

DELEGATED REPORT

Report by Mark Kilby	Date of report: 03/02/2020	Ref: 64854/ADV
Registration: 15/11/2019	LDfC: 06/12/2019	Expiry Date: 10/01/2020
Site Visit: 09/01/2020	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: 2 No. Internally illuminated digital advertisement display units to front and rear elevations

Location: Former Floors To Go building, corner of Millett Street & Bolton Street, Bury, BL9 0HY

Description

The application site is the former Floors to Go building at Bury Bridge at the junction of Bolton Street and Millett Street.

The application is for a single sided 6m x 3m x 0.30m digital LED display mounted on each gable end of the building facing west towards Bolton and east towards Bury town centre. The display that would face west is approximately 55m from traffic signals at the junction of Bolton Street and Crostons Road. The displays would have LED tiles containing static images changing every 10 seconds. The illumination would be 450cd/m² during the day 300cd/m² and night. Units are operated remotely removing the need for frequent site visits except for maintenance. A driver distraction assessment has been submitted as part of the application and assessed by Transport for Greater Manchester (TfGM).

Relevant Planning History

None.

Publicity

None.

Statutory/Non-Statutory Consultations

Traffic Section - No comments received.

Transport for Greater Manchester - UTC have reviewed the updated information provided for this application and are satisfied with the content. Therefore, TfGM have no issues to raise and no further comments on the proposals. TfGM have not suggested an accident monitoring condition post installation.

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

Unitary 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) and 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 Policy 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 - The area is commercial in nature and there are car sales businesses near to the site at Millet Street and opposite at Crostons Road. Both sites have signs but are far enough away from the application site not to cause visual clutter. There is no other signage in the vicinity of the application site. Whilst the proposed signs would have some prominence on the building it is not considered the size and scale of them in relation to the host building would cause sufficient detriment to its amenity or the amenity of the area as to warrant their refusal. There are no nearby residential properties where the signs would be visible from and as such the displays would not be detrimental to the visual amenity of the street scene and immediate vicinity.

Safety - The displays would be located where it would not cause hazard to pedestrians. In terms of its impact on motorists Transport for Greater Manchester (TfGM) have advised

that the content of the driver distraction assessment is satisfactory and they have no issues with the proposals and do not propose any conditions. The Traffic Section has no objections.

The proposal complies with UDP Policy EN1/9 - Advertisements.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

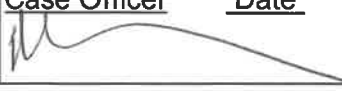
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The intensity of the illumination of the advertising units permitted by this consent shall at all times accord with the thresholds set out in the Institute of Lighting Professionals publication "The Brightness of Illuminated Advertisements" (PLG05:2015) and be equipped with an ambient/Photo cell sensor which shall monitor ambient light conditions and adjust the brightness accordingly.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 2 The LED screen displays shall not change more frequently than every 10 seconds and the rate of change would be instantaneous.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 3 The sequencing of messages relating to the same product is prohibited.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 4 The interval between successive displays shall be 0.1 seconds or less.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 5 The levels of luminance of the LED screen displays shall not exceed 450cd/m² during daylight hours or exceed 300cd/m² during twilight and night hours; as defined by official lighting up times.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 6 The LED screen displays shall only show two dimensional static images, shall contain no moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs and no messaging should spread across more than one screen image.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 7 The illumination of the LED screen displays shall not at any time be intermittent.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

- 8 A mechanism shall be in place so that if the LED screens break down, they default 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 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>
	3/2/20		3/2/20