

DELEGATED REPORT

Report by Claire Booth	Date of report: 22/08/2025	Ref: 72032/ADV
Registration: 09/06/2025	LDFC: 03/07/2025	Expiry Date: 04/08/2025
Site Visit:	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 adjacent to car park in front of 174-176 Walmersley Road, Bury, BL9 6LL

Description

The application site relates to the pavement that runs alongside the car park associated with Chesham Shopping Precinct, on Walmersely Road opposite the junction of Walmersley Road with Eldon Street.

The application site is within an allocated Neighbourhood Shopping Centre (Chesham), as defined within the adopted Development Plan.

Advertisement Consent is sought for two digital 75 inch LCD display screens, one on each side of a BT street hub unit.

The location of the proposed Hub would be sited approximately 20m north of a Pedestrian Crossing, located close to the junction of Chesham Road.

Relevant Planning History

51027 - 2 NO. EXTERNALLY ILLUMINATED FASCIA SIGNS; 1 NO. INTERNALLY ILLUMINATED PROJECTING SIGN; WINDOW GRAPHICS - Approved with Conditions, 27/03/2009

54070 - New shop front including sliding entrance door - Approved with Conditions, 02/08/2011

54452 - Installation of a refrigeration plant to the rear - Approved with Conditions 19/10/2011

65010 - Replacement refrigeration plant and compound, redecoration of shop elevations to include window and door frames, fascia and stall risers and installation of external lighting - Approved with Conditions, 10/02/2020

65827 - 2 No. internally illuminated logo/fascia signs, 1 no. non-illuminated letters/fascia sign, 1 no.externally illuminated projecting sign, 2 no. non-illuminated banner frames and 6 no. non-illuminated panel signs - Approved with Conditions, 07/10/2020

71482 - Advertisement consent for 2 no. digital 75 inch LCD display screens either side of 1 no. BT street hub unit - Refused, 17/02/2025

71491 - Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit - Withdrawn by Applicant, 02/07/2025

72031 - Installation of 1 no. BT Street Hub Unit with 2 no. digital 75 inch LCD display screens either side of unit and relocation of existing phone kiosks - Under considerations.

Publicity

Not relevant

Statutory/Non-Statutory Consultations

Traffic Section - Recommended refusal of the application due to concerns that the proposal would restrict the visibility as drivers approach the Pedestrian Crossing and distract them whilst approaching it, and plans contain insufficient information in relation to the removal of the existing phone kiosk.

Pre-start Conditions - Not relevant.

Development Plan and Policies

S1/5	Neighbourhood Centres and Local Shops
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
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.

The Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. These matters are considered in the sections below.

NPPG (Advertisements) Paragraph 149 states that the Local Planning Authority should consider the local characteristics of the neighbourhood, and whether the proposal is considered to be in scale and in keeping with those features.

Amenity

The A56 Walmersley Road is a key transport route into Bury Town Centre. UDP Policy EN1/7: Throughgates and Gateways seeks to improve the quality of development throughroutes and at gateways and requires any new proposals fronting major throughroutes and at the gateways to display a high standard of design and landscaping.

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.

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It is proposed to install a freestanding hub measuring around 2980mm in height and 1236 mm wide. The hub would provide LCD advertisement screen on either side which advertisement consent is required for. The proposed hub and advertisement screens would be sited adjacent to the back edge of the pavement adjacent to the Bollards which separate

the public highway from the Shopping Precinct car park. There is existing street furniture in the immediate vicinity, including a telephone box, to be removed, two clothes recycling banks, street lighting columns, and concrete bollards which separate the Shopping Precinct car park from the adopted highway. The site is also located within Chesham Neighbourhood Shopping Area, opposite two properties in commercial use. As such, the provision of a street hub with advertisement panels would not be a prominent feature in the street scene. Therefore, the proposed development would be in accordance with Policies EN1/2, EN1/4 and EN1/9 of the Bury Unitary Development Plan.

Public Safety

The proposed development would be located on the pavement, which forms part of the adopted highway and due to the proposed advertisements being sited approximately 20m north of the Pedestrian Crossing. As such, there was a concern that the proposed development may be a distraction for drivers approaching the Pedestrian Crossing when driving along Walmersley Road.

The Traffic Section has objected to the proposal on the basis the proposal would restrict the visibility as drivers approach the Pedestrian Crossing and distract them whilst approaching it, and plans contain insufficient information in relation to the removal of the existing phone kiosk.

However, 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, whilst taking account of the proximity of the Pedestrian Crossing, 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 in many cases.
- 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 DDA concludes that overall, it is considered that the advertising display would have no material impact on driver distraction, highway safety or public safety.

For the above reasons, the Local Planning Authority considers the proposal is acceptable in terms of Public Safety.

Conclusions

The proposed BT Hubs would not have a detrimental impact on amenity or highway/public safety and is therefore considered acceptable. It is thus recommended the proposals be given consent.

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 pre-application discussions 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 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 consent relates to the following plans:

Drawing no. BRY-105:002 Rev. C: Proposed Site Plan;
Drawing no. BRY-105 Rev. C: 003 Rev. C: Overall Street Scene Plan;
Drawing no. STH-001: Street Hub Dimsnioned Elevations; and
Drawing no. BRY-105-B: 005 Rev.C: Proposed Site Elevation

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan, the Greater Manchester Places for Everyone Plan and the National Planning Policy Framework.

- 3
 - a) The luminance levels of the free standing sign hearby approved shall not exceed 2500 cd/m2 during daylight hours or 600 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 600Cdm2 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
 - f) Should a fault be detected or reported with the screen or advertisement, the screen will be programmed to automatically switch to a blank screen with black background.

Reason. To avoid undue distraction and visual intrusion within the street scene pursuant to Policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

- 4
- (a) No individual advertisements displayed on the LCD panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
 - (b) No individual advertisements shall be displayed for duration of less than 10 seconds.
 - (c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
 - (d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
 - (e) A mechanism shall be in place so that if the installation breaks down, it defaults 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 and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 5
- 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.

- 6
- 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	22/08/2025	DM	22/8/25