

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 08/08/2024	Ref: 70776/FUL
Registration: 17/06/2024	LDfC: 09/07/2024	Expiry Date: 12/08/2024
Site Visit: 25/06/2024	Site Notice: 25/06/2024	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of multifunctional communication hub including defibrillator and advertisement display

Location: Pedestrian area adj 2 Central Street/4 Clerke Street, The Rock, Bury, BL9 0JN

Description

The proposed site is situated on a pedestrianised retail street at the junction of The Rock, Central Street and Clerke Street in Bury Town Centre.

Planning permission is sought for the installation of 1 no multi functional communication hub including a defibrillator and single sided advertisement display panel.
The unit would measure 2.6m high, 1.3m wide and 0.3m deep.

The unit would provide a number a functions and services including free calls to landlines, a range of additional connective functions that include free wi-fi, touch screen wayfinding, direct access to local we pages, device charging capabilities and publicly accessible defibrillator.

One side of the unit would be a single sided advertising panel.

Relevant Planning History

70777 - Internally illuminated advertisement display comprising of LCD portrait screen integrated into communication hub - Concurrent application - Recommended for refusal

Publicity

Site notice posted 25/6/24

One objection received with the following issues -

- This area is used to stage promotions and entertainment events
- In addition the area is used by the essential services to educate visitors as to fire, security and healthy matters.
- The installation will just add another obstacle for our visitors to walk around and would restrict the use of the area for the above activities
- Whilst the provision of defibrillators is supported, The Rock Shopping Centre provides two of these already.
- There are also similar information screens close by.

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal

Greater Manchester Police - designforsecurity - No comments to make

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1	Built Environment
EN1/2	Townscape and Built Design
EN1/9	Advertisements
EN1/10	Telecommunications
EN1/4	Street Furniture
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
HT6/1	Pedestrian and Cyclist Movement
S1/1	Shopping in Bury Town Centre
JP-C2	Digital Connectivity
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.

Policies

Policy EN1/2 - Townscape and Built Design will give favourable consideration to development which do not have an unacceptable effect on the character of an area. factors considered when assessing proposals include appearance, design and relationship to an area, choice and use of materials, access, and use of lighting.

Policy EN1/4 - Street Furniture seeks to ensure the siting and design satisfies considerations which includes meeting the needs including mobility impaired in terms of safety and adequacy, highway safety, pedestrian flow and amenity and appearance in the street scene.

EN1/9 - Advertisements - 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.

Policy EN1/10 - Telecommunications - In assessing such proposals, regard will be given to factors including operating requirements of available and new telecommunications technology, legal requirements of operators, siting and design and visual and physical impact.

CF1/1 Proposals for new and improved community facilities will be considered with regard to the following factors:

- impact on residential amenity and the local environment;
- traffic generation and car parking provision;
- the scale and size of the development;
- where applicable, access to shops and other services;
- if the use is intended to serve a local community, or catchment area, the suitability of the chosen location in relation to that community or catchment area;
- accessibility by public and private transport;
- the needs and requirements of the disabled;

Highway policies HT5/1 - Access for those with Special needs and HT6/1 - Pedestrian and Cyclist movement seeks to ensure proposals consider the needs and accessibility of mobility impaired and those with special needs and ensure pedestrians and cyclists can move around safely.

Principle (Use)

The Hub Unit would provide free calls to landlines, offer a range of additional connective functions including free Wi-Fi, a 32 inch touch screen to enable wayfinding, direct access to local web pages and both USB and wireless device charging capabilities. The communication apparatus also includes a telephony element together with an advertised face and a publicly accessible defibrillator.

The applicant states that since 2019 they have worked in partnership with Community Heartbeat Trust, a registered charity that promotes greater public access to defibrillators in public spaces.

The applicant states in their covering letter that they had approached the Council to seek support for this initiative following which they had surveyed Bury Town Centre identifying

three potential sites in the busiest and most suitable thoroughfares where people would mostly likely see and use the Hub facilities.

It is recognised that such digital services and the provision of defibrillators can deliver social, economic and environmental benefits to the public benefit in terms of it being a community facility.

The use of the Hub for the dual purpose of digital advertising would be subject to the concurrent advertisement consent ref 70777.

Siting

The proposed Hub would be sited within a pedestrianised area of The Rock which forms a large wide open space where the 'old' Rock meets the 'new' Rock.

This is a well traversed route and forms a junction and the meeting point of The Rock, Clerke Street and Central Street.

The area is paved and there are benches and lighting columns and a litter bin which are set in a patterned and linear row predominantly equidistant apart and there is a signpost directing pedestrians to the different shopping areas in the vicinity.

The proposed Hub would be sited outside the established and regimented line of street furniture and would add an unnecessary piece of street clutter. It would also cause an obstruction and interfere with desire lines as pedestrians travel through this area of the Rock.

The proposed development is therefore considered to be unacceptable and would be contrary to policies EN1/2, EN1/4, EN5/1, HT6/1 and EN1/9 .

Access

The Rock was designed as an open and wide area and walkway where there relatively minimal amount of street furniture, but where there is, it is positioned in a defined and regimented pattern.

The proposed Hub would be located in a central area which links main pedestrian streets. The proposed Hub would encroach into a pedestrian route and desire line which is currently free from any street furniture or clutter and which would therefore cause an obstruction where there is currently none, particularly those with mobility impairment.

The Highway Authority have been consulted on the application and recommend refusal for 2 reasons -

- The proposal would 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, 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 Rock and contrary to the active travel aspirations of the Council.
- The application and submitted plans contain insufficient information to properly assess the proposal in relation to a wider strategy for the need for and provision of defibrillators throughout the Borough.

The proposal therefore cannot be supported.

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

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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 proposed development by reason of its siting and position within The Rock would introduce a piece of street furniture which would interrupt the visual rhythm and pattern of the existing street furniture and layout of the street scene, causing an unnecessary obstruction in the area which would be seriously detrimental to the visual amenity and appearance of the street scene and free pedestrian movement. The proposed development would therefore be contrary to Policies EN1/2, EN1/4, EN5/1, EN1/9 and JP-C5 and JP-C6.
- 2 The proposal would 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, 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 Rock and contrary to the active travel aspirations of the Council. The proposed development would therefore be contrary to Policies EN1/2, EN1/4, EN5/1, EN1/9 and JP-C5 and JP-C6.
- 3 The application and submitted plans contain insufficient information to properly assess the proposal in relation to a wider strategy for the need for and provision of defibrillators throughout the Borough. The proposed development would therefore be contrary to Policy EN1/9.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	8/8/24		