

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 08/08/2025	Ref: 72088/ADV
Registration: 20/06/2025	LDFC: 01/08/2025	Expiry Date: 15/08/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: Advertisement consent for 2 no. digital 75 inch LCD display screen either side of 1 no. BT street hub unit

Location: Pavement adj 65-69 Rochdale Road, Bury, BL9 7AX

Description

The site relates to a pedestrian footway which is located along a main throughroute from the town centre to the motorway network. Adjacent to the site to the north is a piece of land which is used as a car park. The site is located close to the junction of Rochdale Road and York Street/Lord Street and a pedestrian crossing.

The application seeks planning 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 123cm wide and 298cm high.

The application is accompanied by a Driver Distraction Assessment and Planning Supporting Statement where it is stated that Street Hubs provide communities with urban tools including:

- Ultrafast public and encrypted Wi-Fi
- Powered by 100% renewable carbon-free energy
- Inspected weekly and cleaned at least every two weeks, monitored 24/7
- Free phone calls
- Display community and emergency (i.e. police) awareness messaging
- Ability to house IoT sensors such as air quality, traffic etc.

In the Supporting Statement, it is also stated that as part of the proposal, 2 no. existing phone kiosks would be removed in another part of the Borough to assist in achieving the advancement and decluttering of the council's streetscapes. The applicant has identified these adjacent to 1 the Rock Shopping Centre.

The application is a resubmission of a previously refused advertisement consent application ref 71481.

Its associated planning application ref 71502 was refused 10/6/24

Relevant Planning History

71481 - Advertisement consent for 2 no. digital 75 inch LCD display screen either side of 1 no. BT street hub unit - Refused 17/2/25

71502 - Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit - Refused 10/6/25.

Publicity

N/a

Statutory/Non-Statutory Consultations

Traffic Section - Object and recommend refusal
Transport for Greater Manchester - Comments provided.

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EC5/1	Office Development in Bury Town Centre
S3/1	New Retail Dev Opportunities Within or Adj Town Centres
HT2/1	The Strategic Route Network
HT5/1	Access For Those with Special Needs
EN1/2	Townscape and Built Design
EN1/4	Street Furniture
EN1/9	Advertisements
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
Area	Rochdale Road/Lord Street/York Street
BY10	

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 EN1/2 - Townscape and Built Design will give favourable consideration to development which do not have an unacceptable effect on the character of an area. Factors considered when assessing proposals include appearance, design and relationship to an area, choice and use of materials, access, and use of lighting.

Policy EN1/4 - Street Furniture seeks to ensure the siting and design satisfies considerations which includes meeting the needs including mobility impaired in terms of safety and adequacy, highway safety, pedestrian flow and amenity and appearance in the street scene.

EN1/9 - Advertisements - 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.

Policy EN1/10 - Telecommunications - In assessing such proposals, regard will be given to factors including operating requirements of available and new telecommunications technology, legal requirements of operators, siting and design and visual and physical impact.

Siting and visual amenity

The proposed Hub would be sited on a pedestrian footway which runs parallel to the A56 Rochdale Road which is a main route leading from Bury town Centre to the motorway network.

The Supporting Statement identifies alternative site options that were considered -

Footpath outside 60 Rochdale Road - Not viable due to footpath width

Footpath outside 67 Rochdale Road - Positive commercial setting and suitable footpath width. Concerns with traffic safety and visibility. Notably, visibility for vehicles entering/exiting the access way north of the site would be obscured.

Footpath at the junction of Derby Way and Rochdale Road - Modern backdrop of the Rock shopping centre and wide footway but in close proximity of a major signalised traffic intersection. a number of slight incidents have been recorded at this intersection.

Footpath outside Angouleme Way Retail Park, George Street - Footway too narrow and potential highway safety due to proximity of traffic signals.

Footpath outside Angouleme Way Retail Park, George Street - Footway suitable width but located close to a major signalised traffic intersection.

The Supporting Statement also references that the site location has been selected due to its strong commercial context whereby the proposal would not be seen as being visually incongruous well as considering the advert on the bus stop to the west of the site, illuminated advert hoarding as well as adverts on surrounding commercial units.

The applicant also states the fact that there are no other nearby existing adverts of this scale on the existing pavement does not mean it would be out of keeping with the general location or considered to be a proliferation in the area. The application goes on to state that the Hub would be a modern and sleek and compact design than the old phone kiosks.

Visual amenity - assessment

It is accepted that the sequential test carried out as adequately assessed alternative sites in the immediate vicinity. That is not to say the site which has been put forward is suitable from a planning perspective when considering the visual impact of such a structure in the streetscene.

This is considered below.

There are two street lights and a highway sign located towards either end of this stretch of footway and a service box set at back edge of pavement. There is a set of traffic lights at the end of the footway at the junction with York Street. Other than that, the footway remains free from street furniture and is devoid of structures. The backdrop of the car park which also runs along this perimeter of footway lends the area to feeling open.

Locating a BT Hub along this section of footway would therefore be alien and unrelated to the surrounding area and commercial development and as a result would appear obtrusive and discordant within the streetscene, detracting from the appearance of the locality, particularly given its solid and visually strident appearance.

The Supporting Statement states that 2 no existing phone kiosks would be removed in another part of the council area to assist in achieving de-cluttering of streetscapes. The kiosks are stated to be adjacent to No 1 The Rock but the accompanying photo shows these kiosks located adjacent to No 111 the Rock. Secondly, these 2 no kiosks were proposed for removal under a previous application which was approved for the installation of a Hub (refs 68447 and 68448) and as such cannot be 'double counted' for the current proposal. Thirdly, the kiosks are remote to this site in any event.

In conclusion, it is therefore considered the proposed development would introduce a piece of street clutter in an isolated location which would interrupt the visual rhythm and pattern of the existing streetscene.

The proposed development is therefore considered to be unacceptable and contrary to policies EN1/2, EN1/4 and EN1/9.

Public 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.

TfGM have been consulted and their general advice is that they would defer to the Highway Authority (HA) to confirm if the apparatus proposed is to be installed at a satisfactory distance from the highway in terms of the risk of vehicle strike and sightline visibility.

They do however advise that a minimum footway width of 2 metres (where the apparatus is positioned) needs to be retained to ensure pedestrian movements are unimpeded.

Sightline visibility for vehicles, cyclists and pedestrians needs to be maintained and should not be impinged upon by the siting of the apparatus.

Servicing arrangements associated with the apparatus should not impact upon the highway and result in traffic conflicts. Service vehicles should park appropriately and should not use bus lay-bys or footways.

The applicant has now carried out a Driver Distraction Assessment (DDA) which states that the unit has been positioned following careful consideration of the TfL Guidelines, and

specifically, that the siting would achieve the following:

- There would be no conflict with any traffic signs, signals, crossing points, schools, hospitals or low bridges.
- No sightlines or clearances would be affected.
- The TfL guidance states that 'Static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted.' There is existing traditional advertisement on similar sections of the respective roads in many cases.
- The geometry of the roads is not complicated, and the driving conditions are not considered to be demanding or complicated.
- The advertisements would not be experienced by a driver in conjunction with any other similar digital advertisements.
- As per the TfL guidance, the advertisements would be located as close to the driver's natural eye line as possible and facing as head-on to the traffic as is practical.

The DDA concludes that overall, it is considered that the advertising display would have no material impact on driver distraction, highway safety or public safety.

The proposed hub would be sited directly next to the kerb edge of Rochdale Road. 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 and being set so close to the carriageway and at eye level, driver's along this route would be easily distracted by the advert to the detriment of highway safety, particularly when the Hub would be so close to the junction, traffic lights and the pedestrian crossing.

The Highway Authority have been consulted on the application and recommend refusal as the proposed siting of the Hub on the public highway would result in an unnecessary obstruction of the adopted highway, sub-standard footways, restricted visibility at the junction and additional street clutter.

In terms of clutter, the LPA considers that apart from one highway sign and lighting columns at the back edge of the pavement, this stretch of footway is relatively clear of street furniture and therefore the Hub would not add 'clutter' as such. However, it is the addition of such a solid and visually present structure within this clutter free pavement which would magnify its obtrusive and strident appearance.

It is therefore considered the proposed siting would be detrimentally harmful to the safety of road users and public safety in general.

It is therefore considered the proposed development would be unacceptable and contrary to Policies EN1/2, EN1/9, JP-C5 and JP-C6.

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 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.

- 2 The proposal would represent an unnecessary obstruction and reduce the available width of the existing adopted footway on the A58 (Rochdale Road), which would be detrimental to pedestrian safety and maintaining existing pedestrian desire lines on the adopted highway on Rochdale 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.
- 3 The proposed installation would restrict visibility of the signals to the east of the site at the A58 Rochdale Road/York Street/Lord Street junction and would restrict visibility to sub-standard levels to the right on egress at the junction of York Street with Rochdale 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	8/8/25	DM	08/08/2025