

DELEGATED REPORT

Report by Helen Pressley	Date of report: 17/02/2025	Ref: 71404/ADV
Registration: 23/01/2025	LDfC: 14/02/2025	Expiry Date: 20/03/2025
Site Visit: 11/02/2025	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: Consent to display various flags, erected on the existing 3 flagpoles

Location: Knowsley Place, 3 Duke Street, Bury, BL9 0EJ

Description

The application site is within Union Square, a paved area with fountain to the front of a Council office building within the town centre. The site is currently occupied with 3 no. flag poles reaching a height of 8 metres.

Advert consent is requested to fly several, non-standard flags on the existing flagpoles. The flags would be approximately 1.8 metres in width, and 0.9 metres in height.

Relevant Planning History

54305 - 3no. flagpoles - Approve with Conditions 06/09/2011

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - Do not wish to restrict the granting of planning permission

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/9 Advertisements

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 flag poles have already been granted consent and are of an acceptable size in relation to the scale of the building and would be a feature to add interest to the front of the building. The flags proposed to be flown are of similar dimensions to the standard flags that do not need consent to be flown, and would be flown at the same height as the existing standard flags.

It is therefore considered that the proposal would not have a detrimental impact on the visual amenity of the locality.

Safety

As above the flag poles already have permission. The proposed flags would not be sited as to cause an obstruction.

The proposal would then comply with UDP Policy EN1/9 – Advertisements.

Recommendation: Approve with Conditions

Conditions and Reasons:

<u>Case Officer</u> HP 17/2/2025	<u>Date</u>	<u>Sign off Officer</u> HL - 20/02/2025	<u>Date</u>
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