

DELEGATED REPORT

Report by Claire Booth	Date of report: 29/01/2024	Ref: 70277/ADV
Registration: 01/12/2023	LDFC: 29/12/2023	Expiry Date: 26/01/2024
Site Visit: 07/01/2024	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: RAMS	Adv Type: N/A
Reason for Delay: Negotiations		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: 1 no. non-illuminated sign

Location: 208 Bolton Street, Ramsbottom, Bury, BL0 9JE

Description

The application relates to a property adjoining the former Public House, The Old Dun Horse, located on the corner of Dundee Lane with Bolton Road West, Ramsbottom. The application site projects partly forward of the former Public House and therefore part of its gable end is visible from the street scene.

The property is located within Ramsbottom Conservation Area. The ground floor is currently occupied by a company selling concrete flooring.

Advertisement consent is sought for a sign to be placed on the visible part of the gable elevation of the property advertising the business occupying the property. The proposed sign would be an aluminium board, un-illuminated, and would have approximate dimension of 4.4m (length/ height) x 2.4m (width). The bottom of the sign would be approximately 1.3 above ground level.

The sign was initially proposed to be primarily grey with white writing, with 6 coloured photographs each with a white border, advertising the company occupying the application site, 'MICRO CEMENT UK Ltd' and listing what they sell.

At the request of the LPA amendments have been received amending the base colours of the sign to black and white and removing the coloured photographs.

Relevant Planning History

33554 - Change of use from shop to hot food takeaway at ground floor and first floor flat - Refused, 16/10/1997.

Publicity

Not applicable.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections to amended proposals.

Initially raised the following objections:

The proposed sign (attached for reference) should have the six photographic images removed as these represent a very commercial feel more usually seen in retail or industrial parks which would be incongruous to the grain of the street scene in the conservation area and as such would not preserve its special character and appearance. The sign should also be coloured black and white which would represent a neutral impact on the character and appearance of the conservation area.

Traffic Section - No objections.

Pre-start Conditions - Not applicable.

Unitary Development Plan and Policies

S1/4	Local Shopping Centres
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/9	Advertisements
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

ASSESSMENT

Regulation 3 of the Advertisement Regulations require local planning authorities to control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material.

Paragraph 141 of the NPPF states:

"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."

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. UDP Policy EN1/2 concerns itself with development within Conservation Areas requiring development to accord with the requirements of the Act.

Policy EN1/2 of the Unitary Development Plan (UDP) gives favourable consideration to proposals which do not have an unacceptable effect on the character and townscape of areas within the borough.

UDP Policy EN1/9 of the adopted Plan relates to advertisements and signage and states that proposals should have regard to the character of the locality, scale of the existing building and land use. The proposals will be assessed against this policy under the Public Amenity criteria.

Public Amenity

As initially submitted, the proposed sign with its grey background colour and the six photographic images was considered to represent a very commercial feel, more usually seen in retail or industrial parks which would have been incongruous to the grain of the street scene in the conservation area, and as such would not have preserved its special character and appearance, contrary to the requirements of the aforementioned Act.

At the request of the Local Planning Authority, the sign has been re-designed so the coloured photographs have been removed and the sign has been given a white background, and has black text advertising the business occupying the retail unit.

This amended design would represent a neutral impact on the character and appearance of the conservation area and is therefore considered to accord with the conservation area policies; EN2/1 and EN2/2 of the UDP.

The proposed advert would be highly visible from the main junction which the property closely relates. Whilst it is fairly large, the advert is seen in context with the former Public House and the businesses that extend from the cross road junction along Bolton Street and Bolton Road West and reflects the size, design and colouring of an advertisement present on the gable of no. 9 Bolton Road West, which is located diagonally across the main cross-road junction from the application site.

8 no. Residential apartments exist within the adjoining former Public House, allowed on appeal by application 52138, dated 7th January 2010. The signage is to be unilluminated and would therefore not adversely affect the amenity of the adjoining apartments.

In light of the above, the proposed advertisements would preserve the character of the conservation area and street scene. Therefore, the proposed advertisements would not harm the character and appearance of the conservation area, the amenity of the area, or the amenity of the residential occupants of the Old Dunn Horse, and would accord with Policies EN1/2, EN2/1, EN2/2 and EN1/9 of the Bury Unitary Development Plan, the National Planning Policy Framework and the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act.

Public Safety - The signage would be set above street level by approximately 1.3m. A post and rail fence extends from the gable of 208 Bolton Street, to the corner of the former Old Dun Horse which faces the crossroads. The proposed signage is thus positioned where it will not cause hazard to motorists or pedestrians. The sign is proposed to be unilluminated and therefore will also not distract drivers of vehicles

For the above reasons, the proposed sign to be erected on the gable elevation of the application site, subject to the recommended planning condition, is acceptable with regards to public amenity and safety and accord with the aforementioned adopted local plan policies and paragraph 141 of the NPPF.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 This consent relates to the following plans:

Drawing no. 2240 Rev. A: Existing and Proposed Site Plans/ Elevations/ Location Plan

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

<u>Case Officer</u> CB	<u>Date</u> 29/01/2024	<u>Sign off Officer</u>	<u>Date</u>
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