

DELEGATED REPORT

Report by Mark Kilby	Date of report: 23/05/2025	Ref: 71875/CONDIS
Registration: 30/04/2025	LDFC: 26/05/2025	Expiry Date: 25/06/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 3 (street hub noise management plan) on planning permission 68441

Location: Pavement outside 7-11 Market Street, Bury, BL9 0BL

Description

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

Application to discharge condition 3 (street hub noise management plan) on planning permission 68441: -

The Communication apparatus hereby approved shall not use voice activated or hands free technology unless and until a Noise Management Plan (NMP) detailing the control measures including volume and sound levels have been submitted and approved by the LPA. The agreed levels set out within the NMP shall thereafter be permanently maintained. A noise assessment and noise management plan shall be submitted to determine the noise level of the speaker associated with the equipment and agreed by the Local Planning Authority. Once the noise levels have been agreed, the levels will be included within the NMP and shall be complied with thereafter. Once the NMP has been agreed and the unit installed, a verification report will be required to include sound testing to confirm compliance with agreed noise limit.

Reason. In the interests of the occupiers of nearby premises and users of the surrounding area pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution. .

Relevant Planning History

56121 - Listed Building Consent - Replacement metal fencing; Installation of anti skateboard studs onto steps; Application of clear anti graffiti solution to all elevations and silicon based sealant to the cap of the structure
- ZZZ Special deleted application
59609 - Redecoration of existing shop front - Approve with Conditions 25/02/2016
59610 - 4 No. internally illuminated fascia signs and 1 no. internally illuminated projecting sign - Approve with Conditions 25/02/2016
60108 - 1 No. internally illuminated fascia sign and 3 no. non-illuminated fascia signs to Mill Gate Shopping Centre
- Approve with Conditions 21/06/2016
68441 - Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks. - Approve with Conditions 15/08/2022
68442 - Advertisement consent for installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks - Approve with Conditions 15/08/2022.

Publicity

None required

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No objections or comments received.

Pre-start Conditions - Not applicable.

Development Plan and Policies

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions

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under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Condition 3 - A Street Hub Noise Management Plan (NMP) has been submitted and the Councils' Neighbourhood team has advised the condition can be discharged. As such there are no objections to condition 3 being discharged.

The condition is discharged subject to implementation of the approved details and any remaining requirements of the condition. Once the Hub has been installed the following must be complied with in accordance with the requirements of condition 3:

Once the NMP has been agreed and the unit installed, a verification report will be required to include sound testing to confirm compliance with agreed noise limit.

Recommendation: Approve

Conditions and Reasons:

The condition listed below is approved, subject to the implementation of the approved details and any remaining requirements of the conditions.

Condition 3 - Street Hub Management Plan, dated February 2025

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
MK - 23/05/2025		HL - 23/05/2025	