

DELEGATED REPORT

Report by Helen Pressley	Date of report: 29/08/2025	Ref: 72188/ADV
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:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: 1 no. internally illuminated fascia sign with 1 no. yellow internally illuminated golden underscore and the redecoration of the existing projecting sign.

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.

Advert Consent is requested for:

- 1 no. internally illuminated fascia sign, including new illuminated "McDonald's" lettering 405mm x 3635mm, with 1 no. yellow internally illuminated golden underscore located above the entrance door.
- Re-spray of the existing projecting sign RAL 7022.

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

72187 - 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 - Pending

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - I do not wish to restrict the granting of planning permission.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/9 Advertisements

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

UDP Policy EN1/9 relates to adverts and signage and states that proposals should have regard to the locality, scale or the existing building and the land use and be considered on their amenity and safety.

Visual Amenity

The proposed signage would replace signage in similar locations on the existing building, but would be of a different style. It is considered that the proposed signage would be suitably aligned in relation to the openings and architectural features of the building and

would not be overly dominant within the streetscene.

Given that the signage, largely relates to replacements of existing advertisements it is considered that the proposal would comply with UDP Policy EN1/9

Highway Safety

The signs would not be located where they would not cause hazard to pedestrians or motorists. The proposed signs have no effect on traffic and it is understood luminance figures are not normally required in pedestrianised areas.

Having regard to the above, the proposal is considered to be acceptable and complies with UDP Policy EN1/9 – Advertisements.

Recommendation: Approve with Conditions

Conditions and Reasons:

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	29/08/2025	DM	03/09/2025