

DELEGATED REPORT

Report by Helen Leach	Date of report: 17/02/2025	Ref: 71479/ADV
Registration: 23/12/2024	LDfC: 20/02/2025	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 Bury Interchange, Market Street, Bury, BL9 0BL

Description

The application site relates to the pavement outside of Bury interchange off Angouleme Way, Bury. Angouleme Way is an A road - the A58. The area of pavement is located to the south of the canopy building for the interchange.

Advert consent is sought for the installation of 2no. LED advertisement panels to the front and rear of a communication hub. The proposed screens would be encased within a hub that measures 1236mm wide and 2986mm high.

Relevant Planning History

71500 - Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit at pavement adjacent to Bury Interchange, Market Street, Bury. Received - 23 December 2024.

Publicity

None required.

Statutory/Non-Statutory Consultations

Traffic Section - Recommendation for refusal due to pedestrian safety, clutter, restriction of visibility, lack of information in relation to driver distraction, access to the cycle parking facilities.

Pre-start Conditions - Not relevant.

Development Plan and Policies

EN1/9	Advertisements
EN1/2	Townscape and Built Design
JP-P1	Sustainable Places
EN1/10	Telecommunications
EN1/4	Street Furniture
HT5/1	Access For Those with Special Needs
JP-C5	Streets For All
JP-C6	Walking and Cycling
NPPF	National Planning Policy Framework

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 PpE 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.

Amenity - NPPF Paragraph 141 states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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.

UDP Policy EN1/4 - Street Furniture states that the Council will encourage the provision of suitably located and well designed street furniture which satisfies the requirements of

pedestrians, shoppers and other uses and enhances the character and appearance of the urban street scene including open spaces.

UDP Policy EN1/2 - Townscape and Built Design seeks to protect the character and townscape of the boroughs towns.

PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

This proposed site is located adjacent to the interchange building on a stretch of public footpath, which includes a traffic light, highway sign and street lighting columns. The proposed siting of the advertisement between the two pedestrian entrances to the bus shelter would not impact upon pedestrian desire lines.

As such the proposal would not conflict with the aims of the policies set out above.

Public/Highway 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 advertisement would be located on the adopted highway.

No driver distraction survey has been submitted for the 2no. LED screens despite their proximity to the 4 lane wide, A58 and the signalised junction with the exit from Bury interchange.

The site specific supporting information states "the position where the BT Street Hub is to be located in relation to the road would not cause any interference with nearby road signs and or navigational lights." This is not an adequate assessment of the impact the proposed LCD display screens, and appears to be the same assessment provided within the supporting information for all sites currently under consideration rather than a site specific response.

The proposed advert would be located such, that drivers would look directly at the proposed advert whilst on the approach to the traffic lights, which control the exit from the interchange. In addition, the proposed advert would prove a distraction for bus drivers as they exit from the interchange.

The applicant has therefore failed to adequately assess the impact of the proposed screens for passing motorists on the A58 and on the approach to the adjacent junction, to the detriment of highway safety.

As such the proposal would conflict with the policy considerations set out above.

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 applicant has failed to demonstrate that the proposed development would not have an adverse impact upon driver distraction for passing motorists on the A58 on the approach to the adjacent signalised junction and for bus drivers exiting the bus interchange, to the detriment of highway safety. The proposal therefore conflicts with the following policies of the Unitary Development Plan EN1/9 Advertisements. 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>
HL - 17/02/2025		DM - 17/02/2025	