

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 27/03/2024	Ref: 70443/ADV
Registration: 05/02/2024	LDFC: 05/03/2024	Expiry Date: 01/04/2024
Site Visit: 01/03/2024	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: Advertisement consent for display integrated into multifunctional communication hub unit

Location: Pavement outside 61 The Rock, Bury, BL9 0NB

Description

The proposed site is situated on a pedestrianised retail street, at the junction of The Rock and Tithebarn Street in Bury town centre.

Advertisement consent is sought for the installation of 1 no. advertisement panel on a multifunctional communication hub including a defibrillator.

The proposed advertisement display would measure 1065mm x 1895mm.

The proposed hub unit would measure 2.6m high and 1.3m wide and 0.3m in depth.

Relevant Planning History

53366 - Non-illuminated poster panel to media cabinet (resubmission) - 10/08/2011

53366 - Non-illuminated poster panel to media cabinet (resubmission) - Refused
17/01/2011

70426 - Installation of 1no. multifunctional communication hub including defibrillator and advertisement display - concurrent application

Publicity

n/A

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal for obstruction/restriction to the highway and street clutter

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1	Built Environment
EN1/2	Townscape and Built Design
EN1/9	Advertisements
EN1/10	Telecommunications
EN1/4	Street Furniture
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
HT6/1	Pedestrian and Cyclist Movement
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
NPPF	National Planning Policy Framework
JP-C2	Digital Connectivity

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.

Places for Everyone

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

All nine Councils adopted PfE with effect from 21 March 2024 which means that the Plan is

now part of the statutory development plan for Bury and holds full weight in regard to planning applications.

The principle of this proposal does not give rise to any conflict with PfE policies.

Consequently, the principle of this application has been considered against PfE (as proposed to be modified). However, the principle of this proposal does not give rise to any conflict with PfE policies.

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.

Amenity

The site relates to a pedestrianised shopping street, with this particular side of the street free from street furniture and clutter. The proposed advertisement would be in an isolated position to this area of The Rock which was designed to provide an unobstructed and visually open route as well as a clear pedestrian access. The proposed unit would not only add unnecessary clutter to the area but would cause an obstruction to pedestrians and those with visual impairments travelling along the Rock.

In addition, as noted above, there are a number of digital display boards in the immediate locality and it is considered that the proposed siting of another digital unit would result in the proliferation of digital display screens within very close proximity of each other and thus another display would by its very addition, would further detract from the streetscene.

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

Public/Highway safety

The proposal would result in an unnecessary obstruction/restriction of the existing adopted highway/emergency access route 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 on The Rock 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.

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 proposal would result in an unnecessary obstruction/restriction of the existing adopted highway/emergency access route 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 on The Rock and contrary to the active travel aspirations of the Council. The proposed development would therefore be contrary to UDP Policy EN1/9.

- 2 The proposed development by reason of its siting and position within The Rock would introduce a piece of street furniture and clutter to an area which 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 .

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	27/3/24	DM	27/03/2024