

DELEGATED REPORT

Report by Mark Kilby	Date of report: 22/12/2021	Ref: 67747/ADV
Registration: 02/11/2021	LDFC:	Expiry Date: 28/12/2021
Site Visit: 02/12/2021	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: Advertisement consent for 3 no. illuminated fascia signs; 3 no. internally illuminated projecting signs

Location: Block A, Clerke Street, Bury, BL9 0PN

Description

The application site is a large commercial building which is located at the Rock development. The site is bounded by a pedestrian walkway and parade of shops to the north, a service yard off South Back Rock and the Mill Gate shopping centre to the south west. To the south east is open space (formerly the public house, The Showboat) and the car park, which serves the Mill Gate shopping centre

The building is split into 3 units which each have consent for use as restaurants. The application relates to unit 3.

Planning permission 66994 relates to the sub-division, and external alterations of existing vacant A3 Retail Unit of which unit 3 is part. This advertisement application are for signs that would be installed on the building after the approved alterations have been carried out.

The proposal is for 2 static illuminated fascia type signs to the south east elevation and 1 static illuminated fascia type sign to the north east elevation. The signs comprise of individual letter branding across the top window panel of each elevation. There would also be 2 internally static illuminated projecting signs to the north east elevation and 1 static illuminated projecting sign to the south east elevation. The luminance level of the signs would be 300 cd/m2.

Relevant Planning History

63328 - Demolition of public house and landscaping of the site including perimeter bollards following demolition - Approve with Conditions 17/01/2019

67746 - Extraction units to serve unit A4 - Approve with Conditions

67766 - 3 no. non illuminated fascia signs; 1 no. internally illuminated projecting sign; 1 no. Externally illuminated projecting sign -

Publicity

None.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to luminance level condition.

Pre-start Conditions - None.

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. 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 signs would not be out of character for the land use and buildings which characterise the commercial context of the area. The proposed signs would relate well to the host building. As such the signs would not by virtue of their size, position and design have an adverse impact on the visual amenity of the building or on nearby occupiers. There are no residential amenity issues.

Safety - The proposed signs are not considered to be a hazard to pedestrians. The site is in a semi-pedestrianised area with the access road to the Mill Gate car park to the south.

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Highways have recommended a condition to control the level of luminance to 300 cd/m2.

Having regard to the above the proposal is acceptable as it complies with UDP Policy EN1/9 - Advertisements.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The luminance of the signs hereby approved shall not exceed 300 cd/m2 (each).
 Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	22/12/21	DM	22/12/21