

DELEGATED REPORT

Report by Helen Pressley	Date of report: 24/04/2024	Ref: 70532/ADV
Registration: 13/03/2024	LDfC: 09/04/2024	Expiry Date: 08/05/2024
Site Visit: 15/03/2024	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: BURY	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

Proposal: Installation of Free-Standing Advertising Unit (FSU) with double-sided internally illuminated digital display

Location: Pavement between 3-5 & 10 Union Street, Bury, BL9 0NY

Description

The application relates to an area of pavement out side 3-5 and 10 Union Street. The area of pavement is on a main pedestrian route into the Mill Gate Shopping Centre. The site is located adjacent to the Bury Town Centre Conservation Area, and a non-designated heritage asset (The Royal Bank of Scotland). The site is bounded by commercial uses within Bury town centre.

Advertisement consent is proposed for the installation of Free-Standing Advertising Unit (FSU) with double-sided internally illuminated digital display. The free standing unit would be 2592.5mm high, 1082.2mm wide and 222mm deep. The digital display screen would measure 1635.2mm x 924.2mm.

Relevant Planning History

Pavement outside 1 Union Street

70427 - Installation of 1no. multifunctional communication hub including defibrillator and advertisement display - Refuse 01/04/2024

70444 - Advertisement consent for display integrated into multifunctional communication hub unit - Refuse 01/04/2024

Publicity

N/A

Statutory/Non-Statutory Consultations

Conservation Officer - The sign would represent an incongruous feature within the setting of the NDHA and that part of Bury town centre conservation area.

Traffic Section - The proposed would be detrimental to pedestrian safety, maintaining existing pedestrian desire lines and contrary to the active travel aspirations of the Council.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/9	Advertisements
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
JP-P2	Heritage
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.

Policy

Bury Unitary Development Plan 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.

Amenity

The proposed free standing sign would be adjacent to and be viewed within the visual context of Bury town centre conservation area and the Non-Designated Heritage Asset (NDHA) of 10 Union Street and the former Royal Bank of Scotland branch at 40 The Rock.

The proposed advertisement would be sited in an isolated position and its installation centrally within this pedestrianised approach to a main entrance into the Millgate Centre. The sign would represent an incongruous feature within the setting of the NDHA, Bury town centre conservation area and within the streetscene.

As such the proposal would cause less than substantial harm to the setting of that part of the conservation area as it would not at least preserve its character or appearance, and would be without any public benefit that would outweigh the harm identified. It would also cause unacceptable harm to the significance of the NDHAs through harm to their setting.

As such the proposal would conflict with the aims of adopted UDP policy EN1/9.

Public/Highway Safety

The proposed advertisement would be located on the adopted highway.

The proposal would result in an unnecessary obstruction of the existing adopted highway and the creation of additional street clutter for an installation that primarily consists of an advertisement screen, without agreement for the placement of such equipment on the adopted highway with the Highway Authority, which would be detrimental to pedestrian safety, maintaining existing pedestrian desire lines and contrary to the active travel aspirations of the Council.

As such the proposal would conflict with the aims of adopted UDP policy EN1/9.

Conclusion

The proposed advertisement would have a detrimental impact on visual amenity and the appearance of the street scene and public and highway safety. The proposal would therefore conflict with the requirements of the above UDP Policy and the NPPF and accordingly it is recommended that the advertisements should be refused.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development by reason of its siting and position would interrupt and obstruct the visual rhythm and pattern of the layout of the existing street which would be seriously detrimental to the visual amenity and appearance of the streetscene. The proposed development would therefore be contrary to UDP Policy EN1/9 and the National Planning Policy Framework.

- 2 The proposal would result in an unnecessary obstruction of the existing adopted highway and the creation of additional street clutter for an installation that primarily consists of an advertisement screen, without agreement for the placement of such equipment on the adopted highway with the Highway Authority, which would be detrimental to pedestrian safety, maintaining existing pedestrian desire lines and contrary to the active travel aspirations of the Council. The proposal therefore conflicts with the following policies of the Unitary Development Plan EN1/9 Advertisements and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	24/04/2024	DM	24/04/2024