

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 10/06/2024	Ref: 70656/ADV
Registration: 18/04/2024	LDfC: 09/05/2024	Expiry Date: 13/06/2024
Site Visit: 02/05/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: To rebuild the advertising structure with non-illuminated sign

Location: Land adjacent to 36 Tottington Road, Bury, BL8 1LL

Description

The application is for a replacement advertising structure and non-illuminated sign which would be located behind the back edge of a public footpath to a main road. The remnants of the former advert panel are at a slight angle and can be clearly seen on site.

The advert panel would be 6396mm long, 3348mm high and 150mm wide sat on a 1500mm high wooden slat plinth.

Along this stretch of footway is a dilapidated fence and behind the site is a line of trees beyond which the land drops steeply away at the rear and accommodates several storage containers and workshops.

Directly to the south east of the site also set behind the footway is a small single storey building, to the north east is an apartment block and car park and opposite the site is a row of residential terraced properties.

Relevant Planning History

68347 - Change of use (Sui Generis) to (Class E) First floor extension above existing building - Approve with Conditions 26/08/2022

Publicity

N/a

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

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

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 sign would replace an advert panel which had previously been in situ for a number of years in the same location. The advert panel would be located at the back edge of the footway running linear to the path and the highway for a length of approximately 6396mm. It would not project into the streetscene and as such considered not to be prominent in the streetscene.

The proposed advert would be a 1x48 sheet poster type. It would not be illuminated and there would be no moving images and therefore considered not to be visually intrusive or

affect the living conditions of the residential occupiers opposite the site.

The proposed development is therefore considered to be acceptable and would comply with Policy EN1/9.

Public/highway safety

The proposed sign would be orientated to sit linear to the footway, would not be illuminated or have moving images and as such would not cause a driver distraction when approaching by vehicle from either the northerly or southerly direction.

The Highway Authority have raised no objection in this respect.

The sign would be located close to where the land falls away steeply at the rear and given how close the advert would be sited next to the public footpath, the Highway Authority have recommended a condition that the applicant submits an Approval in Principle document to outline the principles used in the design of the hoarding and how it would be supported so as not to cause stability issues which would affect the highway or public safety. The applicant has agreed to a condition.

It is therefore considered that the proposed development would be acceptable and would comply with EN1/9.

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 -
Site plan TRB1 12th March 2024
Location plan TRB2 12th March
Specification Drawing TRB3 17th April
Side elevation/cross section dated 29th April 2024
and the development 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 listed.
- 2 No development shall commence unless and until an 'Approval in Principle' document outlining the principles used in the design of the hoarding/advertising structure has been submitted to the Local Planning Authority for approval by the Highway Authority. The approved document shall thereafter be implemented.
Reason. To provide assurance that correct design principles have been adhered to in order to minimise risk to the public due to the proximity of the structure to the highway pursuant to Policies EN1/9 - Advertisements and EN1/2 - Townscape and Built Design.
- 3 Notwithstanding the submitted Method Statement, no development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been

submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

1. Photographic dilapidation survey of the adopted highway abutting the site in the event that subsequent highway remedial works are required following removal of the existing and construction of the new hoarding/advertising structure, incorporating all appropriate measures to demarcate the limits of the adopted highway/back of the footway;
2. Access route for all construction vehicles to the site from the Key Route Network;
3. The provision of a construction method statement incorporating appropriate pedestrian protection measures and retention of adequate pedestrian facilities on Tottington Road that abuts the site;
4. A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site;
5. Confirmation of hours of operation, delivery & construction vehicle sizes and number of vehicle movements;
6. Measures to control/manage delivery vehicle deliveries and manoeuvres;
7. Parking on site or on land within the applicant's control of operatives' vehicles, together with storage on site or on land within the applicant's control of construction materials;
8. Measures to ensure that all mud and other loose materials are not spread onto the adjacent highways as a result of the groundworks operations and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials. All highway remedial works identified as a result of the dilapidation survey and required to demarcate the limits of the adopted highway/back of the footway shall be implemented to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Policies EN1/9, EN1/2 - Townscape and Built Design and JP-C5 and JP-C6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	10/6/24	DM	11/06/2024