

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 23/03/2022

Ref:68085/ADV

Registration: 08/02/2022

LDfC: 09/03/2022

Expiry Date: 05/04/2022

Site Visit: 17/02/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: ADVT

Proposal: Change of advertisement sign to the shop. (Retrospective)

Location: 503-505 Bury New Road, Prestwich, M25 7AJ

Description

The application relates to a ground floor unit that fronts onto Bury New Road within Prestwich Town Centre. The premises is an end terraced unit located within a row of properties that makes up a prime shopping area and frontage as identified within Policy S2/2 in the UDP.

Planning permission is sought for a new advertisement sign for the shop which would be provided along the full length of the main elevation and approximately 4m up the side elevation.

It should be noted that this is a retrospective application, the application should therefore be assessed as if the development has not yet taken place. There is a separate application for the shop front and main entrance, also retrospective.

Relevant Planning History

None.

Publicity

Not required for an advertisement application.

Statutory/Non-Statutory Consultations

Traffic Section – No objection subject that luminance of the fascia sign shall not exceed 800cd/m², to avoid undue distraction to traffic in the interests of road safety and to protect the amenity of adjoining occupiers.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/9	Advertisements
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EC4/1	Small Businesses

S1/2	Shopping in Other Town Centres
S2/2	Prime Shopping Areas and Frontages
S2/3	Secondary Shopping Areas and Frontages
S3/3	Improvement and Enhancement (All Centres)
EN1/8	Shop Fronts

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.

Need - The signage is required to advertise the presence of the store from the roadside. As such the principle is acceptable and would comply with UDP Policy EC4/1 Small Businesses.

Lighting – The applicant has stated that the green LED neon ring around the main logo will be 52 lumens per square metre, while the letters themselves which are white will omit 91 lumens per square metre. At 1 candela = 12.57 lumens, this is equivalent to 4.1 and 7.2 cd/m2 respectively which is considered to be acceptable.

Visual Amenity - The retail unit is located along a primary retail frontage within Prestwich Town centre, which is also on a main road through the area (A56). The shop sign size is considered to be a scale appropriate to the retail unit, appropriately illuminated, above the main entrance to which it relates. As such the signage would not cause advertisement clutter within the streetscape or have a significantly detrimental impact on the visual amenity of the streetscene and immediate vicinity. It therefore complies with UDP Policies EN1/2 and EN1/9 in relation to adverts and amenity.

Residential Amenity - The sign is modest in scale and although it would be illuminated this would be within the context of a primary retail frontage within a town centre location and therefore does not raise any serious residential amenity issues.

Traffic - The proposed sign does not raise any highway safety issues and is compliant with UDP Policy EC4/1 Small Businesses.

Conclusion – In consideration of the above, it is considered that the proposed development would be acceptable in terms of the sitting, scale, and design, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies EN1/9 Advertisements, and EC4/1 Small Businesses.

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 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:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered DPB/ DN /21/17, and DPB/ DN /22/21 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The luminance of the fascia sign(s) shall not exceed 800cd/m2 (each).
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policies EN1/4 - Street Furniture, EN1/7 - Throughroutes and Gateways and EN1/9 - Advertisements of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SGR	23/03/2022		