



Appeal Decisions

Site visit made on 26 March 2025

by **A Veevers BA(Hons) PGDip(BCon) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th April 2025

Appeal A Ref: APP/T4210/W/24/3353200

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still of In Focus Limited against the decision of Bury Council.
 - The application Ref is 70776.
 - The development proposed is the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Appeal B Ref: APP/T4210/H/24/3353202

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

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the 2007 Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still of In Focus Limited, against the decision of Bury Council.
 - The application Ref is 70777.
 - The advertisement proposed is the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Decisions

Appeal A Ref: APP/T4210/W/24/3353200

1. The appeal is allowed and planning permission is granted for the installation of a multifunctional communication hub including defibrillator and advertisement display at pedestrian area adj 2 Central Street / 4 Clerke Street, The Rock, Bury BL9 0JN in accordance with the terms of the application, Ref 70776, subject to the conditions set out in Schedule 1 to this decision.

Appeal B Ref: APP/T4210/H/24/3353202

2. The appeal is allowed and express consent is granted for the installation of a multifunctional communication hub including defibrillator and advertisement display at pedestrian area adj 2 Central Street / 4 Clerke Street, The Rock, Bury BL9 0JN in accordance with the terms of the application, Ref 70777. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the additional conditions set out in Schedule 2 to this decision.

Preliminary Matters

3. In both appeals I have taken the description of the proposal from the Council's decision notice as this is a more accurate description. Appeal A seeks planning permission for the proposed hub whereas Appeal B seeks advertisement consent for the digital advert screen on the hub. I have dealt with the appeals on their

individual merits, but as the advert screens are an integral part of the hub and the issues raised are similar, it is appropriate to consider the appeals together, except where otherwise indicated. To avoid duplication, I have combined both decisions into a single decisions letter.

4. In its decision notice for Appeal A, the Council refer to Policy EN5/1 of the Bury Unitary Development Plan (1997) (UDP) in the first and second reasons for refusal, but this concerns flood risk and is not relevant to this appeal. However, the Council have referred to Policy HT5/1 of the UDP in their officer report and the appellant has also referred to this policy in their appeal statement. I have been provided with details of Policy HT5/1 with the Council's appeal documentation and note that it relates to accessibility, which I consider is relevant to Appeal A. I have therefore had regard to Policy HT5/1 in my decision and consider that no party would be prejudiced by my so doing.
5. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.
6. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) stipulate that control may be exercised only in the interests of amenity and public safety. Therefore, whilst the development plan policies referred to by the Council are not determinative, I have taken them into account where relevant.

Main Issues

7. The main issues in Appeal A are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the safety and movement of pedestrians and other footway users; and,
 - whether the proposal would accord with local policies with regard to the need for defibrillators.
8. The main issues for Appeal B are the effect of the proposed advertisement on visual amenity and public safety.

Reasons

Character and appearance / Visual amenity (Appeals A and B)

9. The proposed multifunctional communications hub unit (hub) would be located within a pedestrianised area of Bury town centre, in the relatively recently constructed 'The Rock' development. The hub would be positioned within a wide and open section of the pedestrianised street which lies between The Rock to the north and Clerke Street to the south, in front of the triangular-shaped JD retail shop, where Rock Place meets Central Street.
10. The area is predominantly commercial with a mix of shops, cafes, restaurants and leisure uses commonly found in town centres. There are flats above commercial units on Central Street. The wide pedestrianised area upon which the proposed

hub would be located is an attractive open space that incorporates varied street paving patterns, lighting columns that are of relatively low height and laid out in linear form, seating and a directional finger post sign. Street trees front a single storey glazed block of restaurants that have outdoor seating on the west side of the pedestrianised area. Along the southern edge, forming the boundary with Clerke Street, are several low bollards and cycle stands. The boundary with The Rock, which is also pedestrianised, includes planters, bins and seating.

11. The hub would be approximately 2.6m tall and 1.3m wide and would display an internally illuminated digital LED screen which would take up the vast majority of one face of the hub. The other face of the hub would include a canopy with solar panels to light the hub, touchpad, free calls to landlines, free wi-fi, interactive wayfinding, access to local webpages and news, device charging, an emergency services call button, and built in CCTV monitoring. It would also include a defibrillator.
12. The hub would be next to the existing fingerpost sign and thus would not harm the regimented arrangement of the lighting columns. Due to its height and width, it would be clearly apparent in views taken from Central Street when looking towards the restaurants to the west. It would also be clearly visible on the approach to the pedestrianised area along Central Street from the town centre to the west. However, it would be off-set from the central alignment of Central Street. While the proposed advertisement screen and projecting hood would highlight the presence of the hub due to its illumination and sequencing, it would be seen in the context of large contemporary buildings, modern paving, other street furniture and signage associated with surrounding shops, cafes and restaurants.
13. As a hub structure of a comparable size to other similar installations I saw elsewhere in the town centre and of a colour that reflects that of the nearby lighting columns, it would not appear unusual or conspicuous within this environment or detract from the character or appearance of the area, even though there are other communication hubs nearby.
14. I note from the evidence that the pedestrianised area is used for promotional and entertainment events. Nonetheless, I am satisfied that a large open area would remain and the proposed development would not interfere with or cause an obstruction to such events.
15. With regard to Appeal A, for the reasons given above, the hub would not cause harm to the character and appearance of the area. Accordingly, there would be no conflict with Policies EN1/2, EN1/4 and EN1/9 of the UDP. There would also be no conflict with Policies JP-C5 or JP-C6 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039 (March 2024) (PfE). Collectively these policies seek to ensure, amongst other things, that the external appearance of new development, including street furniture, would be well-designed and not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns.
16. With regard to Appeal B, for the reasons given, the advertisement would not cause harm to the visual amenity of the area. Therefore, insofar as it is material, the proposal would accord with Policy EN1/9 of the UDP which requires advertisements to have regard to the characteristics of the local neighbourhood.

Pedestrian Movement / Public Safety (Appeals A and B)

17. The area in the vicinity of the proposed hub was, at the time of my site visit on a week day lunchtime, generally bustling with pedestrians. Policy HT5 of the UDP states that the Council will encourage the provision of satisfactory access to, amongst other places, pedestrian areas for the mobility impaired and those with special needs. Policies EN1/2, EN1/4 of the UDP also require that access and safety for the mobility impaired is considered in the design of development, and that street furniture does not interrupt main pedestrian flows.
18. The proposed hub would be in a prominent location adjacent to a slim directional fingerpost sign. I disagree with the Council's assertion that the immediate area is free from street furniture. Whilst the pedestrianised area is sizable, the fingerpost sign, a lighting column and seating are located in proximity to each other. Despite this, I observed there would be sufficient space surrounding the hub, sign and column to allow for the free movement and active travel of all pedestrians, including those on foot, with a mobility, visual or cognitive impairment or those with prams. Due to the large extent of paving in the immediate area, I consider that the siting of the proposal in this particular location would not create excessive street clutter. Neither would it be a significant obstruction or notably restrict pedestrian movement, even if people were using the smart hub. Furthermore, due to its off-set position in relation to Central Street, it would not reduce the coherence of the pedestrian routes in the area or interfere with pedestrian desire lines.
19. The Council's second reason for refusal in relation to this matter also refers to there being no agreement for the siting of the proposal on the adopted highway with the Highway Authority. The appellant claims that they are a registered statutory undertaker responsible for installations on publicly maintained land and I have no evidence to the contrary. Regardless, the 2007 Regulations set out standard conditions, one of which is that no advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site.
20. In terms of Appeal A, for the reasons given above, I conclude on this main issue that there would be no harm to the safety and movement of pedestrians and other footway users. Consequently, the proposal would comply with Policies EN1/2, EN1/4 and HT5/1 of the UDP which together, amongst other matters including those aims set out above, seek to ensure that development, including street furniture, has regard to its relationship with the surrounding area, and that pedestrians are not hindered in their movement. The proposal would also comply with Policies JP-C5 and JP-C6 of the PfE which both seek to ensure that streets respond to the needs of those with reduced mobility and to maximise the ability of pedestrians and cyclists to navigate easily, safely and without delay, minimising barriers and obstacles to their movement.
21. Furthermore, the proposal would not conflict with the guidance at paragraph 115 of the Framework that developments ensure that safe and suitable access can be achieved for all users.
22. With regard to Appeal B, there would be no harm to public safety. Therefore, insofar as it is material, the proposal would accord with Policy EN1/9 of the UDP which requires advertisements are controlled in the interests of public safety, including the safety of pedestrians.

Need (Appeals A and B)

23. With regard to the third reason for refusal for both appeals, notwithstanding no information regarding the Council's wider strategy for the provision of defibrillators has been provided by either party, demonstration of need for defibrillators is not a requirement of Policy EN1/9 of the UDP. In any event, even though there may be other defibrillators close to the appeal site, I find the provision of an additional potentially life-saving facility within a busy town centre would be a benefit of the proposal. I note that the appellant is working in partnership with the Community Heartbeat Trust, a registered charity that promotes greater access to defibrillators in public spaces and that the Council recognises the benefit of a defibrillator. As such, in itself, even if there are other defibrillators close to the appeal site, I find no planning harm in the provision of an additional defibrillator at the appeal site.
24. In relation to Appeal A, neither Policy EN1/9, nor guidance in the Framework, specifically prohibit the delivery of defibrillators. Therefore, the proposal would not conflict with Policy EN1/9 of the UDP which is concerned with the control of advertisements.
25. Furthermore, matters that do not relate to amenity and public safety fall outside the scope of Appeal B, as defined in the 2007 Regulations.

Other Matters

26. My attention has been drawn by an interested party to the potential replacement of an existing screen in the area to one similar to the appeal proposal. However, there is little information before me to substantiate this claim and no guarantee that such a proposal would be forthcoming. In any event, I have had regard to the presence of other digital screens in the area in my consideration of this appeal.

Conditions

27. I have had regard to the suggested conditions, which I have considered against the tests in the Framework and the advice in the Planning Practice Guidance. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity.
28. In relation to Appeal A, in the interests of certainty it is necessary to impose conditions requiring the development to be implemented within 3 years and to be carried out in accordance with the approved plans. To ensure the satisfactory character and appearance of the area, a condition is necessary to require that any paving disturbed during its installation is reinstated. In the event that the hub ceases to be used, a condition is necessary to secure its removal and that the site is returned to a satisfactory condition in the interests of the appearance of the area.
29. I have also attached a condition relating to the management of the hub, the details of which have been provided by the appellant. This is necessary to ensure the development is managed and maintained in the interests of visual amenity and public safety.
30. With regard to Appeal B, as well as the standard conditions set out in the 2007 Regulation, the Council's suggested conditions relating to the maximum luminance levels and provision of an automatic switch off to a blank screen in the event of a fault in the display are necessary in the interests amenity and public safety. For the

same reasons conditions relating to the need for images to be static with no special visual effects, images not resembling traffic signs, a minimum display time and almost instantaneous change of images are all reasonable and necessary.

Conclusions

Appeal A

31. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is allowed.

Appeal B

32. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is allowed.

A Veevers

INSPECTOR

SCHEDULE 1

SCHEDULE OF CONDITIONS APPEAL A

1. The development hereby permitted shall begin not later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan and Images, Document A02528 and Hub Unit Detail, Appendix B of JCDecaux letter to Bury Council dated 20 May 2024.
3. If, during the installation of the development hereby permitted, any part of the surface paving immediately surrounding the installation is dislodged or broken, matching paving material shall be reinstated within three months of the date of this permission.
4. Within three months of the date when the development hereby permitted ceases to be used, the installation, and/or works undertaken to it in connection with its use, shall be removed and the land shall be restored to its condition before the development took place.
5. The development hereby permitted shall be managed in accordance with the Unit Management Plan v2 September 2022, for the lifetime of the development.

SCHEDULE 2

SCHEDULE OF CONDITIONS APPEAL B

The following conditions are attached to this consent, in addition to the five standard conditions set out in the Regulations, which are not repeated in this schedule.

1. The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 2500 candela per square metre during daylight hours or 600 candela per square metre at any other time. The display panel shall be fitted with a light sensor, designed to adjust to the brightness to changes in ambient light levels.
2. There shall be no special effects (including animated, flashing, scrolling, intermittent, video elements) of any kind, or any images that resemble traffic signs or signals during the time that any message is displayed.
3. The minimum display time for each piece of content on the display screens shall be 10 seconds.
4. The interval between successive displays shall be instantaneous (no greater than 1 second), the complete screen shall change and there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays.
5. In the event of a fault with the installation and/or display screen, the screen must be automatically programmed to switch to a blank screen.

END OF SCHEDULES AND CONDITIONS