

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133888/FO/2022

Date registered valid: 26 May 2022

Proposal: Retrospective application for the installation of ATM into the Gorton Lane ground floor elevation of building

Address: 548 Gorton Lane, Manchester, M18 8EH

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr James Williams Notemachine UK Ltd Russell House, Elvicta Business Park, Crickhowell, NP8 1DF

Agent (if any):

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 21 July 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 16 June 2022

Standard consultations:

Printed: 6 June 2022 Expired: 27 June 2022

Neighbour notifications

Printed: 6 June 2022 Expired: 27 June 2022

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

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The planning application relates to a former public houses situated at the junction of Gorton Lane and Borwell Street. The building has a broadly triangular configurations with a small yard area accessed via Borwell Street and providing an entrance to upper floor residential accommodation. The entrance to the yard is immediately adjoined by an entrance to a larger yard area that services an adjoining residential property at 22 a Borwell Street. The adjoining property appears to incorporate first floor accommodation that extends to the front of the building but has been excluded from the application site. The street elevations to the building area sited at the back of footpath.

The main building has a pitched roof comprising grey slate. It has a roofscape articulated with chimney stacks. As the building returns the Borwell Street its height reduces from a gable adjoining a lower pitched roof element. A further reduction in height leads to the formation of a flat roof single storey toilet block. The building has some architectural merit. It comprises crème painted walls with stone detailing painted black. The ground floor windows have been enclosed with metal shutters following the closure of the public house.

There is a bus stop outside the Gorton Lane frontage. Apart from H-bar markings on Borwell Street there are no adjacent parking restrictions.



Fig. 1 – Views of the site from Gorton Lane and Borwell Street.

Description of development

The application property is related to the following planning application ref:

133158/FO/2022 - Change of use of ground floor from public house (sui generis) to retail store (Class E)
548 Gorton Lane Manchester M18 8EH

The ATM is related to the operation of the retail shop.

The application relates to the retrospective installation of an ATM, in one aperture of a 3 section, arched shaped window within the Gorton Lane elevation. The adjacent footpath is 2.3 metres wide and accommodates a bus stop (without shelter) the aligns with the installed ATM.

The ATM unit has a central keypad positioned 1045 mm and above ground level. The installed unit incorporates an advertising panel and dimensions of 1338 mm (height) x 870 mm (wide). The remaining area of the aperture is enclosed with a white panel. The unit is not supported with a demarcated operational zone or bollards. The security measures include CCTV connection, lighting the keypad from overspill from the signage illumination.

The related advertisement signage is considered in relation to advertisement application ref: 133889/AO/2022 - Retrospective application for the installation of advertisement signage relating the installation and ATM in the ground floor Gorton Lane elevation

Consultations & Notification Responses

Local residents – No comments received.

Highways - The following comments have been received:

- i. The ATM is building mounted and a 'projection over license' is not required. The forecourt 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;
- ii. 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;
- ii. The illuminated panel associated with the ATM features static internal illumination. The applicant proposed luminance of such signage is stated as 100cd/m² which, as such, is considered acceptable.

GM Police Design for Security – Object to the development for the following reasons:

- i. The pavement width would not allow the demarcation of an operating area adjacent to the ATM to be demarcated. In the absence on demarcated zone the security the security of ATM users would be comprised;
- ii. Due to the pavement width and close proximity of the bus stop, anti-ram bollards, cannot be provided;
- iii. There are no parking restrictions outside the shop. Vehicles are able to park directly adjacent to the ATM / bus stop leaving users to the ATM vulnerable to theft;
- iv. Passengers waiting at the bus stop would be directly next to the customers using the ATM. In these circumstances passing individuals would be brought into close proximity leaving ATM uses further vulnerable to theft and pick pocketing.

Issues

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021 and 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 - 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 126). It further states that: 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions' (paragraph 134). With regard to advertisement signage Chapter 12 states: 'the quality and character of places can suffer when advertisements are poorly sited and designed. It is not considered that the development would be supported with measures to safeguard the users of the ATM against the risk of crime, including theft. Due to the significant of this risk, it is not considered that the retention of the ATM would be appropriate in this location. There is also concern regarding the fascia treatment surrounding the ATM and its harm to the character of the host building. Given these concerns, it is not considered that chapter 12 would be accorded with.'

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.' The following policies are relevant to the proposed development:

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:

a. 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, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment.

Whilst there are similar examples of ATM installations into existing windows elsewhere in the city, in this case the appearance and quality of the fascia surrounding the ATM unit detracts from the appearance of the building. Furthermore, the absence of appropriate security arrangements to safeguard the users of the ATM. The development would not secure a well-designed space that would be beneficial to the safety and well-being of residents and visitors. The development would not, therefore, accord with policy SP1.

Policy EN 1 Design Principles and Strategic Character Areas - States that opportunities for good design to enhance the overall image of the City should be fully realised. The ATM would not be appropriate as it would not incorporate necessary security measures and would thereby fail to accord with policy EN1.

Policy DM1 - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document.

Relevant considerations in this case are:

a. Appropriate siting, layout, scale, form, massing, materials and detail;
b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;

- c. Effects on amenity;
- d. Design for health.

For the reasons previously set out above, it is not considered that the retention of the ATM is acceptable. The development does not accord with policy DM1 due to its harm to residential amenity and well-being and character of the building.

Unitary Development Plan (UDP) saved policies -The following saved UDP policy is considered to be relevant:

Policy DC14 – Shopfronts and related signs. The following section of the policy is considered to be relevant and the installation relates to a commercial frontage.

Policy DC14.1 – States that in determining applications relating to these premises involving shop fronts, the Council will seek to ensure that proposals are in keeping with the character of the building.

DC14.2 Shopfronts should allow full access for people whose mobility is impaired. The only exceptions which the Council will normally permit are where the cost is unreasonably high or where there are particularly difficult physical constraints.

As stated, the insertion of the ATM departs from the character of the building. The limited space with the footpath and proximity of the adjoining bus stop would also inhibit its use by wheelchair users and other individuals with disabilities. Policies DC14.1 and DC1.2.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. This includes the identification of issues and 'problems' associated with the proposals that have required positive consideration, dialogue and negotiation to secure positive outcomes.

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. The case officer advised the applicant that development was not supported with appropriate security arrangements to ensure that safe use of the ATM. The applicant provide a response to address expressed concerns. These comments have been assessed and it is not considered that the constraints of the site would facilitate the provision of appropriate security measures. The development has therefore been assessed and determined on the basis of the submitted details without further negotiation.

Principle – In the absence of appropriate security measure, it is not considered that the development would be supported with arrangements to facilitate its safe operation. The limited space within the footpath and proximity of the bus stop would potentially restrict its use by people with disabilities, including wheelchair users. The positioning of the ATM and its fascia treatment has undermined the character of the building . The principle of the development is therefore not supported.

Security - The location of ATM prevents the provision of satisfactory security measures. Given the narrowness of the footway and proximity of the adjacent bus stop would prevent the inclusion of anti-ram bollards. The provision of a demarcated zone would be prevented comprised by the potential queuing of people at the bus stop. The bus stop would also present opportunities for individuals to loiter and potentially steal from users of the ATM. The retention

of the ATM would increase the risk of crime and potential harm to its users and is therefore unacceptable

Inclusive access – As stated the immediate constraints within the adjacent section of highway potentially restrict its use by people with disabilities, including wheelchair users. This would be particularly significant when the bus stop is in active operation, including the pick-up and drop off of passengers. The inclusive use of the ATM would thereby be significantly compromised.

Design – The setting of the ATM machine, involving the insertion of a white fascia panel detracts from character and appearance of the building and is considered to be unacceptable.

Conclusion - It is considered that, given the constraints of the site, the retention of the ATM is not acceptable.

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: Refuse

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. The case officer advised the applicant that development was not supported with appropriate security arrangements to ensure that safe use of the ATM. The applicant provide a response to address expressed concerns. These comments have been assessed and it is not considered that the constraints of the site would facilitate the provision of appropriate security measures. The development has therefore been assessed and determined on the basis of the submitted details without further negotiation.

Condition(s) to be attached to reasons for recommendation to refuse

1) The development fails to provide appropriate security measures, specifically anti-ram bars and a demarcated customer zone, to facilitate the safe use and operation of the ATM thereby increasing the risk of localised theft, crime and anti-social behaviour. The development is thereby unacceptable and contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

2) The adjacent footpath, due to its limited width and close proximity to and adjacent bus stop, would not be sufficient to form a satisfactory demarcated zone for use by customers. The development is not supported with sufficient space to facilitate the satisfactory use of the ATM by people with disabilities, including wheelchair users. The development thereby fails to secure appropriate and inclusive access and thereby be contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC14.2 of the Unitary Development Plan.

3) The positioning of the ATM and its enclosure with a related fascia panel is incongruously related the character and composition of the building and unacceptable detracts from the character and composition of the building and is thereby contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Greater Manchester Police

22A Borwell Street, Manchester, M18 8FH

1A Ansell Close, Manchester, M18 8EE

Flat 30, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 28, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 25, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 23, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 21, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 18, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 16, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 14, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 11, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 1, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

550 Gorton Lane, Manchester, M18 8EH

Flat 29, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 27, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 26, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 24, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 22, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 20, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 19, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 17, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 15, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 13, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 12, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 10, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 9, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 8, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 7, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 6, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 5, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 4, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 3, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 2, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

1 Borwell Street, Manchester, M18 8AQ

8 Robe Walk, Manchester, M18 8EB

6 Robe Walk, Manchester, M18 8EB

4 Robe Walk, Manchester, M18 8EB
2 Robe Walk, Manchester, M18 8EB
16 Robe Walk, Manchester, M18 8EB
14 Robe Walk, Manchester, M18 8EB
12 Robe Walk, Manchester, M18 8EB
10 Robe Walk, Manchester, M18 8EB
554 Gorton Lane, Manchester, M18 8EH
552 Gorton Lane, Manchester, M18 8EH

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH