

Appeal Statement

**Installation of New BT Street Hub and Associated Display of
Advertisement Panels to Both Sides of the Unit.**

BRY-01

**Footpath outside Chicken Cottage, Market Street, Mill Gate Shopping
Centre, Bury, BL9 0BL
(E: 380428, N: 410729)
Bury Council**

LPA Refs. 72991 & 72992



**Submitted on behalf of
BT Group PLC**

by

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June 2026

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1.0 Introduction

- 1.1 This submission is a view of the planning matters relating to the proposal based on the information provided by third parties. All technical and background information, which forms part of this submission, is assumed to be factually correct and accurate.
- 1.2 Telent has been instructed by BT Group Plc to appeal against the London Borough of Camden Council's decision to refuse planning permission (LPA Ref: 72991) and express advertisement consent (LPA Ref: 72992) for the '*Installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit*' at the Footpath outside Chicken Cottage, Mill Gate Shopping Centre, Bury, BL9 0BL (E E: 380428, N: 410729).
- 1.3 These applications were refused by the council on the 8th June 2026, for the following reasons:

Full Planning

- 1 *The proposed development, due to its scale, massing, siting, materials and position of the proposed Hub within this part of the Town Centre shopping centre area would result in the introduction of incongruous street furniture and the enclosure of this part of the street to the detriment of the visual amenities of the area and the appearance of the streetscene. The proposal therefore conflicts with Policies EN1/2 – Townscape and Built Design, EN1/10 - Telecommunications, and EN1/4 - Street Furniture of Bury Unitary Development Plan, Bury Town Centre Conservation Area Appraisal and the National Planning Policy Framework.*
- 2 *The proposed siting, scale and massing of the proposed advertisement and associated hub would result in the introduction of incongruous street furniture that would be detrimental to the visual amenities of the area and the appearance of the streetscene. The proposed hub would also neither preserve nor enhance Bury Town Centre Conservation Area within which the site is located and would have an unacceptable impact on the setting of Listed Buildings and Non-Designated Heritage Assets, that would lead to a development that is neither sympathetic to nor compatible with the historic significance of the buildings. The proposed development therefore conflicts with Policy EN1/9 - Advertisements, EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation Area, EN2/2 -Conservation Area Control,*

EN2/3 - Listed Buildings, and EN1/4 - Street Furniture of the Bury Unitary Development Plan, Bury Town Centre Conservation Area Appraisal and the National Planning Policy Framework.

- 3 *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, which would detract from pedestrian desire lines and public safety. The proposal therefore conflicts with Policies EN1/2 - Townscape and Built Design, EN1/4 - Street Furniture, EN1/5: Crime Prevention, EN1/10 - Telecommunications, HT5/1 - Access For Those with Special Needs and HT6/1 - Pedestrian and Cyclist Movement of the Bury Unitary Development Plan and the National Planning Policy Framework.*

Express Advertisement Consent

- 1 *The proposed siting of the proposed advertisement and associated hub would result in the introduction of incongruous street furniture that would be detrimental to the visual amenities of the area and the appearance of the streetscene. The proposed hub would also neither preserve nor enhance Bury Town Centre Conservation Area within which the site is located and would have an unacceptable impact on the setting of Listed Buildings and Non-Designated Heritage Assets, that would lead to a development that is neither sympathetic to nor compatible with the historic significance of the buildings. The proposed development therefore conflicts with Policy EN1/9 - Advertisements, EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation Area, EN2/2 - Conservation Area Control, EN2/3 – Listed Buildings, and EN1/4 - Street Furniture of the Bury Unitary Development Plan, Bury Town Centre Conservation Area Appraisal and the National Planning Policy Framework.*
- 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, in an area already enclosed, which would be detrimental to pedestrian safety and maintaining existing pedestrian desire lines. The proposal therefore conflicts with the following policies of the Unitary Development Plan EN1/9 Advertisements.*

The below images show an aerial view and street view of the appeal site respectively.



Figure 1 – Satellite view of the appeal site (indicated by yellow dot).



Figure 2 – Streetscene of the appeal site.

The appellant's case comprising a number of interrelated sections which will:

- describe the appeal site and surroundings in respect of visual character of the area (Section 2),
- provide a background to the street Hub project for the appeal proposal and general statement in respect of health and safety issues (Section 3),
- describe the regulatory framework and planning policy framework, in relation to the proposal, in terms of both the national and local policy (Section 4),
- focus on the grounds of appeal and the Council's reason for refusal (Section 5),
- further discussion of the public benefits of the scheme (Section 6),
- submit our conclusion (Section 7).

1.4 Reference will be made to the background papers that comprise the application and further information attached as appendices to this statement, and it may expand on the documentation to support an opinion.

1.5 A separate appeal will be made to the accompanying application refused by the Council at this appeal site.

2.0 Application Proposals and Appeal Site Description

Application Proposals

- 2.1 The relevant application proposals was for the installation of a new BT Street Hub with associated LED digital display of advertisement on either side of the unit at the location outlined below. In 2017, BT started working as part of an exclusive partnership with InLinkUK to ensure communities in urban areas throughout the United Kingdom are well-served in the digital age through the roll out of 'InLink' units. These were developed and deployed to replace and rationalize the existing network of payphones.
- 2.2 Through collaboration with councils, BT helped in creating a service that revolutionized streetscapes and helped in providing a connected city solution that delivers the fastest and most robust free public Wi-Fi service in the UK. Councils across the UK have used the InLink units to meet key challenges head-on, upgrading local infrastructure, tackling the digital divide, and freeing the street(s) from unnecessary furniture.
- 2.3 Unfortunately, InLinkUK (who were supplying the units to BT within the partnership) went into administration in 2019, and, as such, the InLink product is no longer available. Since then, BT have been working on a new and improved unit - the 'Street Hub'. The Street Hub has all the existing benefits of the previous InLink unit, but has improved Wi-Fi range, environmental sensors, insight counting and small cell mobile connectivity. This addition of the 5G small cells to Street Hubs is very much in line with current UK Government's guidance on communications infrastructure and the National Infrastructure Strategy. Consequently, when installed, residents, local businesses and visitors will get a faster, more reliable connection for calls and internet access.
- 2.4 Additionally, these new units will be monitored 24/7, with weekly inspections and a minimum of bi-weekly cleaning services to keep the unit to a high standard of finish within the existing streetscape. All units will be fitted with a direct 999 call button to aid in the efficiency of operations of the emergency services, with emergency (i.e. Police) awareness messaging shown via their advertising screens on either side of the unit. Furthermore, Street Hubs are powered by 100% renewable carbon-free energy, making them sustainable and durable for years to come.
- 2.5 Whilst the main function of the Street Hub is to provide free electronic communications services, the funding of such services, whilst not being at

the expense of the public purse, requires commercial viability and this is provided by the advertising revenue from the integrated LED digital screens, one located either side of the Street Hub unit. Separate applications for full planning for the proposed Street Hub unit as well as for express advertisement consent were submitted to the Council and duly refused. The accompanying application refused forms the subject of a separate appeal under the relevant consenting regime, as outlined in the foregoing section.

- 2.6 The location of the appeal site is shown in the drawings forming part of this appeal and as submitted to the Council (see Figures 1 & 2 of this statement).



Figure 3 – Evolution of BT telephone kiosk estate.

Appeal Site Description

- 2.7 The appeal site comprises section of footpath outside Chicken Cottage, Mill Gate Shopping Centre, Bury. This proposal seeks approval to upgrade and slightly relocate the 1No. BT phone booth that exists to the south of the site to an upgraded singular Street Hub unit.
- 2.8 The site is located on a wide portion of pedestrian footpath on the eastern side of Market Street which is a single lane carriageway servicing south flowing traffic only. This portion of the footpath is currently occupied by existing street furniture including a bus stop and established street trees. The unit is proposed to align with the existing street trees, setback from the kerb line. This portion of Market Street is enclosed by commercial tenancies at ground-level with upper-level offices along its eastern and western

interfaces. To the south, the footpath continues to reach a pedestrian crossing point. To the north, the footpath continues past the existing street trees and eventually reaches the roundabout that connects Market Street, The Rock and Bolton Street.

- 2.9 The surrounding area is categorised as a commercial area with uses including a range of retail and takeaway food and drink premises. The advertising theme includes fascia advertisements associated with adjoining commercial tenancies and a double-sided illuminated Clear Channel unit exists to the south outside 5a Market Street, Bury. Despite its bustling, modern surroundings, it is important to note that the site is within Bury Town Centre Conservation Area and is positioned to the south of nearby Derby Hall (Grade II) and 18 and 20 Market Street (Grade II) listed buildings.
- 2.10 The proposal includes the removal of 1No. existing BT kiosk as mentioned on the footpath adjacent 49, Mill Gate Shopping Centre, Bury. The removal of this phone box will assist in the decluttering of footpaths in the Council and enhance the broader area's visual amenity. Details of the kiosk proposed to be removed is provided in the table below.



Figure 4 – Photo of proposed kiosk to be removed.

3.0 Background to the Street Hub Project in the Council Area

Need for the site

- 3.1 This application is part of a wider scheme of BT Street Hub implementation throughout the U.K. In terms of roll-out, where possible and practicable, it is proposed to install Street Hubs either as a direct replacement for existing BT payphones, or in very close proximity to such payphones. In this instance, the proposal would not see the removal of an existing payphone kiosk but would still see the introduction of a new Street Hub at the appeal site within the wider locale and this site forms part of a strategic package of applications submitted to the Council, containing a number of Street Hubs located within existing streetscapes in the Council area. The Street Hub is the next phase of rolling upgrading of the appellants estate that has been ongoing for over 100 years as shown in figure 3 above.
- 3.2 This appeal proposal is part of a wider rollout of Street Hub units and will bring forward significant social, economic and technological benefits to the public. The proposed Street Hub's will help to deliver a comprehensive network of connectivity within the borough whilst enhancing the functionality of the Council's streetscene and use.
- 3.3 It is contended by the Appellant that in their determination of the applications, the LPA overestimated their consideration in respect of visual amenity concerns, including that of perceived impact on the adjacent Conservation Area and nearby heritage assets, particularly when considering the existing street scene and commensurate surrounding land uses as well as the fact that the appeal proposal would in effect replace an existing kiosk forming part of the appellants estate which has been a long established part of the street scene and offers no contribution to the setting of the nearby Conservation Area or heritage assets.
- 3.4 In addition to the above, the appellant also considers that in terms of the Council's assessment against its development plan policies, they did not give sufficient consideration to the benefits of the electronic communications infrastructure in the planning balance against any perceived visual harm to the locale, which is touched upon at most in the Officer's delegated report.
- 3.5 It is considered that modern cities and its inhabitants and visitors expect high level mobile communications network technology, whether this be Wi-Fi, or mobile services networks. The fact that free W-Fi network is to be

provided in the Council area via the Street Hub has not been given due weight by the Council in their determination of the Street Hub's visual impacts is contended. This Wi-Fi communications network would be free to the user and would not cost the Council to install or maintain. The main benefits as a result of the street hubs could be summarised as follows;

- Ultrafast public and encrypted Wi-Fi
- Access to public services
- Multiple accessibility options
- Powered by 100% renewable carbon-free energy
- Inspected weekly and cleaned at least every two weeks, monitored 24/7
- Secure power-only USB ports for rapid device charging
- Free phone calls Direct 999 call button
- Display community and emergency (i.e. police) awareness messaging
- Environmental sensors to measure air quality, noise, traffic and more.
- Improved 4G and 5G coverage to local communities (through the installation of small cells if/when required by operators)
- 876 hours of free council advertising per unit per year
- Ability to house IoT sensors such as air quality, traffic etc.

3.6 These benefits in addition to those provided by a traditional BT payphone should be given significant weight in the planning balance as required by the development plan and policy guidance in NPPF (2024) against the consideration of any visual harm that may be predicted due to the alleged prominence of the Street Hub.

3.7 As discussed, in some instances the proposal will not see the replacement or 'relocation' of nearby infrastructure, and will see the installation of a new unit, and in such instances additional kiosks will be removed from elsewhere within the council area where possible (as identified by the appellant), and when considering their Ofcom requirements to provide public infrastructure. The proposed Street Hub's will help to deliver a comprehensive network of connectivity within the immediate and surrounding area, whilst enhancing the functionality of the Council's streets for its users and as such very much consistent with their aim to ensure connectivity and infrastructure to support users.

4. Planning Policy Framework

- 4.1 In accordance with the planning act the consideration in terms of the appeal proposal's determination regard should be had of the development plan and it determined accordingly unless material considerations indicated otherwise.

National Planning Policy and Guidance

Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out the Government's advertisement control planning policies for England and how these are expected to be applied and is considered to be a material consideration for the Express Advertisement Consent application. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) state the following specifically in relation to advertisement control:

PART I – Section 3

Powers to be exercised in the interests of amenity and public safety

- 3.—(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—
- (a) the provisions of the development plan, so far as they are material; and
 - (b) any other relevant factors.
- (2) Without prejudice to the generality of paragraph (1)(b)—
- (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
 - (b) factors relevant to public safety include—
 - (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

- (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.
- (4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

National Planning Policy Framework (December 2024)

Planning policy is provided at the national level by the National Planning Policy Framework (NPPF). It is a material consideration in planning decisions. The NPPF is pro – development with a ‘presumption in favour of sustainable development’ seen as a golden thread, running through both plan making and decision taking’. The thrust of this guidance is positive and a reminder to LPAs that we need to build the requisite infrastructure to enable economic growth.

In this regard the Framework can be summarised as follows:

- Government policy is to support high quality communications infrastructure and systems as essential for sustainable economic growth;
- Government policy is to keep the inevitable environmental impact associated with electronic communications development to a minimum;
- The best way to minimise environmental impact is to avoid the unnecessary proliferation of new radio masts and sites;
- The starting point for planning new networks or the expansion of existing networks is therefore to use existing electronic communications sites as and when applicable;
- The emphasis on minimising environmental impact is greater per the sensitivity of the site. The emphasis on exploring and utilising site sharing opportunities is consequently higher in these circumstances;
- Best practice encourages a consultative approach and one that seeks to minimise potential visual impact and

- Great weight should be given to conserving landscape and scenic beauty in certain specified designated landscapes, e.g. National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, etc.

The NPPF as a whole is aimed at encouraging a more positive approach to town planning. While the NPPF builds environmental protection into the definition of sustainable development, there is also a very clear emphasis that local planning authorities should be looking for ways to help development come forward and not reject applications simply on environmental grounds. This is emphasised in paragraph 10 of the NPPF, which states that in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. The NPPF recognises that this is especially relevant where a development might have other significantly important benefits such as being essential to meet, for example, enhancement and improvement to existing communications infrastructure.

Paragraph 11 of the NPPF state that for ‘decision-making’, the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

As such, development proposals that accord with the provisions of the Development Plan should be approved without delay. In respect of this guidance, the following sections of this statement demonstrate that the proposed development accords fully with all relevant Development Plan and NPPF policies and, therefore, permission should be granted for the development.

The importance of the proposed development in providing the upgrading and enhancement of the existing public phone kiosk network is clearly an important material planning consideration as it directly supports

sustainability and is also precisely the type of new digital infrastructure that the NPPF is seeking to support. The development proposed is comparatively small scale, sited where the principle of telecommunications development has been long established and therefore accepted, designed in a way that is predominately consistent with the existing infrastructure setup and so should be acceptable in every respect.

However, for completeness we still highlight some of the key points within the NPPF as they help demonstrate why the application should be permitted:

Paragraph 7 advises that the purpose of the planning system is to contribute to the achievement of sustainable development. It then states that: *“At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.” [our emphasis];*

Paragraph 20 advises that strategic policies should *“make sufficient provision for.....telecommunications” and that it should “be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances”*

Paragraph 38, on “decision-making” states that authorities should *“work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible”*.

The NPPF builds on the aspiration to build a strong, competitive economy. Paragraph 85 states: *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking in to account both local business needs and wider opportunities for development. The approach taken, should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation....’*

As highlighted previously, the NPPF directly addresses the need for enhanced wireless communication services, first mentioned in paragraph

20, which states that an LPA's strategic policies must make sufficient provision for:

“b) infrastructure for transport, telecommunications (our emphasis), security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)”

Leading on from this, paragraph 119 states that *“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time.....”*. This wording echoes guidance set out in previous version of NPPF and emphasises the importance of reliable communications infrastructure for both economic growth and social well-being.

While supported, paragraph 120 of the NPPF retains the requirement to minimise the number of installations consistent with the efficient operation of the network but also includes being consistent with the needs of consumers and providing reasonable capacity for future expansion.

Paragraph 123 retains the guidance set out in previous versions of the NPPF version and states that *“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”*.

As can be seen from the above, the NPPF clearly acknowledges the benefits of modern electronic communications and seeks to encourage such development as being essential due to their role in supporting a modern economy, contributing to sustainable objectives, and enhancing local community access to a range of goods and services. Local planning authorities are advised to respond positively to proposals for electronic communications development and this must include an understanding of the associated special problems and technical needs of developing and upgrading communications networks.

In addition to the above, paragraph 141 highlights that *“the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.

In the case of this proposal site, the installation of the Street Hub unit would provide a modern, multifunctional alternative to the traditional ‘mast’ that would act as a communication hub within a dense urban area, while ensuring that the character of the area is not significantly adversely impacted upon in respect of matters relating to amenity and public safety.

In relation to heritage assets the NPPF states:

Paragraph 202 states heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 203 states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- d) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- e) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- f) the desirability of new development making a positive contribution to local character and distinctiveness; and
- g) opportunities to draw on the contribution made by the historic environment to the character of a place.

Moving on from this, paragraph 208 states that *‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any*

necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'. This would also include, and of relevance in this instance, the fact that similar forms of advertisement development are an established part of the street scene at this point and as such an accepted form of development associated with the heritage asset.

Finally, paragraph 215 states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.*

Public benefits are defined within the NPPF and could be anything that delivers economic, social or environmental progress. Benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Specific guidance relating to advertising developments and on the interpretation of the Regulations is contained within the Communities and Local Government Planning Practice Guidance ("PPG"), which contains the current guidance on this subject. Section 8 of the PPG explains in greater detail the criteria for considering amenity issues in advertising proposals. More specifically, on the matter of scale the guidance suggests that advertisements should respect the scale of the surroundings.

"....for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features."

It further advises that; *"This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site."*

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. 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.”

Code of Best Practice on Mobile Network Development in England (March 2022)

The Code of Best Practice has been fully revised in March 2022 and is now even more supportive of mobile network provision in line with Government aspirations that everyone should have access to the information super highway no matter where they are located whether that be in rural or urban areas. This Code provides guidance to mobile network operators, their agents and contractors and equally to all local planning authorities in England. It supersedes the Code of Best Practice on Mobile Phone Network Development (2016).

The principal aim of this Code is to support the government’s objective of delivering high quality wireless infrastructure whilst balancing these needs with environmental considerations. It also has an important role in making sure that appropriate engagement takes place with local communities and other interested parties.

The development of such infrastructure must be achieved in a timely and efficient manner, and in a way, which balances connectivity imperatives and the economic, community and social benefits that this brings with the environmental considerations that can be associated with such development. The Code also has an important role in making sure that appropriate engagement takes place with local communities and other interested parties. The Code also highlights that wireless technology continues to evolve rapidly, and mobile devices are now capable of much more. Second generation (2G) technology gave us voice calls and text messages, 3G led to the launch of smartphones, and 4G, which enabled faster browsing, allowed us to do things like watching videos on the move. 5G, the latest generation of wireless technology, is much faster than previous generations of wireless technology and can offer greater capacity and lower latency, allowing thousands of devices in a small area to be connected at the same time. 5G networks, and future mobile generations, will be vital for a range of Internet of Things uses (IoT) and Smart City applications.

The Code highlights that local planning authorities should support the deployment of digital infrastructure by:

- Incentivising connectivity: support the expansion of telecommunications networks, and take a 'joined-up' approach to the wireless infrastructure planning process, including ensuring that Local Plans effectively support the deployment of digital infrastructure.
- Facilitating sites: engage with operators when new sites have been proposed and discuss site requirements.
- Engagement with operators: respond positively to requests for engagement and make decisions in line with national policy and Local Plans. For planning applications, find solutions to issues and ensure timely decisions are made.
- Information and communication: ensure that members of the public can access information about any development proposals within their local area. Send communications promptly to an appropriate operator contact (or their representatives).

It also goes on to state that *'The planning system plays a key role in delivering the digital infrastructure that we need, in a sustainable and well-designed way, especially as households and businesses become increasingly reliant on mobile connectivity'*. This is followed by highlighting that *'There should be a presumption in favour of facilitating sustainable network development and, as such, operators and local planning authorities, as well as all other bodies involved in the deployment process, should work together to ensure connectivity needs are met and find viable solutions to deployment issues'*.

The Code highlights the Government's Communications Policy and Planning Policy. It acknowledges that digital connectivity is vital to enable people to stay connected and businesses to grow. Fast, reliable digital connectivity can deliver economic, social and well-being benefits for the whole of the UK. The Code indicates that recent changes in planning policy [and regulation] are intended to align with Government communications policy, where the ultimate goal is to achieve mobile coverage wherever it is needed. Furthermore, the Code also reiterates NPPF guidance in strongly supporting high quality communications infrastructure, which is seen as essential for sustainable economic growth.

Development Plan Policy

- 4.2 Section 70 of the Town and Country Planning Act 1990, as amended, requires planning applications and appeals to be determined having regard to the provisions of the Development Plan and other material considerations, and section 38 of the Planning and Compulsory Purchase Act 2004 requires applications and appeals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'.

For the purposes of Section 70, the current adopted Development for Trafford Council comprises the following;

- The Places for Everyone Plan (PfE), adopted 21st March 2024.
This is a Joint Development Plan of nine Greater Manchester authorities: Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan. PfE partially replaces policies within the Trafford Core Strategy (and therefore the Revised Trafford Unitary Development Plan), and Appendix A of the Places for Everyone Plan for details on which policies have been replaced.
- The Bury Unitary Development Plan 1997
The current Bury UDP was adopted by the Council on 29th August 1997 and acts as a guide for the future development or protection of land in the Borough and together with other adopted Development Plan Documents its policies and proposals form the basis for the Council's decisions on planning applications

Local Plan Policies

Relevant Places for Everyone Plan (PfE) Policies

JP-P1 - Sustainable Places

This policy seeks to support the aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, and where appropriate consistent with the following;

1. *Distinctive, with a clear identity that:*

- A. Conserves and enhances the natural environment, landscape features, historic environment and local history and culture;*
 - B. Enables a clear understanding of how the place has developed; and*
 - C. Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used*
- 2. Visually stimulating, creating interesting and imaginative environments which raise the human spirit through the use of green space, public art and quality design*
- 3. Socially inclusive:*
 - A. Responding to the needs of all parts of society;*
 - B. Enabling everyone to participate equally and independently;*
 - C. Providing opportunities for social contact and support; and*
 - D. Promoting a sense of community*
- 5. Adaptable, able to respond easily to varied and changing needs and technologies*
- 8. Safe, including by designing out crime and terrorism, reducing opportunities for anti-social behaviour and by ensuring that developments make appropriate provision for response and evacuation in the case of an emergency or disaster*
- 11. Incorporating inclusive design within all spaces with support for tackling inequality and poverty to form part of creating sustainable places*
- 14. Well-connected to other places, particularly by public transport and digital infrastructure enabling everyone to take advantage of the employment, cultural and leisure opportunities across Greater Manchester and beyond*

JP-P6 – Health

To help tackle health inequality new development will be required, as far as practicable, to:

- A. Maximise its positive contribution to health and wellbeing, whilst avoiding any potential negative impacts of new development;*
- B. Support healthy lifestyles, including through the use of active design principles making physical activity an easy, practical and attractive choice;*

JP-C2 – Digital Connectivity

We support the provision of affordable, high quality, digital infrastructure. In making decisions we will support a range of measures, including:

- 1. Enabling the roll-out of latest generation mobile technology and full fibre to the premises connectivity, in a way that maximises coverage whilst protecting townscape quality and ensuring an ability to respond to updated/changing technology;*
- 2. Requiring all new development to have full fibre to premises connections, unless technically infeasible and/or unviable, and to incorporate multiplexing compliant with telecoms standards, to facilitate future-proof gigabitcapable network connections. It is expected that internet connections will be operational and immediately accessible to network providers when occupiers move into new properties and*
- 3. Facilitating the provision of free, secure, high speed public wi-fi connections, particularly in the most frequented areas.*

JP-C5 – Streets for All

Streets will be designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport. Targeted improvements to the highway network will be supported through studies and scheme development, where they complement the aim of securing a significant increase in the proportion of trips made by walking, cycling and public transport (as set out in Policy JP-C6 'Walking and Cycling' and Policy JP-C3 'Public Transport'). We will seek to ensure:

- 1. The design and management of streets will follow a Streets for All approach, including by:*
 - a. Understanding the 'movement and place function' of streets as the starting point for improvement;*
 - b. Ensuring that streets are welcoming for all, and respond to the needs of those with reduced mobility;*
 - c. Delivering new and improved walking and cycling routes and facilities as part of the delivery of an integrated sustainable transport network;*
 - d. Maximising the ability of pedestrians and cyclists to navigate easily, safely and without delay, and minimising barriers and obstacles to their movement;*

- 1. Ensuring the efficient movement of people and goods on streets with a high 'movement function'.*
- 3. Any new infrastructure minimises the negative effects of vehicle traffic; and*
- 4. New infrastructure includes provision for utilities and digital infrastructure where required.*

The Bury Unitary Development Plan 1997

EN1/9 - Advertisements

The Council will seek to control advertisements in the interests of amenity and public safety in order to enhance the quality of the Borough's environment. In doing so the Council will have particular regard to the following considerations:

- the characteristics of the local neighbourhood, including scenic, historic, architectural and cultural features;*
- the scale and massing of existing buildings and structures;*
- the nature of the predominant land use in the locality;*
- the presence of Listed Buildings or Conservation Areas;*
- any proposals for land use change in the area;*
- with reference to the countryside, land-form, the quality of immediate surroundings, landscape character and background features;*
- the effect on the safe use of any form of transport, including the safety of pedestrians.*

While the above policy and plan are of an age whereby they could be considered as being 'silent' in the decision making process, the wording of the policy is not consistent with that of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) makes it clear that control of advertisements may only be exercised in the interest of amenity and public safety. As such, it is not considered that this policy would itself be afforded any significant weight in the decision making process.

EN1/10 - Telecommunications

The Council will give favourable consideration to proposals for new telecommunications developments. In assessing such proposals the Council will have regard to the following:

- the operating requirements of available and new telecommunications technology, and the national telecommunications network;*
- the legal requirements of telecommunications code system operators;*
- siting and design - including the opportunity for sharing masts or siting on existing buildings, height, ancillary development, landscaping, screening and the type and colour of materials used;*
- the visual and physical impact, especially on the Green Belt, river valleys, Special Landscape Areas, Listed Buildings, Conservation Areas, ancient monuments and archaeological remains.*

- 4.3 Details of the Street Hub design, its inclusiveness and accessibility are included within the Planning, Design and Access Supporting Statement. The award-winning design was created by urban design firm Antenna, led by Masamichi Udagawa whose work is displayed in the Museum of Modern Art in New York. It is appropriate for the Street Hub's function in terms of scale, form, quality of materials and sustainability.
- 4.4 The siting criteria, whilst taking into account the impact of the Street Hub in terms of the character and appearance of its proposed setting, also contain considerations of public safety, including pedestrian movement, sightlines and public/highway safety.
- 4.5 The impacts of the appeal proposal in terms of relevant material planning considerations were also outlined in the Appellant's Planning, Design, and Access Supporting Statement and are further discussed in the following section containing their grounds of appeal against the Council's refusal to grant planning permission and advertisement consent for the Installation of the proposed Street Hub and associated advertising at this location.

5. Grounds of Appeal

- 5.1 On 8th June 2026, Bury Council as Local Planning Authority refused the applications for both full planning and advertisement consent, for the following reason(s):

Full Planning

- 1 *The proposed development, due to its scale, massing, siting, materials and position of the proposed Hub within this part of the Town Centre shopping centre area would result in the introduction of incongruous street furniture and the enclosure of this part of the street to the detriment of the visual amenities of the area and the appearance of the streetscene. The proposal therefore conflicts with Policies EN1/2 – Townscape and Built Design, EN1/10 - Telecommunications, and EN1/4 - Street Furniture of Bury Unitary Development Plan, Bury Town Centre Conservation Area Appraisal and the National Planning Policy Framework.*
- 2 *The proposed siting, scale and massing of the proposed advertisement and associated hub would result in the introduction of incongruous street furniture that would be detrimental to the visual amenities of the area and the appearance of the streetscene. The proposed hub would also neither preserve nor enhance Bury Town Centre Conservation Area within which the site is located and would have an unacceptable impact on the setting of Listed Buildings and Non-Designated Heritage Assets, that would lead to a development that is neither sympathetic to nor compatible with the historic significance of the buildings. The proposed development therefore conflicts with Policy EN1/9 - Advertisements, EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation Area, EN2/2 -Conservation Area Control, EN2/3 - Listed Buildings, and EN1/4 - Street Furniture of the Bury Unitary Development Plan, Bury Town Centre Conservation Area Appraisal and the National Planning Policy Framework.*
- 3 *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, which would detract from pedestrian desire lines and public safety. The proposal therefore conflicts with Policies EN1/2 - Townscape and Built Design, EN1/4 - Street Furniture, EN1/5: Crime Prevention, EN1/10 - Telecommunications, HT5/1 - Access For Those with Special Needs*

and HT6/1 - Pedestrian and Cyclist Movement of the Bury Unitary Development Plan and the National Planning Policy Framework.

Express Advertisement Consent

- 1 *The proposed siting of the proposed advertisement and associated hub would result in the introduction of incongruous street furniture that would be detrimental to the visual amenities of the area and the appearance of the streetscene. The proposed hub would also neither preserve nor enhance Bury Town Centre Conservation Area within which the site is located and would have an unacceptable impact on the setting of Listed Buildings and Non-Designated Heritage Assets, that would lead to a development that is neither sympathetic to nor compatible with the historic significance of the buildings. The proposed development therefore conflicts with Policy EN1/9 - Advertisements, EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation Area, EN2/2 - Conservation Area Control, EN2/3 – Listed Buildings, and EN1/4 - Street Furniture of the Bury Unitary Development Plan, Bury Town Centre Conservation Area Appraisal and the National Planning Policy Framework.*
 - 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, in an area already enclosed, which would be detrimental to pedestrian safety and maintaining existing pedestrian desire lines. The proposal therefore conflicts with the following policies of the Unitary Development Plan EN1/9 Advertisements.*
- 5.2 The appellants note the concerns of the LPA, but fundamentally believe that the proposal to which this appeal relates represents a sustainable form of development, with any perceived visual or other harm outweighed by the myriad of significant public benefits. The appellant contends the LPAs reasons for refusal to both applications.
- 5.3 The Appellant considers that the policy tests used to determine the planning application have relied too heavily on its visual impact, which the Appellant considers to be exaggerated by the Council in terms of its potential impact on the nearby heritage assets, particularly when considering that the unit will be upgrading the existing BT phone booth a short distance to the west and is sited within a commercial context. It is also considered that the

Council has offered very little in the way of weight to the public benefits of the proposal.

5.4 Within the National and Local Planning Policy, key themes emerge in relation to the strategic directions and policy objectives. The proposal to upgrade the appellants estate to Street Hub units appropriately responds to these policies by:

- Providing communication infrastructure in a strategic location that will be a high-quality design and provide enhanced digital connectivity;
- Improving public safety through providing access to emergency services, increased street illumination and reducing anti-social behaviour currently present in existing BT payphone booths;
- Achieving advertising displays that are appropriately illuminated and designed to ensure no hindrance to surrounding transport networks;
- Promoting accessibility and inclusivity with fully accessible community features;
- Enhancing and improving the quality of the public environment and ensuring valued characteristics are protected and the proposal commensurate with surrounding land-uses, to create safe, functional places with strong sense of connection; and
- Promoting sustainability with units being powered by 100% renewable carbon-free energy.

Overall, the proposal is considered to be a highly appropriate response to strategic vision and objectives.

5.5 The Appellants consider that the design of the Street Hub's in terms of its sleek modern and innovative appearance is more consistent with that found within many streetscene settings throughout the country. The design, is of high quality and reflects a historical design which is a common and expected feature across many streetscapes around the United Kingdom, including that of non-heritage and heritage importance. It is also important to emphasise that the proposal is a means for BT to meet its obligations under the USO with Ofcom to provide a universally available service at this location, by locating the required services in an area that would be of most benefit to the public.

Visual Impact and Heritage Considerations

5.6 It is accepted that development within sensitive historic streetscenes requires a careful balance between managing visual impact upon heritage

assets and securing tangible public benefits. Street scenes organically evolve over time to meet shifting commercial and technological demands. This evolution is particularly evident in modern electronic communications and digital advertising infrastructure, which are vital components in delivering sustainable, well-connected cities.

- 5.7 The proposed Street Hub is a highly optimized, modern structure reflecting a decade of technological advancement. Its physical dimensions—specifically its 3-metre height and profile—are strictly determined by technical necessity. This height ensures compliance with International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines while seamlessly accommodating 5G small cell infrastructure to future-proof local connectivity. Any minor visual change resulting from the structure is decisively outweighed by the multi-faceted public benefits it delivers.
- 5.8 The proposed Street Hub features a significantly narrower, more slimline profile than the traditional telephone kiosks it replaces. Its form, monotone palette, and contemporary aesthetic mirror the freestanding digital units increasingly common across both sensitive and non-sensitive urban centers nationwide. Notably, within Bury town centre—including along Market Street—double-sided digital advertisement units are already an established, accepted component of the pedestrian footway environment.
- 5.9 Likewise, as Street Hubs can provide the Council with valuable data as each unit has environmental sensors that can monitor air, sound and light, in most instances it is beneficial to plan a sequence of Street Hub sites along key routes, so that the information gathered can be better analysed. This free environmental data has its own dashboard and can assist the planning system actively manage patterns of growth in support of national air quality objectives and will be a useful source of real-time data in the delivery of the Council's own green agenda. In a similar vein, Street Hubs have the capability to monitor pedestrian, cyclist, and vehicle movements and so can help the Council to monitor and, where practicable, develop travel plans for the area.
- 5.10 We therefore contend against the Council's argument that the unit will be an incongruous form of development at this location. The unit is considered well-located on the wide footway, and as an indirect replacement to an existing kiosk a short distance to the Southeast of the appeal site it is well-aligned on the footpath at this point in what is a very commercial context and setting and would therefore be commensurate with surrounding land uses and not impact on highway safety.

- 5.11 The primary function of the proposal is for the upgrading of appellant's (BT) existing communications estate. In this instance the proposed Street Hub seeks to provide a function to nearby users and land use, allowing connectivity and promoting inclusion with the aim of connecting people and places. As well as the additional benefits, the site is in an area with a strong commercial context with modern, commercial tenancies at ground-level with upper-level offices along its eastern and western interfaces. There is also an array of existing street furniture which the proposed development will align with. The Street Hub would also provide a form of development that would, by its sheer nature, encourage the active and continual use of this public area which would already see a high level of footfall given the surrounding land uses.
- 5.12 The Officer's Report asserts that the orientation and illumination of the Street Hub would increase its prominence, resulting in a 'cramped and cluttered' footway. This conclusion is strongly contested. The proposal forms part of a wider rationalization and upgrading of the Appellant's (BT) existing telecommunications estate along Market Street. Rather than introducing cumulative clutter, the removal of a bulky, traditional kiosk and its replacement with a single Street Hub represents a net decluttering of the public highway by significantly reducing the physical footprint and volumetric bulk of street furniture along this corridor.
- 5.13 Thorough site-selection exercises ensure the Street Hub is positioned within the least sensitive portion of the streetscene. It will be viewed entirely within a vibrant, active commercial context defined by modern shopfronts and existing retail signage. While the unit stands marginally taller than the existing kiosk on Market Street, its ultra-slim profile ensures that the prevailing character, sense of place, and inclusive public realm are fully sustained.
- 5.14 Over time it is expected that the BT Street Hub will become an established part of the street scene, as is the case in many similar locations throughout the country – including elsewhere within Bury Council, most notably further South on Market Street. The below images show a visualisation of the existing street scene and also the street scene with the proposed street hub in-situ for contrast and context, and which show it would fit well within the existing street scene setting and not appear as being overly visually prominent in this instance.



Figure 5 – Existing street scene from Haymarket Street Southwest of the appeal site.



Figure 6 – Proposed street scene from Haymarket Street Southwest of the appeal site with the Street Hub in-situ.



Figure 7 – Existing street scene from the South of the appeal site.



Figure 8 – Proposed street scene from the South of the appeal site with the Street Hub in-situ.



Figure 9 – Existing street scene from Market Street North of the appeal Site.



Figure 10 – Proposed street scene from Market Street of the appeal site with the proposed Street Hub in-situ.



Figure 11 – Existing street scene of Market Street to the South of the appeal Site.



Figure 12 – Proposed street scene of Market Street to the South of the appeal site with proposed Street Hub in-situ.

- 5.15 As can be seen with the above indicative visualisations, the proposal is considered to fit well within the existing street scene at this point and, given the surrounding land use and scale of existing buildings within the street scene, would not appear overly visually prominent or have a detrimental impact on nearby sensitive land uses or heritage assets, as suggested by the LPA. Instead, this reason for refusal is considered to be somewhat one-dimensional as it fails to take into real consideration the existing street scenes from anything other than an immediate vantage point adjacent to the site location and not the wider context.
- 5.16 While all forms of development will have a degree of visual impact by their sheer nature and such impact, even for a new development it is considered that in this instance any minor visual harm caused by the proposed BT Street Hub, and when considering its appearance within the wider street scene context, will be significantly outweighed by a myriad of public benefits (which will be discussed in greater detail below in chapter 6). The appellants therefore ultimately consider that the development is in compliance with adopted Policies EN1/2 – Townscape and Built Design, EN1/10 - Telecommunications, EN1/4 - Street Furniture and design consideration set out in Section 12 of the National Planning Policy Framework.
- 5.17 In addition to the above, there is an established presence of existing advertising context within the locale, whereby there are existing freestanding double sided advertisements units already prevalent throughout the authority. These advertisements are as prominent as the appeal proposal would be, yet as stated they are acceptable and form part of the surrounding street scene which, over time, change and adapt in terms of appearance. Example of such nearby advertisements elsewhere on Market Street and the adjoining highways can be seen below (Figures 9 & 10).



Figure 13 – Clear Channel unit on the footpath outside, 5a Market St, Bury BL9 0BL



Figure 14 - Existing Clear Channel units located along The Rock, Bury BL9 0PB

- 5.18 With regard to visual impact on the surrounding heritage setting, paragraph 207 of the NPPF states that Local Planning Authorities should take into account the particular significance of any heritage asset that may be affected by a proposal when considering the impact of a proposal on a heritage asset, in order to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposed development.
- 5.19 In considering whether a proposal would have any impact in respect of the setting of any heritage asset, Historic England's website provides a definition of what would be considered as the 'setting' of any heritage assets as follows;
- 1) *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*
 - 2) *"The surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape."*
 - 3) *"The setting of a heritage structure, site or area is defined as the immediate and extended environment that is part of, or contributes to, its significance and distinctive character. Beyond the physical and visual aspects, the setting includes interaction with the natural environment; past or present social or spiritual practices, customs, traditional knowledge, use or activities and other forms of intangible cultural heritage aspects that created and form the space as well as the current and dynamic cultural, social and economic context."*

Additionally, in *Conservation Principles, Policies and Guidance (2008)* English Heritage sets out the four key aspects which contribute to the overall significance of a historic building or landscape:

- **Evidential:** *"The potential of a place to yield evidence about past human activity."*
- **Historic:** *"The ways in which past people, events and aspects of life can be connected through a place to the present."*
- **Aesthetic:** *"The ways in which people draw sensory and intellectual stimulation from a place."*
- **Communal:** *"The meaning of a place for the people who related to it, or for whom it figures in their collective memory."*

- 5.20 In respect to the above, it is recognised and acknowledged that the appeal site is within the Bury Town Centre Conservation Area which has significance related to its history as the medieval market town, castle and church as the historic core of central Bury. The Conservation Area appraisal describes summary of special interest which includes the following:

“The conservation area covers the historic core of central Bury, the heart of the medieval settlement, with densely built-up streets radiating to the east, south and west. The irregular grid of streets focuses on the junction of the Market Place, Bolton Street, Silver Street and The Rock. Although there are no mills within the conservation area, cotton mills were built in the area south of the Rock, and to north of the town centre. The architectural interest of the conservation area is principally in the fine grouping of Victorian and Edwardian civic and commercial buildings which remind visitors of the town’s 19th century heyday.

The town’s distinctive and unified character is partly derived from the use of local sandstone, and the fact that many of the town’s most important buildings were constructed in a relatively narrow window of time between 1850 and the early 20th century. This contributes to the overall Victorian character of the principal streets, which are enlivened by later Edwardian additions which neither use local materials nor ape the existing building style. Bolton Street Station, the Art Picture House on Haymarket Street, and number 1 and numbers 15-21 The Rock are good examples. The prevailing scale is three to four storeys. The Bolton Street railway station is a reminder of the role of transportation in the 19th century development of the town; this line opened in 1846, one of two into the town.”

Within the appraisal the site is identified as within the *Market Street (north), Silver Street, Manchester Road (north), Broad Street and Moss Street* character area which is defined as the following (as relevant to the application site):

“Buildings in this area post-date 1850, when Sydney Smirke’s Derby Hotel, Derby Hall and Athenaeum sparked a wave of Victorian redevelopment which saw Silver Street and Market Street become Bury’s grandest civic streets. The predominant building material is stone, apart from some brick commercial blocks on the west side of north Silver Street and the early Victorian brick terrace on Bank Street. The unity of the area is partly derived from the predominant

three-storey building height. The open spaces and quality of the architectural materials provide the area with the character of a genteel cultural quarter.

On Market Street, the dominant building is Derby Hall, the only survivor of Smirke's trio, with its tall pediment and Corinthian-columned frontage. The 1860s ashlar-faced offices, opposite, are well-proportioned and vertical in emphasis. From this street there are fine views north and south, to the Market Place and Kay Gardens respectively."

and

"Further south, beyond Bank Street, the buildings are set back from the pavement. By the School of Arts and Crafts, Sparrow Park (until 1893 the site of a terrace of buildings along Moss Street and a larger building to the north) and Memorial Gardens, opposite, relieve the urban grain. The Memorial Gardens is the site of a succession of Unitarian chapels, the first was built here in 1719; the present chapel dates from 1974 although the boundary wall on bank Street is 19th century. The north end of Manchester Road has more in common with the southern end of Silver Street than with the rest of Manchester Road. It includes the Library, the Textile Hall and St Marie's Roman Catholic Church, which make an important group of fine-quality, stone-fronted, detached public buildings set in their own grounds. The Library and the School of Arts and Crafts have some high quality railings and gates"

The official listing from the Historic England website for the nearby listed building is detailed below:

DERBY HALL, MARKET STREET

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1067239

Date first listed: 03-Feb-1971

List Entry Name: Derby Hall

Statutory Address 1: DERBY HALL, MARKET STREET

Details

SD 8010 NW 1/52 MARKET STREET, Derby Hall 3.2.71 GV II

1850 by Sydney Smirke. In classical style, formerly comprising in one monumental composition (from left to right) the Derby Hotel, Derby Hall, (originally Town Hall) and the Athenaeum, of which the rest was demolished in mid C20. Ashlar with horizontal rustication on ground floor and crowning dentilled cornice and blocking course. Right-hand section has giant 3-bay Corinthian temple-front over tall ground floor podium; three arched windows on 1st floor, with three circular concave panels above; three arched doorways on ground floor. Left-hand section is 2-storeyed with advanced segmental-pedimented centrepiece of columns and pilasters enclosing doorway below and Venetian window above. Three arched windows on each side of this. Extra bay on far left, advanced with rectangular windows (including two additional ones in mezzanine).

Listing NGR: SD8043310762

18 AND 20, MARKET STREET***Official list entry***

Heritage Category: Listed Building

Grade: II

List Entry Number: 1067240

Date first listed: 20-Sept-1974

List Entry Name: 18 AND 20, MARKET STREET

Statutory Address 1: 18 AND 20, MARKET STREET

Details

SD 8010 NW MARKET STREET 1/54 Nos 18 and 20 20.9.74 - II

Circa 1860-70, altered. Symmetrical classical design of bank character. Ashlar. 2 storeys and basement. 6 windows, tripartite in outer bays, which break forward with rusticated quoins. 4 centre windows on 1st floor have segmental pediments on consoles; tripartite ones have cornices with pediments over middle. Advanced ground floor with horizontal rustication is probably C20 remodelling. Engaged Tuscan columns to doorway, with roundels and Triglyphs to frieze; balcony over. Frieze and cornice across rest of ground floor and balcony with balustrade and panels in front of 1st floor windows. C20 railings to basement area.

Listing NGR: SD8039310750

- 5.21 The proposed unit is considered to be appropriately sited in a location that will not detract or diminish the significance of the wider Conservation Area or visual importance of the nearby listed building to any detrimental or demonstrable degree in this instance. We note that the ground-floor street scene at this portion streetscene, adjacent the Conservation Area is defined by commercial tenancies that include extensive glazing and associated advertisement of varying colours and materiality and with no muted or consistent appearance. When viewed within the wider street scene, the unit is considered to be complementary to the established ground-floor commercial character at this point and will not impact on any historical and aesthetic significance of views to or from the Conservation Area, which has seen change over the years and now reflective of a primary shopping area and commercial setting. Furthermore, any important features and views to any nearby listed buildings will remain unobstructed as neither of the closest assets identified above can be viewed directly at the appeal site.
- 5.22 We therefore contend Council's argument that the unit would result in less than substantial harm to the Conservation Area and nearby listed building, particularly the following comments from the officer report:

'The harm caused to the character and appearance of the conservation area and the setting of the listed buildings would constitute less than substantial harm and whilst there may be some public benefit provided by the hub it is not considered it would outweigh the harm identified, which would result in further dilution of the character and appearance of Bury Town Centre Conservation Area.'

The Council's position that the unit would be incongruous and have an unacceptable impact on the setting of the nearby heritage assets, is strongly opposed. The proposed unit will provide clear and necessary benefits to the area, as detailed in the Appellant's Planning, Design, and Access Supporting Statement. Furthermore, as the unit will replace an existing phone kiosk on Market Street, it will not introduce a new structure to the footway and, as outlined above, will not detract from the significance or setting of the Conservation Area or nearby listed building.

- 5.23 In considering the above, we would offer the Appeal Ref APP/K5030/W/22/3301224 as an example whereby the Inspector considered *'Overall, I find that there would be no harmful conflict in this case with the aforementioned development plan policies; the City Public Realm*

Supplementary Planning Document: 'People, Places, Projects', or with Government policy in the Framework taken as a whole. To the extent that the Street Hub would cause less than substantial harm to the heritage assets, this would be clearly outweighed by its public benefits to which I have referred.

- 5.24 Additionally, we would offer appeal reference APP/J2373/H/22/3304942 as another example of a Street Hub development in a Conservation Area. Inspector Ellison highlighted that *'The proposed street hub would replace the existing installation. It would have a similar footprint and be of a scale and design reflective of the existing. As it is an already established feature in the street scene, the proposed street hub would not introduce any additional clutter or appear intrusive, even taking into consideration any similar installations on Bank Hey Street as they are a considerable distance away and not read within the same street scene. In combination with others, the proposal would not create a sense of an overconcentration of street hubs in this locality.'* As outlined above, the appeal development is for the removal of the existing kiosk in the same street scene and would not therefore increase any street 'clutter'.
- 5.25 We would also wish to refer to Appeal Ref APP/L5240/W/21/3285398 that states: *'The removal of the metal and plastic BT phone box would not harm the townscape of the street or the attractiveness of the public realm. I appreciate that the street hub would be taller and broader than the phone box which it would replace. However, it would be narrower. It would have more slender proportions, a plainer form, slicker detailing, and a restrained, dark monotone colour, giving it a more neutral, background character in the street than the more corporately identified phone box. It would appear less bulky and less conspicuous than the phone box it would replace.'*
- 5.26 Further to the above, appeal reference APP/C3105/W/25/3366449 recently allowed states that: *'The appeal proposals would involve the replacement of an existing relatively modern telephone kiosk that already displays sizeable, fixed advertisements. As such, the proposal would not add to street clutter. The proposed structure although taller and wider than the existing telephone box, would have a slim profile resulting in a reduced footprint and bulk. In the context of other tall elements within the streetscene, I do not consider the size of the proposal would appear untoward.....the street hub would have a modern design and the use of large digital displays would result in a more striking appearance than the existing structure to be replaced. Still, subject to relevant conditions that control the display of the digital screens, notably the use of static imagery*

and illumination, I am satisfied that the proposal would not stand out as an incongruous, over-dominant or unduly prominent feature within this existing commercial streetscene.....Views of the proposed development alongside each of the listed buildings would be available. However, the slim profile of the proposed development would mainly result in only oblique views being available in connection with nearby listed buildings. Additionally, the views would also be somewhat interrupted by other features such as existing mature vegetation, parked vehicles, and other street furniture and paraphernalia. Indeed, the setting of each of the above listed buildings is already largely defined by the busy commercial activity, including a range of modern signage and street furniture. Accordingly, I find the effect on their setting and significance would be neutral in this instance. Likewise, given my above findings, I find that the effect on the character, appearance and significance of the CA, as a whole, would also be neutral.'

All of the above appeals have been included for reference with this appeal.

- 5.27 The common theme within these appeals is that it is recognised and accepted that the replacement of ageing telephone kiosks with a modern communications unit in areas of high heritage value preserves and improves the existing character of the area, which supports the proposed development. Based on the details outlined above, the reason for refusal that the poor siting, scale and appearance of the proposed BT Street Hub is not justified and the impact on the area is therefore acceptable.
- 5.28 As shown above in other similar appeal decision in conservation areas and nearby to listed buildings, such forms of development, particularly when replacing existing infrastructure that has been long established in the street scene and offer nothing by way of their appearance in conservation areas or nearby to listed buildings, can be considered acceptable on balance and not result in any deterioration of the character, appearance or setting of heritage assets. For clarity, the proposals allowed in the above appeals are the exact same to that of the appeal proposal as they are for the same proposal, this being the replacement of existing infrastructure with the proposed Street hub.
- 5.29 When seen in perspective within the street scene, it is considered that the proposed siting and orientation of the BT Street Hub, will not appear overly incongruous or have a significant material impact on the setting or views of the nearby listed heritage building. It is ultimately considered that any minor harm upon the aforementioned heritage asset would be outweighed by the significant public benefits of the Street Hub in what is a vibrant commercial

part of the area. In considering the above, the proposed location would represent the best solution in terms of material planning considerations in this instance.

- 5.30 However, if the Council consider that there would be some harm to the setting of the heritage asset in this instance, any such harm would be, at worst, considered as being '*less than substantial*', whereby the NPPF under Paragraph 215 states that '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including.....*'. Such benefit is clearly set out within the supporting documents submitted in support of this application. These are again highlighted below, albeit that the information submitted in support of the applications forming part of this appeal should be read in full.
- 5.31 In respect of digital infrastructure and economic development, these new Street Hubs are the perfect form of infrastructure for positive change, enabling councils to collaborate and configure infrastructure to support smarter, safer and more sustainable places for residents, visitors and businesses alike. BT is moving public connectivity forward, evolving their existing and long-established payphone estate further with a move from the 1st Generation 'InLink' units that have seen deployment throughout the country, to the proposed Street Hubs, a sleek modern answer to the demands of a digitally connected, converged-media society and at no cost to the Council.
- 5.32 On this point, recent press releases highlight that BT gifted up to £7.5m of free advertising space to local businesses via its Street Hub units in 2023-24 as the new units are rolled out to new locations across the UK, whereby BT (in conjunction with the LPAs) contacted local businesses and the public in these areas in order to encourage them to nominate local firms who could benefit from the offer.
- 5.33 The came as a new BT study found that more than 60 per cent of small businesses agree that local advertising would help to increase awareness of their business, with 40 per cent saying it would encourage more people to shop at their local high street. However, almost half (49 per cent) said that cost was a major obstacle to them investing in local Out Of Home (OOH) advertising. BT is now taking action to remove one of the biggest barriers to adoption, with the Street Hub's digital advertising screens designed to help small firms attract more customers following the local and national lockdowns.

- 5.33 Additionally, BT's new Street Hub units can also help local councils achieve their social and economic improvement and sustainability goals. Each local authority is provided with 5 per cent of total screen time on each Street Hub unit to promote local community and municipal services such as food banks, health and social care or leisure activities. They can also inform the local community about developments or issues affecting their area. For example, during the peak of the Covid-19 pandemic, the 400 existing Street Hub units across the country played a vital role in displaying key public health advice from Public Health England and local councils.
- 5.34 With nearly two thirds of all local authorities aiming to become carbon neutral by 2030, each Street Hub unit can also be fitted with air quality and CO2 sensors. This will provide local councils with the insight needed to help them take action to improve air quality, contributing to the health and wellbeing of local people, and has been used by Council's already.
- 5.35 The above shows how the proposed units would assist in council's agendas to have more people return to our high streets do not prejudice this. The overall aim of the Street Hubs is to enhance digital connectivity and services for communities through features such as free mobile device charging, access to an emergency call button, charity helplines, and local wayfinding via an integrated tablet, as well as the additional benefits set out previously. Additionally, it is considered that the public benefits were in fact set out in detail and adequately included as part of the application submissions, to which the council have offered little or no weight to as stated. Instead, as stated the consideration of the council that the units are unnecessary is contrary to the NPPF whereby it is clear that councils should not question the need. The applicant is upgrading their public estate with a new modern digital unit reflective of the times, while also giving due consideration in respect of their Ofcom requirements for such provision.
- 5.36 It is clear from the above that the proposal must be viewed within the context of the existing streetscene and would not have a significant visual impact to any demonstrable degree on what is a commercial context whereby such forms of development are consistently found throughout the country. It is considered that the proposal would not form an incongruous and over-dominant feature within the streetscene in this instance, nor that it would be development that is not 'historically atypical'. Furthermore, in respect of the consideration that the proposal is unnecessary, BT also have to comply with their Ofcom requirements in ensuring that such infrastructure is maintained in areas in order to ensure that the general public have access to these units and their communication function.

Pedestrian Flow/ Highway safety

- 5.37 In their decision making the Council provided a reason for refusal based on consideration that the appeal proposal would reduce the amount of useable footpath to the detriment of highway safety considerations and hinder pedestrian movement which they consider would be detrimental on the promotion of walking and as such fail to improve the pedestrian environment. Whilst these concerns are noted, the appellants do not agree. For clarity, the below extract from the 'proposed site plan' submitted with the original application shows the proposed arrangement, with measurements added showing the distance of useable footpath retained to the rear of the pavement.



Figure 15 – extract from proposed site plan showing relevant distance of useable footpath at the appeal site

- 5.38 UDP 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.

- 5.39 In determining the appropriate siting of the unit and suitable width of remaining footpath widths, consideration was given to the Department for Transport Manual for Streets (2007) which confirms that there is no minimum width for footways. It suggests that in lightly used streets, the minimum unobstructed width for pedestrians should generally be 2000mm, and that in areas of higher pedestrian flow the quality of the walking experience can deteriorate unless sufficient width is provided. Inclusive Mobility (2002) advises that ideally the width of the footway should be 2000mm to facilitate two people in wheelchairs to pass each other comfortably. Where this width is not possible, a clear width of 1500mm should be provided, with an absolute clear minimum width of 1000mm in exceptional cases. The phrase 'clear' refers to the effective width taking into account permanent obstacles on the footway such as streetlamp standards, trees, telegraph poles, bus shelters for example. Furthermore, the Disability Discrimination Act (DDA) itself recommends a minimum footway width of 1200mm.
- 5.40 Considering the guidance above, the unit is considered compliant with the recommendations, with a total footpath width of 7192mm. Following the installation of the structure there would be a retained space between the unit and the building line of 5462mm. In essence, this would retain a substantial width of useable and unobstructed footpath at this point, which is more than sufficient and above the recommended guidance, and furthermore will not impact movements for pedestrians utilising the nearby street furniture or the pedestrian flow through the town centre. The appellants therefore consider that whilst pedestrian flow is expected to be high, the footpath will remain largely unobstructed allowing for the safe movement of pedestrians, including wheelchair users, people with mobility or visual impairments and push chairs.
- 5.41 The photographs below, and photomontages above, demonstrate that the primary pedestrian desire line to the rear of the pavement will remain largely uninterrupted by the development. As shown, the BT Street Hub unit has been carefully positioned so as not to encroach further into the public footway than the adjacent items of street furniture – namely the nearby street trees and lampposts. This alignment with both built structures as well as natural clutter will help to preserve pedestrian movability and maintain highways safety for users including those in vehicles and on bike. As such, contrary to the LPA's assertion, it is clear that there would be minimal conflict with the main pedestrian routes and desire lines. The overall legibility of the road network would therefore be preserved on a reasonably

wide section of public footpath to avoid impacting driver attentiveness to cause distraction.

- 5.42 It is also worth reiterating that as part of the development 1 no existing BT payphone kiosk will be removed from the Market Street pedestrian footway. Admittedly this structure is found some 40 metres South of the appeal site itself, however its removal is still a critical component of the development which will result in the removal of 0.8 metres of floor area and 1.75 cubic metres in overall density from Bury Council's public highways, thereby helping to declutter and enhance pedestrian moveability. This will allow for the achievement of high-quality, accessible environments for all users at two separate locations.
- 5.43 Impact on pedestrian flow, movability and highways safety has been a topic several planning inspectors have considered and assessed in a number of recent appeal decisions for BT Street Hubs whereby refused applications have been overturned and consent granted:

Appeal Ref: APP/K5030/W/22/3301293, Queen Victoria St, City of London

In terms of pedestrian flow, because of its marginally greater width combined with much smaller footprint the Street Hub would be less of an obstruction than the existing two kiosks. In addition, the site is in a position close to where the pavement widens to turn the corner and pass under the large canopy at the entrance to No. 60. Furthermore, from my observations at a busy time of day and of the surrounding land uses it would appear unlikely that this section of pavement is ever subject to a density of movement whereby obstruction would occur with any harmful effects.'

Appeal Ref: APP/K5030/W/22/3301229, High Holborn, City of London

'On the second issue the Council argues that would be an unacceptable obstruction by impeding pedestrian flow and sightlines. However, the existing BT Payphone kiosk takes up 1.58sqm of footpath space whereas the Street Hub would occupy just 0.43sqm. It would therefore be less of an obstruction to movement and visibility than the kiosk to be removed and in any event the pavement outside Nos. 320 & 322 is particularly wide given that it extends to include the colonnade.'

Appeal Ref: APP/Z0116/W/25/3367960, Southmead Road, Bristol

'The hub in appeal G would be in general alignment with nearby bike storage racks, and both it and the racks would be at a similar distance from the nearside edge of the carriageway. As such, the hub would not lead to a further material reduction in the depth of the unobstructed parts of the

pavement in this area. Nevertheless, some future users of the hub would reasonably expect to sit or stand close to it, and by doing so, it is possible that the depth of the remaining parts of the clear pavement would be reduced. However, such obstructions are likely to be infrequent and for short periods of time. Any resultant reduction in the free flow of pedestrians past the development would therefore be occasional and temporary. Notwithstanding this, the proposed removal of the phone kiosk outside of Lidl would widen the available part of the pavement in a location where there is an existing pinch-point. This would be of benefit to the ease and flow of pedestrian movements past it. For these reasons, the development as a whole would not harmfully reduce the convenience or flow of pedestrian movements in the area.'

- 5.44 The introduction of a BT Street Hub, a relatively small-scale development will be in-keeping with its well-lit, commercial surroundings in central Bury, a local planning authority on the Northern outskirts of the city of Manchester urban conurbation. These characteristics help to create a modern environment where the overall contrast between the adverts associated with the structure and the streetscene will be minor. Furthermore, the level of luminance of the screens will be kept to a technical minimum in line with the limits specified in the ILP, as well as imagery that is static and changes only every 10 seconds in order to avoid creating distractions for road users as much as possible. This mirrors the specifications of the nearby freestanding digital advertisement units already deployed across Bury.
- 5.45 Given the above, it is clear that whilst the development is found in a location of high footfall, the proposed Street Hub's careful positioning kerb-side on a circa 7-metre-wide pavement that avoids the primary pedestrian desire line (to the rear of the footway), would in no way undermine the free flow of pedestrians to a significant degree. It is therefore considered the above sets out the position in respect of the LPAs reason for refusal of these applications and demonstrates the development's compliance with adopted policies EN1/2 - Townscape and Built Design, EN1/4 - Street Furniture, EN1/5: Crime Prevention, EN1/10 - Telecommunications, HT5/1 - Access For Those with Special Needs and HT6/1 - Pedestrian and Cyclist Movement of the Bury Unitary Development Plan and the National Planning Policy Framework.



Figure 16 – Photograph of the Market Street public footway.



Figure 17 – Photograph of main pedestrian desire to the rear of the footway.

6.0 Public Benefits

- 6.1 The appellants are concerned that the myriad of public benefits of the proposed development are not being properly accounted in the planning balance. This chapter therefore looks to reiterate the array of public benefits being delivered by the units.
- 6.2 In respect of digital infrastructure and economic development, these new Street Hubs are the perfect form of infrastructure for positive change, enabling councils to collaborate and configure infrastructure to support smarter, safer and more sustainable places for residents, visitors and businesses alike. BT is moving public connectivity forward, evolving their existing and long-established payphone estate further with a move from the 1st Generation 'InLink' units that have seen deployment throughout the country, to the proposed Street Hubs, a sleek modern answer to the demands of a digitally connected, converged-media society and at no cost to the Council.
- 6.3 On this point, recent press releases highlight that BT gifted up to £7.5m of free advertising space to local businesses via its Street Hub units in 2023-24 as the new units are rolled out to new locations across the UK, whereby BT (in conjunction with the LPAs) contacted local businesses and the public in these areas in order to encourage them to nominate local firms who could benefit from the offer.
- 6.4 This came as a new BT study found that more than 60 per cent of small businesses agree that local advertising would help to increase awareness of their business, with 40 per cent saying it would encourage more people to shop at their local high street. However, almost half (49 per cent) said that cost was a major obstacle to them investing in local Out Of Home (OOH) advertising. BT is now taking action to remove one of the biggest barriers to adoption, with the Street Hub's digital advertising screens designed to help small firms attract more customers following the local and national lockdowns.
- 6.5 Additionally, BT's new Street Hub units can also help local councils achieve their social and economic improvement and sustainability goals. Each local authority is provided with 5 per cent of total screen time on each Street Hub unit to promote local community and municipal services such as food banks, health and social care or leisure activities. They can also inform the local community about developments or issues affecting their area. For example, during the peak of the Covid-19 pandemic, the 400 existing Street Hub units

across the country played a vital role in displaying key public health advice from Public Health England and local councils. Furthermore, the Government's ambition, as set out within the National Infrastructure Strategy, is to support fast and reliable digital connectivity that can deliver economic, social and well-being benefits because new technologies have enormous potential to improve the environment and the daily lives of people across the UK. BT Street Hub can contribute to this with its suite of features, including Wi-Fi and small 5G cells capabilities, air monitoring and much more.

- 6.6 With nearly two thirds of all local authorities aiming to become carbon neutral by 2030, each Street Hub unit can also be fitted with air quality and CO2 sensors. This will provide local councils with the insight needed to help them take action to improve air quality, contributing to the health and wellbeing of local people, and has been used by council's already.
- 6.7 The above shows how the proposed units would assist in council's agendas to have more people return to our high streets, not prejudice this, and consistent with National Policy in respect of creating safer streets and encouraging the active and continued use of public spaces. The overall aim of the Street Hubs is to enhance digital connectivity and services for communities through features such as free mobile device charging, access to an emergency call button, charity helplines, and local wayfinding via an integrated tablet, as well as the additional benefits set out previously. Additionally, it is considered that the public benefits were in fact set out in detail and adequately included as part of the application submissions, to which the council have offered little or no weight to as stated. Instead, as stated the consideration of the council that the units are simply obtrusive and unnecessary is contrary to the NPPF whereby it is clear that councils should not question the need. The applicant is upgrading their public estate with a new modern digital unit reflective of the times, while also giving due consideration in respect of their Ofcom requirements for such provision.
- 6.8 Furthermore, we consider the addition of the Street Hub unit in the proposed location will improve the public realm and pedestrian experience, particularly through the following which would be afforded weight in support of the proposal:
- Providing in-direct street lighting from the illuminated advertising signs to increase pedestrian safety.

- Providing access to contact emergency services, phone charging ability and connection to Wi-Fi with no charge that are accessible for all members of the community.
- The unit will be a high-quality design complementing the existing development on site but also enhancing visual amenity.
- Consistency with mixed-use setting: integration into a vibrant, commercial urban area and commensurate with the surrounding land uses.

6.9 The benefits of the proposal, some of which have been addressed in detail above and particularly with regards to opportunities to reduce crime and antisocial behaviour, should be afforded a string degree or weight. The below image provides a snapshot of what a Street Hub is, as additional information is provided in further detail with the accompanying document submission.



Figure 18 – Extract of BT Street Hub product statement highlighting an array of the public benefits.

7.0 Conclusion

- 7.1 Balancing the visual amenity of an area and the impact that additional street furniture may or may not have is an issue for central government, local government and statutory undertakers alike. The necessity to address all the pertinent factors in the consideration of such proposals is imperative to ensure that the most appropriate decision is reached. However, this must be undertaken correctly and against what would be relevant and material planning considerations at the time of assessment.
- 7.2 Relevant legislation, government advice and development plan policy must be taken into full account when arriving at a decision. The relevance of the key issues relating to the benefits of the Street Hub in terms of social inclusion and economic support, by providing free Wi-Fi connectivity and the other services, must be weighed against the visual harm in the wider public interest and be based upon the particular merits of the Street Hub design and scale in relation to its contextual siting in each case.
- 7.3 The appeal proposal for a Street Hub at this location forms part of a wider Street Hub project across the council area which will provide free ultra-fast Wi-Fi to the local community, as well as a number of other added benefits which these Street Hub units will provide, all of which seek to encourage people back to our high streets in a sustainable way and support local people, businesses and visitors alike, as well as encouraging the active and continual use of public areas and so creating healthy and safer communities. It has been demonstrated within this appeal that the current context of the area is unlikely to be significantly impacted by the introduction of the proposed street Hub, nor would public safety be detrimentally impacted upon either by way of Highway Safety or perceived crime related matters. The Appellant considers that the Council's reasons for refusing this application is unreasonable and not based upon any evidence to support them in terms of degree of impact if any at all when weighed against the myriad of public benefits.
- 7.4 The Inspector is respectfully requested to consider the merits of the appeal proposal based on the evidence provided in support of this appeal and to approve both planning permission and advertisement consent for the appeal proposal.