

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 25/10/2022	Ref: 68402/ADV
Registration: 04/05/2022	LDfC: 07/06/2022	Expiry Date: 29/06/2022
Site Visit: 22/06/2022	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: Installation of wall-mounted illuminated 48-sheet D-Poster (digital) display - Illuminated external 3m x 6m, Frequency of images to be no greater than once every ten seconds

Location: 10 Tottington Road, Bury, BL8 1LH

Description

The application relates to a 2 storey detached building which has recently been granted planning permission for a change of use to a 4 bed dwelling. The building fronts a main road which is close to a junction and intersection of roads at Bury Bridge which connect the north of the Borough to the town centre and districts beyond.

The site is in an area of mixed uses comprising commercial and business units to the south and residential development to the north, east and west.

There is a small grass verge adjacent to the site which had previously accommodated 348 sheet advert hoardings. These have been removed and the wooden fence remains and continues to be used to display a number of posters and signs.

The application seeks advertisement consent for the installation of a wall mounted illuminated 48-sheet digital display unit which would be fixed to the south gable wall of the building. The sign would be 6.2m wide and 3.1m in length and would be set 3m above ground level.

The screen would contain static images changing once every 10 seconds. The illumination would be 300cd/m2 at night.

A Highway Assessment has been submitted as part of the application.

Relevant Planning History

68096 - conversion from current use to a 3 bedroom detached family house. Work will involve a full renovation, including, - installation a new kitchen - installation of 2 new bathrooms (one on each floor) - installation of new electrics throughout the property. - installation of new heating system though property (all electric as to reduce carbon emissions) - installation of stud walls to create partitions for bedrooms. - new insulation throughout property. All work conducted will be with energy efficacy in mind and to minimise carbon emissions. - Withdrawn - Invalid 25/04/2022

68252 - Change of use and alterations to principal elevation of former shop (Use Class E) to form a four bedroom dwellinghouse (Use Class C3) - Approved 5/7/22

Publicity

None

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to condition.

Transport for Greater Manchester - No objection

Pre-start Conditions - Agent/applicant - not confirmed agreement.

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/9	Advertisements
EN1/7	Throughroutes and Gateways

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 - The site is located within mixed development with residential dwellings to the north, east and west and commercial and business units to the south. The digital display unit would be located on the southern gable of the building which faces the commercial area of Crostons Road and would be directed towards the intersections at the junction of Bury Bridge and the commercial and business units in the area.

In terms of impacts on nearby occupiers, there would be no direct relationship or direct overlooking of the site or the proposed display sign from the dwellings to the north or west of the site.

The property to the east, No 97 Crostons Road is set directly to the rear of the site and orientated at a slight angle to the site, such that views from the 1st floor rear window of No 97 would look past the side gable of the site and the proposed location of the display sign. As such the occupier of this property may have a view of the screen and the moving illuminated images which would be particularly disturbing at later times of the evening and night and early morning.

The applicant has sought to address this issue and proposes to tilt and angle the sign off the gable wall such that there would be no direct views of the display unit and projected images from the windows of No 97. Any views of the unit would be of the side or back of the sign. It is therefore considered that impacts to the occupiers of this property would not be significant.

A condition for the removal of the existing posters and signage which are located on the fenced area to the grass verge would be included which would improve and tidy up the general appearance of the area.

It is therefore considered that on balance, given the location of the sign and its relationship and directional position towards the commercial setting and character of the area, the proposed development would not significantly harm the visual or residential amenity of the area.

The proposed development is considered to comply with EN1/9.

Safety - The display would be located where it would not cause a hazard to pedestrians as it would be set back off the public footpath and fronting a grassed verge.

In terms of its impact on motorists Transport for Greater Manchester (TfGM) have advised the following:

It is noted that there are no signals or crossings within the vicinity which will be impacted by the digital display. Additionally, the position of the digital sign is such that it will be offset and not within the direct eyeline of drivers.

Site observations have confirmed that the position of the sign is adjacent to an existing bus stop and opposite a busy junction. There may therefore be the potential for driver distraction due to the increased cognitive demands required at this location. However, TfGM would refer to the Local Highway Authority (LHA) to determine the suitability of the location in this regard, given there is no impact upon any traffic signals.

In light of the above, TfGM would note the following recommendations of the application:

- The LED screens should not feature any moving images.
- The images should not change too frequently, (no greater than once every 10 seconds).
- The luminance levels should be in accordance with recommendations contained within the Institute of Lighting Professionals Lighting Guide - Technical Report Number 5.

The Highway Engineer has assessed the proposal and has raised no objection in principle subject to conditions.

The proposed development is considered to comply with EN1/9.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 This decision relates to drawings - Location plan PY4271/001 rev B; Revised proposed site plan PY4271/002 rev C; Proposed elevation PY4271/004 rev B; Proposed side elevation PY4271/009 rev B and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 2 The development hereby approved shall not be commenced unless and until full, dimensioned details of the position of the proposed installation relative to the limits of the adopted highway along with a method statement/traffic management plan for the erection of the digital LED screen immediately adjacent to the B6213 Tottington Road, incorporating appropriate traffic management arrangements, pedestrian protection measures and retention of adequate pedestrian facilities/access arrangements on the Tottington Road footway that abuts the site, has been submitted to and approved by the Local Planning Authority. The details and measures subsequently approved shall be implemented to the satisfaction of the Local Planning Authority and maintained for the duration of the works that affect the adjacent adopted highway.
Reason. In the interests of pedestrian and road safety pursuant to Bury Unitary Development Plan Policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 3 Prior to the commencement of development, the advertisements, posters and signage displayed on the fencing and within the area of the grassed verge located within the red edge location plan shall be removed from site and shall thereafter be permanently maintained free of any advertisements, posters and signage.
Reason. In the interests of visual amenity pursuant to Bury Unitary development Plan policies EN1/2 - Townscape and Built Design and EN1/9 - Advertisements.
- 4 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 and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 5 The sequencing of messages relating to the same product is prohibited.
Reason. To avoid undue distraction to traffic in the interests of road safety and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

- 6 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 and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 7 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 and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 8 The luminance of the advertisement hereby permitted shall comply with the levels and recommendations set out in the Institute of Lighting Professionals publication "The Brightness of Illuminated Advertisements" (PLG05 2015) or any document amending or superseding that report. The level of luminance of the advertisement shall be controlled by light sensors that measure ambient light levels and automatically control the perceived brightness to within these limits. The luminance of the LED screen display shall not exceed 300cd/m2 during twilight and night hours.
Reason. To avoid undue distraction to traffic in the interests of road safety and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 9 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 screen image.
Reason. To avoid undue distraction to traffic in the interests of road safety and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 10 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 and to protect the amenity of adjoining occupiers pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 11 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 and to protect the amenity of adjoining occupiers 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>
25/10/22 JT			