

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 30/11/2023	Ref: 69797/ADV
Registration: 06/10/2023	LDFC: 30/10/2023	Expiry Date: 01/12/2023
Site Visit: 16/10/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: 1 No. externally illuminated fascia sign, 1 no. non-illuminated projecting sign and window graphics

Location: 10-14 Ainsworth Road, Radcliffe, Manchester, M26 4EA

Description

The proposal relates to a single storey utilitarian commercial building positioned to the north of the junction between Ainsworth Road and Robert Street, Radcliffe. In use as a funeral directors.

The proposal is for advertisement consent for 1 externally illuminated fascia sign, 1 non-illuminated projecting sign and window graphics (all applied to the west facing principal elevation). The proposal is part retrospective (the signs have been erected, but the illumination has not yet been installed). It would replace previous larger scale signage.

Relevant Planning History

N/A

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to a condition relating to maximum luminance.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/9	Advertisements
S1/4	Local Shopping Centres
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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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

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

The NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built natural environment, but that the control over outdoor advertisements should be efficient, effective and simple in concept and operations. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the Local Planning Authority's detailed assessment.

Amenity

The proposal relates to a large utilitarian building of negligible architectural merit that occupies a prominent position on a main road into Radcliffe. The building is attached to a residential dwelling. The proposed signage represents a refreshment of the corporate branding for the applicant and is applied to the principal elevation of the commercial building

The signage does not dominate and is of appropriate proportions and is appropriate to the function, character and appearance of the building and context.

It is therefore considered the proposal would be compliant with the requirements of the above UDP policy and of the NPPF.

Safety

Public safety is defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians

The Highway Authority does not object to the proposal, subject to the application of a condition controlling luminance levels. Due to the position of the external lighting above the fascia sign, it would not impact upon the amenity of the nearest sensitive receptors.

The proposal complies with the above UDP Policy and the NPPF.

Conclusion

The proposed advertisements would not have a detrimental impact on amenity and public safety. The proposal would be compliant with the requirements of the above UDP Policy and the NPPF and accordingly it is recommended that the advertisements should be approved.

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 This decision relates to drawings
Location Plan (Dwg No. G_84247 A)
Proposed Entrance Elevation (Dwg No. G_84247 A)
Item 1 Specification (Dwg No. G_84247 A)
Item 2 Specification (Dwg No. G_84247 A)
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.
- 2 The luminance of the fascia sign hereby approved shall not exceed 300cd/m2.
Reason. To avoid undue distraction to traffic in the interests of road safety, pursuant to adopted UDP policy EN1/9.

<u>Case Officer</u> DSC	<u>Date</u> 30/11/2023	<u>Sign off Officer</u>	<u>Date</u>
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