

DELEGATED REPORT

Report by Jane Langan	Date of report: 18/11/2020	Ref: 65989/ADV
Registration: 21/09/2020	LDFC:	Expiry Date: 16/11/2020
Site Visit: 12/10/2020	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: 4 no. internally illuminated fascia signs

Location: Site of Tottington Motor Co, Market Street, Tottington, Bury, BL8 3LS

Description

The site is a petrol station with convenience store currently under construction. The building sits with the side elevation to Tottington Road and the front elevation facing south east towards the forecourt. There is a residential care home to the northwest of the site and residential properties on First Avenue run along the west boundary. Across Market Street are terraces which face and predominantly residential properties.

The application is a resubmission of advertisement consent 64676 for 4 non illuminated signs. Those to the side elevation would be as previously approved, 3.5m wide by 0.7m high. The fascia to the front elevation would now be located on the end of the canopy which would be higher. A Spar sign would extend across a 17.8m white fascia with a central internally illuminated logo 3.9m wide and 0.6m high. To the side the fascia would extend a further 6.9m across with a black background and internally illuminated white text and logo for the instore butchers. The height from the ground to the canopy would be 2.7m.

Relevant Planning History

60264 - Demolition of existing car sales/MOT garage and former petrol station canopy and erection of petrol filling station and Spar convenience store with ATM machine, car parking and associated works - Approve with Conditions 30/09/2016

60751 - Variation of conditions 21 & 22 of planning permission 60264 to allow demolition to take place prior to submission of lighting scheme and landscaping plan - Approve with Conditions 22/12/2016

61118 - Variation of condition no. 24 (restriction of delivery times) of planning permission 60751 (variation of conditions 21 & 22 of planning permission 60264 to read: 'No HGV deliveries to the site shall take place other than between the hours of 07:00 hrs to 22:00 hrs Monday to Sunday including Bank Holidays.' - Refused 23/03/2017

62780 - Variation of condition 2 (approved plans) of planning permission 60264 to revise the store building to provide an enclosed goods access, a basement and revisions to elevations; amendments to layout including forecourt levels, fuel pumps and car parking - Approve with Conditions 01/08/2018

63790 - Non-material amendments following grant of planning permission ref. 60264 for demolition of existing car sales/MOT garage and former petrol station canopy and erection of petrol filling station and Spar convenience store with ATM machine, car parking and associated works to scheme to include revised levels, revisions to elevations for plant room and fire escape purposes, reduction in size of petrol station canopy with minor alterations to fuel pumps and revision to bin store - Approve 15/03/2019

64136 - Non-material amendment following grant of planning permission 62780: Installation of three roof vents - AC 24/05/19

64225 - Non-material amendment following grant of planning permission 62780: Continuation of the canopy approved over the store entrance across the whole store

frontage - Approve 25/06/2019

64676 - 4 no. internally illuminated fascia signs - AC 12/11/2019

65005 - Variation of condition no. 2 (approved plans) of planning permission 62780 to allow for the siting of an external condenser unit in the approved acoustic fenced bin store area - AC 04/02/2020

Publicity

None.

Statutory/Non-Statutory Consultations

None.

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;

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 front elevation of the building would have the fascia extending across the canopy with the two shop signs incorporated. To the side elevation running along Tottington Road the signs would also be located at fascia level, one above the side shop dummy glazing. The proposed signage would be appropriately located and of an acceptable size in relation to the scale of the building and typical in design to signage seen on retail premises at petrol stations.

There are residential properties to the south west on First Avenue whose rear elevations face across the site. There is a gap between the rear garden boundaries of these properties and the site and there would be no signage to the side elevation of the building that faces. The front fascia sign would face on to the forecourt towards the fuel pumps and the canopy over. Across Tottington Road a row of terraced houses faces. The two proposed signs to the side elevation are of a size, design and means of illumination similar to that on a standard shop front. Luminance levels for the signs is noted to be 300 cdm² which would be under the acceptable level for this location.

As on the previous consent, as the retail unit has restricted opening hours it is considered reasonable to attach a condition for the same hours for the illumination of the signage.

Safety - The signs are positioned where they would not cause hazard to pedestrians or motorists. A standard condition is added for the luminance levels as noted on the application form which would be acceptable for this location.

The proposal complies with UDP Policy EN9/1 - Advertisements.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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:

- 1 The luminance of the signs shall not exceed 300 cd/m² each.
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 2 The signage shall be illuminated only between the following hours:- 06.00 hrs to

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23.00 hrs daily.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy 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	18/11/20	DM	19/11/20