

DELEGATED REPORT

Report by Mark Kilby	Date of report: 16/11/2022	Ref: 68724/ADV
Registration: 29/09/2022	LDFC: 25/10/2022	Expiry Date: 24/11/2022
Site Visit: 29/10/2022	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: Retention of 1no. non-illuminated top sign and 1no. non-illuminated logo panel

Location: 237 Wash Lane, Bury, BL9 7DH

Description

The application site is a convenience store on the corner of Wash Lane and Willow Street. Wash Lane is one of two main routes from Bury town centre to the Heap Bridge junction of the M66 and the application site is approximately 200 metres from it. The planning land use context of the area is residential.

The application is for the retention of two non-illuminated ATM signs to the existing ATM. The signs are non-illuminated and are coloured green with white lettering and black with a green border with white lettering.

Relevant Planning History

50339 - TWO SINGLE SIDED FREE STANDING INTERNALLY ILLUMINATED DISPLAY UNITS ON FORECOURT (RETROSPECTIVE) - 16/03/2009

68723 - Retention of ATM (Automated teller machine) -

43130 - ERECTION OF SINGLE STOREY EXTENSION TO SHOP & NEW ROOF OVER EXISTING GROUND FLOOR EXTENSION AT REAR - Approve with Conditions 04/10/2004

48309 - EXTERNAL COVERED STAIRCASE EXTENSION AT SIDE TO CREATE SEPARATE ACCESS TO FLAT OVER SHOP - Approve with Conditions 24/08/2007

50339 - TWO SINGLE SIDED FREE STANDING INTERNALLY ILLUMINATED DISPLAY UNITS ON FORECOURT (RETROSPECTIVE) - RefuseRefused 19/09/2008

68723 - Retention of ATM (Automated teller machine) - RefuseRefused 21/09/2022

09/0114 - UNAUTHORISED ERECTION OF TWO ADVERTISEMENTS - 15/05/2009.

Publicity

None.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

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.

Visual Amenity - The signs would not have a detrimental impact on the visual amenity of the building by virtue of their size, colour, siting and design. The signs would not represent a greater or cumulative visual impact on the surrounding area or occupiers than the existing shop front paraphernalia. There is no detrimental impact on residential amenity by virtue of the signs size, colour, siting, design and non-illumination.

Public Safety - The signs by virtue of their size, colour, siting, design and non-illumination would not be a hazard to pedestrian or road safety.

Recommendation: Approve with Conditions

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Conditions and Reasons:

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	16/11/22		