

REPORT FOR DECISION

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| DECISION OF: | PLANNING CONTROL COMMITTEE |
| DATE: | 28 June 2016 |
| SUBJECT: | PLANNING APPEALS |
| REPORT FROM: | HEAD OF DEVELOPMENT MANAGEMENT |
| CONTACT OFFICER: | DAVID MARNO |
| TYPE OF DECISION: | COUNCIL |
| FREEDOM OF INFORMATION/STATUS: | This paper is within the public domain |
| SUMMARY: | <p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - Determined <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - None to report |
| OPTIONS & RECOMMENDED OPTION | The Committee is recommended to the note the report and appendices |
| IMPLICATIONS: | |
| Corporate Aims/Policy Framework: | Do the proposals accord with the Policy Framework? Yes |
| Statement by the S151 Officer: Financial Implications and Risk Considerations: | Executive Director of Resources to advise regarding risk management |
| Statement by Executive Director of Resources: | N/A |
| Equality/Diversity implications: | No |
| Considered by Monitoring Officer: | N/A |
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| Wards Affected: | All listed |
| Scrutiny Interest: | N/A |

TRACKING/PROCESS

DIRECTOR:

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|--|---------------------------|--------------|----------|
| Chief Executive/ Strategic Leadership Team | Executive Member/Chair | Ward Members | Partners |
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| Scrutiny Committee | Committee | Council | |
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1.0 BACKGROUND

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

2.0 CONCLUSION

That the item be noted.

List of Background Papers:-

Contact Details:-

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**Planning Appeals Lodged
between 16/05/2016 and 19/06/2016**



Application No.: 59402/FUL

Appeal lodged: 03/06/2016

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Miss Justine Molyneux

Location Sheepgate Farm Cottage, Bradshaw Road, Walshaw, Bury, BL8 3PL

Proposal Conversion and extension of existing garage/store to form specially adapted care provision accommodation for annexe to Sheepgate Farm Cottage

Application No.: 59947/FUL

Appeal lodged: 09/06/2016

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: SR and JR Brown Ltd

Location Twine Valley Farm, Church Road, Shuttleworth, Ramsbottom, Bury, BL0 0EH

Proposal Retrospective application for agricultural building for housing livestock

Total Number of Appeals Lodged: 2

**Planning Appeals Decided
between 16/05/2016 and 19/06/2016**



Application No.: 59535/ADV

Appeal Decision: Allowed

Decision level: COM

Date: 18/05/2016

Recommended Decision: Approve with Conditions

Appeal type: Written Representations

Applicant: Mr Muhammed Mir

Location: 609-621 Rochdale Old Road, Bury, BL9 7TL

Proposal: A: 2 No. internally illuminated canopy fascia signs (Signs A & B); 6.5m high double sided internally illuminated free standing sign (retrospective)
B: 1 No. non illuminated canopy fascia sign (Sign C) (Resubmission of application 59312)



Appeal Decision

Site visit made on 4 May 2016

by Beverley Doward BSc BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 May 2016

Appeal Ref: APP/T4210/Z/16/3143929

Hooley Bridge Service Station, 609 Rochdale Old Road, Bury, BL9 7TL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Muhammed Mir against the decision of Bury Metropolitan Borough Council.
 - The application Ref 59535, dated 3 December 2015, was refused by notice dated 20 January 2016.
 - The advertisement proposed is described as "Non illuminated forecourt fascia".
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Decision

1. The appeal is allowed and express consent is granted for the display of 1 No. non illuminated canopy fascia sign (Sign C) as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural Matters

2. The description of the advertisement in the heading above is taken from the application form. The Council's decision notice indicates that the application for consent related to 2 No. internally illuminated canopy fascia signs (Signs A and B); 1 No. non illuminated canopy fascia sign (Sign C); and a 6.5m high double sided internally illuminated free standing sign. The Council has issued a split decision notice, granting express consent for Signs A and B and the 6.5m high double sided internally illuminated free standing sign but refusing express consent for Sign C. I shall refer only to sign C for which consent was refused in reaching my decision.
3. I have used the description of Sign C given on the Council's decision notice in my formal decision.

Main Issue

4. The main issue is the effect on the visual amenity of the surrounding area.

Reasons

5. The appeal site is a petrol filling station on Rochdale Old Road, a busy main road. There is also a convenience store and car washing facility on the site. The forecourt of the petrol filling station is covered by a canopy. There are residential properties on either side of the petrol filling station on Rochdale Old Road and to the rear on Winifred Avenue. The rear of the site borders the rear gardens of Nos 4–10 Winifred Avenue.
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6. Sign C has been installed on the eastern side elevation of the canopy about 4.6m above ground level. It is a non illuminated fascia sign of a simple design with white lettering on a red and black background. The design is similar to the fascia signs on the front and western side elevation of the canopy, albeit those signs are illuminated. The sign is not overly large and although visible from Rochdale Old Road and the rear of Nos 8 and 10 Winifred Avenue it does not appear visually intrusive, being set sufficiently far from the adjacent dwellings so as not to appear unduly dominant. I note that, because the sign was originally installed with illumination, it has not been possible to remove the wiring and the lamps although the circuit has been disabled to ensure that the illumination cannot be inadvertently switched on. In any event, the proposal is for a non illuminated canopy fascia sign. If Sign C was, at some time in the future, to be illuminated this would be in breach of the consent which could duly be enforced.
7. To conclude therefore Sign C is not harmful to the visual amenity of the area. The Council refers to policy EN1/9 of the Bury Unitary Development Plan (UDP) which it considers to be relevant to this appeal. However, powers under Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policy has not therefore been decisive, but is a material consideration. The sign complies with policy EN1/9 of the UDP which seeks to ensure that advertisements are controlled in the interests of amenity and public safety.
8. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Beverley Doward

INSPECTOR