B Bury New Road, Manchester, M8 8FW  
17A Bury New Road, Manchester, M8 8FW  
The Legendary Building, 18 - 22 Bury New Road, Manchester, M8 8FR  
Juice Corporation, 16 Bury New Road, Manchester, M8 8EL  
3 Bury New Road, Manchester, M8 8FW  
19 Bury New Road, Manchester, M8 8FW  
13 Bury New Road, Manchester, M8 8FW

## **Appendix 2 – Planning constraints**

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3  
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4  
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3  
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected  
Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA  
Flood Zones Type 2 (low to medium risk) -  
Flood Zones Type 3 (high risk) -  
Benefitting From Flood Defences -  
Susceptible to Surf Water Flood (Less) -  
Area Team Boundary - Name: NORTH AREA

