

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Claire Booth   | <b>Date of report:</b> 19/07/2024 | <b>Ref:</b> 70734/ADV          |
| <b>Registration:</b> 07/05/2024 | <b>LDFC:</b> 05/06/2024           | <b>Expiry Date:</b> 02/07/2024 |
| <b>Site Visit:</b> 17/05/2024   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b>              | <b>Con Area:</b>                  | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b>        |                                   | <b>EIA:</b> NA                 |
| N/A                             |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> ADVT        |

**Proposal:** Non-illuminated vinyl banners to temporary timber hoarding

**Location:** Bury College Woodbury Centre, Market Street, Bury, BL9 0BG

### **Description**

The application relates to the Woodbury Centre, a striking Edwardian/ Baroque revival primarily red brick building located on the junction of Market Street with Angoleme Way. The Woodbury Centre is part of the Bury College campus and is used for education purposes.

The application seeks permission to install vinyl images advertising Bury College to the Hoarding being considered under application 70733 which seeks to erect hoarding along the perimeter of the college grounds adjacent to the Market Street elevation of the Woodbury Centre.

### **Relevant Planning History**

70295 - Proposed new glazed entrance enclosure to form principal entrance, alteration of existing window openings, closure of vehicular access, and provision of new public realm including wheelchair accessible route - Approve with Conditions 26/01/2024

70733 - Erection of temporary timber hoarding/access gates around perimeter of the front entrance (maximum height of 2.4 metres) - Under consideration.

### **Publicity**

A Site Notice was posted on a lamppost adjacent to the side elevation of the Woodbury Centre on the 17 May.

No representations have been received.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objections.

**Conservation Officer** - No objections.

**Pre-start Conditions** - Not applicable.

### **Development Plan and Policies**

|       |                                    |
|-------|------------------------------------|
| Area  | Townside/Market Street             |
| BY7   |                                    |
| EN1/9 | Advertisements                     |
| NPPF  | National Planning Policy Framework |
| CF2/1 | Bury College                       |

## **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.

## **Principle of Development**

The Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. These matters are considered in the sections below.

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.

### **Amenity**

The Framework states that poorly placed advertisements can have a negative impact on the appearance of the built natural environment, but that the control over outdoor advertisements should be efficient, effective and simple in concept and operations. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the Local Planning Authority's detailed assessment

NPPG (Advertisements) Paragraph 79 states that the Local Planning Authority should consider the local characteristics of the neighbourhood, and whether the proposal is considered to be in scale and in keeping with those features.

The area is dominated by the visually striking Woodbury Centre, the former Bury Technical College and the adjacent college buildings along Market Street.

Advertisements in relation to commercial premises are generally acceptable where they are properly sized and sited, are not overly large and respect the development around the site.

Whilst the proposed signs on the Hoarding would have some prominence in the street scene, the advertisements are limited to the proposed hoarding and would not be dissimilar to the advertisements found relating to building/construction sites throughout the borough. The proposed signage is considered to be suitably aligned and would be of an appropriate scale given the surrounding land uses and the development that will be under construction. As such the proposed signage is considered to accord with UDP Policies EN1/2 - Townscape and Built Design and EN1/7 Throughgates and Gateways.

### **Public Safety**

NPPG (Advertisements) Paragraph 67 states that all advertisements are intended to attract attention, but proposed advertisements at points where drivers need to take more care are likely to affect public safety.

The proposed vinyl advertisements would be located on the Hoarding being considered under planning application 70733, where, subject to the revised plan secured under that application being implemented, it would not cause a hazard to pedestrians. The Traffic Section (Local Highway Authority) consequently has no objections to the proposed development on public safety grounds.

The advertisements would be removed from site once the hoarding permission lapses in October 2025.

### **Conclusion**

Taking account all of the above, the proposal complies with UDP Policies EN1/9 - Advertisements and EN1/2 - Townscape and Built Design, the National Planning Policy Framework and the National Planning Practice Guide.

### **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 This consent relates to the following plans and documents:

Approved Plans

Drawing ref - Site Location Plan;

Drawing no. 584\_02 - Proposed Main Road Hoarding Plan & Elevation Extra Elevation Plan (including Proposed Site Plan); and;

Approved Documents

Drawing ref - Woodbury Centre Development - Hoarding Visual - 17.04.2024.

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

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| CB                  | 19.07.2024  | HL - 19/07/2024         |             |