

## **DELEGATED REPORT**

|                                 |                                   |                                |
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| <b>Report by</b> Helen Leach    | <b>Date of report:</b> 04/08/2025 | <b>Ref:</b> 72087/ADV          |
| <b>Registration:</b> 20/06/2025 | <b>LDFC:</b> 01/08/2025           | <b>Expiry Date:</b> 15/08/2025 |
| <b>Site Visit:</b> 18/07/2025   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b>              | <b>Con Area:</b>                  | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b>        |                                   | <b>EIA:</b> NA                 |
| N/A                             |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> ADVT        |

**Proposal:** Advertisement consent for 2 no. digital 75 inch LCD display screen either side of 1 no. BT street hub unit

**Location:** Pavement adj to Bury Interchange, Market Street, Bury BL9 0AY

### **Description**

The application site relates to the pavement outside of Bury interchange off Angouleme Way, Bury. Angouleme Way is an A road - the A58. The area of pavement is located to the south of the canopy building for the interchange.

Advert consent is sought for the installation of 2 No.. 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**

71479 - 71479 - Advertisement consent for 2 no. digital 75 inch LCD display screens either side of 1 No. BT street hub unit at pavement adjacent Bury Interchange, Market Street, Bury. Refused - 17 February 2025.

The application was refused as there was insufficient information in relation to driver distraction.

71500 - Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit at pavement adjacent to Bury Interchange, Market Street, Bury. Approved with conditions - 13 June 2025.

### **Publicity**

None required.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - Object - Proposal would create an unnecessary obstruction of the highway, would reduce the available width of the highway, adverse impact upon future highway redevelopment proposals and plans contain insufficient information in relation to the removal of existing phone kiosks.

**Pre-start Conditions** - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

### **Development Plan and Policies**

### **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 adjacent to the interchange building on a stretch of public footpath, which includes a traffic light, highway sign and street lighting columns. The proposed siting of the advertisement between the two pedestrian entrances to the bus shelter would not impact upon pedestrian desire lines.

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

- Day time illumination levels at 5000 cd/m<sup>2</sup>
- Nighttime illumination levels at 300cd/m<sup>2</sup>
- 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 for a number of reasons - the proposal would create an unnecessary obstruction of the highway, would reduce the available width of the highway, adverse impact upon future highway redevelopment proposals and plans contain insufficient information in relation to the removal of existing phone kiosks.

The proposed development would maintain a pavement width of 3.765 metres and as such, there would be sufficient space for pedestrians. The applicant has been made aware that the proposed hub may need to be relocated as part of the redevelopment proposals for the adjacent interchange, although an application for this has not yet been submitted.

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 BRY-103 EXISTING SITE PLAN REV A, BRY-103 PROPOSED SITE PLAN REV A, BRY-103 EXISTING SITE ELEVATION REV A, BRY-103 PROPOSED SITE ELEVATION REV A, STH-001, BRY-103, Driver Distraction Assessment, 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/m<sup>2</sup> during daylight hours or 300 cd/m<sup>2</sup> 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/m<sup>2</sup> 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                      | 05/08/2025  |