

DELEGATED REPORT

Report by Helen Pressley	Date of report: 03/09/2025	Ref: 72187/FUL
Registration: 17/07/2025	LDfC: 29/08/2025	Expiry Date: 11/09/2025
Site Visit: 29/08/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Alterations to existing shop front to include the removal of the timber effect slats, installation of a new fascia panel and the redecoration of window frames and door.

Location: 64-66 The Rock, Bury, BL9 0PB

Description

The application relates to an existing restaurant/takeaway unit located within a terraced row of shops that fronts the pedestrianised The Rock. The site is located within the Town Centre Shopping area as identified under UDP Policies S1/1 and S2/2.

Planning permission is sought for a new shop front that comprises removal of the existing timber slats, installation of a new fascia box above the existing windows and openings and respraying the existing shop front and columns in RAL 7022 - Umbra Grey.

Advertisement consent is also sought, and will be considered under application 72188.

Relevant Planning History

54553 - New shop front - Approve with Conditions 24/11/2011

54554 - 2 No. internally illuminated fascia signs; 1 No. internally illuminated projecting signs
- Approve with Conditions 23/11/2011

54630 - Outdoor seating and screens - Refused 13/12/2011

54732 - Non material amendment following granting of planning permission 54553 for alterations to the entrance door - Approve with Conditions 16/01/2012

72188 - 1 no. internally illuminated fascia sign with 1 no. yellow internally illuminated golden underscore and the redecoration of the existing projecting sign - Pending

Publicity

Neighbour letters sent 08/08/2025. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - Do not wish to restrict the granting of planning permission

Pre-start Conditions - Not relevant

Development Plan and Policies

Area	Central Shopping Area
BY6	
S1/1	Shopping in Bury Town Centre
S2/2	Prime Shopping Areas and Frontages
EN1/2	Townscape and Built Design

EN1/8	Shop Fronts
HT5/1	Access For Those with Special Needs
JP-P1	Sustainable Places

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.

Visual Amenity

UDP Policy EN1/2 seeks to ensure that proposals do not have an adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places. UDP Policy EN1/8 further seeks to ensure that proposes for new and altered shop front properly respect the architectural elements of the building and the character of

the surrounding street scene.

The glazing and doors to the shop front would be retained as existing, however these would be resprayed a grey colour. A new signage fascia box, to match the resprayed frontage would also be installed. This appears to be a like for like replacement of the existing fascia box with amended advertisements, and the colours altered. Access to the unit would be maintained as existing.

The front elevation therefore remains relatively unchanged with the shop front maintained as existing in terms of glazing, access and areas of signage. It is considered therefore that the amendments proposed would be permitted development, in that they are repairs/maintenance of an existing shop front and would not require planning permission. There would be no other physical alterations to the building which would affect the visual amenity of the area.

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 drawings numbered P21-050-0104-01 Rev A, P21-050-0104-02 Rev A, P21-050-0104-05 Rev A and P21-050-0104-09 Rev A 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 and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 03/09/2025		DM - 03/09/2025	