

DELEGATED REPORT

Report by Helen Pressley	Date of report: 03/09/2025	Ref: 72208/ADV
Registration: 21/07/2025	LDfC: 03/09/2025	Expiry Date: 15/09/2025
Site Visit: 28/08/2025	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: 1 No. non-illuminated 5mm diabond sheet sign to front elevation

Location: The Gatehouse, Connect 56 Business Hub, Manchester Road, Bury, BL9 9NY

Description

The application relates to the Gatehouse which forms part of the former Swintex factory site. The site is now utilised as a business hub with various different commercial occupants. A single storey vet surgery, and vacant filling station are located to the front of the site.

Advert Consent is sought for the retention of a first floor advertisement. The advert is 1.822 metres high and 1.37 metres wide and is made of diabond sheeting. No illumination is proposed. The application is retrospective.

Relevant Planning History

65877 - Demolition of a number of existing industrial buildings on an existing industrial site

Publicity

None

1 objection received in relation to:

- Does not comply with deemed consents limits
- Visually dominant and harmful to the appearance and character of the building and immediate area
- Size and placement creates the impression that the applicant occupies the whole block
- Would set a wider precedent in a multioccupancy building.

Statutory/Non-Statutory Consultations

Conservation Officer The signs should not be retained.

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 PpE 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.

Amenity

UDP Policy EN1/9 relates to adverts and signage and states that proposals should have regard to the locality, scale or the existing building and the land use and be considered on their 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.

NPPF Paragraph 141 states that The quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The Gatehouse is considered to be a Non-Designated Heritage Asset (NDHA).

Paragraph 216 of the NPPF states that the effect of an application on the significance of a

non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

There are a number of existing advertisements located on the Gatehouse and associated tower. This consent relates to an advert located at first floor, on the front elevation of the building. The application is not been supported by a Heritage Statement. The Gatehouse is square building located at the entrance to the site and is two storeys in height. A square campanile tower is located to rear, together with a larger two storey block. Smooth rusticated ashlar has been utilised to construct the ground floor front main elevation. Stone window surrounds are located to upper floor, with stone banding, semi-circular pediment and overhanging cornice to eaves.

The proposed sign utilises modern materials and is not in keeping with the historic character of the building. The sign is located on a prominent elevation at the entrance to the site, and partially obscures the stone banding between the two first floor windows impacting on features of the heritage asset. The siting of the proposed signage, at first floor and at a similar size to the adjacent windows appears dominating. Whilst acknowledged that the site is commercial in nature the Gatehouse building provides a pleasing entrance to the site and it is considered that the introduction of an incongruous advertisement would have a detrimental impact on the character of the building and the wider street scene contrary to the policy considerations set out above.

It should be noted that the Conservation Officer's comments also appear to relate to the advertisements to the top of the tower which are not under consideration for this application. These advertisements have been referred to Planning Enforcement.

Safety

The sign would not be located where it would not cause hazard to pedestrians or motorists.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed advertisement, by reason of its size and siting on the front first floor wall would be out of character with the building, which is considered to be a Non-designated Heritage Asset and would be severely detrimental to both the appearance of the building and to the general visual amenities of the area and therefore contrary to the following policy of the Bury Unitary Development Plan: EN1/9 - Advertisements, EN1/7 - Throughroutes and Gateways and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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DM - 04/09/2025