

DELEGATED REPORT

Report by Helen Pressley	Date of report: 17/02/2025	Ref: 71478/ADV
Registration: 23/12/2024	LDfC: 21/02/2025	Expiry Date: 17/02/2025
Site Visit: 31/01/2025	Site Notice: 31/01/2025	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 130 Water Street, Radcliffe, Manchester, M26 4BE

Description

The application relates to an area of pavement outside No. 55 Water Street. Water Street is a main road - A665. The area of pavement is located to the north of a row of shops, opposite a Local Shopping Centre as identified within the UDP.

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

71499 - Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit - Pending

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - recommendation for refusal due to pedestrian and highway safety and insufficient information in relation to driver distraction.

Pre-start Conditions - Not relevant

Development Plan and Policies

S1/3	Shopping in District Centres
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
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
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 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.

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.

The proposed site is located 500mm from the edge of the A665, on a stretch of pavement outside of No. 55 Water Street. This stretch of pavement includes areas of adopted highway, an area public forecourt to the front of 3 commercial units that is unadopted, an ATM and associated bollards, a bin, street lighting column and 3no. doors to the adjacent units utilised by pedestrians. Street furniture on the adopted highway along this road are generally sited at the back edge of the adopted highway rather than adjacent to the kerb.

The proposed advertisement would be sited in an isolated position at the edge of the highway that would cause a detrimental increase in street furniture on this stretch of pavement causing unacceptable harm to the visual amenity of the street scene. The location of the proposed advertisement screens would represent an incongruous structure in its proposed position and would conflict with established pedestrian desire lines.

As such the proposal would 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.

No driver distraction survey has been submitted for the 2no. LED screens despite their proximity to the A665, 2no. car park entrances, bus stop to the east and signalised junction at Ainsworth Road. 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 applicant has therefore failed to adequately assess the impact of the proposed screens for passing motorists on the A665, to the detriment of highway safety.

The site plan submitted with the application is misleading, suggesting a pavement width of 3640 mm but including land that is not adopted highway and is in fact a public forecourt in association with the adjacent businesses. Indeed the limits of adoption along this particular stretch of pavement are restricted to the pavement adjacent to the road, at only around 2 metres in depth. The proposed siting of the advertisements would therefore reduce the amount of available adopted highway to approximately 500mm either side of the proposed hub which would be detrimental to pedestrian safety.

It is considered the position in which the proposed advertisement screens would be sited would conflict with pedestrian movement in general or those with mobility impairment along this stretch of pavement, particularly when considered alongside the existing street furniture that has been set out above. The proposed site plan also fails to adequately show the doors to the adjacent business premises, which the advertisement screens appear to be sited directly in front of and the location of an ATM machine which also needs to be fully assessed in terms of pedestrian movements.

In addition to the above the proposal would also restrict visibility from the adjacent car parks/servicing yards to the east and west of the site to substandard levels.

The proposed siting of the advertisements would therefore result in an unnecessary obstruction of the existing adopted highway and the creation of additional street clutter for an installation that primarily consists of an advertisement screen which would be detrimental to pedestrian safety and highway safety and fail to maintain existing pedestrian desire lines and contrary to the active travel aspirations of the Council.

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 proposal would result in an unnecessary and unacceptable obstruction of the existing adopted highway on the A665 (Water Street) 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 and safe pedestrian access to the adjacent business premises on Water Street, to the detriment of pedestrian safety on the adopted highway on Water Street 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 siting of the proposed advertisements would restrict visibility to the right on egress at the junction of the car park/service yard access adjacent to No. 101 Water Street with A665 Water Street, and to the left on egress at the junction of the 'Canal' car park access with Water Street to sub-standard levels which would be detrimental to highway safety and 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.
- 3 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 A665, 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.
- 4 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>
HP	17/02/2025	HL	17/02/2025