

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 08/08/2024	Ref: 70777/ADV
Registration: 17/06/2024	LDfC: 09/07/2024	Expiry Date: 12/08/2024
Site Visit: 18/06/2024	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: Internally illuminated advertisement display comprising of LCD portrait screen integrated into communication hub

Location: Pedestrian area adj 2 Central Street/4 Clerke Street, The Rock, Bury, BL9 0JN

Description

The proposed site is situated on a pedestrianised retail street at the junction of The Rock, Central Street and Clerke Street in Bury Town Centre.

Advertisement consent is sought for the installation of 1 no. advertisement panel on a multi functional communication hub including a defibrillator.
The unit would measure 2.6m high, 1.3m wide and 0.3m deep.

Relevant Planning History

70776 - Installation of multifunctional communication hub including defibrillator and advertisement display - Concurrent application - recommended for approval

Publicity

N/a

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1	Built Environment
EN1/2	Townscape and Built Design
EN1/9	Advertisements
EN1/10	Telecommunications
EN1/4	Street Furniture
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
HT6/1	Pedestrian and Cyclist Movement
S1/1	Shopping in Bury Town Centre
JP-C2	Digital Connectivity
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.

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

In considering amenity, EN1/9 states that consideration will be given to the effect of a proposal on the visual amenity in the immediate area where it is proposed to be sited, including its cumulative effect.

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The proposed advertisement hub would be sited in an area of the Rock which is a well used throughroute. This part of the Rock is open, spacious and any street furniture has been deliberately positioned in regimented lines

The proposed Hub would introduce a piece of street furniture outside the established and regimented pattern of existing furniture which would not only cause an obstruction but would interrupt the visual rhythm and pattern of the street and detract from the appearance of the locality.

As such it is considered the proposed advertisement would be harmful to the amenity of users of the area and have a detrimental impact on the appearance of the street scene and would be contrary to policy EN1/9.

Public/Highway safety

The proposed Hub would be located on a public highway and pedestrianised street. the Highway Authority have been consulted on the application and have recommended refusal for two reasons -

- The proposal would result in an unnecessary obstruction of the existing adopted highway and the creation of additional street clutter for an installation that primarily consists of an advertisement screen, without agreement for the placement of such equipment on the adopted highway with the Highway Authority, which would be detrimental to pedestrian safety, maintaining existing pedestrian desire lines on The Rock and contrary to the active travel aspirations of the Council.
- The application and submitted plans contain insufficient information to properly assess the proposal in relation to a wider strategy for the need for and provision of defibrillators throughout the Borough.

The proposed Hub would be located in an open and spacious area of the Rock which has been designed out similar to that of a town square or plaza and is the meeting point of other shopping streets at the Rock. The existing street furniture is set in a deliberate and regimented pattern which does not interrupt pedestrian flows.

The proposed Hub would be outside this pattern of furniture and as such obstruct pedestrian movement and those with mobility impairments when it could be sited elsewhere which would not interfere with direct lines of sight.

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 development by reason of its siting and position within The Rock would introduce a piece of street clutter which would interrupt the visual rhythm and pattern of the existing street furniture and layout of the streetscene and would be

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seriously detrimental to the visual amenity and appearance of the streetscene. The proposed development would therefore be contrary to UDP Policy EN1/9 .

- 2 The proposal would result in an unnecessary obstruction of the existing adopted highway and the creation of additional street clutter for an installation that primarily consists of an advertisement screen, without agreement for the placement of such equipment on the adopted highway with the Highway Authority, which would be detrimental to pedestrian safety, maintaining existing pedestrian desire lines on The Rock and contrary to the active travel aspirations of the Council. The proposed development would therefore be contrary to Policy EN1/9.
- 3 The application and submitted plans contain insufficient information to properly assess the proposal in relation to a wider strategy for the need for and provision of defibrillators throughout the Borough. The proposed development would therefore be contrary to Policy EN1/9.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	8/8/24		