

DELEGATED REPORT

Report by Claire Booth	Date of report: 29/03/2023	Ref: 69053/ADV
Registration: 22/11/2022	LDFC: 30/12/2022	Expiry Date: 17/01/2023
Site Visit: 13/12/2022	Site Notice: 13/12/2022	Press Date: 08/12/2022
08:30:00		
Objections: 1	Con Area: RAMS	Adv Type: CA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: 1 no. externally illuminated fascia sign; and 1 no. externally illuminated projecting sign

Location: 11 Bridge Street, Ramsbottom, Bury, BL0 9AB

Description

Advertisement Consent is sought for a halo illuminated fascia sign and an externally illuminated projecting/ hanging sign to serve a proposed restaurant - see application 69052 for further information..

The fascia sign would be individual gold leaf covered raised lettering, reading 'Olice & Herbs' set between top and bottom gold leaf covered runners. The fascia sign will measure approximately 5.1m wide x 0.84m in depth. The individual letters would sit centrally between the top and bottom gold leaf covered runners. Each letter would be approximately 0.3m high. The individual letters will be halo illuminated. It will be internally illuminated to 250cd/m2.

The projecting sign would project from the front elevation by approximately 0.7m with an ironwork symbol of olives and herbs hanging in the centre. The sign would have an aluminium frame. The faces of the projecting sign are to be externally illuminated to no more than 250cd/m2.

The application site relates to a traditional stone property, currently a vacant betting shop, located within Ramsbottom Conservation Area on the corner of Bridge Street and Garden Street. Opposite the application site is the Railway Public House, attached to a number of retail properties.

Relevant Planning History

46675 - Alterations to shop frontage - Refused, 25/08/2006

69052 - Change of use of vacant betting shop (Sui Generis) into restaurant (Class E) including installation of extraction flue to rear; replace existing ground floor windows on front elevation with timber sash windows and insertion of an additional ground floor window on the side elevation - Under consideration.

Publicity

Not applicable, however one representation letter has been received which objects on the grounds the proposals are not in keeping with the character and appearance of the conservation area.

Statutory/Non-Statutory Consultations

Conservation Officer: No objections.

Traffic Section: No objections, subject to a planning condition restricting the level of illumination to no more than 600 cd/m.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/4	Street Furniture
EN1/7	Throughroutes and Gateways
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.

ASSESSMENT

Regulation 3 of the Advertisement Regulations require local planning authorities to control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material.

Paragraph 136 of the NPPF states:

"The quality and character of places can suffer when advertisements are poorly sited and designed. ... Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

Policy EN1/2 of the Unitary Development Plan (UDP) gives favourable consideration to proposals which do not have an unacceptable effect on the character and townscape of areas within the borough.

Policy EN1/9 of the adopted Plan relates to advertisements and signage and states that proposals should have regard to the character of the locality, scale of the existing building and land use. The proposals will be assessed against this policy under the Public Amenity criteria.

Public Amenity - The proposed fascia sign is of a type, which is common on similar businesses on high streets. The proposed sign would be located above the new shop front, recommended for approval under application 68968, and below the first floor window in a similar position of the previous sign on this building.

The proposed projecting sign is of a suitable size and would be positioned at a height to avoid the projecting sign appearing obtrusive in the street scene

As such, the proposed advertisements would preserve the character of the street scene and would provide an enhancement to this particular property. Therefore, the proposed advertisements would not harm the amenity of the area and would accord with Policies EN1/2 and EN1/9 of the Bury Unitary Development Plan.

Public Safety - The signage would be set above street level by approximately 2.5m and is thus positioned where it will not cause hazard to motorists or pedestrians. The illumination of the proposed signs will be restricted to no more than 600cd/m to ensure the illumination does not distract drivers of vehicles. This will be secured via planning condition. The proposal is therefore acceptable in regard of Public Safety.

Conclusion - For the above reasons, the proposed fascia and projecting signs, subject to the recommended planning condition, are acceptable with regards to public amenity and safety and accord with the aforementioned adopted local plan policies and paragraph 136 of the NPPF.

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 projecting and fascia sign(s) shall not exceed 600cd/m2.

Reason. To avoid undue distraction to traffic in the interests of road safety (Public Safety), and to protect the amenity of adjoining occupiers (Public Amenity) 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>
CB - 28/03/2023		HL	29/03/23