

Description

The application relates to a ground floor unit within the Rock Bury. The unit is a corner unit with openings on the north facing, and east facing elevations. The premises fronts St Johns Gardens part of a pedestrianised shopping area and The Rock which is a highway. The area is retail in character, with flats located above the unit.

Advert consent is proposed for:

- 1 no. fascia sign with halo lit letters on gold mirror edged on aluminium backing;
- 1 no. fascia sign with illuminated raised white letters; and
- 1 no. internally illuminated projecting sign, projecting approximately 700mm.

Relevant Planning History

52152 - Installation of new plant equipment on roof; Translucent film and graphics to internal face of glazed curtain walling panels; Condenser unit within service yard - Approve with Conditions 08/03/2010

69843 - New shop front - Pending

Publicity

None

Statutory/Non-Statutory Consultations

Traffic Section - condition proposed in relation to luminance.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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 individual lettering on the front elevation is proposed to be located towards the top of the shop front mounted on to the glazing. The individual lettering on the side elevation would be positioned internally and located centrally within the glazing on this frontage. This type of signage is characteristic of the development and in keeping with adjacent units on the development. The projecting sign also follows the size, design and position of the projecting signs to the units along the row of shops.

Safety

The signs are located where they would not cause hazard to pedestrians or motorists.

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