

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135791/FO/2022
Date registered valid: 5 January 2023
Proposal: Retention of ATM facility
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: Full Application Consent

Development type: Minor Other

Date of site visit: 12 January 2023

Standard consultations:

Printed: 25 January 2023 Expired: 15 February 2023

Neighbour notifications

Printed: 25 January 2023 Expired: 15 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

The submitted application is seeking consent for the retention of automated teller machine (ATM) to the front of the building. It should be noted that an additional planning application has been submitted for the retention of 1 non-illuminated surround sign and 1no illuminated logo panel (application ref. 135792/AO/2022).

Consultations & Notification Responses

Local residents were notified however none responded.

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 illuminated panel associated with the ATM features static internal illumination.

The proposed luminance of such signage is stated as 100cd/m² which is considered acceptable. Highways have no objections.

Greater Manchester Police:

Designing Out Crime Officer had no initial concerns, however after GMP officers liaised with the local policing teams it appears that there are major concerns over the application and the security risks associated with this form of development within the area and the following comments came back from them:

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 are 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 regard for building or fire regulations and no concern for the safety of the persons using the buildings.

Since Operation Vulcan commenced in late October we have seized approx. £150k in cash and 1.1 million tablets of controlled drugs. We have also conducted warrants and searches of counterfeit shops and have recovered over 50 tonnes of goods from within them. 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

The following policies are considered relevant to provide guidance and consideration to this application:

- National Planning Policy Framework (NPPF)
- DM1, SP1, EN19 of the Manchester Core Strategy

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-

prepared plans for housing and other development can be produced. The following specific policies are considered to be particularly relevant to the proposed development:

Chapter 8: Promoting health and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social inclusion, are safe and accessible and enable and support healthy lifestyles.

Chapter 12: Achieving well-designed places

124: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.

Core Strategy

Manchester's Core Strategy was adopted on 11th July 2012 and is the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents,
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

Policy DM 1 Development Management- All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

Issues

Principle

The proposal seeks planning permission for the retention of the an ATM, which is mounted flush into the existing external façade of the front elevation of 9 Bury New Road next to the main entrance.

Matters which require consideration are whether the siting, scale and appearance of the structure is acceptable. In addition, consideration will be given as to whether there are any impacts on surrounding residential amenity and crime and safety in the local area.

Scale

The ATM will measure 1.3metres in overall height and will be 0.73metres wide. The ATM structure is not considered to be excessive in scale and will sit appropriately in the streetscene.

Appearance

The ATM will be simple in its appearance being a rectangular structure with advertisement signage surrounding the ATM machine (application ref. 135792/AO/2022). The appearance of the structure fits in well within the context of the parade of shops as it will have a commercial appearance.

Siting

The ATM will be sited in the same position as the current unauthorised ATM machine along the external façade of the front elevation of 9 Bury New Road next to the main entrance. The ATM will remain overlooked by the passing pedestrian footfall and surrounding commercial units.

Crime and Safety

Policy SP1 states that all new developments should have regard to the *character, issues and strategy* for the relevant regeneration area it lies within. In this case the application site lies within Workshop Village of the Strangeways Local Plan. The core principles of policy SP1 state that it is important that development in all parts of the City should make a positive contribution to neighbourhoods of choice, in particular, ensuring the *health, safety and wellbeing of residents*. Policy DM1 of the Core Strategy goes further and states that all development must have regard for *community safety and crime prevention*. It is the crime prevention in ensuring the safety and wellbeing of residents which is of key consideration when assessing a proposal of this nature.

The above considerations area as reiterated at a national level when the NPPF states that it is necessary to “*create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion*”

In assess this application against the above policies and objectives there is real concern that this proposal will not only be a crime generator but also increase the perception of crime in the local area. Additionally, the proposal was forwarded to GMP for further comment and responded with highlighted concerns relating to the proposed ATM, by virtue of its siting, and location within the shopfront, will become a crime generator in the locality. This would cause unnecessary harm and have safety implications for those using the ATM. Overall this would reduce the amenity and environmental quality of the local area.

Further, concern was raised that the ATM will become a target and encourage people to congregate/loiter around the structure resulting in it becoming a focal point for the area. In turn, the development could allow somebody to be easily robbed whilst undertaking a transaction at the machine but also increase the perception of crime and which could either deter somebody from using the machine or feel intimidated in doing so if there are people hanging around the machine. GMP officers feel that the users and replenishers of an ATM in this location would be vulnerable to crime and we would not support the retention of the ATM at this time.

Conclusion

The proposal is considered to give rise to concerns relation to crime, safety and security and does not accord with policy DM1 and SP1 of the Core Strategy and the National Planning Policy Framework.

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have requested further information from the applicant about the security of this proposal. However, on balance, it is considered that the scheme would exacerbate existing crime problems in the area and therefore considered contrary to the Development Plan.

Reasons for recommendation to refuse

The proposal is considered to be unacceptable on the basis that the proposed ATM will not only become a focal point for loitering but also an opportunity for crime and anti-social behaviour. This will not only increase crime in the local area but also the perception and fear of crime, therefore undermine the safety/quality of life of residents and the local community. This is contrary to the policy DM1 and SP1 of the Manchester's Core Strategy Development Plan Document (Adopted 11 July 2012) and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Greater Manchester Police

22B Sherborne Street, Manchester, M3 1EF
22A Sherborne Street, Manchester, M3 1EF
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
Second Floor, 2 Dewhurst Street, Manchester, M8 8FT
First Floor, 2 Dewhurst Street, Manchester, M8 8FT
First And Second Floors, 26 Bury New Road, Manchester, M8 8EL
Ground Floor Rear, 26 Bury New Road, Manchester, M8 8EL
24 Sherborne Street, Manchester, M3 1EF
181 Great Ducie Street, Manchester, M3 1FF
179 Great Ducie Street, Manchester, M3 1FF
177 Great Ducie Street, Manchester, M3 1FF
175 Great Ducie Street, Manchester, M3 1FF
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
3 Bury New Road, Manchester, M8 8FW
19 Bury New Road, Manchester, M8 8FW
13 Bury New Road, Manchester, M8 8FW
29 Bury New Road, Manchester, M8 8EQ
26 Bury New Road, Manchester, M8 8EL
173 Great Ducie Street, Manchester, M3 1FF

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