

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 30/09/2022	Ref: 68516/ADV
Registration: 15/08/2022	LDfC: 14/09/2022	Expiry Date: 10/10/2022
Site Visit: 14/07/2022	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: Various illuminated / non-illuminated building and car park signage including a pair of canopy fascia signs to the entrance canopy

Location: Link House, 35 Walmersley Road, Bury, BL9 5AE

Description

The proposal relates to a utilitarian commercial building positioned on the inside west of the junction between the strategic roads of Peel Way and Walmersley Road, immediately juxtaposed to the north of Bury town centre. The site is also bounded to the west and north by Fox Street and Moor Street. It is surrounded by other commercial uses, including bulk retail sheds, main town centre uses in traditional terraces and associated car parking, being located within the local shopping centre of Walmersley Road/Moorgate, which extends north from Bury town centre. Planning permission to change the use of the building to an indoor golf simulator centre and cafe/bar has been approved at planning permission 68515.

The proposal is for advertisement consent for various illuminated / non-illuminated building and car park signage including a pair of canopy fascia signs to the entrance canopy.

A full and comprehensive description of the proposed advertisements (including many that don't require advertisement consent) is included in the submission.

Relevant Planning History

68515 - Change of use of whole building from college (Use Class F1 (a)) to new indoor golf simulator centre and cafe/bar (Mixed use of Class E and sui generis) including alterations to the external elevations of the building and associated works. - Approve with Conditions 19/08/2022

62820 - 7 No. non-illuminated pole mounted car park management signs - Approve with Conditions 28/06/2018

62819 - 1 No. automatic number plate recognition camera mounted on 5 metre high column - Approve with Conditions 28/06/2018

62106 - Change of use of 2 no. first-floor offices from D1 (non-residential institutions) to A2 (financial and professional services) - Approve with Conditions 20/12/2017

61875 - Certificate of lawfulness for proposed change of use for two first floor offices at 35 Walmersley Road - Refused 02/10/2017

58165 - Lawful Development Certificate for a proposed use of Link House as a place of worship, church hall, creche, day nursery, non residential education and training centre under Use Class D1 - Lawful Development 12/12/2014

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section: No comments received.

Pre-start Conditions

N/A

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. 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 strategic route and is surrounded by commercial uses. The majority of the proposed signage would pertain to the east and south elevations facing onto Walmersley Road and Peel Way. There would be a large billboard sign on the west facing elevation and a freestanding sign at the southern boundary of the to Walmersley Road. Whilst there would be a relatively high frequency of proposed advertisements on the east elevation, the building is of a large scale and the signage would not dominate or be of inappropriate proportions and would be 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

Whilst the Highway Officer has not commented, given the set back of the building from the surrounding roads the proposed signage would not not impinge upon pedestrian or highway safety. It would be appropriate however, to apply a condition controlling luminance levels

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.

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Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The luminance of the illuminated fascia signs hereby approved shall not exceed 300cd/m2 (each).
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> 30/09/2022	<u>Sign off Officer</u>	<u>Date</u>
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