

DELEGATED REPORT

Report by Jane Langan	Date of report: 03/05/2022	Ref: 67978/ADV
Registration: 25/02/2022	LDfC: 22/03/2022	Expiry Date: 22/04/2022
Site Visit: 07/03/2022	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: 1 no. digital poster display

Location: 399 Rochdale Road, Pimhole, Bury, BL9 7DB

Description

The application site was a former public house that has been converted and extended under planning permission 63167 to 2 flats and 2 retail units. It is located at the junction of Rochdale Road and Wash Lane. It has a car park accessed off Wash Lane and the entrance to the residential properties. There are properties opposite, across the road, and which are at a higher level. To the west side is a petrol filling station and to the east is the M66 junction.

The application proposes a 6m by 3m digital display advertisement to be located on the wall of the building to the Wash Lane elevation 2m from the ground level. It would comprise of lightweight digital LED panels and be controlled remotely. The display would be limited to 300cd/m2 at night time in accordance with the Institute of Lighting Professionals best practice guidance and would adjust according to ambient brightness. The level of illuminance would be set on site manually to be at an appropriate level for the area. Images would be static and adverts change no more than once every 10 seconds. Changes between adverts would take place instantly with no sequencing, fading, swiping or merging of images.

Relevant Planning History

63167 - Single storey extension at side/rear and change of use from financial services (Class A2) to form 2 no. flats and 2 no. retail units (Class A1) with new shop fronts
- Approved with Conditions 08/11/2018

Publicity

None.

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal as the proposed site plan contains insufficient information.

Transport for Greater Manchester - No objection subject to conditions for no moving images, frequency of images and luminance levels.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/9 Advertisements
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) 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 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.

Amenity - Advertisements on commercial premises are generally acceptable where they are properly sized and sited providing that they respect the scale of the building, are not overly large, do not cut across architectural features and respect the development around the site. Para 136. of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed.

The replacement of 48 sheet hoardings or installation of new ones with digital display is the modern approach to this type of advertising and there have been numerous consents for replacements in the borough in recent years.

In this case the advert would be located to the gable wall facing on to Wash Lane. It would

overhang the side gable to the area of the residential entrances at 214 & 216 Wash Lane and would not fit well with the general appearance of the building being overlarge. The sign would appear to have no sense of relationship to the host building in terms of siting or scale and therefore it would be a significant negative addition to this site and building and consequently to the street scape. The introduction of illumination would make the display more prominent and intrusive. It would appear out of place and incongruous on the building to the detriment of both the building itself, the character of the street and the general visual amenity of the area. In terms of the residential element of the building it would also have a negative impact due to its size and position appearing out of place at the entrance to the residential properties and detrimental to their amenity. The residential properties opposite are at a higher level and approximately 39m away therefore the proposal would not have any significant impact.

Safety - The display would be located on the gable wall at a height of 2m from ground level. The councils Highways Section have raised concerns that there is insufficient detailed information on the plans to enable the physical impact of the proposed development on the adopted highway, car park layout and visibility from the site access onto Wash Lane to be properly assessed. They have therefore recommended refusal. Transport for Greater Manchester (TfGM) have raised no objections subject to conditions.

In conclusion the proposal is contrary to UDP Policy EN1/9 - Advertisements and the NPPF chapter 12 Achieving well designed places.

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 digital display advertising sign, by reason of its size and siting on the building, would be out of character with the building and be severely detrimental to both the appearance of the host building, the general visual amenities of the area and the amenity of the residential properties within the building. It would be therefore contrary to the following policy of the Bury Unitary Development Plan: EN1/9 - Advertisements and the NPPF chapter 12 Achieving well designed places.
- 2 The application and submitted plans contain insufficient detailed information to enable the physical impact of the proposed development on the adopted highway, car park layout and visibility from the site access onto Wash Lane to be properly assessed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JL	03/05/22		