

DELEGATED REPORT

Report by Mark Kilby	Date of report: 18/03/2022	Ref: 68020/ADV
Registration: 27/01/2022	LDFC: 22/02/2022	Expiry Date: 24/03/2022
Site Visit: 24/02/2022	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: 5 no. Vinyl graphic signs applied to existing external windows; 1 no. static internally illuminated fascia sign

Location: Marks & Spencer, Unit C The Rock, Bury, BL9 0JL

Description

The application site is the large M & S retail unit of the Rock Triangle development. The site is bounded by a pedestrian area and apartments up to 8 storeys to the south and Derby Way to the north.

The proposed signs are 5 no. Vinyl graphic signs applied to existing external windows at ground floor level on the south west, north west and north east elevations and 1 no. replacement static internally illuminated fascia sign being the M & S Food sign above the entrance facing Derby Way with a luminance level of 600 cd/m2.

Relevant Planning History

58921 - - ZZZ Special deleted application 30/06/2015
58922 - Addition of takeaway kiosk adjacent to entrance; New glazing to enclose existing external seating area with new awning - Approve with Conditions 24/08/2015
58923 - 2 No. signs to new awning: Internally illuminated fascia sign - Approve with Conditions 24/08/2015.

Publicity

None.

Statutory/Non-Statutory Consultations

Traffic Section - No objection. Recommends luminance level restricted to 600 cd/m2.

Pre-start Conditions - None.

Unitary Development Plan and Policies

EN1/9 Advertisements
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) 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.

Amenity - The proposed signs would not be out of character for the land use and buildings which characterise the commercial context of the area. The vinyl window signs would have no more impact on the visual amenity of the building and surrounding area than the shop window displays that would otherwise be present. The proposed replacement illuminated sign facing Derby Way would be a virtually like for like replacement and would have no more impact than the sign it would replace. As such the signs would not by virtue of their size, position and design have an adverse impact on the visual amenity of the building or character of the street scene. The vinyl signs on the south west elevation would be visible from the apartments to the south west of the site and would be viewed in the same context as the shop window displays signs they would replace and as such would have no more impact on residential amenity.

Safety - The proposed signs are not considered to be a hazard to pedestrians or motor vehicles. Highways have recommended a condition to control the level of luminance to 600 cd/m2.

Having regard to the above the proposal is acceptable as it complies with UDP Policy EN1/9 - Advertisements.

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 sign shall not exceed 600cd/m2.
 Reason. To avoid undue distraction to traffic in the interests of road safety 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>
Mark Kilby	18/3/22		