

DELEGATED REPORT

Report by Helen Pressley	Date of report: 12/02/2024	Ref: 70418/ADV
Registration: 15/01/2024	LDfC: 08/02/2024	Expiry Date: 11/03/2024
Site Visit: 19/01/2024	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: 2 No.internally illuminated fascia signs (letters only) and 2 no.internally illuminated projecting suspended signs internally (letters only)

Location: 3-5 Princess Parade, Bury, BL9 0QL

Description

The application relates to an existing retail unit within row of commercial units on Princess Parade. The main entrance is from Princess Parade, which is a pedestrianised street. There is a large shop front with a recessed entrance and the building is constructed from brown brick with a flat roof.

The existing adult gaming centre is located on 47 Market Street, which would be demolished as part of the Levelling Up fund development to create a flexi hall.

There are other commercial and retail units to the south, east and west of the site. The land to the north is a servicing area for the retail units. There are residential apartments at first floor level within the building.

Advert consent is proposed for

- 1no. 750mm x 5140mm internally illuminated fascia sign.
- 1no. 750mm x 6370mm internally illuminated fascia sign.
- 2no. 425mm x 1200mm internally illuminated suspended signs.

Application 70416 and 70417 relate to the change of use and external alterations for this unit.

Relevant Planning History

70416 - Change of use from shop (Class E) to adult gaming centre (Sui Generis) - Pending

70417 - New shop front and alterations; Siting of 3 no. air condenser units to rear - Pending

Adjacent site

62097 - Change of use from retail shop (Class A1) to drinking establishment (Class A4) - Approve with Conditions 07/12/2017

Publicity

None

Statutory/Non-Statutory Consultations

Traffic Section - Do not wish to restrict the granting of planning permission

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/2 Townscape and Built Design

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 proposed fascia sign would be located above the main entrance, and window and are of a suitable scale in relation to the related openings and is therefore considered to be acceptable. The proposed fascia would not be overly dominant and would reflect the scale, and location of fascias of the neighbouring commercial properties within the row. The proposed projecting signs would reflect the location of the projecting signs at the neighbouring units. It is considered that the signs would not project excessively from the front elevation and is of a suitable scale.

Safety

The signs are positioned on the main frontage where they will not cause hazard to pedestrians. A standard luminance condition is added.

The proposal would comply with UDP Policy EN1/9 – Advertisements.

Recommendation: Approve with Conditions

Conditions and Reasons:

The luminance of the fascia box and suspended box signs shall not exceed 650 cd/m2.

Reason. 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>
HP 12/02/2024			