

DELEGATED REPORT

Report by Jane Langan	Date of report: 17/02/2026	Ref: 72704/ADV
Registration: 05/01/2026	LDFC: 26/01/2026	Expiry Date: 02/03/2026
Site Visit: 20/01/2026	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: 2 No. Internally Illuminated Fascia Signs, 1 No. Internally Illuminated Digital Screen, 1 No. Internally Illuminated Projecting Sign, 1 No. Non Illuminated Staff information Panel; Internally Applied Window Vinyl's

Location: 5 South Street, Bury, BL9 0JS

Description

The site is a double unit within a pedestrian area of a shopping/leisure development within the town centre. On 27/02/25 it was granted a change of use to a dental practice.

This application is for signage for the practice and comprises as follows :-

- Two internally illuminated fascia signs comprising of built up illuminated metal letters. One at 1.8m wide and one at 1.5m wide, both 0.46m high. They would be internally hung above the main entrance doors and one above a fire door.
- A non illuminated aluminium staff sign internally hung behind the entrance door. It would be 0.29m wide and 0.8m high and contain name panels.
- A 1.25m high by 0.700m wide digital screen installed internally
- An internally illuminated aluminium projecting sign 0.7m wide by 1.1m high with push through letters of a grey background with white/mushroom letters at a height of 4.5m from ground level.
- Internally applied full height vinyls to the shop front glazing consisting of a multi coloured background with images and text advertising services and pricing.

As can be seen from the site photos, with the exception of the digital screen, the signage has already been installed.

Relevant Planning History

71342 - Change of Use from Use Class A1 (Use Class E(a/b)) to Use Class E(e) to a dental practice - AC 27/02/25

71681 - Installation of fire exit door and ancillary works to front elevation - 02/05/25

Publicity

None.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - Not relevant.

Development Plan and Policies

EN1/9 Advertisements

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.

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 fascia signs are of a size appropriate to the shop front. Individual lettering placed to the rear of glazing is seen on other units within this modern development. One is located above the main entrance doors. There is a further one located above the fire door

and, whilst this is not an entrance from the street, it is located at an appropriate level on the frontage. The agent confirmed it will not conflict with any internal fire exit signs.

The size and location of the projecting sign is standard within the development and in line with the landlords design guide.

The staff information panel would be located internally to the rear of the glazing adjacent the doors providing customer information at the point of entry.

The digital screen would be internally located and not overlarge in relation to the shop front glazing. This type of advertising is becoming increasingly popular and there are several units within the centre with similar.

The vinyls would cover a large area of the front glazing at a site in a highly prominent position within the shopping development. They would create a dead frontage across a large area. Vinyls are not characteristic within the development which has in general retained a high standard of design to its signage. The vinyls are of a poor and basic design with overlarge images and do not fit in with the contemporary style of the centre.

The change of use application (71342) acknowledged that the retail use of the unit would be lost however the proposal was to retain an open shop front appearance which would not then be detrimental to the vibrancy and vitality of the shopping development. A condition was attached for the unobstructed glazed frontage to the reception area to remain as such. The addition of vinyls would then create a largely dead frontage across the main shop front window.

The agent was advised of the above issues but has not revised the proposal to remove the vinyls stating that they are required for privacy for the occupants and users. They also state that the client has confirmed that *the proposed window vinyls are in fact transparent, despite appearing solid in the original visualisation, and they are not intended to obscure the glazing or compromise the active frontage, but rather to provide a subtle level of privacy appropriate to the use.*

The installed vinyls are neither subtle nor transparent and the submitted application does not demonstrate otherwise. The front of the unit is the reception area and as such would be no different than any other shop with view in to the customer areas. The addition of the vinyls is also a breach of condition of planning application 71342.

Safety - The signs are positioned where they would not cause hazard to pedestrians. The luminance level of 200cd/m2 is acceptable and given the commercial nature of the shopping row a luminance condition is not considered necessary.

Further Issue

The application form notes under section 'Interest in the Land' that the applicant owns the land and building where the adverts are to be placed. The agent has acknowledged that this is not the case and would provide an updated form however no such form has been received.

In conclusion, due to the proposed vinyls, the proposal is contrary to 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 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

DELEGATED REPORT

Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed vinyls by reason of their extent, siting and design would create a dead frontage which will severely effect the overall design and appearance of an important elevation within The Rock development. They would be out of character and severely detrimental to the visual amenity of the building upon which they would be located, the area as a whole and the vitality of the centre. The proposal is therefore contrary to the following policy of the Bury Unitary Development Plan: EN1/9 - Advertisements.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	17/02/26	DM	18.02.2026