

DELEGATED REPORT

Report by Helen Pressley	Date of report: 15/11/2024	Ref: 71167/ADV
Registration: 15/10/2024	LDFC: 13/11/2024	Expiry Date: 10/12/2024
Site Visit: 12/11/2024	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: 2 no. internally illuminated logos, 1 no. internally illuminated projecting sign and 1 no. internally illuminated menu board

Location: 15 Rock Place, Bury, BL9 0JX

Description

The application relates to a restaurant unit. It occupies a frontage position overlooking Angouleme Place and Rochdale Road and sits in close relationship to the leisure aspects within the shopping area known as The Rock.

Advert consent is sought for:

- 1 no. internally illuminated menu board (Advert A). The proposed advert would be approximately 634mm wide x 880mm high x 20mm deep.
- 2no. internally illuminated logos (Advert B and Advert C) comprising on 80mm deep white acrylic lettering, with charcoal detailing. The proposed logos would be located above the entrance door/glazing and adjacent to the outside terrace area.
- 1 no. internally illuminated projecting sign (Advert D). The proposed projecting sign would be 500mm wide, 500mm high, and 150mm deep.

Relevant Planning History

52301 - 3 No. internally illuminated fascia signs: 2 No. internally illuminated signs: 1 No. externally illuminated sign; 3 No. non-illuminated signs - Approve with Conditions
16/04/2010

52331 - New shopfront, outside terrace area and canopies- Approve with Conditions
29/04/2010

Publicity

Not applicable

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to a condition relating to luminance levels.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/9	Advertisements
EN1/7	Throughroutes and Gateways
NPPF	National Planning Policy Framework

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.

UDP Policy EN1/7 - Throughroutes and Gateways is concerned to improve the quality of development along throughroutes and at gateways, and will require new proposals fronting major throughroutes and at the identified gateways to display a high standard of design and landscaping.

Amenity

The illuminated logo sign (Advert B) is appropriately positioned above the entrance and at fascia level. The proposed illuminated menu board would be located directly adjacent to the entrance door/glazing. The second illuminated logo sign(Advert C) would add the company branding adjacent to the outside terrace seating area. These adverts would be located in broadly similar locations to the previously approved signage for the former restaurant at the site.

The proposed projecting sign would be new element. The proposed sign does not project excessively and is located adjacent to the entrance elevation. The proposed sign would be of a similar design to the projecting signs found throughout the wider Rock development.

Safety

The signs are positioned where they will not cause hazard to pedestrians or motorists. The Traffic Section has no objections subject to the inclusion of a condition relating to luminance.

The proposal complies with UDP Policies EN1/9 and EN1/7.

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 fascia signs shall not exceed 120 cd/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 EN1/7 - 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>
HP - 15/11/2024		HL - 15/11/2024	