

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 08/08/2022	Ref: 68449/FUL
Registration: 12/05/2022	LDfC: 06/07/2022	Expiry Date: 07/07/2022
Site Visit: 09/06/2022	Site Notice: 09/06/2022	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Location: Pavement opposite Frankie & Benny's, 15-17 The Rock, Bury, BL9 0JY

Description

The site relates to a pedestrianised area of a shopping street in Bury Town Centre which is located at the Rock. This part of the town is commercial in character and comprises a variety of restaurants and bars and a cinema.

The pedestrianised street is a fairly wide paved area and the site is located on part of the walkway between two restaurants and close to the pedestrian route through a main shopping street leading to St John's Square.

The route through the site area is defined by two toned paving and there are street lights located along the southern edge of the street. There is an information totem board to the east. Areas around the site also include trees and soft landscaping and benches.

The application seeks planning permission for the installation of 1 no. BT Street Hub incorporating a 75" LCD advert screen.

Street Hubs are free standing structures which are the modern alternative to phone boxes and provide services including free phone calls and public wi-fi, access to public services and USB chargepoints. The Street Hubs are also an advertising platform with digital HD display screens on two sides.

Dimensions of the Hub would be 2.960m high, 1.236m wide and 0.35m deep. The Hub would be made of galvanised mild steel, with a powder coated external grade aluminium exterior. Displays will be made of tempered and toughened laminated glass.

The applicant states that the hub would replace two existing phone booths. However these are not located within Bury Town centre. The applicant states that their removal would be of material benefit to the areas as it would remove street clutter and allow for improved pedestrian movement.

Planning Permission is required because the BT street hubs would serve a dual purpose, for the operators electronics communication network and the purpose of advertising via the illuminated panel. As such they considered not to be permitted development under Part 16 Class A of the General Permitted Development Order.

A separate application for advertisement consent has been submitted for Hubs (ref 68450).

Relevant Planning History

68450 - Advertisement consent for installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks - concurrent application

Publicity

Site notice posted 9/6/22

No representations received

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal. The proposal would result in an unnecessary obstruction of the adopted highway and the creation of additional street clutter for an installation that primarily consists of an advertisement screen that is not a direct replacement for the adjacent telephone kiosks, and 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 Rock Place and contrary to the active travel aspirations of the Council.

Greater Manchester Police - designforsecurity - Recommend that consideration be given to the potential of the unit attracting or increasing incidents of anti-social behaviour and loitering in these high footfall areas.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/4	Street Furniture
EN1/5	Crime Prevention
EN1/9	Advertisements
EN1/10	Telecommunications
EN7/2	Noise Pollution
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
CF1/1	Location of New Community Facilities

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) and 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 Policy 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.

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.

Siting

The proposed hub would be sited in an area of the Rock which is well traversed, forming a link between shopping streets. The area is relatively devoid of street furniture apart from streetlights and information board advertising events/venues at The Rock Centre further to the east.

The street was designed as an open walkway and is free from street furniture and clutter.

There is also a defined delineated paved route along the street.

One of the functions of the Hub would be to provide modern communications services and facilities and elevations of the hub would have digital moving images for the purposes of advertising. The surrounding streetscene is an attractive area with outside eating areas, street benches and treed and landscaped areas which are close to the site and as such it is considered the proposed Hub would be a visually obtrusive and discordant addition to the streetscene which would be harmful to the appearance of the area.

The proposed Hub would add unnecessary clutter and a structure which would not only cause an obstruction but would be sited outside any established line of street furniture and therefore detract from the appearance of the locality.

The proposed Hub would not be a direct replacement of 2 existing phone boxes and as such there would be no visual benefits as a result of this application.

It is therefore considered that the proposed siting of the Hub would cause an obstruction to public access and have a detrimental impact on the appearance and pattern of the existing streetscape.

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 proposed hub would be located on part of the pedestrian walkway between 2 restaurants, one of which has an outside eating area which is formed on the pavement which reduces the width of the walkway close to where the Hub would be sited. The proposed Hub would encroach onto a pedestrian route which is currently free from any street furniture or clutter and would therefore cause an obstruction where there is currently none.

In addition, there is a defined route through the site area formed by intermittent parallel lines of dark grey paving and pedestrians are drawn to following the direction of this paved route.

The siting of the proposed hub would interfere with these delineated routes and obstruct the directional flow of pedestrian traffic.

The Highway Authority have been consulted on the application and recommend refusal of the application as it would result in an unnecessary obstruction of the adopted highway and the creation of additional street clutter for an installation that primarily consists of an advertisement screen that is not a direct replacement for the adjacent telephone kiosks.

The Highway Authority have noted that the 2 no phone boxes proposed for removal are not located in the town centre and therefore the proposed Hub would not be a direct replacement of the facility in this location.

The proposed development would therefore be contrary to policies EN1/2, EN1/4, EN5/1, HT6/1, EN1/9 and EN1/10.

Use - The proposed hub would be a platform to provide the modern equivalent of a payphone to facilitate telephone calls but would also facilitate other high speed digital infrastructure including public wi-fi, access to public services and information and provide USB chargepoints. It is recognised that such services can deliver social, economic and environmental benefits to the public benefit in terms of it being a community facility

However, in this location, the proposed siting of the Hub would be considered detrimental to visual amenity and public safety.

It is therefore considered that for this particular location, the proposed hub would not be

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acceptable and contrary to EN1/2, EN/1, EN1/9, EN1/10 and HT6/1.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal would result in an unnecessary obstruction of the adopted highway and the creation of additional street clutter for an installation that primarily consists of an advertisement screen that is not a direct replacement for the adjacent telephone kiosks, and 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 Rock Place and contrary to the active travel aspirations of the Council. The proposed development would therefore be contrary to UDP Policies EN1/2, EN1/4, EN5/1, HT6/1, EN1/9 and EN1/10.
- 2 The proposal by reason of its siting and position would introduce a piece of street furniture which would add an obstruction to the public highway which would conflict with pedestrian movement and which would introduce a discordant feature within the streetscene and be seriously detrimental to the visual amenity and appearance of the area. The proposed development would therefore be contrary to UDP Policies EN1/2, EN1/4, EN5/1, HT6/1, EN1/9 and EN1/10.

<u>Case Officer</u> JT 8/8/22	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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