

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 17/02/2025	Ref: 71481/ADV
Registration: 23/12/2024	LDFC: 13/02/2025	Expiry Date: 17/02/2025
Site Visit: 03/02/2025	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 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 advertisement consent for the installation of 1 no. BT street Hub with 2 no digital 75 inch display screens either side of the unit. The Supporting Statement also states the proposal for the removal of two existing phone kiosks on the footpath adjacent to No 1 The Rock, Bury. The proposed screens would be encased within a hub that measures 1236mm wide and 2986mm high.

Relevant Planning History

71502 - Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit - current application

Publicity

N/a

Statutory/Non-Statutory Consultations

Traffic Section - raise objection

Pre-start Conditions - Not relevant

Development Plan and Policies

Area	Rochdale Road/Lord Street/York Street
BY10	
EC5/1	Office Development in Bury Town Centre
S3/1	New Retail Dev Opportunities Within or Adj Town Centres
Area	Rochdale Road/Lord Street/York Street
BY10	
HT2/1	The Strategic Route Network
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development

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.

Policies - UDP Policy EN1/9 relates to adverts and signage and 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.

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.

There are streetlights, a highway sign, service box and set of traffic lights along this stretch of pavement, but other than that, the footway remains relatively free from street furniture.

At nearly 3m high and 1.3m wide, with double sided digital screens, the siting of the Hub proposed Hub on the footway would introduce a strident and discordant addition and a large imposing structure within this part of the streetscene which is relatively clutter free and as such would seriously detract from the appearance of the locality. Furthermore, it would conflict with pedestrian movement in general, those with prams or wheelchairs and the visually impaired.

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.

As such it is considered the proposed advertisement would be harmful to the amenity of users of the area and have a detrimental impact on the appearance of the streetscene.

It is therefore considered the proposed advertisement would be contrary to policy EN1/9.

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.

The proposed hub would be site 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.

No Driver Distraction Assessment has been submitted. The proposed elevation plan shows that the proposed advert would be located between the highway sign and the traffic lights and may obscure the green light. As such, the driver distraction assessment is considered necessary given the location of this site and the highway safety implications.

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. There is also insufficient information submitted for the application by the absence of a site specific and detailed Driver Distraction Assessment.

It is therefore considered the proposed siting would have a detrimental impact on the free flow of pedestrian movement and would add to the plethora of street furniture in the vicinity, and would be detrimentally harmful to the safety of road users and public safety in general.

The proposed site plan is also poor and fails to show the location of the proposed Hub in relation to the wider context of the site, highway network and nearby junction and signals.

It is therefore considered the proposed development would be unacceptable and contrary to

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal would result in an unnecessary and unacceptable obstruction of the existing adopted highway on the A58 (Rochdale Road) 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 adopted highway on Rochdale Road and contrary to the active travel aspirations of the Council. 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.
- 2 The proposal would reduce the available width of the existing adopted footway on the A58 (Rochdale Road) to substandard levels, which would be detrimental to pedestrian safety and maintaining existing pedestrian desire lines on the adopted highway on Bury New 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 A58 Rochdale Road/York Street/Lord Street junction and would pose a distraction to drivers approaching the signalised junction from the west, to the detriment of 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.
- 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 A58 and on the approach to the adjacent signalised junction, to the detriment of highway safety. 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.
- 5 The proposal would restrict visibility to sub-standard levels to the right 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.
- 6 The application and submitted plans contain insufficient information in relation to the removal of existing phone kiosks stated as forming part of and justification for this

proposal. 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.

- 7 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.

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