

DELEGATED REPORT

Report by Tom Beirne	Date of report: 07/01/2026	Ref: 72298/ADV
Registration: 13/08/2025	LDfC: 30/09/2025	Expiry Date: 08/10/2025
Site Visit: 18/09/2025	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: ADVT

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

Location: Pavement adj to Aldi car park, 380 Bury New Road, Prestwich, M25 1AR

Description

The application is retrospective and relates to a green telecoms cabinet on the pavement in front of the car park of Aldi within Prestwich town centre and adjacent to the Church Lane Conservation Area.

The site is a telecommunications cabinet located along the public footpath on a section of Bury New Road which is the main road through Prestwich. The cabinet itself is approximately 1.2m wide and 1.2m high. It is dark green in colour and has advert panels added to all sides.

The unit is covered on all side by poster adverts for the telecoms company 'Opus' - see photos.

The application is for advertisement consent for the panels, noted to be aluminium, and which cover the majority of the cabinet to the front, rear and both sides. They comprise of a dark blue background with white text and advertises the broadband supplier. A number of separate applications for the same advertising to cabinets at different sites within the Local Authority area have been also submitted, advertising the same or similar information and carried out in a similar way.

Relevant Planning History

N/A

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - Recommends refusal as an unauthorised advert on the adopted highway on infrastructure not approved for that purpose and a distraction to traffic.

Conservation Officer - Coverage of adverts needs to be reduced.

Prestwich Village Neighbourhood Forum - No comment received.

Pre-start Conditions - N/A

Development Plan and Policies

Area	Church Lane/Bury New Road/Clark's Hill
PR4	
EN1/9	Advertisements
EN1/2	Townscape and Built Design

EN1/4 Street Furniture
EN2/1 Character of Conservation Areas

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.

Visual Amenity and Heritage - The site is within a busy commercial area where advert signage is expected to be present in appropriate locations, mainly shopfronts and other specific hoardings.

The cabinet is a stand alone unit along the footpath and viewed in isolation without connection to any existing commercial premises or its advertising. The unit is in a dark green colour and, without the panels, would blend well without being a particularly noticeable feature. Street furniture does not generally have advertising. Bus shelters can be used for advertising purposes commonly this however these are items of street furniture that are placed to be noticed and used by members of the public. In this instance the addition of the panels results in the unit standing out as an unduly intrusive feature in the street and is harmful to the 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. Whilst each site is assessed on its own merits the view regarding this has previously been supported on Appeal Decision APP/T4210/H/11/2149282 and 5 further linked appeals 2149283,2149284,2149285,2149286,2149287.

Whilst the existing telecoms box on the pavement is relatively modest in size, it is not designed as an advertising location and, covered on all sides by adverts, appears as rather incongruous within the streetscape and in particular, adjacent to what is a conservation area.

As such the proposal to retain the adverts on the box are unacceptable and are contrary to UDP Policy EN1/9.

Residential Amenity - Given the scale and nature of the advert, there are no residential amenity issues arising from the proposal.

Traffic - Recommends refusal on grounds that the proposal would result in the unauthorised display of an advertisement on the adopted highway on infrastructure not approved for that purpose, which would pose an undue distraction to traffic on the adjacent classified road, set an unwelcome precedent and be detrimental to highway safety.

The proposed advert is located on an existing street cabinet. The position is such that it would not cause a hazard to pedestrians. In terms of distraction, the signage contains a lot of text and at different font sizes. There are a lot of words there and could cause a degree of distraction to highway road users and drivers. Moreover, the proliferation of such cabinets within the street scape are such that the acceptance of the degree and nature of signage would be difficult to resist elsewhere as a principle and as such, there is merit in the distraction argument put forward in this instance.

Further Issue

The application form notes that the applicant does not own the land where the advert is placed and has not sought permission, giving the reason that the 'panels are attached to cabinets which are installed in the public highway'. Advert consent includes 5 standard conditions, 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. As such the applicant would not be able to comply with this condition.

As the proposal would not comply with UDP Policy EN1/9 - Advertisements it is recommended the application is 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

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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 advertisements 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 a discordant feature within the streetscape and adjacent to a Conservation Area. The proposal would therefore be contrary to the following policy of the Bury Unitary Development Plan: EN1/9 - Advertisements, EN1/2 Townscape and Built Design and EN2/1 Character of Conservation Areas..
- 2 The proposal would result in the unauthorised display of an advertisement on the adopted highway on infrastructure not approved for that purpose, which would pose an undue distraction to traffic on the adjacent classified road, set an unwelcome precedent and be detrimental to highway safety. The proposal is therefore contrary to UDP Policy EN1/9 Advertisements.
- 3 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 The Standard Conditions of the The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Regulations.

<u>Case Officer</u> TB 7/1/26	<u>Date</u>	<u>Sign off Officer</u> DM 7/1/26	<u>Date</u>
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