

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 17/02/2025	Ref: 71476/ADV
Registration: 23/12/2024	LDfC: 13/02/2025	Expiry Date: 17/02/2025
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 adj 48 Bury New Road, Prestwich, Manchester, M25 0JU

Description

The site relates to a pedestrian footway which is located in a District Shopping Centre and on a busy main 'A' road, the A56 which is a major route through the Borough. It would also be sited near the crossroads with Kings Street and George Street and a pedestrian crossing at Bury New Road just to the south of the site.

There are a number of other structures and pieces of street furniture in the immediate vicinity including street lights, signs, litter bins, traffic lights and telegraph poles.

The application seeks advertisement consent for the installation of 1 no. BT street Hub with 2 no digital 75 inch display screens either side of the unit. The application also proposes the removal of an existing phone kiosk. The proposed screens would be encased within a hub that measures 1236mm wide and 2986mm high.

To note. The application form description of location states the address of the site as 41 Bur New Road which is incorrect as the site is located on the eastern side of Bury New Road adjacent to No 48.

Relevant Planning History

71497 - Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit and removal of existing phone kiosk - current application

Publicity

N/a

Statutory/Non-Statutory Consultations

Traffic Section - raise objections and recommend refusal due to pedestrian and highway safety, clutter, restriction of visibility, lack of information in relation to driver distraction,

Pre-start Conditions - Not relevant

Development Plan and Policies

S1/3	Shopping in District Centres
EN1/2	Townscape and Built Design
EN1/9	Advertisements
EN1/4	Street Furniture
HT2/1	The Strategic Route Network
JP-C5	Streets For All
JP-C6	Walking and Cycling

JP-C8	Transport Requirements of New Development
JP-P1	Sustainable Places
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.

Policies - UDP Policy EN1/9 relates to adverts and signage and states that proposals should have regard to interests of amenity and public safety in order to enhance the quality

of the Borough's environment. Regard will be given to factors including characteristics of the local neighbourhood, scale of the existing building and structures, nature of the prominent land use, presence of heritage assets and effect on the safe use of any form of transport including the safety of pedestrians.

Amenity

The proposed BT Hub would be sited on a pedestrian footway and directly next to the carriage way. It would also be close to other pieces of street furniture and structures in the area and along this particular footway which include signage, streetlights, litter bins and telegraph poles.

The proposed Hub would be located on the adopted footway and close to the carriageway, and comprising a large digital screen with moving images the proposed Hub would be a prominent and strident structure which would be visually intrusive within the streetscene. Furthermore, it would add to the plethora of structures in the area and street clutter which already existing within this shopping centre and outside this particular shopping centre and row of shops and would be an obstruction to those using the footway particularly those with visual impairments.

It is therefore considered that the proposed Hub would be an intrusive feature within the street scene.

The applicant states that in terms of roll out, where possible and practicable, the Hubs would be direct replacement of existing BT pay phones or in close proximity to such pay phones, which should minimise impact on existing street scenes by reducing clutter.

In this case, the applicant states that a telephone kiosk has already been removed and cites the address as the footpath at the corner of Hilton Street. There is no Hilton Street in the near or surrounding vicinity and as such this is considered irrelevant to the application.

It is therefore considered the proposed advertisement would be contrary to Policy EN1/9.

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 shops along this part of the shopping centre all have forecourt areas and are not part of the main defined adopted pavement or footway used by pedestrians who travel along this particular stretch of pavement.

The proposed hub would be located on the main public footway within a pedestrian shopping area which is regularly and well traversed pedestrian route. The proposed Hub would add an obstruction within a part of the main footway which runs next to the forecourt of the shops and as such would be a hazard to pedestrians using this area.

The Hub would also be located directly next to the carriageway. By their very nature and for the purpose they serve for advertising, digital advert screens are deliberately visible, the intention being to catch the eye of the passer by.

The site is located close to the junction with Kings Road and pedestrian crossing and drivers approaching from the north would have restricted visibility as they approached the junction.

Furthermore, the Hub would be a distraction to motorists passing by especially as it would be sited directly next to the main road. No Driver Distraction Assessment has been submitted with the application to ascertain any impacts arising from the siting of the advert.

It is therefore considered the proposed siting would have a detrimental impact on the free flow of pedestrian movement and would add to the plethora of street furniture in the vicinity,

and would be detrimentally harmful to the safety of road users and public safety in general.

There is also insufficient information submitted for the application by the absence of a site specific detailed Driver Distraction Assessment.

The proposed site plan is also poor and fails to show the location of the proposed Hub in relation to the wider context of the site, the existing street furniture and highway network.

The Highway Authority have been consulted and recommend refusal based on the above grounds and relating to pedestrian and highway safety, driver distraction and restricted visibility to drivers.

It is therefore considered the proposed development would be unacceptable and contrary to Policies EN1/2 and EN1/9.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal would result in an unnecessary and unacceptable obstruction of the existing adopted highway on the A56 (Bury New Road) and the creation of additional street clutter for an installation that primarily consists of an advertisement screen, which would be detrimental to pedestrian safety, maintaining existing pedestrian desire lines on the adopted highway on Bury New Road and contrary to the active travel aspirations of the Council. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/9 - Advertisements, EN1/4 - Street Furniture, EN1/2 Townscape and Built Design, JP-P1 Sustainable Places, JP-C5 Streets for All, JP - C6 - Walking and Cycling and the National Planning Policy Framework.
- 2 The proposal would reduce the available width of the existing adopted footway on the A56 (Bury New Road) to substandard levels, which would be detrimental to pedestrian safety and maintaining existing pedestrian desire lines on the adopted highway on Bury New Road. The proposed development would therefore conflict with the following policies of the Development Plan: EN1/9 - Advertisements, EN1/4 - Street Furniture, EN1/2 Townscape and Built Design, JP-P1 Sustainable Places, JP-C5 Streets for All, JP - C6 - Walking and Cycling and the National Planning Policy Framework.
- 3 The proposed installation would restrict visibility of the signals to the south of the site at the A56 Bury New Road/Kings Road/George Street junction and would pose a distraction to drivers approaching the signalised junction from the north, to the detriment of highway safety and maintaining the free flow of traffic on the adjacent classified road. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/9 - Advertisements, EN1/4 - Street Furniture, EN1/2 Townscape and Built Design, JP-P1 Sustainable Places, JP-C5 Streets for All, JP - C6 - Walking and Cycling and the National Planning Policy Framework.
- 4 The application and submitted plans contain insufficient information to properly assess the impact the proposed LCD display screens will have on driver distraction for passing motorists on the A56 and on the approach to the adjacent signalised junction, to the detriment of highway safety. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/9 - Advertisements, EN1/4 - Street Furniture, EN1/2 Townscape and Built Design, JP-P1 Sustainable Places, JP-C5 Streets for All, JP - C6 - Walking and Cycling and the National Planning Policy Framework.

- 5 The proposal would restrict visibility to sub-standard levels to the right at the junction of Kings Road with Bury New Road in the event of an 'all red'/signal failure, which would be detrimental to highway safety and maintaining the free flow of traffic on the adjacent classified road. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/9 - Advertisements, EN1/4 - Street Furniture, EN1/2 Townscape and Built Design, JP-P1 Sustainable Places, JP-C5 Streets for All, JP - C6 - Walking and Cycling and the National Planning Policy Framework.
- 6 The proposed advertisements, by virtue of their illumination, size and siting would appear as an incongruous addition to the street scene which would be severely detrimental to both the appearance of the streetscene and to the general visual amenities of the area contrary to Development Plan Policies EN1/9 - Advertisements, EN1/2 -Townscape and Built Design, EN1/4 - Street Furniture, JP-P1 Sustainable Places and the National Planning Policy Framework.

<u>Case Officer</u> JT 17/2/25	<u>Date</u>	<u>Sign off Officer</u> HL 17/02/25	<u>Date</u>
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