

DELEGATED REPORT

Report by Jane Langan	Date of report: 20/06/2023	Ref: 69270/ADV
Registration: 23/02/2023	LDFC: 17/03/2023	Expiry Date: 20/04/2023
Site Visit: 27/02/2023	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: 1 no. fascia sign ; 2no. window vinyls

Location: 8 The Rock, Bury, BL9 0NT

Description

The application site is a ground floor cafe premises located within a traditional style stone building within the town centre and is also within the conservation area. The shop front has a central entrance door with shop windows either side and a blank solid area above each window. Above this across the full width of the premises is a green fascia panel with external lighting above that was part of a previous sign.

The application is for new signage and comprises of :-

- A 0.68m high by 6.4m wide acm panel to the top section of the shop front. It would be a black background with white text. The existing external lighting above would be retained.
- Two 0.65m high by 1.3m wide frosted vinyls to each of the shop front glazing panels

The scheme is revised from that as originally submitted following discussion with and advice to the applicant. Some existing signage from a previous occupier has been removed.

Relevant Planning History

68757 - Change of use from education centre (Class F1) to licensed dessert café/restaurant (Class Eb) - AC 28/11/2022.

Publicity

None required.

Statutory/Non-Statutory Consultations

Conservation Officer - Objected to the original scheme.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/9	Advertisements
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control

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.

UDP Policy EN1/9 relates to adverts and signage and 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.

Amenity - The unit forms part of a traditional stone building and is within the heart of the Conservation Area and opposite a church which is a Grade 1 Listed Building. The proposed fascia sign would be located in the area of the stone banding above the shop front which would see it appropriately placed without interfering with the architectural features of the building. This is also the area that signage is positioned on other units within the building. To the site there is external illumination from a previous sign in place which the applicant has confirmed they do not intend to remove. External illumination would not be inappropriate to the setting.

The existing sign the applicant has erected above the entrance door is to be removed and the area repainted.

The vinyls cover part of the shop glazing and are of a frosted design and would appear

acceptable.

The proposal is considered acceptable and would not have a detrimental impact on the visual amenity of the area. It would improve the appearance of the frontage and in turn enhance the building in this Conservation Area location.

Safety - The signs are located where they would not cause hazard to pedestrians or motorists.

The proposal complies with UDP Policy EN1/9 - Advertisements.

Recommendation: Approve with Standard Conditions

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	20/06/23		