

DELEGATED REPORT

Report by Helen Pressley	Date of report: 07/01/2026	Ref: 72604/ADV
Registration: 01/12/2025	LDFC: 30/12/2025	Expiry Date: 26/01/2026
Site Visit: 11/12/2025	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: Non-illuminated advertising panels to all 4 sides of existing telecommunications cabinet

Location: Pavement at Derby Way, opposite entrance to The Rock multi-storey car park, Bury, BL9 0NS

Description

The site is a telecommunications cabinet located along the public footpath on a section of Derby Way. The cabinet itself is approximately 1.2m wide and 1.2m high. It is dark green in colour and has advert panels added to all sides. To the rear of the cabinet a car sales premises, with the entrance to the Rock multi-storey car park facing the site.

The application is for advertisement consent for the panels, noted to be aluminium, and which cover the majority of the cabinet to the front and both sides. They comprise of a dark blue background with white text and advertises the broadband supplier. A number of separate applications for the same advertising to cabinets at different sites within the Local Authority area have been also submitted, including 2 further sites along Derby Way.

Relevant Planning History

None

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section Recommend refusal as an unauthorised advert on the adopted highway on infrastructure not approved for that purpose and a distraction to traffic.

Pre-start Conditions - Not relevant

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), 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.

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.

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.

Amenity

The cabinet is a stand alone unit along the footpath and viewed in isolation without connection to any existing commercial premises or its advertising. The unit is in a dark green colour and, without the panels, would blend well without being a particularly noticeable feature. Street furniture does not generally have advertising. Bus shelters can see this however these are items of street furniture that are placed to be noticed and used by members of the public. In this instance the addition of the panels results in the unit standing out as an unduly intrusive feature in the street and is harmful to the character and

appearance of the area.

Commercial advertising can add interest and vitality to an area however it can be visually intrusive where inappropriately placed. There are a high number of these cabinets within the borough, from different suppliers, and consideration should be given to the principle of advertising of this nature which could result in a proliferation of advertising and visual clutter. It should also be noted that the applicant is seeking consent for adverts to be applied to a total of 3no. cabinets along Derby Way (applications 72602 and 72605) which would have a detrimental cumulative impact along this approximately 280 metre long stretch of highway. A further 2 applications are also proposed on George Street (applications 72606 and 72607) which is located to the south west of Derby way with a directly facing junction onto Rochdale Road. This cumulative impact of 5 cabinet advertisements within a small area, and along one stretch of highway would be detrimental to the visual amenities of the area.

Whilst each site is assessed on its own merits the view regarding this has previously been supported on Appeal Decision APP/T4210/H/11/2149282 and 5 further linked appeals 2149283,2149284,2149285,2149286,2149287.

Safety

The proposed advert is located on an existing cabinet which has been placed at the back edge of the footway. The position is such that it would not cause hazard to pedestrians. The Traffic Section comments are noted however all advertisements are intended to attract attention and that proposed, given the size and siting, it is not considered that it would cause confusion or distraction to motorists.

Other matters

The application form notes that the applicant does not own the land where the advert is placed and has not sought permission, giving the reason that the 'panels are attached to cabinets which are installed in the public highway'. Advert consent includes 5 standard conditions, the first of which is the requirement to have the permission of the owner of the site, and this includes the highway authority if the sign is to be placed on highway land. As such the applicant would not be able to comply with this condition.

It should also be noted that whilst the applicant has confirmed in separate correspondence with the Council that the cabinets house equipment, the signage as installed as been affixed so that it covers the doors to the cabinet and preventing easy access for any future maintenance of equipment.

In relation to the siting of the cabinet, the applicant should also be made aware that on the 29th August 2024 the Local Planning Authority (LPA) confirmed that inadequate information had been submitted in relation to a Regulation 5 notice for this cabinet. Sub-paragraph (2) of Regulation 5 requires the notice to "describe that apparatus and identify the location, where it is proposed to install it".

The submitted notification failed to satisfy this legal requirement and therefore it was not considered or progressed as the LPA was unable to assess planning and highway safety impacts on the basis of the information provided. The LPA confirmed that they required accurate site plans for this cabinet to enable assessment of the notification. It does not appear that a further Regulation 5 notice was submitted and therefore the siting of this cabinet has not been assessed against the Regulations and relevant Code of Practice.

As the proposal would not comply with UDP Policy EN1/9 - Advertisements and Paragraph 141 of the NPPF it is recommended the application is refused.

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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 advertisement would, by reason of its size and siting, be out of character and severely detrimental to the general visual amenities of the area as it would introduce an alien feature in the street scene. The proposal would therefore be contrary to the following policy of the Bury Unitary Development Plan: EN1/9 - Advertisements and paragraph 141 of the NPPF.
- 2 The applicant has failed to demonstrate that they have the consent of the landowners and therefore they are unable to comply with Condition 1 of Schedule 2 The Standard Conditions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 7/1/2025		DM 08/01/26	