

DELEGATED REPORT

Report by Helen Leach	Date of report: 08/11/2022	Ref: 68801/ADV
Registration: 14/09/2022	LDFC: 15/09/2022	Expiry Date: 09/11/2022
Site Visit: 28/10/2022	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: 3 No. internally illuminated fascia signs and 1 no. free standing internally illuminated double sided totem sign; Letters sign above entrance

Location: Bury College, Market Street, Bury, BL9 0BG

Description

The application relates to the site of the former Peel Health Centre. The area is mixed use and is bounded by a Council owned car park to the south , Bury Market to the north, the College to the West and offices to the East. The site itself is vacant and formerly comprised of a doctors surgery that has been recently been demolished. The site shares a boundary with 3 highways - Market Street, Angouleme Road and Trinity Street.

Planning permission was granted for the construction of a new 4 storey building on the site, in association with Bury College to house their new STEM centre. The building would be constructed from red and brown cladding and pedestrian access would be provided from Trinity Street, Market Street and Angouleme Way.

The proposed development involves the installation of 3 internally illuminated fascia signs, 1 free standing internally illuminated double sided totem sign and a sign above the entrance consisting of letters.

Relevant Planning History

66017 - Erection of timber hoarding for a temporary period of two years at Former Peel Health Centre, Angouleme Way, Bury. Approved with conditions - 8 December 2020

66018 - Vinyl banner sign to timber hoarding for a temporary period of two years at Former Peel Health Centre, Angouleme Way, Bury. Approved with conditions - 8 December 2020.

66452 - Prior approval for proposed demolition of part single storey and part two storey building including removal of all foundations and basements and levelling off ground at Former Peel Health Centre, Angouleme Way, Bury. 18 February 2021.

66978 - Erection of Health Innovation & STEM Centre for Bury College at Former Peel Health Centre, Angouleme Way, Bury. Approved with conditions - 12 October 2021.

Publicity

None required.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of a condition relating to luminance.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/4	Street Furniture
EN1/7	Throughroutes and Gateways
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 proposed development would be located on a college building, which is

undergoing construction and is located within the town centre. The proposed signage is appropriate in its scale and location on the building. It would provide identification to the college and customer information and direction. The totem would be 4.8m high, which would be appropriate in this commercial/town centre setting.

Safety - The proposed signs are located where they would not cause hazard to pedestrians or motorists. The luminance levels for the internally illuminated signs would be 300 cdm², which would be acceptable. The Traffic Section has no objections, subject to the inclusion of a condition relating to luminance. Therefore, the proposed development would be in accordance with Policy EN1/9 of the Bury Unitary Development Plan.

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 sign(s) shall not exceed 300 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 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>
HL - 08/11/2022		DM	08/11/2022