

DELEGATED REPORT

Report by Helen Leach	Date of report: 13/06/2025	Ref: 71500/FUL
Registration: 23/12/2024	LDFC: 21/02/2025	Expiry Date: 17/02/2025
Site Visit: 31/01/2025	Site Notice: 31/01/2025	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit

Location: Pavement adj Bury Interchange, Market Street, Bury, BL9 0BL

Description

The application site relates to the pavement outside of Bury interchange off Angouleme Way, Bury. Angouleme Way is an A road - the A58. The area of pavement is located to the south of the canopy building for the interchange.

The proposed development involves the installation of 1 no. BT street Hub with 2 no digital display screens on the front and rear of the unit. The proposed screens would be encased within a hub that measures 123cm wide and 298cm high.

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.

The application is accompanied by a Driver Distraction Assessment and Planning Supporting Statement where it is stated that Street Hubs provide communities with urban tools including:

- Ultrafast public and encrypted Wi-Fi
- Powered by 100% renewable carbon-free energy
- Inspected weekly and cleaned at least every two weeks, monitored 24/7
- Free phone calls
- Display community and emergency (i.e. police) awareness messaging

Relevant Planning History

71479 - Advertisement consent for 2 no. digital 75 inch LCD display screens either side of 1 No. BT street hub unit at pavement adjacent Bury Interchange, Market Street, Bury. Refused - 17 February 2025.

Publicity

A site notice was posted on 31 January 2025.
There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - Raise objections and recommend refusal.

Designforsecurity - No response.

Transport for GM - No response.

Pre-start Conditions - Not relevant.

Development Plan and Policies

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
Area	Central Shopping Area
BY6	
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 rounds 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.

Area BY6 states that the Council will encourage and support proposals for retailing and appropriate ancillary retail uses within the town centre's central shopping area.

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 town 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.

The proposed development would be a replacement for the telephone box outside No. 52 Market Street, in terms of delivering telecommunications services in the vicinity and as such considered to be of public benefit and acceptable. 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 artwork on the interchange canopy. 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 close to the signalised junction of Angouleme Way with the exit from the interchange and as such, there was a concern that the proposed development may be a distraction for drivers approaching this junction.

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.

The proposed hub would be 3.7 metres from the railings and the traffic light and 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.

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 the application process 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 BRY-103 - Existing site plan, BRY-103 - Proposed site plan, BRY-103 - Existing site elevation, BRY-103 - Proposed site elevation, Planning Statement - dated May 2025, Driver Distraction Assessment 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 Communication apparatus hereby approved shall not use voice activated or hands free technology unless and until a Noise Management Plan (NMP) detailing the control measures including volume and sound levels have been submitted and approved by the Local Planning Authority. The agreed levels set out within the NMP shall thereafter be permanently maintained. A noise assessment and noise management plan shall be submitted to determine the noise level of the speaker associated with the equipment and agreed by the Local Planning Authority. Once the noise levels have been agreed, the levels will be included within the NMP and shall be complied with thereafter. Once the NMP has been agreed and the unit installed, a verification report will be required to include sound testing to confirm compliance with agreed noise limit.
Reason. In the interests of the occupiers of nearby premises and users of the surrounding area pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and EN7/2 - Noise Pollution.
- 4 Within 28 days of the installation of the development hereby approved, the existing BT telephone box outside No. 51 Market Street as shown on page 7 of the Planning Statement, dated May 2025 shall be removed in its entirety and the land reinstated to a scope and specification to be agreed with the Local Highway Authority.
Reason. To maintain the integrity of the adopted highway and in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, HT6/1 - Pedestrian and Cyclist Movement and HT5/1 - Access for Those with Special Needs.
- 5 The intensity of the illumination of the advertising unit(s) permitted by this consent shall at all times accord with the thresholds set out in the Institute of Lighting Professionals publication "The Brightness of Illuminated Advertisements" (PLG05:2015) and be equipped with an ambient/photo cell sensor which shall monitor ambient light conditions and adjust brightness accordingly.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 6 The LED screen displays shall not change more frequently than every 10 seconds and the rate of change should be instantaneous.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.
- 7 The sequencing of messages relating to the same product is prohibited.

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Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

- 8 The interval between successive displays shall be 0.1 seconds or less.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

- 9 The advertising display panel shall have a default mechanism to freeze an advertisement in the event of any malfunction.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

- 10 The levels of the illuminance of the LED screen displays shall not exceed 600cd/m² during daylight hours as stated in the approved Highway Assessment reference CT/200519/HA/00, or exceed 300cd/m² during twilight and night hours; as defined by official lighting up times.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

- 11 The LED screen displays shall only show two dimensional static images for the lifetime of the development, shall contain no moving images, strobe lighting effects, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs and no messaging should spread across more than one screen image.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

- 12 The illumination of the LED screen displays shall not at any time be intermittent.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

- 13 A mechanism shall be in place so that if the LED screens break down, they default to a black screen to avoid any flashing error messages or pixilation.
Reason. To avoid undue distraction to traffic in the interests of road safety pursuant to policy EN1/9 - Advertisements of the Bury Unitary Development Plan.

<u>Case Officer</u> HL 13/6/25	<u>Date</u>	<u>Sign off Officer</u> DM 13/6/25	<u>Date</u>
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