

DELEGATED REPORT

Report by Mark Kilby	Date of report: 17/01/2022	Ref: 67726/ADV
Registration: 27/10/2021	LDFC:	Expiry Date: 22/12/2021
Site Visit: 02/12/2021	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: Fascia signs: 2 No. sets of built up internally illuminated LED letters (adverts 1-2), 4 no. internally illuminated flex faces onto existing frames (advert 3- 6), 1 no. internally illuminated flex face (advert 7);
Other signs: 3 No. digital printed vinyl graphics (adverts 1-3), 1 no. dibond panel onto internal bulkhead (advert 4), 2 no. digital printed vinyl graphics (adverts 5-6)

Location: 3 St Johns Square, Bury, BL9 0JL

Description

The application site is a large retail unit of the Rock Triangle development formerly occupied by Debenhams and now occupied by The Range retail chain. The store also incorporates an Iceland cafe. The site is bounded by a pedestrian area and apartments up to 8 storeys to the south and Derby Way to the north.

The proposal is for various signage comprising of fascia type signs, 2 No. sets of built up internally illuminated LED letters (adverts 1-2), 4 no. internally illuminated flex faces onto existing frames (advert 3- 6), 1 no. internally illuminated flex face (advert 7);
Other signs: 3 No. digital printed vinyl graphics (adverts 1-3), 1 no. dibond panel onto internal bulkhead (advert 4), 2 no. digital printed vinyl graphics (adverts 5-6).

The signs would replace the Debenhams branding and additional signs would promote the Iceland Cafe branding.

The illuminated signs would be internally static illuminated with a maximum luminance level of 180 cd/m2.

The proposed signs had already been installed by the time the site visit was carried out.

Relevant Planning History

51961 - AC 16/12/09, 52312 - AC 12/4/10 - previous signage approval for the Debenhams store.

Publicity

None.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to condition limiting luminance level to 180 cd/m2.

Pre-start Conditions - None.

Unitary Development Plan and Policies

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.

Amenity - The proposed signs would not be out of character for the land use and buildings which characterise the commercial context of the area. The replacement signs would have no more impact on the visual amenity of the building and surrounding area than the ones they have replaced and the additional signs would not have a level of impact that would warrant refusal. As such the signs would not by virtue of their size, position and design have an adverse impact on the visual amenity of the building or character of the street scene. The signs would be visible from the apartments to the south west of the site and would be viewed in the same context as the signs they have replaced. The luminance level of the replacement signs at 180 cd/m² is considerably less than the previously consented

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signs at 600 cd/m2. As such the replacement signs would not have an adverse impact on the living conditions of the occupiers of the apartments opposite.

Safety - The proposed signs are not considered to be a hazard to pedestrians or motor vehicles. Highways have recommended a condition to control the level of luminance to 180 cd/m2.

Having regard to the above the proposal is acceptable as it complies with UDP Policy EN1/9 - 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.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The luminance of the signs hereby approved shall not exceed 180cd/m2 (each).
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	17/01/22		