

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 10/08/2022	Ref: 68439/FUL
Registration: 12/05/2022	LDFC: 06/07/2022	Expiry Date: 07/07/2022
Site Visit: 09/06/2022	Site Notice: 09/06/2022	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

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

Location: Pavement at Princess Parade, near Bury Interchange Stand E, Bury, BL9 0QL

Description

The site relates to a pedestrianised shopping street in Bury Town Centre which is located close to one of the pedestrian entrances to the central bus interchange.

There are a number of other structures and pieces of street furniture in the immediate vicinity including streetlights, free standing signs, litter bins, street trees and a similar 2-side free standing digital advert board. There are also 3 BT telephone kiosks to the west of the site. Two are approx 4.4m away and one is located approx 8.8m near to the interchange entrance.

The application seeks planning permission for the installation of 1 no. BT Street Hub incorporating a 75" LCD advert screen. There are 3 existing phone boxes in the vicinity. The covering letter submitted with the application states that 2 boxes would be removed although the proposed site plans show 3 to be removed.

Street Hubs are free standing structures which are the modern alternative to phone boxes and provide services including free phone calls and public wi-fi, access to public services and USB chargepoints. The Street Hubs are also an advertising platform with digital HD display screens on two sides.

Dimensions of the Hub would be 2.960m high, 1.236m wide and 0.35m deep. The Hub would be made of galvanised mild steel, with a powder coated external grade aluminium exterior. Displays will be made of tempered and toughened laminated glass.

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

A separate application for advertisement consent has been submitted for Hubs (ref 68440).

Relevant Planning History

68440 - Advertisement consent for installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks - concurrent application

Publicity

Site notice posted 9/6/22
No representations received

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal. The proposal would result in an unnecessary obstruction of the adopted highway and the creation of additional street clutter for an installation that primarily consists of an advertisement screen that is not a direct replacement for the adjacent telephone kiosks, and without agreement for the placement of such equipment on the adopted highway with the Highway Authority, which would be detrimental to pedestrian safety, maintaining existing pedestrian desire lines on Princess Parade and contrary to the active travel aspirations of the Council.

The proposal would have a detrimental impact on pedestrian access to, and pedestrianisation of Princess Parade as part of, future Bury Market Flexihall proposals.

Design for Security - Recommend consideration of security measures and vandal resistant measures are incorporated.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/4	Street Furniture
EN1/5	Crime Prevention
EN1/9	Advertisements
EN1/10	Telecommunications
EN7/2	Noise Pollution
S1/1	Shopping in Bury Town Centre
S2/2	Prime Shopping Areas and Frontages
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
CF1/1	Location of New Community Facilities

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) and 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 Policy 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.

Policies

Policy EN1/2 - Townscape and Built Design will give favourable consideration to development which do not have an unacceptable effect on the character of an area. factors considered when assessing proposals include appearance, design and relationship to an area, choice and use of materials, access, and use of lighting.

Policy EN1/4 - Street Furniture seeks to ensure the siting and design satisfies considerations which includes meeting the needs including mobility impaired in terms of safety and adequacy, highway safety, pedestrian flow and amenity and appearance in the street scene.

EN1/9 - Advertisements - States that proposals should have regard to interests of amenity and public safety in order to enhance the quality of the Borough's environment. Regard will be given to factors including characteristics of the local neighbourhood, scale of the existing building and structures, nature of the prominent land use, presence of heritage assets and effect on the safe use of any form of transport including the safety of pedestrians.

Policy EN1/10 - Telecommunications - In assessing such proposals, regard will be given to factors including operating requirements of available and new telecommunications technology, legal requirements of operators, siting and design and visual and physical impact.

Highway policies HT5/1 - Access for those with Special needs and HT6/1 - Pedestrian and Cyclist movement seeks to ensure proposals consider the needs and accessibility of mobility impaired and those with special needs and ensure pedestrians and cyclists can move around safely.

Siting - The proposed BT Hub would be sited within a group and close to other pieces of street furniture and structures in the area which include signage, streetlights, litter bins and street trees.

There is also an existing digital advertising board which is located in the immediate area which is very similar in appearance and size to the proposed hub and which has a large digital display screen. The proposed hub would be positioned approx 3m away from the existing unit. It is therefore considered that an additional digital display advertising board would result in a cumulative impact and proliferation of digital display screens within very close proximity of each other and would result in an intrusive feature within the streetscene.

By their very nature and for the purpose they serve for advertising, digital advert screens

are deliberately visible, the intention being to catch the eye of the passer by. Given there would be little separation between the two, the cumulative effect of digitised displays units could cause a distraction and confusion to pedestrians passing this area.

Furthermore, it is considered the proposed hub would add to the plethora of structures in the area and street clutter within this part of the shopping parade, which include lampposts, signage, street trees, litter bins and as such would detract from the appearance of the area.

The applicant states the proposed hub would replace telephone boxes which are located in the vicinity. There is an anomaly in the submission as to whether 2 or 3 telephone boxes would be replaced. The phone boxes are located closer to the Interchange building, set further away from the existing cluster of street furniture. The proposed hub would not be a direct replacement, in that it would be located more than 8m away from one phone box and over 4m away from the other two phone boxes. It would be set within the existing street furniture.

As identified above, it is considered the proposed position of the hub in such close proximity to the other street furniture, structures and the existing digital advert board would add to the visual clutter in the area and have a detrimental impact on the visual appearance of the area.

It is therefore considered the proposed development would be contrary to policies EN1/2, EN1/4 and EN1/9.

Access - The proposed hub would be located on the public highway within a pedestrianised shopping area close to the bus interchange which is a regularly and well traversed pedestrian route.

The proposed hub would add an additional obstruction in a location which is already compromised by a number of pieces of street furniture and where the proposed hub would encroach an area of footway to and from the Interchange.

The Highway Authority have been consulted on the application and recommend refusal as the proposed siting of the Hub on the public highway would result in an unnecessary obstruction of the adopted highway and the creation of additional street clutter for an installation that primarily consists of an advertisement screen that is not a direct replacement for the adjacent telephone kiosks

The proposed hub could attract a number of people at one time. The proposed siting of the hub would be close to the bus interchange and within the existing street clutter identified above and a group of people gathering in this area would further hinder pedestrian movement and obstruct public access and cause pedestrians to alter their direction of travel.

It is therefore considered the proposed siting would have a detrimental impact on the free flow of pedestrian movement and would add to the plethora of street furniture in the vicinity, within the close proximity of an existing display sign.

It is therefore considered the proposed development would be contrary to policies EN1/2, EN4/1, EN5/1, EN1/9, EN1/10 and HT6/1.

Use - 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 and provide USB chargepoints. It is recognised that such services can deliver social, economic and environmental benefits to the public benefit in terms of it being a community facility

However, in this location, the proposed siting of the Hub would be considered detrimental to visual amenity and public safety.

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It is therefore considered that for this particular location, the proposed hub would not be acceptable and contrary to EN1/2, EN4/1, EN5/1, EN1/9, EN1/10 and HT6/1.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development, due to the siting and position of the proposed Hub within this part of the shopping centre and together with its proximity to pre-existing digital advert signage would result in excessive and over- proliferation of street furniture which would be detrimental to the visual amenities of the area and the appearance of the streetscene. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2, EN1/4, EN5/1, HT6/1, EN1/9 and EN1/10.
- 2 The proposal would result in an unnecessary obstruction of the adopted highway and have a detrimental impact on pedestrian access on Princess Parade and would result in the creation of additional street clutter for an installation that primarily consists of an advertisement screen that is not a direct replacement for the adjacent telephone kiosks, and without agreement for the placement of such equipment on the adopted highway with the Highway Authority, which would be detrimental to pedestrian safety, maintaining existing pedestrian desire lines and contrary to the active travel aspirations of the Council. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2, EN1/4, EN5/1, HT6/1, EN1/9 and EN1/10.

<u>Case Officer</u> JT 8/8/22	<u>Date</u>	<u>Sign off Officer</u> DM 10/8/22	<u>Date</u>
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