

DELEGATED REPORT

Report by Jane Langan	Date of report: 10/11/2022	Ref: 68776/ADV
Registration: 12/09/2022	LDfC: 24/10/2022	Expiry Date: 07/11/2022
Site Visit: 07/10/2022	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: 1 No. externally illuminated fascia sign

Location: 103 The Rock, Bury, BL9 0NB

Description

The site is a mid shop unit located in a pedestrian shopping area of the town centre. It is part of a three storey building and the ground floor has a glazed shop front and entrance with roller shutters and there is an existing sign above.

The application is for a replacement sign for a new occupier comprising of an externally illuminated aluminium fascia sign. It would be 3m wide and 1.5m high and a black background with white/red text and logo and externally illuminated by a strip light above.

Relevant Planning History

None.

Publicity

None.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/9 Advertisements

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;

DELEGATED REPORT

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 sign would replace an existing one in the area above the shop front in line with the signage to the adjacent premises. The site is in the town centre where there is a mix of external and internally illuminated signage. There are no residential properties to be affected by the proposal. The standard condition for external illumination is added.

Safety - The sign is positioned where it would not cause hazard to pedestrians.

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

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The direction, fixing and colour of the external lighting shall be to the satisfaction of the Local Planning Authority.
Reason. To protect the amenity of adjoining occupiers pursuant to policies EN1/9 - Advertisements of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	10/11/22	DM	10/11/2022