

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Claire Booth   | <b>Date of report:</b> 17/02/2025 | <b>Ref:</b> 71480/ADV          |
| <b>Registration:</b> 23/12/2024 | <b>LDFC:</b> 13/02/2025           | <b>Expiry Date:</b> 17/02/2025 |
| <b>Site Visit:</b>              | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b>              | <b>Con Area:</b> N/A              | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> 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 Units 1 & 2, Angouleme Retail Park, Angouleme Way, Bury, BL9 0BZ

### **Description**

The application site relates to the pavement on the east side of the A58 Angouleme Way adjacent to the gable of TK Maxx and within 4.5m of a Bus Stop. On either side of the Bus Stop area are pedestrian guard rails due to the busy nature of Angouleme Way.

The site is within an allocated Shopping area within Bury Town Centre on a strategic highway route, the A58 Angouleme Way, 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 digital displays would measure approximately 2.9m high, 1.3m wide and 0.3m deep.

### **Relevant Planning History**

63811 - External alterations including the provision of canopies, re-cladding of the units, re-painting the exterior and provision of a new gate/fence - Approve with Conditions 05/04/2019

63813 - External alterations including the provision of canopies, re-cladding of the unit and re-painting the exterior - Approve with Conditions 01/04/2019

63814 - External alterations including the provision of canopies, re-cladding of the unit and re-painting the exterior - Approve with Conditions 01/04/2019

64889 - 2 No. internally illuminated fascia signs - Approve with Conditions 17/01/2020

71501 - Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit - Under consideration.

### **Publicity**

Not applicable.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - Raises objections.

**Pre-start Conditions** - Not relevant.

## **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.

### **Policy**

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 also 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.

### **Amenity**

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.

The A58 Angouleme Way is a strategic route providing a ring road around Bury Town Centre.

UDP Policy EN1/7: Throughgates and Gateways seeks to improve the quality of development on 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 digital screens would be associated with a BT smart hub which is still under consideration by the Local Planning Authority under planning application 71501. 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 advert free highway in this area - all advertisements are on buildings within the adjoining Angouleme Retail Park. The introduction of digital screens for public use in this location would be an alien feature, that would be sited in close proximity to a Bus Stop and bollards that define the land owned by the retail park and would add to the already congested location of the proposed application site, to the detriment of visual amenity. Its close proximity to the back edge of the kerb line further emphasising its visually harmful appearance.

The site plan submitted in support of the application is poor and fails to show the location of the proposal in context with the street furniture present in this location, which includes; pedestrian guard rails, a bus stop and covered canopy, a street light, bollards and a pedestrian entrance to Angouleme Retail Park. It also inaccurately shows the width of the adopted highway, which is stated within the submission as being 9.26m, whereas, the adopted highway is actually only approximately 3.6m wide upto the back edge of the kerb line. The proposed advertisement would be approximately 1.25m wide, thereby reducing the width of the adopted pavement to approximately 2.3m.

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 and the National Planning Policy Framework.

### **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 on the approach to a low bridge or level crossing **or other places where local conditions present traffic hazards** (*my emphasis*). 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 A58 public highway, a key throughroute around Bury Town Centre within 4.5m of a bus stop and set back from the back edge of the kerb line by approximately 0.32m. Thereby being very close to the back edge of the kerb line. The submitted Photomontage and Proposed Site Plan clearly show the proposed adverts would completely block views of bus drivers approaching the Bus Stop and would also prevent passengers from seeing a bus approach this stop, leading to passengers stepping into the road to look out for their bus. The proposal would therefore block pedestrian sight lines/ desire lines, resulting in conditions harmful to highway/ pedestrian safety.

The proposal would result in an unacceptable obstruction of the existing adopted highway which would be detrimental to pedestrian safety, maintaining existing pedestrian desire lines on Angouleme Way.

No driver distraction survey has been submitted for the 2no. LED screens despite their proximity on this strategic highway and transport corridor, and the presence of the Bus Stop.

Moreover, the extent of the adopted highway is shown incorrectly within the submission as mentioned within the Amenity section of this report.

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, 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 A58 (Angouleme Way) to substandard levels, which would be detrimental to pedestrian safety and maintaining existing pedestrian desire lines on the adopted highway on Angouleme Way, contrary to Policy EN1/4: Street Furniture of the Bury Unitary Development Plan, and policies 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 proposal would restrict visibility to the north of approaching southbound buses on the A58 (Angouleme Way) for pedestrians waiting at the adjacent bus stop, which would be contrary to the Council's 'Bury Local Transport Strategy' travel aspirations, contrary to Policy EN1/4: Street Furniture and EN1/7: Throughroutes and Gateways of the Bury Unitary Development Plan and 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.
- 5 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 and policies 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-                     | 17/02/2025  |