

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 15/02/2024	Ref: 68354/ADV
Registration: 19/04/2022	LDFC: 31/05/2022	Expiry Date: 14/06/2022
Site Visit: 25/05/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: 4 x Aluminium signboards with projected lettering backlit with Led lights, including a automatic brightness control.

Location: 6-8 Thatch Leach Lane, Whitefield, Manchester, M45 6BE

Description

The retrospective application relates to a former shop built as Co-Op Branch No.13 in the 1930s. It is detached and partially two storey, located adjacent to the junction between Thatch Leach Lane and Balmoral Avenue. The site falls within a Neighbourhood Centre.

The proposal is for 4no. aluminium signboards with projected lettering backlit with Led lights and an automatic brightness control fitted and enabled.

They would be finished with a gun metal grey background with yellow and white text. Internal lighting would be static, illuminating the lettering only at between 200 cd/m2 to 500 cd/m2.

To be placed at both the north and west fascias above the unauthorised canopy projections and would be of the following sizes:

- 3m width x 1.1m high
- 3.93m width x 1.1m high
- 2m width x 1.1m high
- 1.7m width x 1.3m high

Advertisements have been erected upon the building, be these are not in the same position as indicated on the submitted plans. However, this does not prevent the assessment of the proposal as set out in the application.

Relevant Planning History

68353 - Construction of a glass canopy including retractable fabric roof covering to southern and western side of building to provide additional seating to the restaurant; Installation of extraction flue (retrospective). - Undetermined

66710: Lawful Development Certificate for proposed change of use from shop to restaurant. Approved 27/05/2021.

Publicity

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to a condition limited luminance levels.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/9	Advertisements
S1/5	Neighbourhood Centres and Local Shops
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 an extended restaurant building (unauthorised) of negligible architectural merit that occupies a prominent position on a main route that is also visible from surrounding residential properties and the Metrolink line, 100m to the west.

The proposed 4no. advertisements, which would be internally illuminated, would result in a busy and cluttered appearance to the building (the fascia signs that are *in situ* very broadly represent the proposed positions in the submission, in that there are 2no. signs on each elevation), which would be harmful to visual amenity and the character and appearance of the street scene.

It is therefore considered the proposal would not 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 (whilst the levels indicated for one of the signs exceeds the limit, this could be controlled by condition). Due to the spacing between the host property and nearest neighbours they would not unacceptably 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 have a detrimental impact on visual amenity and the appearance of the street scene. The proposal would therefore conflict with the requirements of the above UDP Policy and the NPPF and accordingly it is recommended that the advertisements should be refused.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The proposed advertisements would be seriously detrimental to the visual amenity of the street scene, by reason of their frequency and position. The proposal therefore conflicts with policy of the Bury Unitary Development Plan Policy EN1/9 - Advertisements and paragraph 141 of the NPPF.

<u>Case Officer</u> DSC	<u>Date</u> 15/02/2024	<u>Sign off Officer</u> DM 16/02/24	<u>Date</u>
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