

DELEGATED REPORT

Report by Tom Beirne	Date of report: 05/04/2022	Ref: 68024/ADV
Registration: 27/01/2022	LDFC: 23/02/2022	Expiry Date: 24/03/2022
Site Visit: 23/03/2022	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: 1 No. Externally lit sign by trough led lighting

Location: 449A Bury New Road, Prestwich, Manchester, M25 1AF

Description

The application relates to a commercial property, currently a vacant cafe/bar, on Bury New road within Prestwich Town Centre. There is an application proposing to refurbish the property (68023).

This application proposes an LED trough light on the fascia to illuminate the new advertisement board above the shopfront.

Relevant Planning History

54532 - Change of use from vacant shop (A1) to hot food takeaway (A5); installation of flue at rear; new shop front; new bin storage area at rear with roller shutters. - Approve with Conditions 24/11/2011

55961 - Change of use of ground floor from shop (A1) to tattoo & piercing studio (sui generis). - Approve with Conditions 21/02/2013

61159 - Change of use of ground floor from cafe (Class A3) to cafe/wine bar (Class A3/A4) - Approve with Conditions 29/03/2017

68023 - Refurbishment of existing cafe/bar; Installation of new flue at rear; Alterations to shop front; New fencing to the rear -

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Pre-start Conditions - N/A

Unitary 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) 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 and streetscape - The tough light is slimline and would sit comfortably within the fascia and illuminate the signage above the shopfront. The proposal would not have a detrimental impact on the streetscape and comply with UDP Policy EN1/2 Advertisements.

Residential amenity - given the nature of the proposal, there are no residential amenity issues arising. Complies with UDP Policy EN1/2 Advertisements.

Traffic - No issues with regard to traffic. The trough light is slimline and 2.4m above the adjacent footway which is acceptable. Complies with UDP Policy EN1/2 Advertisements.

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.

DELEGATED REPORT

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 PH0239-001-1 and PH0239-002-21 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 listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	05/04/2022		