

DELEGATED REPORT

Report by Mo Warsame	Date of report: 05/01/2024	Ref: 70242/ADV
Registration: 14/11/2023	LDfC: 07/12/2023	Expiry Date: 09/01/2024
Site Visit:	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: 2 no. illuminated internal fascia flex box signs; 3 no. illuminated internal sets of built up letters; 5 no. external painted stencils directly to building; 4 no. external window vinyls

Location: Link House, 35 Walmersley Road, Bury, BL9 5AE

Description

The proposal relates to a commercial building positioned on west of the junction between the strategic roads of Peel Way and Walmersley Road, immediately juxtaposed to the north of Bury town centre. Fox street is located to the north of the site, while the street to the west in Moor Street. The site is surrounded by other commercial uses, including bulk retail sheds, main town centre uses in traditional terraces and associated car parking, being located within the local shopping centre of Walmersley Road/Moorgate, which extends north from Bury town centre.

The proposed development involves the installation of signage on the building. The proposed signage includes:

- 2 no. illuminated internal fascia flex box signs.
- 3 no. illuminated internal sets of built-up letters.
- 5 no. external painted stencils directly to building; 4 no. external window vinyl.

Relevant Planning History

58165 - Lawful Development Certificate for a proposed use of Link House as a place of worship, church hall, creche, day nursery, non residential education and training centre under Use Class D1 - Lawful Development 12/12/2014

61875 - Certificate of lawfulness for proposed change of use for two first floor offices at 35 Walmersley Road - Refuse/Refused 02/10/2017

62106 - Change of use of 2 no. first-floor offices from D1 (non-residential institutions) to A2 (financial and professional services) - Approve with Conditions 20/12/2017

62819 - 1 No. automatic number plate recognition camera mounted on 5 metre high column - Approve with Conditions 28/06/2018

62820 - 7 No. non-illuminated pole mounted car park management signs - Approve with Conditions 28/06/2018

68515 - Change of use of whole building from college (Use Class F1 (a)) to new indoor golf simulator centre and cafe/bar (Mixed use of Class E and sui generis) including alterations to the external elevations of the building and associated works. - Approve with Conditions 19/08/2022

68516 - Various illuminated / non-illuminated building and car park signage including a pair of canopy fascia signs to the entrance canopy - Approve with Conditions 03/10/2022

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - No comments

Pre-start Conditions

N/A

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 signage is appropriate in its scale and location on the building. The proposed signs would provide identification to the business and customer information as well as direction. The signs would be visible from the main road. However, it would be appropriate for this type of commercial building.

Safety

The proposed signs are located where they would not cause hazard to pedestrians or motorists. The luminance levels for the proposed internally illuminated signs on the building would not exceed 300 cd/m2.

The Traffic Section has no objections, subject to the inclusion of a condition relating to luminance. Therefore, the proposed development would be in accordance with Policy EN1/9 of the Bury Unitary Development Plan.

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 luminance of the fascia sign(s) shall not exceed 300 cd/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>
MW	05/01/2024	DM	09/01/24