

Appeal Statement

Submitted by

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Reference: BRY - 115

Bury Council

Planning Authority Reference: 72039 & 72040

**Site: Footpath adjacent to Morrisons, Bury New Road, Whitefield,
Manchester, M45 8QS**

(NGR: E: 380483, N: 406179).

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

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1.0 Introduction

The Appeal

- 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 Plc to appeal against the Council's decision to refuse planning permission (Planning Ref: 72039) and express advertisement consent (Planning Ref: 72040) for the *Installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit*. The applications for full planning and express advertisement consent were refused by the council on the 1st of August 2025, for the following reasons:

Full Planning

1. *The proposal would result in an unnecessary and unacceptable obstruction of the existing adopted highway on the A56 (Bury New Road) in close proximity to the existing bus stop and the creation of additional street clutter for an installation that primarily consists of an advertisement screen, which would be detrimental to pedestrian safety, maintaining existing pedestrian desire lines on the adopted highway on Bury New Road and contrary to the active travel aspirations of the Council. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/9 - Advertisements, EN1/4 - Street Furniture, EN1/2 Townscape and Built Design, JP-P1 Sustainable Places, JP-C5 Streets for All, JP - C6 - Walking and Cycling and the National Planning Policy Framework.*
2. *The proposal would restrict visibility to sub-standard levels to the right on egress in the event of an 'all red'/signal failure of the signalised junction at Stanley Road/A56 Bury New Road, which would be detrimental to highway safety. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/9 - Advertisements, EN1/4 - Street Furniture, EN1/2 Townscape and Built Design, JP-P1 Sustainable Places, JP-C5 Streets for All, JP - C6 - Walking and Cycling and the National Planning Policy Framework.*

3. *The proposed development by virtue of their size and siting would appear as an incongruous addition to the street scene which would be severely detrimental to both the appearance of the streetscene and to the general visual amenities of the area contrary to Development Plan Policies EN1/9 - Advertisements, EN1/2 -Townscape and Built Design, EN1/4 - Street Furniture, JP-P1 Sustainable Places and the National Planning Policy Framework.*

Express Advertisement Consent

1. *The proposal would result in an unnecessary and unacceptable obstruction of the existing adopted highway on the A56 (Bury New Road) in close proximity to the existing bus stop and the creation of additional street clutter for an installation that primarily consists of an advertisement screen, which would be detrimental to pedestrian safety, maintaining existing pedestrian desire lines on the adopted highway on Bury New Road and contrary to the active travel aspirations of the Council. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/9 - Advertisements, EN1/4 - Street Furniture, EN1/2 Townscape and Built Design, JP-P1 Sustainable Places, JP-C5 Streets for All, JP - C6 - Walking and Cycling and the National Planning Policy Framework.*
2. *The proposal would restrict visibility to sub-standard levels to the right on egress in the event of an 'all red'/signal failure of the signalised junction at Stanley Road/A56 Bury New Road, which would be detrimental to highway safety. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/9 - Advertisements, EN1/4 - Street Furniture, EN1/2 Townscape and Built Design, JP-P1 Sustainable Places, JP-C5 Streets for All, JP - C6 - Walking and Cycling and the National Planning Policy Framework.*
3. *The proposed development by virtue of their size and siting would appear as an incongruous addition to the street scene which would be severely detrimental to both the appearance of the streetscene and to the general visual amenities of the area contrary to Development Plan Policies EN1/9 - Advertisements, EN1/2 -Townscape and Built Design, EN1/4 - Street Furniture, JP-P1 Sustainable Places and the National Planning Policy Framework.*

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), and
- submit our conclusion (Section 6).

1.4 Reference will be made to the background papers that comprise the application and further information attached as appendices to this statement (if applicable), 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 Street Hub with associated 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.

Appeal Site Description

- 2.7 The application site comprises a wide section of pedestrian footpath to the east side of Bury New Road, adjacent to the large Morrisons store that is located at the corner of New Bury Road and Stanley Road. The immediate street scene at this point is that of a commercial context, with the large Morrisons store and Roma Deli (268 New Bury Road) located on the same stretch of footpath, similar commercial context on the opposite side of the road which continues to the north along the road. This context changes to the south, which is evident in it being the start of the Conservation Area. The street furniture around the area consists mainly of streetlamps, road signs/lights, telecommunication cabinets, bins, cycle racks and bus stops. The site is located within a 'district shopping centre' which further highlights its commercial context.
- 2.8 The associate advertisements would also be commensurate with the locale, whereby many nearby properties have active shop frontages and associated advertisement (particularly that of the adjacent Morrisons and Roma Deli at 168 New Bury Road). The proposed unit, with its modern design and high build quality, will fit within the local character at this point and not be seen as visually incongruous within the immediate or surrounding context to any significant detrimental or demonstrable degree.
- 2.9 The proposal would see the installation of a single Street Hub unit located on the section of footpath at the above address, and would see a relocation of an existing phone kiosk a short distance to the south adjacent to 264 Bury New Road, which is located within the boundary of the Conservation Area. The installation of a Street Hub will support the telephony and wi-fi coverage

of the area within a structure of high build quality commensurate with the with the general street scene context of the locale. Details of the kiosk proposed to be removed/relocated is provided in the table below.



2.10 It should be noted that the appeal proposal in this instance sees a slight amendment to previous applications for full planning and advertisement consent submitted to the council, whereby the original application for ADV consent (ref 71477) was refused by the LPA on the 17th February 2025 and, after extensive and detailed discussion with the LPA, the accompanying application for full planning (ref 71498) was withdrawn on the 1st July 2025 as it was agreed that this slightly amended site location to which these appeals now relate, would be a more appropriate location in terms of overcoming highway safety concerns with the original location which was located to the north of the bus stop as opposed to the appeal location which is now to the south of the bus stop.

2.11 Despite these discussions and agreed route forward with the LPA, whereby it was accepted that the revised location would be acceptable from a visual amenity perspective and be subject to further highways consultation, hence the resubmissions, the applications to which this appeal relates disappointingly have reasons for refusal both on visual amenity and highway safety grounds. While the reason for refusal on visual amenity grounds could be deemed as 'unreasonable behaviour' on the part of the LPA, otherwise the LPA would not have agreed to a further

application being submitted if the principle from a visual amenity perspective was not considered acceptable, it is accepted that this new amended location would be subject to highways consideration and as such, despite the reason for refusal on visual amenity grounds, no application for costs have been progressed in this instance.

3.0 Background to the Street Hub Project in the Council Area: Need for the Site

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. As these existing payphones will be removed it should minimise impact on existing streetscenes by reducing street clutter, or at least not adding to it at particular locations. In this instance, the proposal would see the introduction of a new Street Hub at the appeal site and removal/relocation of 1No.existing phone kiosk within the locale. 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.
- 3.2 A Planning, Design and Access Supporting Statement was submitted as part of the full planning and express advertisement consent applications which provides technical details of the Street Hubs, a justification for the proposal's in terms of its siting and appearance and the added benefits it will bring to the public realm areas of this part of the Council area in terms of the modern services it provides to the public, visitors and business alike.
- 3.3 It is contended by the Appellant that in their determination of the applications, the Council overestimated the visual harm of the development in relation to its impact on the streetscene and appearance of the locality, as well as consideration that the proposal would reduce the pedestrian footway to an unacceptable level and also restrict visibility to sub-standard levels in the event of signal failure at the junction with Stanley Road/A56 Bury New Road. The need for modern and reliable telecommunications networks not something that the council should query as the NPPF is clear in its view that Local planning authorities should not 'question the need' for such infrastructure.
- 3.4 The Appellant 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, or that of the proposal to upgrade and relocate existing infrastructure as part of the appellants infrastructure which has been a long established part of the wider

street scene in the locale (and within a Conservation Area), as well as matters relating to highway/pedestrian safety.

3.5 It is considered that the modern city 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 (1No. to be removed as part of the proposed development) 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. For clarity, the existing kiosk form part of the appellants estate and is still in use.

3.7 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. As these existing payphones will be removed it should minimise impact on existing streetscenes by reducing street clutter, or at least not adding to it at particular locations. However, 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 (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 borough whilst enhancing the functionality of the Council's streetscene and use.

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:

- i. *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*

- ii. *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.

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 Bury 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 multi-ducting 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;
 - e. 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.

Policy JP-C6: Walking and Cycling

In order to help deliver a higher proportion of journeys made by walking and cycling, we will support a range of measures, including:

1. Creating safe, attractive and integrated walking and cycling infrastructure, connecting every neighbourhood and community with reference to national and locally adopted design guidance;
2. Ensuring routes are direct, easily navigable and integrated with the street and public transport network;
3. Creating active neighbourhoods and street networks which are more permeable to walking and cycling than to the private car, creating an incentive to walk and cycle;
4. Creating, where needed, dedicated separate space for people walking and cycling, with pedestrians and cyclists given priority at junctions and crossings;
5. Increasing the capacity and quality of walking and cycling infrastructure in locations where significant growth in the number of short journeys is anticipated, and where quality of place improvements are proposed;
6. Utilising and enhancing green infrastructure, including canals, parks and recreation grounds, to create opportunities for walking and cycling;

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.

While the above policy would be of relevance given the telecommunications element of the proposal and Street Hub, it is not considered that the wording of the policy and therefore policy in general, would be of any consideration in this instance other than reference to height, type and colour of materials.

EN1/2 - Townscape and Built Design

The Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to be considered when assessing proposals will include:

- the external appearance and design of the proposal in relation to its height, scale, density and layout;
- the relationship of the proposal to the surrounding area;
- the choice and use of materials;
- access and other design features for the mobility impaired;

- the design and appearance of access, parking and service provision;
- landscaping, including the use of natural landscape features, and open space provision;
- the use of lighting.

While the above policy is of an age whereby it could be considered as being 'silent' in the decision making process, when considering the street scene in this instance, along with the design of the unit, it is considered that the proposal would be consistent with the aims of this policy.

EN1/4 - Street Furniture

The Council will encourage the provision of suitably located and well designed street furniture which satisfies the requirements of pedestrians, shoppers and other users, and enhances the character and appearance of the urban street scene, including open spaces. In particular, the Council will seek to ensure that the siting and design of street furniture satisfies the following considerations:

- meets the needs of all users including the mobility impaired, in terms of safety and adequacy;
- does not detract from highway safety;
- does not interrupt main pedestrian flows or hinder access for emergency vehicles;
- reflects the traditional design and materials in the locality, is of robust construction and does not detract from the amenity and appearance of the street scene.

While the above policy is of an age whereby it could be considered as being 'silent' in the decision making process, when considering the street scene in this instance, along with the design of the unit, it is considered that the proposal would be consistent with the aims of this policy.

In addition to the above policies, PG19 'Advertisement' provides further guidance for consideration in respect of advertisement proposals. Section 9 of this guidance states that signage can appear obtrusive or visually intrusive due to being too large, sited too prominently, sited where they remain visible over a long range and out of keeping or unrelated to any nearby buildings or the area as a whole. It further states that too many signs on premises, particularly when they are of different shapes or design and in close proximity, will look unduly cluttered.

- 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 highway safety.
- 4.5 The impacts of the appeal proposal in terms of relevant material planning considerations were 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 The Council's reason for refusing the applications for both full planning and advertisement consent are as follows;

Full Planning

1. *The proposal would result in an unnecessary and unacceptable obstruction of the existing adopted highway on the A56 (Bury New Road) in close proximity to the existing bus stop and the creation of additional street clutter for an installation that primarily consists of an advertisement screen, which would be detrimental to pedestrian safety, maintaining existing pedestrian desire lines on the adopted highway on Bury New Road and contrary to the active travel aspirations of the Council. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/9 - Advertisements, EN1/4 - Street Furniture, EN1/2 Townscape and Built Design, JP-P1 Sustainable Places, JP-C5 Streets for All, JP - C6 - Walking and Cycling and the National Planning Policy Framework.*
2. *The proposal would restrict visibility to sub-standard levels to the right on egress in the event of an 'all red'/signal failure of the signalised junction at Stanley Road/A56 Bury New Road, which would be detrimental to highway safety. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/9 - Advertisements, EN1/4 - Street Furniture, EN1/2 Townscape and Built Design, JP-P1 Sustainable Places, JP-C5 Streets for All, JP - C6 - Walking and Cycling and the National Planning Policy Framework.*
3. *The proposed development by virtue of their size and siting would appear as an incongruous addition to the street scene which would be severely detrimental to both the appearance of the streetscene and to the general visual amenities of the area contrary to Development Plan Policies EN1/9 - Advertisements, EN1/2 -Townscape and Built Design, EN1/4 - Street Furniture, JP-P1 Sustainable Places and the National Planning Policy Framework.*

Express Advertisement Consent

1. *The proposal would result in an unnecessary and unacceptable obstruction of the existing adopted highway on the A56 (Bury New Road) in close proximity to the existing bus stop and the creation of additional street clutter for an installation that primarily consists of an advertisement screen, which would be detrimental to pedestrian safety, maintaining existing pedestrian desire lines on the adopted highway on Bury New Road and contrary to the active travel aspirations of the Council. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/9 - Advertisements, EN1/4 - Street Furniture, EN1/2 Townscape and Built Design, JP-P1 Sustainable Places, JP-C5 Streets for All, JP - C6 - Walking and Cycling and the National Planning Policy Framework.*
 2. *The proposal would restrict visibility to sub-standard levels to the right on egress in the event of an 'all red'/signal failure of the signalised junction at Stanley Road/A56 Bury New Road, which would be detrimental to highway safety. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/9 - Advertisements, EN1/4 - Street Furniture, EN1/2 Townscape and Built Design, JP-P1 Sustainable Places, JP-C5 Streets for All, JP - C6 - Walking and Cycling and the National Planning Policy Framework.*
 3. *The proposed development by virtue of their size and siting would appear as an incongruous addition to the street scene which would be severely detrimental to both the appearance of the streetscene and to the general visual amenities of the area contrary to Development Plan Policies EN1/9 - Advertisements, EN1/2 -Townscape and Built Design, EN1/4 - Street Furniture, JP-P1 Sustainable Places and the National Planning Policy Framework.*
- 5.2 The Council has suggested two main reasons for refusal, this being the impact on the visual amenity of the appeal site and surrounding street scene as well as perceived impact on highway safety matters (both in relation to pedestrian movement and also road users). The appellant has noted the concerns and disagrees with the findings. The case of the Appellant is document below.
- 5.3 The Appellant considers that the policy tests used to determine the planning application have relied too heavily on its consideration that the proposal

would be significantly harmful to the visual amenity of the area, which the Appellant considers to be excessively exaggerated by the Council, as well as matter relating to highway safety. Within the National and Local Planning Policy, key themes emerge in relation to the strategic directions and policy objectives. The proposal to upgrade existing BT payphones 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, 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.

- 5.4 The Appellant considers 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, including within the Council's area. The design, as discussed above, 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 heritage significance.

Visual Amenity Considerations

- 5.5 It is accepted that there will always be challenges faced in finding a balance between limiting any visual harm created by the siting of development upon street scenes, albeit that assessment must take into consideration all relevant matters including that of the immediate street scene as well as the surrounding context in which it would be viewed within the context of. It

- should also be considered that streets and subsequent street scenes will always be subject to change through time, changing demand, and users expectation. This is of particular relevance when considering advertisement and telecommunication within street scenes throughout the country with a focus on sustainable and connected cities.
- 5.6 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.
- 5.7 The proposed Street Hub has a much more slender and slimline profile than that of existing phone boxes and would therefore be comparable in form and appearance to existing freestanding units of a similar form than that can be found elsewhere within the Council area and common place in many streets throughout the country, including that of sensitive and non-sensitive land designations. The Street Hub, as set out previously, is an evolved unit that will enhance and, in some instances replace, their existing estate throughout the country.
- 5.8 Moving onto matters relating to the appeal site and its immediate and surrounding street scene setting, in this instance the street scene setting is that of a commercial context, as confirmed by the LPA in the officer's delegated report stating *'Whilst acknowledged that the site is commercial in nature, and that there are other styles of advertisements and street furniture within the locale it is considered that the introduction of additional street furniture of the height and width proposed and within an already cluttered street scene would cause a detrimental increase in street furniture on this stretch of pavement causing unacceptable harm to the visual amenity of the street scene'*.
- 5.9 While the council has considered that the proposal would cause unacceptable harm to the visual amenity of the local, and consider that the proposal would also reduce visual permeability up and down Bury New

Road towards the bus stop, it is unclear as to whether this comment relates to consideration of pedestrians or vehicles or that of visual amenity, albeit in any event the visual setting and context of the appeal site is that of a commercial setting whereby such forms of development would be well suited and fit well within the street scene visual context. To this end, the site location in this instance has been selected due to the adjacent commercial context at this point with the large Morrisons store and adjoining premises (Roma Deli) whereby such a proposal would not be seen as being overly visually incongruous at this point particularly when considering the principle of advertisement at this locale has been accepted previously with the large hoarding on the gable of a building a short distance to the north of the application site, as can be seen in the images below.



Advertisement hoarding on the gable of 251 Bury New Road



Advertisement and commercial context of 268 Bury New Road



Entrance to Morrisons at the corner of Bury New Road/Stanley Road

- 5.10 In addition to the above, while the officers report has suggested that the proposal would increase the visual presence of street furniture within the pavement which they describe as already being a busy space, while there is some existing street furniture it is not considered that this existing arrangement would be considered as being 'busy' as considered, nor is it considered that the proposal would result in the area feeling over cluttered with street furniture.
- 5.11 As stated previously, the appeal site in this instance was progressed as a result of detailed discussions with the LPA, whereby the location was amended from its original position to the north of the bus stop as it was considered that this original location could have resulted in highway safety concerns in respect of obstructing the view of pedestrians when looking for oncoming buses when waiting at the bus stop, and with no mention from the LPA that the site would not be acceptable from a visual amenity perspective otherwise it would have been unreasonable to support an amended location to then refuse it if considered it would be visually intrusive and detrimental to the visual amenity of the locale to such a degree that would merit a reason for refusal on this basis. Additionally, while the officer's report suggests that the introduction of additional street furniture within an already 'cluttered street scene' would now cause a detrimental increase in street furniture on this stretch of pavement, this comment is very much contented as it is considered that the proposal would fit well within the existing street

scene context at this point, and not result in any significant increase in street furniture at this point (given it is a single installation) that would mean that the presence of street furniture at this point would be overly excessive and significantly detrimental or demonstrable to the visual amenity at this point, which as accepted is that of a commercial context. The image below shows in indicative montage of the proposed street hub in-situ at this point, and is considered demonstrates that the proposal would not have any subsequent impact on the visual amenity of the immediate or surrounding street scene to any significant degree as considered by the LPA, and would represent a satisfactory standard of development in this instance.



Visualisation of the proposed Street Hub in-situ at the appeal site

- 5.12 In addition to the above, as stated previously the existing kiosk to be removed as part of this proposal is located within the boundary of the Conservation area, whereby its removal would arguably enhance its setting as well as improve the existing arrangement whereby pedestrian flow is impacted upon. While the LPA indicated that this would be a benefit, in this instance they have given it no real consideration in coming to their recommendation, which is disappointing as this was one of the main consideration in not directly converting the existing kiosk to be removed, instead siting the replacement street hub as close as possible and in an

area that the LPA considered would have been acceptable from a visual amenity perspective as previously highlighted as a result of detailed meeting with the LPA which led to the submission of this relocated position now to the south of the bus stop after withdrawing the original full planning application as agreed with the LPA.

- 5.13 While it is not contended that all form of development will have a degree of visual impact by their sheer nature, in this instance it is contended the Councils consideration that the proposal would be visually intrusive and appear as an obtrusive feature in the Streetscene that would be detrimentally harmful to its setting and appearance, or to that of the overall character of the area. It is not considered that, on balance, this proposal would be considered as highly inappropriate as the Council suggest in this instance.
- 5.14 Given the dual function of the proposal, the proposed Street hub has a much more slender and slimline profile than that of existing phone boxes and would therefore be comparable in form and appearance to existing freestanding units of a similar form than that can be found elsewhere within the Council area and common place in many streets throughout the country.
- 5.15 Visual amenity was a consideration in recent appeal decisions for similar structures to that being proposed whereby, and even when considering the different locations to which these appeals relate the Inspectors determined the following in respect of similar proposals and being viewed within the context of the surrounding street scene as opposed to being viewed in isolation, which principles should still apply in this instance;

(Appeal ref: APP/Z5630/H/3209488, 2-6 Fife Road, Kingston upon Thames).

"Therefore, due to the smaller footprint and slender profile of the proposed kiosk, the proposal would not be visually intrusive or create visual street clutter. The proposal would also not represent an incongruous addition due to its similarities with the existing digital signs within the town centre."

(Appeal Ref: APP/N5090/Z/22/3296138, High Street, Barnet)

"given the limited amount of street furniture nearby, and existing advertising, which is primarily on the buildings themselves, these proposed advertisements would not introduce a significant sense of visual clutter. Although I did not observe any other nearby digital displays on my visit,

modern, statically illuminated digital displays are not an uncommon feature in commercial High Street locations such as this.”

(Appeal Ref: APP/J2373/H/22/3305026, Squires Gate Lane, Blackpool)

“although the proposal would add an additional piece of street furniture to this side, taking into consideration the proposed removal of the existing telephone box, it would not result in additional visual clutter to this part of the street scene in total. It would also not be an intrusive or dominant feature given the width of the footway and its design and scale, which is largely reflective of the existing bus shelter.”

(Appeal Ref: APP/J2373/W/22/3304941, Corporation Street, Blackpool)

“the proposed street hub would be of a slim, modern design. It would replace an existing phone box installation within very close proximity to the appeal site, which is in a somewhat neglected condition. As this form of street furniture is an established part of the street scene, the proposal, whilst of a slightly different design and size, would not appear incongruous.”

(Appeal Ref: APP/J2373/W/22/3305075, Whitegate Drive, Blackpool)

“Street furniture in the immediate locality of the appeal site is limited to a phone box and street lighting column. As such, the area does not have a cluttered feel. The proposed street hub unit would replace the existing phone box, albeit in a new, close by location. Whilst it would not result in a reduction of street furniture in total, it would nevertheless not result in any increase in this locality therefore it would not be an overbearing addition. It would be of a slimmer design and smaller footprint to the existing phone box and would be viewed in association with the commercial backdrop. Thus, it would be in keeping with this commercial setting.”

(Appeal Ref: APP/N5090/Z/22/3295689, High Road, London)

“The proposal would replace the phone kiosk that is located on the site, and I am mindful that the kiosk’s removal would be a benefit in respect of visual amenity. The proposed increase in height and projection as well as the introduction of illuminated digital displays would increase the prominence of the proposal in comparison to the phone kiosk. However, given the commercial nature of the area and the features within the streetscape, the increase in size and prominence resulting from the proposal and the introduction of illuminated displays would not be such that it would lead to harm to the visual amenity of the area. The materials used in the proposal would also not be out of character within this varied streetscape.”

- 5.16 The above only represent a small number of appeal decision in allowing appeals on the basis that the LPA refused these applications on.
- 5.17 In considering the above, it is contended that the proposal would create a form of development that would be significantly detrimental or demonstrable in terms of the general street scene setting at this point. To add to this, the reason that the street hub would be located at the site is with a view to creating connected streets with the proposed location of other Street Hubs within the locale, whereby users of the Wi-Fi features of the Hubs will be able to roam the area with uninterrupted connectivity. By siting the street hub at this location it will help to consolidate the Street Hubs in this part of Council area, albeit that each Street Hub provides associated benefits on its own.
- 5.18 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.
- 5.19 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.
- 5.20 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.

- 5.21 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.
- 5.22 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.
- 5.23 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. 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.

Highway Safety Considerations

- 5.24 Firstly, in terms of the reason for refusal on perceived highway safety grounds, it is noted in the consultation response from the Council Highway Department there is no assessment of the proposal as such, no reference to the site specifics and just bullet points as reasons for refusal. This is

considered somewhat unhelpful as there is no clear demonstration as to how they got to such consideration. On the other hand, tfGM's consultation response clearly set out an understanding as to the proposal as well as that of the locale, particularly when providing any response on highway safety grounds. To this end, it has clearly been demonstrated by tfGM's response an understanding as to the revised location, particularly when considering their comment that *'The proposed location is adjacent to an existing bus stop, however as the equipment is proposed past the shelter, it should not interfere with sightline visibility or the use of the bus stop for waiting passengers'*, as this was the main reason that the LPA suggested and agreed to the revised location in order to overcome what they felt was a reasonable reason for refusal, and one with substance and justification.

- 5.25 While it is noted in the officers report consideration that *'As set out above the area of adopted highway where the equipment is proposed to be sited is actually much narrower than indicated on the proposed site plan. The proposal would therefore retain an area of footway that is approximately 1800mm wide. This would not meet the minimum footway width of 2 metres that TfGM have confirmed needs to be retained to ensure pedestrian movements are unimpeded.* However, their consideration in respect of what represent the useable footpath for members of the public, as only being adopted land, is very much contended.
- 5.26 What is considered as being land that the public can freely use and consider the useable footpath can often be made up of both adopted land as well as that under private ownership, but still in essence even when this is the case the entire section of unrestricted footpath useable to pedestrians is considered as exactly that, the extent of the useable footpath. As this is shown as being circa 4.16m from the edge of the proposed unit to the building, and unrestricted so allowing pedestrians to cross the entirety of the space, then it is considered the distance shown on the plans submitted with the application and this appeal, represent what is considered the useable footpath in this instance, and not that which the LPA has suggested when taking consideration of the Highways consultation response. Additionally, and for clarity purposes, this existing arrangement whereby the useable footpath is unrestricted across adopted and private land has been this way for a considerable period of time, indeed google street view shows this back as far as 2008.
- 5.26 Moving on from the above, while in the officer's report it appears to reference other pieces of street furniture (albeit that the chamber they

reference is at ground level and not above) being in-situ and that the proposal would somehow interrupt natural pedestrian desire lines and force pedestrians to walk on the area of footpath identified as not being adopted, this clearly takes no account of the fact that the proposed location is in line with the existing street furniture (bus stop and bin) whereby such pedestrian desire lines the report references are already obstructed. As such, by locating the proposed street hub in the position shown it takes into consideration the positioning of the existing street furniture, the impact these would have on such desire lines, and when taking this into consideration clearly be a situation whereby the location in this instance would not interfere with any perceived desire lines as any such desire lines are already impeded. While it is unclear as to what the comment made in this regard in the officer's report actually tries to make, it is presumed that the aforementioned response provides clarity on the point it is considered the report seeks to make, and that in this instance the proposal would not adversely impact any desire lines when considering the existing street furniture, and in any event as stated previously the entire extent of the footpath is unobstructed and can be used by pedestrians, as is clearly the case and has been this way for a considerable period of time.

- 5.27 In terms of previous comments regarding the fact that the entire extent of the footpath, adopted or otherwise, is considered as the useable footpath for pedestrians, this was confirmed in recent appeal decision for the same development as in this instance, whereby the LPA made similar comments in reasons for refusal and the Inspectors confirmed the following in the extracts from these appeals as below;

(Appeal ref: APP/Q3630/W/25/3363952 and APP/Q3630/H/25/3363953 – appeal decision 07/08/2025 - Footpath outside Tesco Extra, 117 Station Road, Addlestone, KT15 2AS)

'The appeal proposal is to be sited within the publicly owned highway with a wide parcel of privately owned land next to the supermarket making the entire area much wider. The areas of land have a clear separation line; however, they are unrestricted, and pedestrians are free to roam across the entirety of the external space. Whilst under private ownership, any closure or blocking of this space would restrict access to the supermarket. I have not been provided any evidence that the land is at risk of closure.'

Moreover, even if the private land was blocked off, I am sufficiently convinced that even though the pathway would be narrower than 3m where the hub would be located as per the Surrey County Council's Healthy Streets Guidance (SCCHSG) it can be reduced for short sections to 1.5m. The gap between the hub and the edge of the pathway would marginally exceed this figure and therefore would comply with the SCCHSG. Moreover, for the short amount of smaller pathway it would provide, pedestrians would not be required to enter into the carriageway as there would be enough space to pass by or pause for a moment should there be passing pedestrians. Given the space available, the low risk of closure and the shortness of encumbered areas should this be the case, I do not see this arrangement being detrimental to the passage of less able bodied people, the elderly or those with small children.

With the above in mind, and in terms of Appeal A, the proposed hub would not have a detrimental impact on the free flow of pedestrian traffic and would not impede on highway safety for users.

(Appeal ref: APP/Q3630/W/25/3363957 and APP/Q3630/H/25/3363958 – appeal decision 08/08/2025 - Footpath outside 87-89 Station Road, Addlestone KT15 2AR)

'The appeal proposal is to be sited primarily on public pedestrian highway. However, the full range of footpath incorporates both privately owned and publicly controlled space. The width of the proposal is larger, yet as detailed above, the increase therein would be minor and would sit in the same position as the existing phone box. It was observed on the site visit that members of the public use both parts of the footpath with no stopping or awareness of the different ownerships.

Therefore, users of the pathway are adept with manoeuvring round an obstacle in this location. Moreover, and on this portion of the pathway, there are no other instances of street furniture leading to a largely uncluttered street and thus largely unincumbered experience for pedestrians.

I have not been provided any evidence that the private land traversed is at risk of closure. Moreover, and due to the nature of the land being directly adjacent to shop frontages, the likelihood of this is low as it would block access to units. There may be some interventions within the pathway such as seating for cafes, but I am satisfied that there would still

remain plenty of passing space without entering the carriageway for both able and less abled bodied users.

Even if the private land was blocked off, I am sufficiently convinced that even though the pathway would be narrower than 3m where the hub would be located, as per the Surrey County Council's Healthy Streets Guidance (SCCHSG), it can be reduced for short sections to 1.5m. The gap between the hub and the edge of the pathway would marginally exceed this figure and therefore would comply with the SCCHSG. Moreover, and for the short amount of smaller pathway it would provide, pedestrians would not be required to enter into the carriageway as there would be enough space to pass by or pause for a moment should there be passing pedestrians.

With the above in mind, in terms of Appeal A, the proposed hub would not have a detrimental impact on the free flow of pedestrian traffic and would not impede on highway safety for users'.

- 5.28 As can be seen with these recent appeal decisions, and or relevance to this appeal whereby it is considered the same assessment would be concluded as the extent of the useable footpath for pedestrians at the appeal site includes, and always has done, the private unobstructed land, there would be more than adequate useable footpath retained that would be consistent with the distance shown on the associated plans of circa 4.16m, and as such there would be no impact on the safe flow of pedestrians at this point. While the officer's report suggests that in their opinion the useable footpath would be circa 1.8m, which is contended as set out above, even in this case the Street for all Guidance sets out that for existing footways an absolute minimum distance of 1.2m could be acceptable over a distance of no more than 6m. In the event that the Inspector disagreed with the consideration of fellow Inspectors in the decisions referenced above and agreed with the Councils consideration, the distance that the footpath width would be reduced to 1.8m would be over a distance of 350mm as the width of the proposed street Hub, and well below the permitted distance of no more than 6m. While it is considered that the proposal would retain a useable footpath in this instance of 4.16m, and the allowance for a distance of 1.2m for no more than a 6m length not therefore for consideration, even if the Inspector did agree with the Council then the fact that the width of the unit is 350mm as stated and this therefore the distance that any useable footpath would therefore be reduced over, should be given great weight in considering and

concluding that the proposal would not result in any significant detrimental or demonstrable impact on the free flow of pedestrians at this point.

- 5.29 When considering the above, it is clear that in this instance while not adopted highway, the extent of historic useable footpath goes beyond the extent of the section adopted by highways, and the proposal would comfortably be accommodated at the site without any significant impact to the free flow of pedestrians of pedestrian desire lines, and as such not have any highways safety impacts that would merit any reason for refusal I this instance.
- 5.30 Moving onto the second highway safety reason that the council has given as a reason for refusal, this being that the proposal '*would restrict visibility to sub-standard levels to the right on egress in the event of an 'all red'/signal failure of the signalised junction at Stanley Road/A56 Bury New Road*', this is very much contended and considered a matter that should not be considered as it relates to a hypothetical situation, and in any event takes no consideration as to the existing setting here.
- 5.31 As can be seen in the image below, given the orientation of the road at the bus stop the location of the Street Hub would be set back well in from the position of the traffic lights from a vehicles perspective, and would allow clear line of site towards the junction with Stanley Road. Furthermore, there is existing vegetation at the corner of this junction that would in any event, even when considering the hypothetical nature of the council's reason for refusal, screen visibility at this junction in the event of a hypothetical all red/signal failure. The below images show from a vehicular perspective this visibility and with the first image showing an indication of the street hub in-situ when approaching the junction from the north, with the second image showing again a vehicles perspective at the junction/light on Stanley Road to the south of the site.



Vehicular perspective toward traffic lights and junction with Stanley Road



Vehicular perspective from traffic lights at Stanley Road looking towards the appeal site location

- 5.32 As can be seen with the above images, even in the hypothetical scenario whereby there is an all red/signal failure with the lights at the adjacent junction, the location of the proposed Street Hub, even when taking into

consideration the existing setting and fact that the proposed location is circa 45m from the traffic lights on Stanley Road approaching the junction, would not restrict visibility to any sub-standard level in this instance. The distance between the appeal site location and traffic lights at the junction on Stanley Road can be seen in the image below. While not precise and accurate, this distance is a very close representation and in any event shows the distance is quite substantial when considering that in the hypothetical scenario that highways have raised, cars would naturally slow down on approach.



Distance between appeal site and traffic lights at Staley Road

- 5.33 Additionally, while the officers report suggests that the drawings excluded this junction, no such information was requested by the case officer when determining the application, nor has any information/justification been provided as to what levels of visibility would be acceptable. Despite this not being raised nor justification provided to support this position (distances, etc), it is still considered that while the proposal would not on its own reduce visibility to a sub-standard level, the reason for refusal still relates to a hypothetical scenario and should not therefore be afforded any weight in this instance.

- 5.34 While it is considered that the above sets out the reason that, even when considering any hypothetical scenario as suggested, the proposal would not have any resultant impact on visibility to the adjacent junction and egress from Stanley Road, as stated it is not considered that the reason for refusal should be afforded any weight in this instance. Even in the case of any hypothetical all red light failure at the junction, the introduction of the appeal proposal would not have any impact on visibility of cars approaching the lights and looking towards any oncoming vehicles, and as such not result in any highway safety concerns as suggested in the reason for refusal, and the LPA should not have included this as any reason for refusal especially considering there was no evidence to support this position
- 5.35 While the above sets out matters in respect of the reasons for refusal provided by the LPA on both the full planning and advertisement consent applications, it is noted that there was no negative impact considered in respect of any other matters. It is therefore considered the above sets out the position in respect of the LPAs reason for refusal of these applications.

6.0 Conclusion

- 6.1 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.
- 6.2 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.
- 6.3 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. 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. The Appellant considers that the Council's reasons for refusing this application is erroneous, unreasonable and not based upon any evidence to support them in terms of degree of impact if any at all.
- 6.4 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.