

DELEGATED REPORT

Report by Helen

Date of report: 24/11/2020

Ref:65621/ADV

Goldsbrough

Registration: 06/10/2020

LDfC:

Expiry Date: 01/12/2020

Site Visit: 23/07/2020

Site Notice: N/A

Press Date: N/A

Objections:

Con Area: N/A

Adv Type: N/A

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: ADVT

Proposal: 1 No. internally illuminated digital LED screen

Location: 219 Bury Old Road, Prestwich, Manchester, M25 1JF

Description

The application relates to an end terraced property on the junction of Bury Old Road and Whittaker Lane. The property has a hairdressers at ground floor, with what appears to be a separate residential accommodation at first and second floor. The property has existing signage at ground floor that relates to this ground floor unit, and a static first floor hoarding that faces towards Whittaker Lane.

Advert consent is sought for the erection of 1 x no. internally illuminated digital LED screen. The proposed screen would 3000mm high and 1500mm wide and affixed to the building at first floor. The frame would be constructed from Lightweight Steel, powder coated black and fixed tight to the brickwork with anchors, and a 70mm embedment into brickwork.

Relevant Planning History

55618 - 1 No. internally illuminated projecting sign; 1 No. non-illuminated fascia sign - Approve with Conditions 31/10/2012

65620 - 1 No. internally illuminated digital LED screen - Pending

12/0521 - Unauthorised Advertisements - 01/01/2013

Publicity

None

Statutory/Non-Statutory Consultations

Traffic Section - Conditions recommended

Pre-start Conditions - not relevant

Unitary 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) and 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 Policy 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 victimization;

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 area is mixed use in nature with commercial properties at ground floor, and residential properties at first and second floor. To the north of the site there is a car park and metrolink station, to the east is Heaton Park. Signage within the immediate street scene tends to be limited to fascia signs above windows of ground floor businesses, however there is an existing first floor sign at this location. Whilst the proposed signs would have some prominence in the street scene it would be narrower and shorter in height than the hoarding that it would be replacing. The proposed signage is considered to be suitably aligned and as such the proposed signs would be acceptable.

Safety

The displays would be located where it would not cause hazard to pedestrians. In terms of

its impact on motorists Transport for Greater Manchester (TfGM) have advised that the content of the driver distraction assessment is satisfactory and they have no issues with the proposals and do not propose any conditions. The Traffic Section has no objections. However, to retain control over safety non-standard conditions used on previous consents are recommended to be imposed.

The proposal complies with UDP Policy EN1/9 - Advertisements.

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 The intensity of the illumination of the advertising unit(s) permitted by this consent shall at all times accord with the thresholds set out in the Institute of Lighting Professionals publication "The Brightness of Illuminated Advertisements" (PLG05:2015) and be equipped with an ambient/photo cell sensor which shall monitor ambient light conditions and adjust brightness accordingly.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 2 The LED screen displays shall not change more frequently than every 10 seconds and the rate of change should be instantaneous.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 3 The sequencing of messages relating to the same product is prohibited.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 4 The interval between successive displays shall be 0.1 seconds or less.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 5 The advertising display panel shall have a default mechanism to freeze an advertisement in the event of any malfunction.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 6 The levels of the illuminance of the LED screen displays shall not exceed 600cd/m² during daylight hours as stated in the approved Highway Assessment reference CT/200519/HA/00, or exceed 300cd/m² during twilight and night hours; as defined by official lighting up times.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 7 The LED screen displays shall only show two dimensional static images for the lifetime of the development, shall contain no moving images, strobe lighting effects, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs and no messaging should spread across more than one

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screen image.

Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

- 8 The illumination of the LED screen displays shall not at any time be intermittent.

Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

- 9 A mechanism shall be in place so that if the LED screens break down, they default to a black screen to avoid any flashing error messages or pixilation.

Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Goldsbrough	24/11/2020	DM	27/11/2020