

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 11/05/2022	Ref: 68015/ADV
Registration: 21/02/2022	LDfC: 14/03/2022	Expiry Date: 18/04/2022
Site Visit: 23/03/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: Internally illuminated fascia sign

Location: 185 Rochdale Road, Pimhole, Bury, BL9 7BB

Description

The application relates to a shop premises which is situated within a row of shops and businesses comprising a mix of uses and which is allocated within a neighbourhood Shopping centre.

The unit is situated fronting a main road through the Borough and there is an unmade access road which runs along the rear of these properties, beyond which are residential properties opposite the site.

The premises was formally a pharmacy which according to the application form has been vacant since 2019.

The application seeks the installation of an internally illuminated fascia sign.

The sign would have individual lettering which project 60mm from the fascia and be LED illuminated mounted on solid letter backs.

Relevant Planning History

60503 - Change of use of 1st & 2nd floor from living accommodation to pharmacy dispensary (Class B1) in relation to the ground floor pharmacy - Approve with Conditions 18/10/2016

68014 - Amended opening hours for cafe (Class E): Installation of extraction flue at side/rear; New shop front to include shutters - concurrent application

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC4	Small and Growing Businesses
EN1/2	Townscape and Built Design
S2/6	Food and Drink
EN1/8	Shop Fronts
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.

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.

The proposal is to fix individual lettering directly onto a new fascia along the shop front.

Amenity - The lettering would be centrally placed within the fascia and not appear over large in relation to the scale of the building. The proposed fascia would be black with white lettering which would appear as a crisp, clean and modern addition which is considered acceptable.

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The property faces a main road and there are no residential properties opposite affected by the sign.

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

Safety - The signs are positioned where they would not cause hazard to pedestrians or motorists. A luminance condition is added for the level as noted on the application form.

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

Recommendation: Approve with Conditions

Conditions and Reasons:

The luminance of the fascia sign shall not exceed 150cd/m2.

Reason. To avoid undue distraction to traffic in the interests of road safety and to protect the amenity of adjoining occupiers pursuant to policies EN1/7 - Throughroutes and Gateways and EN1/9 - Advertisements of the Bury Unitary Development Plan.

The signs hereby permitted shall only be illuminated between the hours of: 11.00 to 01.00 daily.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

<u>Case Officer</u> JT 11/5/22	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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