

DELEGATED REPORT

Report by Helen Leach	Date of report: 04/08/2025	Ref: 72038/ADV
Registration: 09/06/2025	LDFC: 03/07/2025	Expiry Date: 04/08/2025
Site Visit: 18/07/2025	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: Advertisement consent for 2 no. digital 75 inch LCD display screens either side of 1 no. BT street hub unit

Location: Pavement outside 13 Bury New Road, Prestwich, Manchester, M25 9JZ

Description

The site relates to a wide pavement, which is located outside a row of shops. The pavement outside Nos 9 - 13d Bury New Road is adopted from the roadside to the front wall of the shops. There are bollards adjacent to the road and there are streetlights and litter bins in the vicinity.

The site is located within a district shopping centre and there are commercial properties to all boundaries.

Advertisement consent is sought for the installation of 2no. LED advertisement panels to the front and rear of a communication hub. The proposed screens would be encased within a hub that measures 1236mm wide and 2986mm high.

Relevant Planning History

72037 - Installation of 1 no. BT Street Hub Unit with 2 no. digital 75 inch LCD display screens either side of unit at pavement outside 13 Bury New Road, Prestwich. Received - 9 June 2025.

Publicity

None required.

Statutory/Non-Statutory Consultations

Traffic Section - Object - Proposal would create an unnecessary obstruction of the highway, would create an unacceptable obstruction of the adopted footway, would restrict the visibility and plans contain insufficient information in relation to the removal of existing phone kiosks.

Pre-start Conditions - Not relevant.

Development Plan and Policies

EN1/9	Advertisements
EN1/2	Townscape and Built Design
JP-P1	Sustainable Places
EN1/10	Telecommunications
EN1/4	Street Furniture
HT5/1	Access For Those with Special Needs
JP-C5	Streets For All
JP-C6	Walking and Cycling
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.

Amenity - NPPF Paragraph 141 states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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.

UDP Policy EN1/4 - Street Furniture states that the Council will encourage the provision of suitably located and well designed street furniture which satisfies the requirements of pedestrians, shoppers and other uses and enhances the character and appearance of the urban street scene including open spaces.

UDP Policy EN1/2 - Townscape and Built Design seeks to protect the character and townscape of the boroughs towns.

PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

This proposed site is located between Bury New Road and a row of shops on a stretch of public footpath, which is adopted and includes streetlights, highway signs and bollards. The proposed siting of the advertisement on the footpath would not impact upon pedestrian desire lines as the adopted pavement is over 10 metres in width at this point.

As such the proposal would not conflict with the aims of the policies set out above.

Public/Highway Safety - In addition to the policies set out above PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The proposed advertisement would be located on the adopted highway.

The applicant has carried out a Driver Distraction Assessment (DDA) which states that the unit has been positioned following careful consideration of the TfL Guidelines, and specifically, that the siting would achieve the following:

- There would be no conflict with any traffic signs, signals, crossing points, schools, hospitals or low bridges.
- No sightlines or clearances would be affected.
- The TfL guidance states that 'Static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted.' There is existing traditional advertisement on similar sections of the respective roads.
- The geometry of the roads is not complicated, and the driving conditions are not considered to be demanding or complicated.
- The advertisements would not be experienced by a driver in conjunction with any other similar digital advertisements.
- As per the TfL guidance, the advertisements would be located as close to the driver's natural eye line as possible and facing as head-on to the traffic as is practical.

The displays achieve the following illumination levels and frequency of displays, as recommended in the TfL guidelines:

- Day time illumination levels at 5000 cd/m²
- Nighttime illumination levels at 300cd/m²
- 10 second interval advertising displays.

In addition, the road safety record indicates that there are no prominent highway safety concerns within close proximity of the application site.

The Traffic Section has objected to the proposal - the proposal would create an unnecessary obstruction of the highway, would create an unacceptable obstruction of the adopted footway, would restrict the visibility and plans contain insufficient information in relation to the removal of existing phone kiosks.

The proposed development would be located on the adopted footway, which is over 10 metres wide at this point. It is acceptable that the desire line would be impacted by the proposed hub, there is sufficient width for pedestrians to walk around this structure. It is noted that vehicles are parked in this area, but this is unlawful. As such, the proposed hub would not have an adverse impact upon the pedestrians using the footway in this area.

The Traffic Section consider that the proposed hub would restrict visibility to the left on the egress at the junction, which is adjacent to Nos 7a & 9 Bury New Road and Bury New Road. The proposed hub would be over 21 metres from the junction and would be set back from the pavement edge by 1.35 metres. A 2.4 metre by 43 metre visibility splay has been plotted and the proposed hub would be located behind the visibility splay and as such, would not have an adverse impact upon highway safety.

Given the above, it is considered that the proposed development would not have a material impact upon driver distraction, highway safety or public safety. Therefore, the proposed development would be in accordance with Policies EN1/9 of the Bury Unitary Development Plan and JP-C5 and JP-C6 of the Places for Everyone Joint Development Plan.

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 Express Consent hereby granted expires 5 years from the date of this decision.
Reason. The development is of a temporary nature only pursuant to Bury Unitary Development Plan Policy EN1/9 - Advertisements.
- 2 This decision relates to drawings PSW-104 001, PSW-104 002, PSW-104 003, PSW-104 004, STH-001, Driver Distraction Assessment, Street Hub Product Statement, Planning 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.
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 - a) The luminance levels of the free standing sign hereby approved shall not exceed 5000 cd/m² during daylight hours or 300 cd/m² at any other time to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015).
 - b) The luminance level of the digital sign shall be controlled by a light sensor to adjust the screen brightness to reflect the ambient levels during the daytime and set to a maximum brightness of 300cd/m² during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015). In the event of breakdown or malfunction the screen will automatically switch off.
 - c) "The advertisement shall display no special visual effects of any kind during the time that the advertisement is displayed or on transition between advertisements. The displayed image shall not include animated, flashing, scrolling, intermittent or video elements and the transition between successive images shall not include

fading, swiping or other animated transition method.

d) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.

e). The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays will be programmed to automatically switch to a blank screen with black background.

f) No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

Reason. To avoid undue distraction and visual intrusion within the street scene 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>
HL - 04/08/2025		DM - 04/08/2025	