

DELEGATED REPORT

Report by Claire Booth	Date of report: 16/01/2026	Ref: 72607/ADV
Registration: 01/12/2025	LDfC: 30/12/2025	Expiry Date: 26/01/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: Non-illuminated advertising panels to all 4 sides of existing telecommunications cabinet

Location: Pavement at junction of George Street & South Cross Street, Bury, BL9 0RS

Description

The site is a telecommunications cabinet located along the public footpath on the south side of George Street, Bury, on the corner of the junction with South Cross Street.

George Street extends from Angouleme Way at a key cross-road junction of Angouleme Way, Derby Way, Rochdale Road and George Steet within the centre of Bury. George Street serves the businesses of and customers to, Angouleme Retail Park. The car park for Angouleme Retail Park is accessed from George Street.

The application is for advertisement consent for advertisement panels, to the front, rear and both sides of the cabinet (retrospective). The adverts would comprise of a dark blue background with white text and advertises the broadband supplier.

Several separate applications for the same advertising to cabinets at different sites within the Local Authority area have been also submitted. The same adverts are also proposed on a cabinet diagonally opposite this site, on George Street, which is currently under consideration under application 72606.

Relevant Planning History

71048: Regulation 5 Notice of intention to install 1 no. telecommunications cabinet and feeder pillar (Bury/1/FPC/15/1; Bury/1/FPC/16/1; Bury/1/FPC/17/1; Bury/1/FPC/18/1; Bury/1/FPC/22/1) at 5 x sites at George Street/Lord Street/Spring Street/South Cross Street, Bury, BL9 0RN - Raise No Objections, 27/08/2024

The cabinet on which the proposed adverts would be placed was part of the above-mentioned notification - site Bury/1/FPC/16/1.

Publicity

None

Statutory/Non-Statutory Consultations

Traffic Section - Raises objections to the adverts causing a distraction to motorists and states that the Local Highway Authority will not grant consent for the advertisement(s) on the Council's adopted highway.

Pre-start Conditions - Not applicable.

Development Plan and Policies

S2/3	Secondary Shopping Areas and Frontages
EN1/2	Townscape and Built Design
EN1/4	Street Furniture
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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.

Assessment

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.

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.

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 EN1/2: Townscape and Built Design seeks to ensure developments do not adversely affect the character and townscape of places within the borough.

The cabinet is a standalone unit along the footpath against the boundary with the corner of the Asda building. It is viewed in an area without connection to any existing commercial premises or its advertising.

The unit is in a dark green colour and, without the panels, appears as a utilitarian structure that blends into the streetscene without being a particularly noticeable feature. Street furniture does not generally have advertising. Bus shelters can be the exception. However, these are items of street furniture that are placed to be noticed. In this instance the addition of the advertisement panels proposed results in the unit standing out as a discordant and unduly intrusive feature in the street and is harmful to visual amenity and the retail 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.

In terms of cumulative impact, it should be noted that the applicant is seeking consent for adverts to be applied to a number cabinets within the borough. The nearest one of these other cabinets to this site is sited diagonally opposite this cabinet which is being considered under application 72606. A further 3 applications are also proposed along the length of Derby Way and at its junction with Rochdale Road, located on the other arms of the cross roads (applications 72602, 72604 and 72605) which, combined with this site, and the one diagonally opposite the application site, would have a detrimental cumulative visual impact along this 360m stretch of highway.

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

Public 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, on this straight bit of George Street,

it is not considered that it would cause confusion or distraction to motorists.

Further Issue

Advert approvals include 5 standard conditions advertisements must comply with. 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.

The application form notes that the applicant does not own the land where the advert is placed and has not sought permission from the landowner(s), including the Local Highway Authority, giving the reason that the 'panels are attached to cabinets which are installed in the public highway'. As such the applicant would not be able to comply with this condition. The applicant has therefore 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 Regulations.

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 and obtrusive feature in the street scene. The proposal would therefore be contrary Policies EN1/2: Townscape and Built Design and EN1/9: Advertisements of the Bury Unitary Development Plan and paragraph 141 of the National Planning Policy Framework (2024).
- 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 of The Standard Conditions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	16/01/2025		