

DELEGATED REPORT

Report by Helen Leach	Date of report: 04/08/2025	Ref: 72037/FUL
Registration: 09/06/2025	LDfC: 11/07/2025	Expiry Date: 04/08/2025
Site Visit: 18/07/2025	Site Notice: 20/06/2025	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of 1 no. BT Street Hub Unit with 2 no. digital 75 inch LCD display screens either side of unit

Location: Pavement outside 13 Bury New Road, Prestwich, Manchester, M25 9JZ

Description

The site relates to a wide pavement, which is located outside a row of shops. The pavement outside Nos 9 - 13d Bury New Road is adopted from the roadside to the front wall of the shops. There are bollards adjacent to the road and there are streetlights and litter bins in the vicinity.

The site is located within a district shopping centre and there are commercial properties to all boundaries.

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

Street Hubs are free standing structures which are the modern alternative to phone boxes and provide services including free phone calls and public wi-fi, access to public services and USB chargepoints. The Street Hubs are also an advertising platform with digital HD display screens on two sides. Dimensions of the Hub would be 2.960m high, 1.236m wide and 0.35m deep. The Hub would be made of galvanised mild steel, with a powder coated external grade aluminium exterior. Displays will be made of tempered and toughened laminated glass.

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

A separate application for advertisement consent has been submitted for the digital display advert (72038).

Relevant Planning History

72038 - Advertisement consent for 2 no. digital 75 inch LCD display screens either side of 1 no. BT street hub unit at pavement outside 13 Bury New Road, Prestwich. Received - 9 June 2025.

Publicity

The neighbouring properties have been notified by means of a letter on 11 June 2025 and site notices were posted on 20 June 2025.

2 letters have been received, which have raised the following issues:

- We strongly object to the installation of the proposed BT sign that will be installed on

the pavement in front of the shop premises that we own.

- There are enough obstructions for pedestrians to negotiate and the proposed BT hub would be another obstruction.
- This section of pavement has too many obstacles installed along that run of pavement - metal bollards along the outer edge of pavement, numerous lampposts and road signs already make the pavement unusable for pedestrians. Therefore, pedestrians use the uneven and privately owned frontage of this row of shop premises as a walkway.
- This frontage is strewn with large commercial bins, litter and bags of rubbish from the flats above and cars drive on and park wherever they want. We have had to replace cracked or uneven flags and are now considering sectioning off the area in front of our premises to stop cars and even limit pedestrian usage.
- If we decide to do this then the only option would be for pedestrians to walk into the road to pass the proposed BT advertisement unit. An advert was located on the shop frontage but this was removed to reduce the obstacle and have since refused other companies wishing to install adverts on our land.
- This row of shops is very overpopulated with multiple flats and businesses above the shop premises and what this area really needs is adequate parking and allocated bin storage areas to organise and tidy the village up, not another unsightly obstacle!
- Due to an illness, I need confirmation that the sign will not flash or have movement on it, except for the picture gently changing.
- No one has been to discuss this with the business owners before this application was submitted.

Statutory/Non-Statutory Consultations

Traffic Section - Object - Proposal would create an unnecessary obstruction of the highway, would create an unacceptable obstruction of the adopted footway, would restrict the visibility and plans contain insufficient information in relation to the removal of existing phone kiosks.

Design for security - No response.

Transport for GM - General comments provided in relation to sight lines, distance from the highway and risk of vehicle strike and refer to Traffic Section.

Pre-start Conditions - Not relevant.

Development Plan and Policies

S1/3	Shopping in District Centres
EN1/2	Townscape and Built Design
EN1/4	Street Furniture
EN1/9	Advertisements
EN1/10	Telecommunications
HT2/1	The Strategic Route Network
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
JP-S1	Sustainable Development
JP-P1	Sustainable Places
JP-C5	Streets For All
JP-C6	Walking and Cycling
NPPF	National Planning Policy Framework

Issues and Analysis

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

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For

simplicity, just the UDP and PFE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

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

The elimination of discrimination, harassment and victimisation;

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

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

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

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

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

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

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

Principle - Paragraph 119 of the NPPF 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 the next generation mobile technology (5G) and full fibre broadband connections.

Paragraph 120 states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers., the efficient operation of the network and providing reasonable capacity for future expansion.

Paragraph 123 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.

Policy EN1/10 states that the Council will give favourable consideration to proposals for new telecommunications development. In assessing 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.

The proposed development would provide a street hub, which would ultrafast public and encrypted Wi-Fi and free phone calls, which would be powered by 100% renewable carbon-free energy. The proposed hub would provide wifi to the public within the district shopping centre and would be an appropriate ancillary retail use. Therefore, the proposed development would be acceptable in principle and would be in accordance with the NPPF and Policy EN1/10 of the Bury Unitary Development Plan.

Siting and visual amenity - The proposed hub would be a platform to provide the modern equivalent of a payphone to facilitate telephone calls but would also facilitate other high speed digital infrastructure including public wi-fi, access to public services and information. It is recognised that such services can deliver social, economic and environmental benefits in terms of it being a community facility. In principle, the provision of such services within a publicly accessible area and within a spacious street setting is considered to be acceptable.

The proposed hub would be 2.9 metre high, 1.2 metres wide and 0.3 metres deep and would be constructed from galvanised mild steel, with a powder coated external grade aluminium exterior. The displays would be made of tempered and toughened glass. The proposed materials would be appropriate within the town centre setting.

There are existing street furniture in the immediate vicinity, including traffic lights, street lighting columns and bollards. As such, the provision of a street hub with display panels would not be a prominent feature in the streetscene. Therefore, the proposed development would be in accordance with Policies EN1/2, EN1/4 and EN1/10 of the Bury Unitary Development Plan and Policy JP-P1 of the Places for Everyone Joint Development Plan.

Access issues - Places for Everyone Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The proposed development would be located on the pavement, which forms part of the adopted highway and in this area extends from the footpath to the front elevation of the properties (over 10 metres). As such, there was a concern that the proposed development may be a distraction for drivers approaching driving along Bury New Road.

The applicant has carried out a Driver Distraction Assessment (DDA) which states that the unit has been positioned following careful consideration of the TfL Guidelines, and specifically, that the siting would achieve the following:

- There would be no conflict with any traffic signs, signals, crossing points, schools, hospitals or low bridges.
- No sightlines or clearances would be affected.
- The TfL guidance states that 'Static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted.' There is existing traditional advertisement on similar sections of the respective roads in many cases.
- The geometry of the roads is not complicated, and the driving conditions are not considered to be demanding or complicated.

- The advertisements would not be experienced by a driver in conjunction with any other similar digital advertisements.
- As per the TfL guidance, the advertisements would be located as close to the driver's natural eye line as possible and facing as head-on to the traffic as is practical.

The DDA concludes that overall, it is considered that the advertising display would have no material impact on driver distraction, highway safety or public safety.

Transport for GM have provided general comments on the proposal and issues such as sight lines, distance from the highway and risk of vehicle strike and refer to Traffic Section.

The Traffic Section has objected to the proposal - the proposal would create an unnecessary obstruction of the highway, would create an unacceptable obstruction of the adopted footway, would restrict the visibility and plans contain insufficient information in relation to the removal of existing phone kiosks.

The proposed development would be located on the adopted footway, which is over 10 metres wide at this point. It is acceptable that the desire line would be impacted by the proposed hub, there is sufficient width for pedestrians to walk around this structure. It is noted that vehicles are parked in this area, but this is unlawful. As such, the proposed hub would not have an adverse impact upon the pedestrians using the footway in this area.

The Traffic Section consider that the proposed hub would restrict visibility to the left on the egress at the junction, which is adjacent to Nos 7a & 9 Bury New Road and Bury New Road. The proposed hub would be over 21 metres from the junction and would be set back from the pavement edge by 1.35 metres. A 2.4 metre by 43 metre visibility splay has been plotted and the proposed hub would be located behind the visibility splay and as such, would not have an adverse impact upon highway safety.

The proposed hub would be over 60 metres from the junction of Kings Road, Bury New Road and George Street and given the width of the adopted highway, would not impact upon pedestrian movements. Given this distance and the driver distraction survey's conclusions, it is considered that the proposed development would not have an adverse impact upon drivers and would not be detrimental to highway safety. Therefore, the proposed development would be in accordance with Policies EN1/2, EN1/10 and HT5/1 of the Bury Unitary Development Plan and Policies JP-C5 and JP-C6 of the Places for Everyone Joint Development Plan.

Response to objectors

- The issues of the location of the advert and the impact upon pedestrian and highway safety have been addressed in the report above.
- The agent has confirmed that there would be static images that would change at a timed interval - normally 10 seconds. There would be no flashing images or movement.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during pre-application discussions to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered PSW-104 001, PSW-104 002, PSW-104 003, PSW-104 004, STH-001, Driver Distraction Assessment, Street Hub Product Statement, Planning Supporting Statement and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 The digital display screen hereby approved is required to be respectively removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
Reason. In the interests of visual and residential amenity pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and EN1/9 - Advertisements.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL	4/8/25		