

DELEGATED REPORT

Report by Claire Booth	Date of report: 22/11/2024	Ref: 71038/ADV
Registration: 06/08/2024	LDfC: 10/09/2024	Expiry Date: 01/10/2024
Site Visit:	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: 1 No. freestanding D6 digital display (internally illuminated)

Location: Elf Service Station, Turks Road, Radcliffe, Manchester, M26 3NW

Description

The application site is within the forecourt frontage of Elf Service Station located on Turks Road at the junction of Radcliffe Moor Road, Turks Road and Countess Lane.

Advertisement consent is sought for the display of 1no internally illuminated LED digital advertisement board positioned at ground level, and have a height of approximately 2.4m, a width of 1.23m and a depth of 0.22m, as detailed on the submitted plans. It would have a digital screen and would be positioned to the front of, against the shared boundary of the site with Moor Nook, Turks Road, a detached residential dwelling, close to the junction of Turks Road with Radcliffe Moor Road and Countess Lane.

Relevant Planning History

69099 - Raise height of existing forecourt canopy from 4.4m to 5.1m high from ground level to underside of canopy - Approved with Conditions, 20/03/2024

65953 - Installation of 5no. vehicle charging points and associated electrical infrastructure - Approved with Conditions, 17/02/2021

65146 - 2 No. jet wash bays - Approve with Conditions 20/05/2020

56269 - Single storey shop extension at side together with erection of class A5 (hot food takeaway) unit at side; formation of hand car wash and erection of bin store and container store. - Withdrawn by Applicant, 07/06/2013

56058 - Installation of ATM unit at side - Approve with Conditions, 24/04/2013

49462 - ERECTION OF 2 INTERNALLY ILLUMINATED SINGLE SIDED FREE STANDING DISPLAY UNITS - 07/08/2008

49462 - ERECTION OF 2 INTERNALLY ILLUMINATED SINGLE SIDED FREE STANDING DISPLAY UNITS - Refused 18/04/2008

Publicity

Not applicable

Statutory/Non-Statutory Consultations

Traffic/ Local Highway Authority Section - Details sought relating to impact on adopted highway.

Public Protection - No objections

Pre-start Conditions - Not applicable.

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.

Principle of development

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 below.

Amenity

The Framework states that poorly placed advertisements can have a negative impact on the appearance of the built natural environment, but that the control over outdoor advertisements should be efficient, effective and simple in concept and operations. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the Local Planning Authority's detailed assessment.

NPPG Paragraph 79 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.

The proposed advert/ sign would be seen against the shared boundary hedge and would be a maximum height of approximately 2.4m and would be seen in context with the commercial nature of the Petrol Station and is therefore considered to be acceptable within the streetscene.

The proposed sign would be constructed of appropriate materials and the design of the sign is acceptable.

The Council's Environmental Health Officers have raised no objections to the proposed sign, subject to conditions being attached to any consent granted regarding illuminance levels and the proposed sign to incorporate ambient controls. Subject to the above aforementioned conditions it is considered that the proposal would not have a significant detrimental impact on visual amenity and the street scene in general, or residential amenity. The proposal complies with the NPPG in terms of amenity and UDP Policy EN1/9: Advertisements.

Public Safety

NPPG Paragraph 67 states that all advertisements are intended to attract attention, but proposed advertisements at points where drivers need to take more care are likely to affect public safety.

The proposed sign is in keeping with the commercial location of the surrounding area. The Traffic/ Local Highway Safety section has raised no substantive objections and given the advert would be set into the site, it would be primarily visible within the forecourt of the Petrol Filling Station and would therefore not distract road users. The proposal is therefore acceptable in this regard.

Conclusions

The proposed advertisement would not have a detrimental impact on amenity and public safety and is therefore considered acceptable.

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 This consent relates to the following plans:

Drawing no. 23564/PA/01 - Location Plan

Drawing no. 23364/PA/ 03 - Proposed Site Plan

Drawing no. 23564/PA/05 - Existing and Proposed Elevations

Drawing no. 23564/PA/06 - Specification (Digital Display)

Except as provided for by other conditions to this consent, 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 Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

2 The advertisements hereby consented shall only operate as follows:

- The LED screen displays shall not change more frequently than every 10 seconds and the rate of change should be instantaneous.
- The sequencing of messages relating to the same product is prohibited.
- The interval between successive displays shall be 0.1 seconds or less.
- The advertising display panel shall have a default mechanism to freeze an advertisement in the event of any malfunction.
- The luminance of the advertisement hereby permitted shall comply with the levels and recommendations set out in the Institute of Lighting Professionals publication "The Brightness of Illuminated Advertisements" (PLG05 2015) or any document amending or superseding that report. The level of luminance of the advertisement shall be controlled by light sensors that measure ambient light levels and automatically control the perceived brightness to within these limits. The luminance of the LED screen display shall not exceed 300cd/m2 during twilight and night hours.
- The LED screen displays shall only show two dimensional static images for the lifetime of the development, shall contain no moving images, strobe lighting effects, 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.
- The illumination of the LED screen displays shall not at any time be intermittent.
- 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 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.

<u>Case Officer</u> CB	<u>Date</u> 22/11/2024	<u>Sign off Officer</u> DM - 22/11/2024	<u>Date</u>
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