

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 27/11/2025	Ref: 72315/ADV
Registration: 14/10/2025	LDfC: 05/11/2025	Expiry Date: 09/12/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: Non-illuminated banner sign attached to existing telegraph pole

Location: Pavement adj Rose & Crown car park, Lowercroft Road, Bury, BL8 2EY

Description

The application relates to a metal telegraph pole which is located on a pedestrian footway outside a public house at the junction of Ainsworth Road and Lowercroft Road.

The application seeks a banner sign attached to the pole.

The banner would be 1.5m in length and 0.45m wide and made in a pvc material with a blue background and white lettering. The banner would be fixed 2.5m above ground level.

Relevant Planning History

n/a

Publicity

n/a

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal.

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/9	Advertisements
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development

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.

Policy EN1/9 - Advertisements states that the Council will seek to control advertisements in the interests of amenity and public safety in order to enhance the quality of the Borough's environment.

Amenity

EN1/9 considers the effect of a proposal on the appearance of a building and on visual amenity in the immediate area where it is to be displayed, including its cumulative effect. Para 141 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed.

The sign would be attached to a metal telegraph pole which has been erected at the back of the footway. The sign would be made of a pvc material and would be 1.5m in length, 0.45m wide with a blue background and white writing.

The site and surrounding area comprises a junction area with wide carriageways and space between footways and lends itself to an open feeling. The area could also be described as semi-rural, with spacious grass verges and street trees. There are houses and two pubs in the vicinity but the area is not built up.

The erection of the sign, of this design, proportion and material appears of a poor quality and in the area would add a discordant and alien feature which would detract from the character of the area. The sign would also have wind slits and its movement in the wind would make it more intrusive in the area and adds to its low quality appearance as a street item.

It is therefore considered that the proposed sign would be harmful to the visual amenity of the area and contrary to policy EN1/9 and the NPPF.

Public/highway safety

Policy EN1/9 considers matters of public and highway safety and the potential interference in visibility for drivers or distraction of drivers and pedestrians which would be harmful to public safety.

The Highway Authority have been consulted and conclude that the proposal would result in the unauthorised display of an advertisement on the adopted highway on infrastructure not approved for that purpose. The proposed banner would also pose an undue distraction to traffic on the adjacent classified road which would set an unwelcome precedent and be detrimental to highway safety and maintaining the amenity of adjoining occupiers.

The proposed development would therefore be detrimental to highway safety and contrary to policies EN1/9, JP-C5, JP-C6 and JP-C8 and the principles of the NPPF.

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 proposal would result in the unauthorised display of an advertisement on the adopted highway on infrastructure not approved for that purpose, which would pose an undue distraction to traffic on the adjacent classified road, set an unwelcome precedent and be detrimental to highway safety and maintaining the amenity of adjoining occupiers. The proposed development would therefore be contrary to policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, and JP-C8 - Transport Requirements of New Development.
- 2 The proposed sign would be an intrusive, discordant and alien feature into the area which would be harmful to the character and visual amenity of the area. The proposed development would therefore be contrary to policies EN1/2 - Townscape and Built Design, EN1/9 - Advertisements and the principles of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	27/11/25	27/11/25DM	

