

DELEGATED REPORT

Report by Helen Pressley	Date of report: 14/11/2024	Ref: 71209/ADV
Registration: 22/10/2024	LDFC: 13/11/2024	Expiry Date: 17/12/2024
Site Visit: 14/11/2024	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: Installation of 1no. internally illuminated digital LED advertisement

Location: 115 Bolton Road, Bury, BL8 2NW

Description

The application relates to the gable end of a detached building located on Bolton Road. The property has hairdressers to ground floor and car sales offices to the first floor. The property has existing signage on the front that relates to the hairdressers and fascia sign level and to the side that relates to the car sales business, located between the first floor windows and the eaves of the property.

Advert consent is sought for the erection of 1no internally illuminated LED digital screen. The proposed screen would be 3 metres high, 6 metres wide, and affixed to the building at first floor approximately 2.5 metres above ground level.

Relevant Planning History

58850 - Change of use from car show room (Sui Generis) to kitchen show room (Class A1)
Approve with Conditions 21/08/2015

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - Conditions recommended in relation to submission of a method statement, standard advertisement conditions, and sequencing and changes in LED displays.

Transport for Greater Manchester - No signals or crossings within the vicinity of the site that would be impacted by the digital display. Digital sign is offset from the carriage way and within the direct eyeline of drivers.

Pre-start Conditions - N/A

Development Plan and Policies

EN1/9	Advertisements
EN1/7	Throughroutes and Gateways
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.

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.

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.

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 and landscaping.

Amenity

The site is on a main thoroughfare at the edge of Bury Town Centre. The row in which the building is located, directly fronts Bolton Road which is a busy main road into Bury. The area is generally commercial. There are commercial uses at both ground floor, and first floor of the building with a car sales lot located to the south west of the side elevation. Signage on buildings within the immediate street scene tend to be limited to fascia signs above windows of ground floor businesses, however there is an existing first floor side lettered sign on the gable of the business, as well as larger non-digital sheet signs on the north gable of the site and the gable of No. 107. There are also totem, and flag signage visible at neighbouring businesses within their forecourts.

Advertisements on commercial premises are generally acceptable where they are properly sized and sited providing that they respect the scale of the building, are not overly large, do not cut across architectural features and respect the development around the site.

The gable on which the proposed sign is to be located currently has a sign at eaves level that reads "Manchester Motor Mart", an external stair case, first floor access door and canopy at ground floor level. Whilst not typically seen due to the simplicity of the existing first floor signage this does not appear out of place within the street scene. The existing window openings, and detailing on this gable are considered to be suitably aligned. The proposed digital advertisement would be of a much larger scale than the existing advertisement and would be offset due to the need to retain the existing external access to the first floor. It is considered that the introduction of an additional advertisement, of the size proposed would lead to an overly cluttered side elevation that would be detrimental to the street scene and the current amenity of this side elevation.

The submitted side elevation drawing also indicates that the proposed advertisement would obscure two existing first floor windows in relation to the existing car sales business. Not only would this prevent natural surveillance for the first floor business over their land but it would cut across existing architectural features, namely the windows that contribute to the character of the building. As such the proposed siting is considered to be unacceptable.

The elevation plans submitted are also not accurate. The existing signage for instance is not accurately shown in relation to what is actually on site as it is actually centrally positioned and runs along the extent of the gable. The submitted site plan suggests that this gable of the building is approximately 16 metres wide. This correlates with the Council's own mapping system. The submitted proposed south west elevation drawing indicates that this side elevation is approximately 11 metres wide. It may be therefore that the sign would not be suitably aligned in relation to the existing ground floor canopy and windows, or that the sign would not fully obscure the two first floor windows which would be even more harmful than the assessment made above.

It is therefore considered that the applicant has failed to accurately represent how the proposal would be viewed in relation to the existing building and therefore insufficient information has been submitted to ensure that the LPA can accurately make a full assessment in terms of amenity.

Safety

The sign would be located where it would not cause hazard to pedestrians. With regard to motorists then the sign would have a changing display every 10 seconds. Although not static it is not considered that the changing image would, with the stated time lapse, result in a distraction to motorists above the general activity in and around the area and the luminance level would be acceptable for the location. The Traffic Section and TfGM have raised no concerns in principle with regard to highway safety noting their requirements could likely be satisfied. In terms of luminance levels and the time lapse for images this could be controlled by means of condition.

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 internally illuminated digital LED advertisement, by reason of its size and siting on the side gable wall would be out of character with the building and be severely detrimental to both the appearance of the building and to the general visual amenities of the area and therefore contrary to the following policy of the Bury Unitary Development Plan: EN1/9 - Advertisements and EN1/7 - Throughroutes and Gateways.
- 2 The application and submitted plans do not accurately show the existing and proposed side elevation on which the proposed advertisement would be sited. The application and submitted plans contain insufficient information to enable them to be properly assessed in terms of visual amenity. The proposal would therefore conflict with the following Policies of the Bury Unitary Development Plan: EN1/9 - Advertisements and EN1/7 - Throughroutes and Gateways.

<u>Case Officer</u> HP 14/11/2024	<u>Date</u>	<u>Sign off Officer</u> DM 18/11/24	<u>Date</u>
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