

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 01/07/2024	Ref: 70802/ADV
Registration: 29/05/2024	LDFC: 26/06/2024	Expiry Date: 24/07/2024
Site Visit: 14/06/2024	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: Installation of 1no. externally illuminated replacement pictorial panel to existing gibbet; relocate existing internally illuminated fascia building sign, 1no. non-illuminated post mounted double sided car park directional sign

Location: Ainsworth Arms, 465 Bury And Bolton Road, Radcliffe, Manchester, M26 4LJ

Description

The site is a public house which is located at the junction of Bury & Bolton Road and Starling Road. The vehicular access to the pub is from Starling Road and the car park is located in 3 areas to the north and west of the pub building. There are pedestrian accesses/fire escapes on Starling Road, Bury & Bolton Road and the main entrance is from the west area of the car park.

There are residential properties adjacent the car park on the northern and western boundaries and there are residential properties across the road on Starling Road and Higher Ainsworth Road. There is a commercial unit on the opposite side of Bury & Bolton Road, which is used for dog grooming.

The application seeks advertisement consent for -

- installation of 1 no internally illuminated replacement panel (located next to the entrance off Starling Road)
- relocation of an existing internally illuminated fascia building sign (located to south west elevation of the pub)
- 1 no non-illuminated post mounted double sided car park and directional sign (located within a roadside planter to the south eastern corner of the site).

The signs illustrate the public house company logo.

Relevant Planning History

53844 - 3 No. externally illuminated fascia signs; 1 No.externally illuminated and 1 no. non-illuminated panel signs to existing free standing post; 3 No. non-illuminated board signs - Withdrawn by Applicant 13/05/2011

53978 - 3 No. externally illuminated fascia signs; 2 No.externally illuminated signs to free standing post; 2 No. non-illuminated amenity signs (resubmission) - Approve with Conditions 10/06/2011

55292 - Replacement childrens play area and 1100mm high fence and gate; Alterations to car park - Refused 12/07/2012

55566 - 2 no. free standing double sided externally illuminated post signs. - Refused 28/09/2012

56321 - Single storey flat roof extension with mansard perimeter roof. New planter areas. Modifications to existing disabled ramped access. - Approve with Conditions 10/07/2013

56666 - New pergola adjacent to side entrance on east/Starling Road elevation - Approve with Conditions 27/09/2013

59037 - Replacement signage comprising of 4 no. externally illuminated fascia signs (Signs

B,D,G,H), 2 no. externally illuminated free standing signs (Signs A and E), 1 no. non illuminated sign to car park wall (Sign Ia), 1 no. non illuminated sign to existing post sign (Sign Ib) 2 no. non-illuminated free standing signs (Signs J and K) - Approve with Conditions 24/09/2015
70635 - Replacement access ramp; external lighting to all elevations; Erection of 2.35m fence to extend existing yard area and 2no. additional accessible parking bays - 28/6/24

Publicity

N/a

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/9	Advertisements
JP-C5	Streets For All
JP-C6	Walking and Cycling

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

The signs would be located on the edge of the site close to the highway and on the elevation fronting a main road. the signs would be modest in size, promoting the company's logo and would not be significantly prominent in the streetscene and would not have an adverse impact on the amenity of the area or affect occupiers of nearby properties..

The proposed development is therefore considered to be acceptable and would comply with Policy EN1/9.

Public/highway safety

The proposed signs would not project onto or obstruct the pedestrian footway or highway and would not have moving images which would distract drivers passing the site.

The Highway Section have raised no objection.

Given the positions, size and directions of the signs, the proposed development is considered to be acceptable and would comply with Policy EN1/9.

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 This decision relates to drawings numbered -
Location plan; 183502 (Rev A) Page 1 of 4, page 2 of 4, page 3 of 4, page 4 of 4,
dated 29/5/24
and the development shall not be carried out except in accordance with the

drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

- 2 The luminance of the signs shall not exceed 250cd/m² each.

Reason. To avoid undue distraction to traffic in the interests of road safety and to protect the amenity of adjoining occupiers pursuant to policies EN1/4 - Street Furniture, EN1/7 - Throughroutes and Gateways and EN1/9 - Advertisements of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	1/7/24	DM	04/07/2024