

DELEGATED REPORT

Report by Claire Booth	Date of report: 11/11/2025	Ref: 72353/ADV
Registration: 19/09/2025	LDFC: 10/10/2025	Expiry Date: 14/11/2025
Site Visit: 23/09/2025	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: Advertisement consent for 2 no. non illuminated signs attached to side garden walls of 466 & 474 Bolton Road

Location: 4 Colville Drive, Bury, BL8 2DX

Description

The application seeks retrospective advertisement consent for two unilluminated yellow sign boards that have been erected on the brick boundary walls of semi-detached brick built properties located on Bolton Road, that are located on either side of the junction with Colville Drive.

The proposed advertisements are advertising a business, 'Glow Tanning Lounge' located at no. 4 Colville Drive which is the second property on the right as you enter Colville Drive located within in a parade of commercial/ business properties that are allocated as being a Neighbourhood Centre within the adopted Development Plan. They are not within the forecourt of the application site.

The two signs are different in size and position. The larger of the two signs is positioned on the boundary wall of no. 474 Bolton Road, a detached property located to the south-west of the Colville Drive junction whose boundary abuts Colville Drive. This sign is horizontal in orientation and is positioned on a fence on top of the brick boundary wall surrounding no. 474 Bolton Road. It has a length of approximately 3.26m and a height of approximately 0.8m. Colville Drive rises away from Bolton Road. Its overall height at its closest point to Bolton Road would be 1.9m in height above ground level.

The smaller sign has been erected on the side boundary wall of no. 466 Bolton Road, this is an end terrace property which Colville Drive abuts. This sign is attached on the neighbours stone topped brick wall. It is sited below the stone topper. It has been set up one brick from the base of the wall and sits tightly up too beneath the stone topper on the brick wall. It has approximate dimensions of 1100mm in length and is 600mm deep.

Both signs have been erected on the side boundary walls at the closest edge of the boundary of these houses with Bolton Road.

Relevant Planning History

None.

Publicity

Not applicable.

One representation has been received from a local resident who raises the following areas of concern:

- Raising concerns that no neighbour consultation has been undertaken.

- Asserting that they result highway safety issue as the signs are placed at a very busy junction on Bolton Road/ Colville Drive and their fluorescent colour detracting drivers attention, rather than their attention being on the Pedestrian Crossing and the very busy junction.
- Asserting they have a detrimental impact on the streetscape/ visual amenity;
- Stating approval of the signs would set an unwelcome precedent that can lead to further inappropriate signage

Statutory/Non-Statutory Consultations

Traffic Section - Recommends refusal of the advertisements. Their reasons are discussed within this report.

Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN1/9	Advertisements
HT2	Highway Network
JP-C4	Strategic Road Network
JP-C5	Streets For All
JP-C8	Transport Requirements of New Development
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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 below.

Amenity

Regulation 3(2a) of the Advertisement Regulations states that: factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

NPPF Paragraph 141 states that 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.

NPPG 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.

UDP Policy EN1/9 relates to adverts and signage and states that proposals should have regard to the locality, scale or the existing building and the land use and be considered on their amenity and safety.

UDP Policy EN1/7 - Throughroutes and Gateways is concerned to improve the quality of development along throughroutes and at gateways, and will require new proposals fronting major throughroutes and at the identified gateways to display a high standard of design.

The site is located adjacent to the main throughroute of Bolton Road which leads to and from Bury to Bolton via Ainsworth and vice versus. It is a key main road within the borough. The proposed advertisements relate to a business located at no. 4 Colville Drive. However the signs are positioned on the brick boundary walls located at the sides of nos. 466 and 474 Bolton Road, non-associated dwellings. The smaller sign would be positioned on the wall of no. 466, with the larger sign located on the brick boundary wall of no. 474. Both adverts are as close to the edge of the boundaries of the properties with Bolton Road and are clearly visible from Bolton Road when travelling in both directions either on foot, bus or car. The proposed advertisements, by virtue of their siting on the boundary wall of domestic dwellings, scale, and location, would result in overly prominent and incongruous features within the street scene and are therefore detrimental to visual amenity. They appear at odds with the residential appearance of the area and thus

further detract from the character and appearance of the local area and visual amenity. The proposed advertisements are therefore contrary to policies EN1/9: 'Advertisements' and EN1/7: 'Throughroutes and Gateways' of the Bury Unitary Development Plan and the requirements of the National Planning Policy Framework.

Public Safety

NPPG 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 advertisements (retrospective) are sited on the red brick boundary walls of properties located on either side of Colville Drive and are therefore close to its junction with Bolton Road.

Bolton Road is a Class 1 Primary Route, as defined on Bury MBC Classification of Highways. It is therefore a key transport route. It is busy in nature, particular at peak travelling times.

Both proposed signs are visible from Bolton Road. The larger of the signs, is located on the boundary of no. 474 Bolton Road, and is therefore clearly visible from Bolton Road when travelling in a south-westerly direction towards Ainsworth and Bolton and can be viewed as drivers are approaching the Pedestrian Crossing when travelling along the road in a south-westerly direction. The smaller sign proposed is visible when travelling along Bolton Road in a north-easterly direction.

The Highways section has reviewed the proposals and consider that the proposed signs, due to their position in close proximity to the Colville Drive/Bolton Road junction, size and colour, pose an undue distraction to traffic on the adjacent classified road (A58 Bolton Road) and vehicles manoeuvring at the junction, which would be detrimental to highway safety. The proposal is therefore contrary to UDP Policy HT2.

Conclusions

To conclude, the proposed advertisements, by virtue of their siting, scale, and location, would result in overly prominent, incongruous features within the street scene, to the detriment of visual amenity and would detract from the character and appearance of the local area. The proposal is therefore contrary to policies EN1/9: 'Advertisements' and EN1/7: 'Throughroutes and Gateways' of the Bury Unitary Development Plan and the requirements of the National Planning Policy Framework. The proposals also cause harm to highway safety due to them causing a distraction to passing motorists, contrary to the requirements of UDP HT2. For these reasons it is thus recommended the retrospective proposals be refused and the matter be passed on to colleagues in the Planning Enforcement Team to ensure they are removed.

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 proposed advertisements by reason of their size, siting and design would be out of character and detrimental to the general visual amenities of the area and therefore are contrary to policies EN1/9 - Advertisements, EN1/2 - Townscape and Building Design and EN1/7 - Throughroutes and Gateways of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 2 The proposed advertisements, due to their position in close proximity to the Colville Drive/Bolton Road junction, their position on either side of Colville Drive, size and colour, would pose an undue distraction to drivers on the adjacent classified road (A58 Bolton Road) and vehicles manoeuvring at the junction, which would be detrimental to highway safety. The proposal is therefore contrary to Policies EN1/9: Advertisements and HT2: Highway Network of the Bury Unitary Development Plan and Policies JP-C1: An Integrated Network, Policy JP-C4: The Strategic Road Network, JP-C5: Streets for All of the Places and JP-C8: for Everyone Joint Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	11/11/2025	DM - 12/11/2025	