

DELEGATED REPORT

Report by Mark Kilby	Date of report: 10/02/2022	Ref: 67907/ADV
Registration: 16/12/2021	LDFC:	Expiry Date: 10/02/2022
Site Visit: 07/02/2022	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: SUMM	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: Installation of 1no.externally illuminated projection sign; 2no. externally illuminated sets of gold leaf individual letters; 2no. non-illuminated poster cases; 1no. externally illuminated brass menu case; and associated lighting.

Location: Hamers Arms, Higher Summerseat, Summerseat, Ramsbottom, Bury, BL0 9UG

Description

The Hamers Arms is in the Summerseat Conservation Area and is considered to be a non-designated heritage asset.

The original part of the building dates from the early 19th century, constructed from pecked ashlar stone and is largely unaltered. It is likely it was originally two dwellings as can be evidenced from the blocked up door way on the left of the front elevation. This contributes to its significance as evidential value to its evolution as a building.

The public house has existing static externally trough illuminated signage to the front and side elevations. Each of these comprises of a large hoarding type sign which is visually dominant on the building and in the street scene. There is an existing static externally trough lit projecting sign, two poster boards and a menu case.

The proposal is to replace the two hoarding signs with individual gold painted letters - "Hamers Arms" externally trough lit with additional flood lighting to a luminance level of 350cd/m2. The two poster boards and menu case would replace the existing, the latter having a luminance level of 150cd/m2. The projecting sign would replace the existing and would externally illuminated to luminance level of 350cd/m2. The proposed method of lighting would be LED.

Relevant Planning History

46106 - SINGLE STOREY SIDE EXTENSION - Approve with Conditions 19/05/2006
48717 - FELLING OF 5 NO. TREES SURROUNDING EXTERNAL DRINKING AREA - ZZZ
Special deleted application 02/10/2007
48719 - CONSERVATION AREA CONSENT FOR FELLING OF 5 NO. TREES
SURROUNDING EXTERNAL DRINKING AREA - ZZZ Special deleted application
02/10/2007
65141 - Relocation of air conditioning units to rear flat roof, insert kitchen door to rear elevation, new roof to existing covered external shelter, new glazed lobby entrance, new side gate and re-configuration and external decoration to beer garden.
- Approve with Conditions 28/05/2020.

Publicity

None.

Statutory/Non-Statutory Consultations

Traffic Section - No comments received.

Pre-start Conditions - None.

Unitary Development Plan and Policies

EN1/9	Advertisements
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
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 be virtually like for like replacements of the existing signs. The proposed projecting signs would be smaller than the existing and the proposed poster cases and menu case would virtually the same as the existing ones but would have with white lettering on black background. The proposed individual lettering to the front and side elevations would replace the hoarding type existing signs and would have a less visual impact on the building and the street scene. The proposed signs would not cut across or mask any of the architectural features of the building and as such they would cause no more harm to the visual amenity of the building or street scene than the existing signs.

The site is also within the conservation area, and the replacement signs, for the reasons given above would have no more significant impact on the character and appearance of the conservation area than the ones they would replace. As such the proposal would preserve the character and appearance of the conservation area as required by Section 72 of the Planning (Listed Building & Conservation Areas) Act 1990.

There is one nearby residential property, to the south west of the public house at approximately 15m away. It is considered the proposed signs by virtue of their design and appearance and level and type of luminance would have no greater impact than the existing signs and therefore would be acceptable in regard to residential amenity.

A condition has been added to restrict the level and type of luminance to 150cd/m2 and 350cd/m2 with LED lighting.

Public Safety - The proposed signs would not be a threat to public safety.

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 illuminated menu case (sign E) hereby given consent shall not exceed 150 cd/m2. The luminance of the externally illuminated individual lettering to the front and side elevations (signs B1 and B2) hereby given consent shall not exceed 350 cd/m2. The type of lighting shall be maintained as LED lighting.
Reason. To avoid undue distraction to traffic in the interests of road safety, protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan and to preserve the character and appearance of the conservation area pursuant to policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	10/2/2022	DM	10/02/2022