

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 07/01/2025	Ref: 71344/ADV
Registration: 12/11/2024	LDfC: 20/12/2024	Expiry Date: 07/01/2025
Site Visit: 02/01/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: 1 no. non-illuminated advertisement sign

Location: 88 Bolton Road West, Ramsbottom, Bury, BL0 9PD

Description

The application relates to a two storey end terraced dwelling on the south-west side of Ramsbottom, positioned in an area predominantly comprised of terraced houses. An estate agency business is registered to, and operates from the application site.

The proposal is for the installation of a single aluminium 2.9m wide x 1.4m tall advertisement incorporating a single logo and text/numbers for identification of the business. It would be installed at the front of the side gable end fronted Alfred Street at first floor level (at 4.44m) and projecting 50mm. It would not be illuminated.

The site does not fall within a conservation area.

Relevant Planning History

60599 - Change of use from dwelling house to office (Class B1 (a)) - Refused 17/11/2016

Publicity

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No comments received.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/9 Advertisements

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 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.

ASSESSMENT

UDP Policy EN1/9 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.

The NPPF 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.

Fallback position

The same advertisement subject to the application could be erected with deemed consent if positioned below first floor level, as allowed by Class 5 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

Amenity

The proposal relates to an end-terraced dwelling in a traditional residential area. The

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property fronts Bolton Road West and there are examples of gable advertisements at other locations (e.g. at 118 Bolton Road West, which is one terraced block to the west. It is noted that this advertisement does not require advertisement consent).

The proposed advertisement would be of a simple form and would not be of an inappropriate scale in the context of the full gable elevation. Furthermore, it would not be illuminated.

It is not therefore considered the proposal would conflict with the requirements of the above UDP policy and of the NPPF.

Additionally, noting the fallback would allow for the erection of the same sign below the first floor level, it would be unsustainable to justify an objection on amenity grounds.

Safety

Public safety is defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians

The Highway Authority has not commented. However, the advertisement would not be illuminated and would not project so as to impact on highway safety.

The proposal complies with the above UDP Policy and the NPPF.

Conclusion

The proposed advertisement would not have a detrimental impact on amenity and public safety. The proposal would not conflict with the requirements of the above UDP Policy and the NPPF, and accordingly it is recommended that the advertisements should be approved.

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 decision relates to drawings
Location Plan dated 12/11/2024
Elevations Drawing dated 12/11/2024
and the advertisement consent shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u> DSc	<u>Date</u> 07/01/2025	<u>Sign off Officer</u> DM 07/1/25	<u>Date</u>
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