

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 04/08/2025	Ref: 72033/FUL
Registration: 09/06/2025	LDFC: 11/07/2025	Expiry Date: 04/08/2025
Site Visit:	Site Notice: 20/06/2025	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of 1 no. BT Street Hub Unit with 2 no. digital 75 inch LCD display screens either side of unit and removal of existing phone kiosk

Location: Pavement outside Aldi 380 Bury New Road, Prestwich, Manchester, M25 1AR

Description

The application site relates to the pavement outside the Aldi/No. 380 Bury New Road, Prestwich. Bury New Road is an A road - the A56. The area of pavement is located to the west of the store with a row of commercial properties opposite. The site is located just outside of the St Mary's Conservation Area.

Planning permission is sought for the installation of 1 no. BT street Hub with 2 no digital 75 inch display screens either side of the unit. The proposed screens would be encased within a hub that measures 1236mm wide and 2986mm high.

The Hub would be positioned approx 2.7m away from the kerb edge with Bury New Road and 1.6m from the shop front.

The application is a resubmission following the withdraw of an application (ref 71495) and following the refusal of its concurrent advertisement consent application (71474) and the negotiation with the applicant to seek an alternative position in the locality.

Relevant Planning History

72034 - Advertisement consent for 2 no. digital 75 inch LCD display screens either side of 1 no. BT street hub unit - concurrent application

71495 - Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit - Withdrawn 7/7/25

71474 - Advertisement consent for installation of 1 no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks - refused 17/2/25

Publicity

Site notice posted 20/6/25

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - Object and recommend refusal.

Greater Manchester Police - designforsecurity - No objection

Conservation Officer - No objection

Transport for Greater Manchester - TfGM would defer to the Local Highway Authority (LHA) to confirm if the apparatus is proposed to be installed at a satisfactory distance from the highway in terms of the risk of vehicle strike and sightline visibility.

Prestwich Neighbourhood Village Forum - Object due to impact on the Conservation Area

Pre-start Conditions - Not relevant

Development Plan and Policies

Area	Church Lane/Bury New Road/Clark's Hill
PR4	
EN1/2	Townscape and Built Design
EN1/4	Street Furniture
EN1/9	Advertisements
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
NPPF	National Planning Policy Framework
JP-P1	Sustainable Places
JP-C5	Streets For All
JP-C6	Walking and Cycling
HT5/1	Access For Those with Special Needs

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.

Policy EN1/2 - Townscape and Built Design will give favourable consideration to development which do not have an unacceptable effect on the character of an area. Factors considered when assessing proposals include appearance, design and relationship to an area, choice and use of materials, access, and use of lighting.

Policy EN1/4 - Street Furniture seeks to ensure the siting and design satisfies considerations which includes meeting the needs including mobility impaired in terms of safety and adequacy, highway safety, pedestrian flow and amenity and appearance in the street scene.

EN1/9 - Advertisements - States that proposals should have regard to interests of amenity and public safety in order to enhance the quality of the Borough's environment. Regard will be given to factors including characteristics of the local neighbourhood, scale of the existing building and structures, nature of the prominent land use, presence of heritage assets and effect on the safe use of any form of transport including the safety of pedestrians.

Policy EN1/10 - Telecommunications - In assessing such proposals, regard will be given to factors including operating requirements of available and new telecommunications technology, legal requirements of operators, siting and design and visual and physical impact.

Siting and visual amenity

The proposed Hub would be sited on a wide section of pavement area on the northern side of Bury New Road adjacent to the Aldi supermarket. The pavement along this stretch is approx 5.6m wide and the proposed BT stand would be set approx 2.7m from the kerb edge and 1.6m from the front of the shop.

It is therefore considered that the space within which the proposal would be sited is wide enough to accommodate the Hub so as to not conflict with pedestrian movement in general or those with mobility impairment.

Street furniture in the area comprises 2 street lights which are set close to the main road and a row of bollards along the eastern edge of the pavement which defines the public footway/highway from the canopied strip of land next to the supermarket. The Hub would be off-set away from this street furniture and as such would not add an obstruction or cause pedestrians to change their direction whilst travelling up the street.

The proposed Hub would be located within a shopping and commercial centre and as such it is considered the addition of a digital display which would to offer services such as free wifi and phone calls would be appropriate to the character of the area.

In addition, there is little in the way of street furniture on this particular stretch of pavement and it is considered the siting of the proposed Hub would not cause a proliferation of clutter within the streetscene.

The applicant states that it is proposed to remove an additional phone kiosk located within the Borough to help in achieving advancement and decluttering of the council's streetscapes which is located at Sedgley. However, this kiosk is over 2km away and as such considered to be irrelevant and carry little if any weight in the consideration of this

application.

Notwithstanding this, given the above and consideration of the siting and position within the public footway and its location within the streetscene, the proposed development is considered to be acceptable and would not introduce significant harm to the streetscene or detrimentally impact on the visual amenity of the area.

The proposed development is therefore considered to comply with policies EN1/2, EN5/1, EN1/9, JP-C5 and JP-C8.

Heritage considerations

For the avoidance of doubt the application site is outside of St. Mary's Conservation Area, opposite its Bury New Road frontage close by to its junction with Church Lane and in between two Non-Designated Heritage Assets (NDHAs), the Red Lion Hotel and The Church Institute.

The Prestwich Neighbourhood Village Forum have been consulted on the proposals and commented that whilst the plans show the Hub now positioned to the far side of the pavement in an attempt to make it less of an obstruction to pedestrians, the sign remains obtrusive and will adversely impact the character of St. Mary's Conservation area and along the street scene of Bury New Road, adding clutter and intrusive lighting (24 hours a day).

Their Design Code in E2 notes that signage and wayfinding should complement the local character and palette, providing consistency through Prestwich. Illumination should be avoided wherever possible (H5).

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. The siting of the proposed hub would not be visible within the setting of the Red Lion or the Church Institute, both NDHAs, and as such would not have a direct or indirect impact on the buildings causing no harm to their setting and therefore no loss of heritage significance.

Although the proposed hub would be outside the boundary of the conservation area paragraph 220 of the NPPF is considered relevant: "Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole."

The frontage on the west side of Bury New Road, opposite the application site is within the conservation area boundary and is generally of lesser quality in its contribution to the character and appearance of the conservation area. It represents the commercial part of the conservation area as opposed to the historic core of Church Lane. It consists of altered frontages of different designs, sizes, materials and proportions and as such does not make as strong a contribution as Church Lane to the character and appearance of that part of the conservation area.

The proposed hub and its associated display would be viewed within this context and within the context of the blank brick façade of the Aldi store which it would be adjacent to, a contemporary commercial site.

Taking these factors into account, it is considered the proposed hub would not impact on the setting of the two NDHAs or the setting of the St. Mary's Conservation Area to a level that would constitute less than substantial harm to its character and appearance and as

such would be acceptable with regard to heritage conservation.

Highway issues

The proposed hub would be located on a public highway and pedestrianised shopping street.

The Highway Authority have been consulted on the application and have recommended refusal for 5 reasons -

1. unnecessary and unacceptable obstruction of the existing adopted highway on the A56 (Bury New Road) and the creation of additional street clutter for an installation that primarily consists of an advertisement screen
2. reduction of the available width of the existing adopted footway on the A56 (Bury New Road) to substandard levels for Class 1 road, which would be detrimental to pedestrian safety and maintaining existing pedestrian desire lines
3. insufficient information to confirm that visibility to the right on egress at the junction of the northerly access serving the adjacent Prestwich Church Institute with A56 Bury New Road would not be restricted to sub-standard levels
4. insufficient information to confirm that visibility to the left on egress at the junction of the Aldi car park access with A56 Bury New Road would not be restricted to sub-standard levels
5. insufficient information in relation to the removal of a phone kiosk in the vicinity of the site that forms part of the justification for this proposal.

TfGM have been consulted and responded that they would defer to the HA to confirm if the apparatus is proposed to be installed at a satisfactory distance from the highway in terms of the risk of vehicle strike and sightline visibility.

They do however advise that a minimum footway width of 2 metres (where the apparatus is positioned) needs to be retained to ensure pedestrian movements are unimpeded.

Sightline visibility for vehicles, cyclists and pedestrians needs to be maintained and should not be impinged upon by the siting of the apparatus.

Servicing arrangements associated with the apparatus should not impact upon the highway and result in traffic conflicts. Service vehicles should park appropriately and should not use bus lay-bys or footways.

The proposed Hub would be positioned towards the eastern side of the footway, retaining a gap of 2.7m to the kerb edge which would allow pedestrians on foot or with mobility aides such as scooters or wheelchairs to access an unobstructed route along this section of pavement.

The position of the Hub would also not add a piece of street furniture to the area which would require footway users to divert their route or side-step between pieces of street furniture.

In terms of impacts on vehicular traffic, a driver distraction assessment (DDA) has been submitted with the application.

The DDA states that the Hub would be strategically placed to ensure there would be no obstruction or hindrance to views of any traffic signs or traffic lights and would not be viewed in conjunction with any other similar digital adverts.

The proposed Hub would be designed in full compliance with the guidance of the Institution of Lighting Professionals.

As the Hub would be set back from the vehicular carriageway of the highway in terms of the and not conflict with other traffic signs, lights or other highway related or highway safety measures, it is considered the DDA makes reasonable assumptions and reaches reasonable conclusion that the development would not cause highway safety issues.

The applicant has also provided a visibility splay which show that the siting of the proposed Hub would not interfere with sightlines when exiting either the Aldi car park or the access serving the Church.

On balance, and whilst respecting the Highway Authority's position, the LPA consider that for this specific site and location, there would not be a justified case for supporting a refusal of the application.

The proposed development is therefore considered to be acceptable and comply with policies EN1/2, EN5/1, EN1/9, JP-C5 and JP-C8.

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 development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings -

Existing site plan rev C
Proposed site plan rev C
Existing site elevation rev C
Proposed site elevation rev C
005 Visibility splay layout A rev D
006 Visibility splay layout B rev D
Driver Distraction Assessment ref PSW-101
Supporting Statement

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 and Places for Everyone Joint Development Plan listed.
- 3 The digital display screen hereby approved is required to be respectively removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
Reason. In the interests of visual and residential amenity pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and EN1/9 - Advertisements.

<u>Case Officer</u> JT 4/8/25	<u>Date</u>	<u>Sign off Officer</u> DM - 04/08/2025	<u>Date</u>
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