

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 17/02/2025	Ref: 71475/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: N/A		EIA: NA
		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 109 Parr Lane, Bury, BL9 8JN

Description

The site relates to a pedestrian footway which is located in a Local Shopping Centre and next to Parr Lane.

The area comprises a row of shops which are separated from the footway by a pedestrian handrail rail. there are a number of other structures and pieces of street furniture in the vicinity including lampposts, signage and litter bins.

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 proposed screens would be encased within a hub that measures 1236mm wide and 2986mm high.

The Supporting Statement states that 'as part of the proposal an existing phone kiosk would be removed in another part of the council area'. The address is cited as adjacent to 24 Cornwall Drive.

To note, the application location description is correct but the coordinates show the opposite side of the road to the actual site.

Relevant Planning History

71496 - Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit - current application

Publicity

N/a

Statutory/Non-Statutory Consultations

Traffic Section - raise objections

Pre-start Conditions - Not relevant

Development Plan and Policies

S1/4	Local Shopping Centres
EN1/2	Townscape and Built Design
EN1/9	Advertisements
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development

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 hub would be sited on a pedestrian footway directly next to Parr Lane. It would be close to other pieces of street furniture and also near the area where pedestrians would move from this part of the footway to access the forecourts to the shops and the shops themselves.

Located on a main part of the footway so 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.

The applicant states that as part of the proposal, an existing phone kiosk would be removed in another part of the council area to assist in de-cluttering the streetscapes. This site is quoted as adjacent to 24 Cornwall Drive. Cornwall Drive is not located in Unsworth and is more than 1.5 miles away as the crow flies and therefore not considered to result in any decluttering of the application area.

It is therefore considered that the proposed Hub would be an intrusive feature within the street scene and 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 proposed Hub would be located on the main public footway within a pedestrianised area which is a well traversed route along the Unsworth Pole shopping area. The site would be located where the footpath narrows to a width of 2.5m which is bound by a handrail on one side and the kerb edge of the main road.

The siting of the hub would reduce the approach to this area to approximately 1.3m, thereby not only making it an obstruction to pedestrians but also impeding sightliness beyond the hub and the narrowing of the footway.

If not impossible, it would be extremely difficult to manoeuvre a pram or wheelchair for example around the Hub structure and onto the remaining footway area and would be a hazard for the visually impaired. The proximity of the proposed Hub directly next to the kerb edge and carriageway would also be detrimental to the safety of pedestrians at such proximity.

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 and 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.

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 Parr Lane, a Class III 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 Parr Lane 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 result in an unacceptable obstruction of the existing adopted footway on Parr Lane, a Class III road, which would be detrimental to pedestrian safety and maintaining existing pedestrian desire lines on the adopted highway on Parr Lane. 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.
- 3 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 Parr Lane and at the adjacent mini-roundabout at the Sunny Bank Road 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.
- 4 The application and submitted plans contain insufficient information in relation to the removal of existing phone kiosks stated as forming part of and justification for this proposal. 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 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	17/2/25	HL	17/2/25