

## Out of Home Media

Angola  
Australia  
Austria  
Azerbaijan  
Bahrain  
Belgium  
Botswana  
Brazil  
Bulgaria  
Cameroon  
Canada  
Chile  
China  
Colombia  
Costa Rica  
Croatia  
Czech Republic  
Denmark  
Ecuador  
El Salvador  
Estonia  
Eswatini  
Finland  
France  
Gabon  
Germany  
Guatemala  
Hungary  
Honduras  
India  
Ireland  
Israel  
Italy  
Ivory Coast  
Japan  
Kazakhstan  
Korea  
Latvia  
Lesotho  
Lithuania  
Luxembourg  
Madagascar  
Malawi  
Mauritius  
Mexico  
Mongolia  
Mozambique  
Myanmar  
Namibia  
New Zealand  
Nicaragua  
Nigeria  
Norway  
Oman  
Panama  
Peru  
Poland  
Portugal  
Qatar  
Russia  
Saudi Arabia  
Singapore  
Slovakia  
Slovenia  
South Africa  
Spain  
Sweden  
Switzerland  
Tanzania  
Thailand  
The Dominican Republic  
The Netherlands  
Uganda  
Ukraine  
United Arab Emirates  
United Kingdom  
United States  
Uruguay  
Uzbekistan  
Zambia  
Zimbabwe

8 May 2024

The Planning Inspectorate  
Temple Quay House  
The Square  
Temple Quay  
Bristol BS1 6PN

Our Ref: A02425  
LPA Ref: 70426  
70443

Dear Sir/Madam

Town and Country Planning Act 1990  
Town and Country Planning (Control of Advertisements)  
(England) Regulations 2007

Re: Installation of advertised communication hub unit with defibrillator  
Site: Pavement Outside 61 The Rock, Bury BL9 0BN

This letter accompanies joint appeals under section 78 of the above Act (as amended) and Regulation 17 of the above Regulations against the decision of Bury Council as Local Planning Authority (LPA) to refuse planning permission (PP) and advertisement consent (AC) in respect of the above development.

The proposal is outlined in the application covering letter and seeks approval to install a single Communication Hub with the latest digital communication technology at the appeal site location. The proposal aims to provide an efficient, reliable and free to use public service, funded by the advertising revenue from the integral display. The proposal concerns the decisions of the Council to refuse PP and AC, for the proposed Communication Hub in the identified location. To avoid unnecessary duplication the nature of the proposal and the details on the Hub Unit are not repeated here as it is covered in some detail in the application submission.

### JCDecaux UK Limited

Registered Office: 991 Great West Road – Brentford – Middlesex – TW8 9DN  
Registered in England and Wales Registration Number: 1679670  
Telephone : +44 (0)20 8326 7777  
Fax: +44 (0)20 8326 7775 [www.jcdecaux.com](http://www.jcdecaux.com)

## 1. Appeal Background

The proposal is a hybrid development for a communication apparatus and advertisement combined on a single structure as detailed within the application documentation. As such, the development requires both planning permission and advertisement consent, which were determined under separated decision notices, conjoined in one proposal. The applications were submitted as one through the Planning Portal on the 16<sup>th</sup> of January 2024.

The proposal submission was informed by paid pre-application advice sought from Bury Council, during which we provided details regarding the proposed network of Communication Hubs within the retail centre of the locality<sup>A</sup>. Feedback received during this consultation process was carefully considered, leading us to proceed with applications for 4 out of the initially proposed 6 sites, with the intention of subjecting them to the formal planning process for further scrutiny.

The applications were submitted as one through the Planning Portal on the 16<sup>th</sup> of January 2024. Subsequently, on the 7<sup>th</sup> of March, the appellant proactively reached out to the case officer handling the application, inquiring about any responses to statutory consultations that needed addressing. However, despite this proactive approach, there was no attempt from the case officers to request the details that were noted as missing from the submissions<sup>B</sup>.

The application was subsequently refused on the 27<sup>th</sup> of March 2024. The reasons for refusing PP and AC are extracted below.

### Planning Permission - Reasons for Refusal

- 1. The proposal would result in an unnecessary obstruction/restriction of the existing adopted highway/emergency access route and the creation of additional street clutter for an installation that primarily consists of an advertisement screen, 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 The Rock and contrary to the active travel aspirations of the Council.*

---

<sup>A</sup> JCD 1 - BURY COUNCIL Response 02843

<sup>B</sup> JCD 2 - Live Application Query

2. *The application and submitted plans contain insufficient information to properly assess the proposal in relation to a wider strategy for the need for and provision of defibrillators throughout the Borough.*
3. *The proposed development by reason of its siting and position within The Rock would introduce a piece of street furniture and street clutter which would interrupt the existing rhythm and pattern of the streetscene and would result in over-proliferation of street furniture in the area and would therefore be detrimental to the visual amenities of the area and the appearance of the streetscene.*

#### **Advertisement Consent - Reasons for Refusal**

1. *The proposal would result in an unnecessary obstruction/restriction of the existing adopted highway/emergency access route and the creation of additional street clutter for an installation that primarily consists of an advertisement screen, 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 The Rock and contrary to the active travel aspirations of the Council.*
2. *The proposed development by reason of its siting and position within The Rock would introduce a piece of street furniture and clutter to an area which would interrupt and obstruct the visual rhythm and pattern of the layout of the existing street which would be seriously detrimental to the visual amenity and appearance of the street scene.*

Various Policies are cited in support of the decisions, including the NPPF, the London Plan, Bury Council's Unitary Development Plan (1997) documents including Policies CF1/1, EN1/2, EN1/4, EN1/9, EN1/10, HT5/1, and HT6/1. Notwithstanding the policies mentioned and in light of the terms of the 2007 Regulations, the main issues relating to the advertising appeals are the effect of the proposals on the character and appearance of the street and on pedestrian safety; and for the planning appeal, the effect of the Hub unit on the operation of the street scene and character and appearance of the area.

#### **1. Grounds of Appeal**

The Appellant considers that there are reasonable grounds to appeal the LPA's decision in this case, which are as follows:

The refusal notice contends that the proposed development would obstruct the existing 14m wide pedestrianised highway on the Rock and create additional street clutter primarily due to the advertisement screen. However, measures have been incorporated into the design to minimise obstruction and ensure pedestrian safety.

Concerns are raised regarding the proposed development's introduction of street furniture and clutter, which would disrupt the existing rhythm and pattern of the streetscene on The Rock. However, the design of the development has been carefully considered to minimise any potential visual impact and integrate harmoniously with the surrounding environment being orientated perpendicular to The Rock.

The Rock currently features numerous free-standing advertising units similar to the proposed Communication Hub. However, unlike these existing units, the proposed hub offers a range of public benefits. Its introduction on The Rock is anticipated to enhance the overall user experience for individuals passing through and spending time in the area.

By consolidating multiple functions into a single, well-designed structure, the proposed hub reduces the need for additional standalone advertising units. This consolidation not only optimizes the use of urban space but also minimises visual clutter and proliferation of street furniture on The Rock. Furthermore, the hub's design and layout will be carefully considered to ensure that it integrates harmoniously with the surrounding streetscape, contributing to a cohesive and aesthetically pleasing environment.

The refusal notice suggests that the application lacks information on the broader strategy for defibrillator provision throughout the Borough. The appellant proactively followed up during the application timeline to inquire if there was any further information we could provide. Unfortunately, there was no attempt from the Bury Council to obtain further supporting information from our side.

As mentioned in the supporting statement Infocus Public Networks Limited (The Appellant) is recognised as statutory undertakers on the unregistered adopted highway. It's crucial to note that in this capacity, we are not required to obtain a formal agreement with the Highway Authority for the placement of such equipment. This understanding aligns with the legal framework governing statutory undertakers' rights and responsibilities. Furthermore, I would like to emphasise that the Highway

Authority was duly notified of our proposal at the time of submission. This notification served as a measure of transparency and compliance with regulatory procedures<sup>C</sup>.

## **2. Conclusion**

The grounds of appeal above are to be read in conjunction with the application submission relating to this appeal site proposal. The LPA's reasons for refusing planning permission and advertisement consent assert that the proposed advertisement displays would unacceptably harm the amenity of the locality and would be against the interests of public safety, the appellant respectfully disagrees.

In conclusion, the planning application for the Communications Hub has been meticulously developed to address concerns regarding amenity, public safety, and visual impact. By adhering to relevant policies and industry standards, we ensure that the proposed installation looks to enhance the local environment while fulfilling its intended purpose as a valuable communication asset for the community.

The Appellant contends that the installation of a communication Hub unit would not be detrimental to the visual amenity of the locality, the safety of the public on The Rock, Bury. The Inspector is requested to uphold this appeal and to grant planning permission and advertisement consent as applied for.

Yours faithfully,

**Stephen Herraghty AssocRTPI**  
**Town Planner**  
**JCDecaux UK**

---

<sup>C</sup> JCD 3 - Developers Notice - A02425 - Os 61 The Rock