

DELEGATED REPORT

Report by Mark Kilby	Date of report: 10/06/2024	Ref: 70707/ADV
Registration: 02/05/2024	LDfC:	Expiry Date: 27/06/2024
Site Visit: 07/06/2024	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: BURY	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: Proposal A: 2 no. internally illuminated projecting signs; 5 no. internally illuminated digital posters; 1 no. non-illuminated information poster

Proposal B: 3 no. internally illuminated fascia signs

Location: 10 Union Street and 40 The Rock, Bury, BL9 0NX

Description

The application site is within Bury Town Centre Conservation area and comprises the vacant former Royal Bank of Scotland (RBS) at 40 The Rock and the former solicitors offices at 10 Union Street which is attached to the former RBS building. The former solicitors offices now occupied by the applicant Specsart and the former RBS building have stone frontage to the ground floor with an ornate central entrance with detailed arched keystone windows either side and red brick to the first floor, stone string courses and swept parapets to the Union Street elevation. It adjoins the Millgate, a later addition and a covered shopping centre to the south side. The external fabric of the buildings, apart from some minor adaptations, are relatively intact. 40 The Rock has been included on Councils' draft local list of heritage assets and as such is a Non-Designated Heritage Asset (NDHA). 10 Union Street which was not included in the Councils' original draft local list of heritage assets is now considered to be and NDHA by virtue of its architectural merit and contribution to the special character and appearance of that part of the conservation area.

The applicant Specsart is a small, independent optician who provide ophthalmology services including eye testing and the dispensing of spectacles and have a showroom to display their frames at their site in Bury town centre. Specsart currently occupy a small section (No 10 Union Street) of the larger (former RBS) building (No 40 The Rock), which they purchased in September 2019 and where they have reportedly struggled to find a town centre site with enough floor space to display their spectacles on the high street, and to also manufacture their own lenses in order to keep their costs down and remain competitive within their sector of the market.

The proposal is for:

Proposal A:

- 2 x internally static illuminated projecting hanging signs with a luminance level of 20 cd/m².
- 5 x internally static illuminated digital displays sited in the windows on Union Street with a luminance level of 100 cd/m².
- 1 non-illuminated information panel 420mm x 297 to the side of The Rock entrance to the former RBS building.

Two of the digital window displays are already in place on the Union Street elevation.

Proposal B:

- 3 x internally static illuminated "Specscart" individual lettering to each elevation of the RBS building with a luminance level of 20 cd/m2.

Relevant Planning History

02916/E - Modifications to existing window openings - Enquiry completed 12/12/2023
45628 - INTERNALLY ILLUMINATED FASCIA & PROJECTING SIGNS - Approve with Conditions 24/01/2006
47806 - NON ILLUMINATED 3 X BUILT UP LETTERS AND LOGO - Approve with Conditions 09/05/2007
55019 - 3 No. sets of individual letters & logo to fascia band, 2 No. externally illuminated projecting signs and 2 No. ATM header panels - Approve with Conditions 03/05/2012
56989 - Erection of charity canopy/bandstand - Withdrawn by Applicant 30/01/2014
56990 - Construction of Charity Stall/Bandstand (Conservation Area Consent) - Withdrawn - Invalid 05/12/2013
61792 - A: Internally applied window vinyl (Item 10)
B: 2 no. Internally illuminated flex face signs (Items 1 & 4); Internally applied window vinyls (Items 2,3,5,6,7) - Split Decision 22/09/2017
62844 - Removal of all existing brand signage and ATM's and infill existing ATM apertures with matching stone work and windows - Approve with Conditions 10/07/2018.

Publicity

Not applicable.

Statutory/Non-Statutory Consultations

Not applicable

Pre-start Conditions - None.

Development Plan and Policies

EN1/9	Advertisements
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
JP-P2	Heritage
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 - A: The proposed projecting hanging signs would be similar in size and position to the previous projecting signs that were in place when the building was occupied as a bank and in the same way are a reversible feature where the impact on the character and appearance of the conservation area street scene would be neutral.

The digital window displays are reversible and represent a limited visual impact on the street scene and that part of the conservation area. Their impact would not be greater individually or cumulatively than window displays in other nearby premises.

The non-illuminated information panel would have no more impact visually on the street scene or that part of the conservation area than the previously existing information panel.

Amenity - B: The individual "Specscart" lettering signs to the 3 elevations of the former RBS building, by virtue of their siting, size and design would represent an incongruous feature on the building and in that part of the conservation area. The letters would strike a discordant note cutting across the fenestrations of the buildings' first floor causing severe visual impact on the building which is strong contributor to the character and appearance of the conservation area. The letters would also create an incongruous and strident impact on the character and appearance of the conservation area, which it would not preserve.

In conclusion, the building has a traditional frontage which contributes to the character of the conservation area. For the reasons as stated above Proposal A is considered acceptable. Proposal B would be seriously detrimental to both the building on which they

would be located, the character of the conservation area and the general visual amenity of the area contrary to UDP Policies EN1/9 - Advertisements, EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, paragraph 141 of the NPPF and policy JP-P2 of the Greater Manchester Combined Authority joint plan Places for everyone.

Safety - The signs are positioned where they would not cause hazard to pedestrians.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

Proposal A 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.

Proposal B The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Split Decision

Conditions and Reasons:

- 1 Signs under proposal B are by reason of their size, siting and design incompatible to the location of the site within Bury Town Centre Conservation Area and would neither preserve or enhance the character of the Conservation Area. They would be seriously detrimental to both the building on which they would be located and would be seriously detrimental to the character and appearance of the Conservation Area. Therefore they would be contrary to the following policies of the Bury Unitary Development Plan:
EN1/9 - Advertisements., EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control, paragraph 141 of the National Planning Policy Framework and policy JP-P2 of Places for Everyone.
- 1 The luminance of the projecting sign(s) shall not exceed 20 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.
- 2 The luminance of the internal digital window posters shall not exceed 100 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	10/6/24	DM -	13/06/2024