

DELEGATED REPORT

Report by Tom Beirne	Date of report: 31/07/2025	Ref: 72086/ADV
Registration: 20/06/2025	LDFC:	Expiry Date: 15/08/2025
Site Visit: 29/07/2025	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: Non-illuminated fascia sign to first floor front elevation

Location: 71-75 The Rock, Bury, BL9 0NB

Description

The application is retrospective and relates to the first/second floor frontage above a commercial row on the north side of The Rock. The ground floor is occupied by a pawnbrokers shop. The advert, comprising an aluminium box frame is positioned between the first and second floors and measure 6.8m across the frontage with a height of 800mm. The frame would be covered by a red board with letters spelling 'Santal Emporium' in white.

The business to which the advert relates is not apparent within the immediate streetscape although it may well occupy one of the upper floors.

Relevant Planning History

70627 - Conversion of first/second/third floors to 1 no. self-contained flat (Class C3) - Approve with Conditions 15/05/2024

Publicity

None relevant.

Statutory/Non-Statutory Consultations

Conservation Officer - Recommends refusal on grounds of siting, design and appearance and the impact on the existing facade.

Pre-start Conditions - N/A

Development Plan and Policies

EN1/9	Advertisements
EN1/2	Townscape and Built Design
TC1	Town Centres
JP-Strat1	Main Town Centres
2	
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.

Visual amenity, Heritage and streetscape - Although the site is not within the Town Centre Conservation Area, The Rock is the main pedestrianised thoroughfare within Bury town centre and as such should retain a high amenity value.

The building to which the application relates is a significant building in the street scene with architectural merit. Constructed in the early 20th century from red brick, it has stone cornices, brick columns and stone strings in a revived classical style; stone segmented arches; Flemish gable and finials and brick sawtooth decoration. As such the building is considered to be a Non-Designated Heritage Asset (NDHA).

The building has been identified as a non-designated heritage asset in accordance with Annex 2 of the NPPF and is considered to be a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing). The 'Good Practice Advice Note 2: Managing Significance in Decision-Taking' published by Historic England

(2015) clarifies non-designated assets as those "...that have been identified in a Historic Environment Record, in a local plan, through local listing or during the process of considering the application."

Paragraph 216 of the National Planning Policy Framework (NPPF) states that:
The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Whilst the ground floor units along The Rock do not present a particularly attractive streetscape, the upper floors of the continuous facade are one of the more attractive and distinctive features of the town centre with no large intrusive advertisements present.

The proposed advertisement hoarding, situated centrally between the first and second floors is very prominent, out of proportion and cuts across architectural details which have both aesthetic and architectural merit. As such the sign represents a large, incongruous and jarring feature on the building with direct impact, causing an unacceptable level of harm to its heritage significance.

The advertisement, if retained, would have a serious and detrimental impact on the character and appearance of the frontage along this part of The Rock and therefore conflicts with the following UDP Policies: EN1/2 Townscape and Built Design, EN1/9 Advertisements, TC1 Town Centres, and Places for Everyone Policy JP-Strat 12 Town Centres.

Residential amenity - No issues arising in relation to residential amenity.

Recommendation: Refuse

Conditions and Reasons:

- 1 The advertisement, if retained, would have a serious and detrimental impact on the character and appearance of the frontage along this part of The Rock and therefore conflicts with the National Planning Policy Framework and the following UDP Policies: EN1/2 Townscape and Built Design, EN1/9 Advertisements, TC1 Town Centres, and Places for Everyone Policy JP-Strat 12 Town Centres.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	31/07/2025	DM	08/08/2025