

**DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Claire Booth   | <b>Date of report:</b> 17/02/2023 | <b>Ref:</b> 68969/ADV          |
| <b>Registration:</b> 10/11/2022 | <b>LDfC:</b> 22/11/2022           | <b>Expiry Date:</b> 05/01/2023 |
| <b>Site Visit:</b>              | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b>              | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> ADVT        |

**Proposal:** 1 no. internally illuminated fascia sign and 1 no. internally illuminated projecting sign

**Location:** 8 Church Street West, Radcliffe, Manchester, M26 2SQ

**Description**

Advertisement Consent is sought for an internally illuminated fascia sign and an internally illuminated projecting sign to serve a proposed William Hill betting office premises, approved by application 06869.

The fascia sign would measure approximately 3.8m wide x 0.75m in depth. The advertisement would sit centrally on the sign board. It will be internally illuminated to no more than 600cd/m<sup>2</sup>.

The projecting sign would project from the front elevation by approximately 1.0m and have a depth of 600mm overall. The sign would have an aluminium frame, powder coated Blue to RAL 5013, and polycarbonate face panels. The faces of the projecting sign are to be internally illuminated to no more than 600cd/m<sup>2</sup>.

**Relevant Planning History**

51945 - Alterations to shop front to facilitate sub division of unit into two shops - Approve with Conditions 07/12/2009

68967 - Change of use from retail (Class E(a)) to licensed betting shop (Sui Generis) - Approve with Conditions - Approved with Conditions, 11/01/2023.

68968 - Installation of a new shopfront, satellite dish and air conditioning units to rear elevation - Under consideration.

**Publicity**

Not applicable.

**Statutory/Non-Statutory Consultations**

Traffic Section - No objections, subject to a condition restricting luminance levels to no more than 600 cd/m<sup>2</sup>.

**Pre-start Conditions** Not relevant

**Unitary Development Plan and Policies**

|       |                                    |
|-------|------------------------------------|
| EN1/1 | Visual Amenity                     |
| EN1/2 | Townscape and Built Design         |
| EN1/4 | Street Furniture                   |
| EN1/7 | Throughroutes and Gateways         |
| EN1/9 | Advertisements                     |
| NPPF  | National Planning Policy Framework |

## **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.

## **ASSESSMENT**

Regulation 3 of the Advertisement Regulations require local planning authorities to control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material.

Paragraph 136 of the NPPF states:

*"The quality and character of places can suffer when advertisements are poorly sited and*

*designed. ... Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."*

Policy EN1/2 of the Unitary Development Plan (UDP) gives favourable consideration to proposals which do not have an unacceptable effect on the character and townscape of areas within the borough.

Policy EN1/9 of the adopted Plan relates to advertisements and signage and states that proposals should have regard to the character of the locality, scale of the existing building and land use. The proposals will be assessed against this policy under the Public Amenity criteria.

**Public Amenity** - With the exception of the adjoining Estate Agents, the remainder of the street scene appears somewhat tired and rundown. The proposed fascia sign is a standard type, which is common on similar businesses on high streets. The proposed sign would be located above the new shop front, recommended for approval under application 68968, and below the first floor window in a similar position of the previous sign on this building.

The proposed projecting sign is of a suitable size and would be positioned at a height to avoid the projecting sign appearing obtrusive in the street scene

As such, the proposed advertisements would preserve the character of the street scene and would provide an enhancement to this particular property. Therefore, the proposed advertisements would not harm the amenity of the area and would accord with Policies EN1/2 and EN1/9 of the Bury Unitary Development Plan.

**Public Safety** - The signage would be set above street level by approximately 2.5m and is thus positioned where it will not cause hazard to motorists or pedestrians. The illumination of the proposed signs will be restricted to no more than 600cd/m to ensure the illumination does not distract drivers of vehicles. This will be secured via planning condition. The proposal is therefore acceptable in regard of Public Safety.

For the above reasons, the proposed fascia and projecting signs, subject to the recommended planning condition, are acceptable with regards to public amenity and safety and accord with the aforementioned adopted local plan policies and paragraph 136 of the NPPF.

**Procedural Matters**

This application cannot be determined until application 69868 is ready for determination due to these adverts relating to signage proposed for a new shop front that is being considered under that application.

**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:**

6      The luminance of the projecting and fascia sign(s) shall not exceed 600cd/m2.

## **DELEGATED REPORT**

Reason. To avoid undue distraction to traffic in the interests of road safety (Public Safety), and to protect the amenity of adjoining occupiers (Public Amenity) pursuant to policies EN1/4 - 'Street Furniture', EN1/7: 'Throughroutes and Gateways' and EN1/9: 'Advertisements', of the Bury Unitary Development Plan.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| CB                  | 17/02/2023  |                         |             |