

DELEGATED REPORT

Report by Jane Langan	Date of report: 25/11/2020	Ref: 66059/ADV
Registration: 12/10/2020	LDFC:	Expiry Date: 07/12/2020
Site Visit: 02/11/2020	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: 1no. externally & internally illuminated fascia sign, 1no. non illuminated PETG unit (acrylic panel), 3no. non illuminated ACM panels with applied graphics, 2 no. poster cases

Location: Pilot Mill, Alfred Street, Bury, BL9 7EJ

Description

The site is a single storey retail unit nearing completion in its construction. It is set back from the street with a car park to the front. To the north side of the site is a large mill building and its car park and to the south side a row of town houses that front Alfred Street. Directly opposite are semi detached houses.

The application is for advertisement consent for the retail unit and comprises of:-

- A 17m wide by 0.5m high externally illuminated fascia sign of a red background with white text and including an internally illuminated blue/white logo (Sign A)
- One 2.3m high by 1.36m wide non illuminated acrylic display frame to a front window (Sign B)
- Three 2.2m high by 1.2m wide non illuminated aluminium panels with graphics to the front elevation openings (Signs C,D,E)
- Two 0.7m high by 0.5m wide non illuminated poster panels adjacent the entrance (Signs F)

Relevant Planning History

62870 - Erection of single storey retail unit with associated car parking and servicing area - AC 17/10/2018

65130 - Variation of condition no. 2 (approved plans) of planning permission 62870 to use permeable tarmac for all hard surfacing areas - AC 03/04/2020

Publicity

None required.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

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.

Amenity - The fascia sign would be externally illuminated by trough light from above and with an LED internally illuminated logo. It would be typical of signage seen on small retail units and appropriately located above the frontage. The display panels would be well spaced across the front elevation and include graphics indicating the type of products available.

The site is set back from the adjacent residential properties and with the car park at the front. As such the illuminated sign would not impact adversely on the amenity of the residential properties.

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

motorists. A condition is added for the luminance level as noted on the application form, which would be acceptable for the location, and one for the direction and fixing of the external illumination.

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

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 internally illuminated sign shall not exceed 450 cd/m2.
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 2 The direction, fixing and colour of the external lighting shall be to the satisfaction of the Local Planning Authority.
Reason. To avoid undue distraction to traffic in the interests of road safety, and to protect the amenity of adjoining occupiers 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>
JL	25/11/20	DM	01/12/20