

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 01/08/2022

Ref:68539/ADV

Registration: 08/06/2022

LDFC: 28/07/2022

Expiry Date: 03/08/2022

Site Visit: 12/07/2022

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: NONE

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: ADVT

Proposal: Retention of 1no. internally illuminated fascia panel and 1no. non-illuminated sign

Location: Topping Fold Convenience Store, 52 Topping Fold Road, Bury, BL9 7NG

Description

The application relates to a three storey terraced commercial unit located on Topping Fold Road. The ground floor is utilised as a newsagents, although closed during the site visit around midday.

Retrospective permission is sought for the retention of 1 (one) internally illuminated fascia panel sign and 1no. non-illuminated sign in relation to the ATM machine within the units frontage. The signage comprises of:

- 1 x 17.3cm x 48.6cm above the ATM with bold green fascia and white lettering static internally illuminated by LED lights behind the text.
- 1 x 60.0cm x 17.0cm below the ATM with black fascia plus green duralite surround with white lettering internally illuminated.

It should be noted that a separate application has been submitted for the retention of an ATM within the shop unit's frontage (see 68538).

Relevant Planning History

68538 - Retention of ATM (Automated Teller Machine) - Under consideration.

Publicity

Not required for this type of application.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to luminance of the fascia signs.

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/9	Advertisements
EN1/4	Street Furniture

EN1/7	Throughroutes and Gateways
HT6/2	Pedestrian/Vehicular Conflict
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD14	Employment Land and Premises
SPD16	Design and Layout of New Development in Bury

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.

Principle of Development

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 proposal is acceptable and provides identification of the ATM located at the front of the shop.

Safety

UDP Policy EN1/9 - Advertisements, states that The Council will seek to control advertisements in the interests of amenity and public safety with particular regard to character, scale, land-use, surroundings, landform, and effect on transport/pedestrians.

The proposed signage would be positioned above/ below the proposed ATM alongside a wide area of public pavement perpendicular to the public highway. It is therefore considered that the advert is positioned where it would not cause hazard to pedestrians or motorists, and a standard luminance condition would be included.

Conclusion

It is considered that the proposed illuminated signage would be acceptable in terms of the design, and sitting, of this development. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policies EN1/9 - Advertisements, EN1/7 - Throughroutes & Gateways, and EN1/2 - Townscape and Built Design. It is recommended that this application should be approved alongside 68538.

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 development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to Drawing E024630, Drawing NW0091, Drawing NW0305A 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.
- 3 The luminance of the fascia signs shall not exceed 100cd/m2 (each).
Reason. To avoid undue distraction to traffic in the interests of road safety 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>
Steven Gunn-Russell	01/08/2022		