

DELEGATED REPORT

Report by Claire Booth	Date of report: 17/02/2025	Ref: 71482/ADV
Registration: 23/12/2024	LDFC: 13/02/2025	Expiry Date: 17/02/2025
Site Visit: 31/01/2025	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		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 184 Walmersley Road, Bury, BL9 6LL

Description

The application site relates to the pavement outside Walmersley Road CO-OP, no.184, which is positioned on the east side of Walmersley Road. The Co-op forms the northern end of precinct of shops. The site is within an allocated Neighbourhood Centre and on an identified throughroute on the A56 Walmersley Road, as defined within the adopted Development Plan. The site is also within an Air Quality Management Area.

Advertisement consent is sought for two digital 75 inch LCD display screens, one on each side of a BT street hub unit.

The proposed advertisements would be sited approximately 30 metres north of a pedestrian crossing.

The submitted red edge incorporates part of the public highway and part private land.

Relevant Planning History

51027 - 2 NO. EXTERNALLY ILLUMINATED FASCIA SIGNS; 1 NO. INTERNALLY ILLUMINATED PROJECTING SIGN; WINDOW GRAPHICS - Approve with Conditions 27/03/2009

54070 - New shop front including sliding entrance door - Approve with Conditions 02/08/2011

54452 - Installation of a re Fridgeration plant to the rear - Approve with Conditions 19/10/2011

65010 - Replacement refrigeration plant and compound, redecoration of shop elevations to include window and door frames, fascia and stall risers and installation of external lighting - Approve with Conditions 10/02/2020

65827 - 2 No. internally illuminated logo/fascia signs, 1 no. non-illuminated letters/fascia sign, 1 no.externally illuminated projecting sign, 2 no. non-illuminated banner frames and 6 no. non-illuminated panel signs - Approve with Conditions 07/10/2020

71491 - Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit - Under consideration

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - Raises objections

Pre-start Conditions - N/A

Development Plan and Policies

S1/5	Neighbourhood Centres and Local Shops
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN1/9	Advertisements
EN1/4	Street Furniture
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
JP-C5	Streets For All
JP-C6	Walking and Cycling
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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.

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.

The Framework states the quality and character of places can suffer when advertisements are poorly sited and designed.

The Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. These matters are considered in the sections below.

NPPG (Advertisements) Paragraph 149 states that the Local Planning Authority should consider the local characteristics of the neighbourhood, and whether the proposal is considered to be in scale and in keeping with those features.

Amenity

The A56 Walmersley Road is a key transport route into Bury Town Centre. UDP Policy EN1/7: Throughgates and Gateways seeks to improve the quality of development throughroutes and at gateways and requires any new proposals fronting major throughroutes and at the gateways to display a high standard of design and landscaping.

The proposed site seeks to be sited on the pavement outside a retail unit occupied by the Co-op close to the edge of the Local Centre. The Co-op has a number of free-standing signs that sit within its frontage and border the pavement and is surrounded by bollards to provide security to the frontage.

The proposed digital screens would be associated with a BT smart hub which is still under consideration by the Local Planning Authority under planning application 7149. As it stands, the proposed advertisements do not have a lawful structure on which they could be sited upon. Notwithstanding, this, the proposed digital screens would exacerbate the prominence of the hub, with the use of large illuminated and transitioning images to both sides. The addition of digital advertisements to this area would be incongruous with the predominantly residential and suburban character of the area when travelling along Walmersley Road and when viewing the proposed adverts from the properties at the site and opposite the application site. The introduction of digital screens for public use in this location would be an alien feature and would add to the already cluttered frontage of the building occupied by the Co-op to the detriment of visual amenity.

The site plan submitted in support of the application is poor and fails to show the location of the proposal in context with the shopping precinct as a whole. It inaccurately shows the width of the adopted highway, along with showing the proposed advertisements in context with existing free standing signage and bollards outside the Co-op, a recycling bin and phone box abutting the adopted highway, and neighbouring dwellings.

Residential amenity would not be directly affected by glare as nearby properties are orientated to the sides of the screens.

To conclude, the proposed digital advertisements, by virtue of their siting, scale, illuminance and location, would result in an overly prominent, incongruous feature within the street scene, to the detriment of visual amenity and would detract from the character and appearance of the local area, contrary to policies EN1/9: Advertisements, EN1/2: Townscape and Built Design and EN1/7: Throughroutes and Gateways of the Bury Unitary Development Plan.

Public Safety

NPPG (Advertisements) Paragraph 67 states that all advertisements are intended to attract attention, but proposed advertisements at points where drivers need to take more care are likely to affect public safety.

On matters of Public Safety, the PPG states that:

“All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, **pedestrian crossings** (*my emphasis*) on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline.”

The proposed advertisement would be located on the A56 public highway, a key throughroute to and from Bury Town Centre in close proximity of a Pedestrian Crossing.

No driver distraction survey has been submitted for the 2no. LED screens despite their proximity to this main highway and a Pedestrian Crossing and the junction of Chesham Road. The site specific supporting information fails to even mention the site is in close proximity to a pedestrian crossing. It therefore does not provide an adequate assessment of the impact the proposed LCD display screens would have on driver distraction for passing motorists on the A56 and on the approach to the pedestrian crossing and junction with Chesham Road, to the detriment of highway safety.

Moreover, the extent of the adopted highway is shown incorrectly within the submission. The width of the adopted highway varies in width from its point on the shared boundary with no. 188 Walmersley Road to the disabled parking space within the car park associated with the Shopping Precinct i.e. from approximately 2.3m - 3.5m. The submitted Proposed Site Plan indicating the adopted highway is 7.2m wide is incorrect and wholly misleading. Notwithstanding this, the Proposed Site Plan shows that the proposed adverts would be within 500m of the edge of the pavement, therefore leaving Pedestrians only 0.5m of Pavement to walk on, pushing pedestrians close to the edge of the pavement with Walmersley Road and would block the clear safe pedestrian walking route on the adopted highway.

The Local Highway Authority has recommended refusal of the application due to pedestrian safety, clutter, restriction of visibility and lack of information relation to driver distraction. Overall, it is clear that the proposed LED advertisements and their siting would cause demonstrable harm to highway safety and it therefore recommended the adverts be refused.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed advertisements, by virtue of their illumination, siting and location, would appear as an incongruous addition to the street scene which would result in an adverse impact on the visual amenity and character of the area, contrary to Policies EN1/2: Townscape and Built Design, EN1/7: Throughgates and Gateways and EN1/9: Advertisements of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 2 The proposal would result in an unnecessary and unacceptable obstruction of the existing adopted highway on the A56 (Walmersley 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 Walmersley Road and contrary to the active travel aspirations of the Council, contrary to Policies JP-C1: An Integrated Network' JP-C5: Streets for All; and JP-C6: Walking and Cycling of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 3 The proposal would reduce the available width of the existing adopted footway on the A56 (Walmersley Road) to sub-standard levels, which would be detrimental to pedestrian safety and maintaining existing pedestrian desire lines on the adopted highway on Walmersley Road, contrary to Policy EN1/4: Street Furniture of the Bury Unitary Development Plan, policies JP-C1: An Integrated Network, JP-C5: 'Streets for All; and JP-C6: Walking and Cycling of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 4 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 the A56 and on the approach to the adjacent pedestrian crossing to the south, to the detriment of highway safety, contrary to policies contrary to Policy EN1/4: Street Furniture of the Bury Unitary Development Plan, policies JP-C1: An Integrated Network, JP-C5: 'Streets for All and JP-C6: Walking and Cycling of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	17/02/2025	HL -	17/02/25