

DELEGATED REPORT

Report by Mark Kilby	Date of report: 15/09/2022	Ref: 68716/ADV
Registration: 26/07/2022	LDfC: 14/09/2022	Expiry Date: 20/09/2022
Site Visit: 31/08/2022	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: 1no. internally illuminated sign on front elevation and 1no. internally illuminated signs on side elevation

Location: Next, Unit E01 St Johns Square, The Rock, Bury, BL9 0JL

Description

The application site is the Next retail unit of the Rock Triangle development. The site is bounded by a pedestrian area and apartments up to 8 storeys.

The proposed signs are 2 no. static internally illuminated "Next" signs to replace the existing. The proposed replacements would be the same size and colour white as the existing and consist of individual letters and would be sited in the same location on the front and side elevations. The luminance level of signs would be 330 cd/m2.

Relevant Planning History

58921 - - ZZZ Special deleted application 30/06/2015

58922 - Addition of takeaway kiosk adjacent to entrance; New glazing to enclose existing external seating area with new awning - Approve with Conditions 24/08/2015

58923 - 2 No. signs to new awning: Internally illuminated fascia sign - Approve with Conditions 24/08/2015

68020 - 5 no. Vinyl graphic signs applied to existing external windows; 1 no. static internally illuminated fascia sign - Approve with Conditions 24/03/2022.

Publicity

None.

Statutory/Non-Statutory Consultations - None.

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 proposed signs on the front elevation and side would relate well to the architectural features of the host building and the signs would not cut across its architectural lines. The signs would be virtually identical to the ones they would replace and would have no more significant visual impact on the building, street scene or nearby occupiers than the signs they would replace.

Safety - The proposed signs are not considered to be a hazard to pedestrians. The site is in a pedestrianised area so will not be a hazard to motorists.

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

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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:

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	15/09/22		