

Description

The site is part of an Asda store located within a retail park. It has a large car park and consent has been granted for a drive thru starbucks coffee shop (68944) to the south east corner. There are a number of industrial and retail buildings to the south of the site and to the east side the boundary to the M66 motorway.

The application is for the signage for the Starbucks coffee shop. It comprises of internally illuminated lettering to the roof bulkhead to the front and rear elevations and two internally illuminated round logos to each side. The main building would have internally illuminated lettering above the main entrance and to the side of the canopy. The drive through lanes would have illuminated directional and information signs including a height restrictor, menu boards, order canopy and entry/exit signs. Towards the entrance, to the landscaped area at the perimeter of the car park, would be an internally illuminated pylon sign. It would comprise of a pole with the top section having an internally illuminated 1.8m roundel and a 0.5m high internally illuminated drive thru sign below this. The total height of the sign would be 9m.

Relevant Planning History

68944 - Erection of 1 no. drive thru coffee unit and associated works - AC - 16/12/23.

Publicity

None required.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to a luminance condition.

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 area is commercial with illuminated signage of a similar nature to the adjacent supermarket, a petrol station and drive thru fast food restaurants. The proposed signage would be appropriate in its scale and location on the building. It would provide identification to the business and customer information and direction around the drive thru. The pylon sign at 9m in height would be similar to other totem signs in the immediate area.

Safety - The signs are positioned where they will not cause hazard to pedestrians or motorists. The luminance condition is added as recommended by the Highways Section.

The proposal would comply with UDP Policy EN1/9 - Advertisements.