

Date: 20/08/2026

RE: PINS Reference: 6012404 – LPA Statement of Case

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

AT: Pavement outside Chicken Cottage, 1 Market Street, Bury, BL9 0BL

Dear Planning Inspectorate,

I write in respect of the above-mentioned appeal and site to confirm that the Council's delegated report is primarily the Council's Statement of Case. I have appended the appeal decisions referred to within the Council's delegated report for the Inspectors information. This letter therefore provides the Council's views taking account of the requirements of the National Planning Policy Framework 2026, which was published on Monday, 17 August 2026.

Impact on Designated Heritage Assets

The appeal site is located within the setting of listed buildings, designated heritage assets. These are referenced within the Delegated Report.

The appeal site also lies within the Bury Town Centre Conservation Area, also a designated heritage asset, which was designated in recognition of its special architectural and historic interest. The conservation area encompasses the historic core of the town, which the appeal site forms part of, and contains a significant concentration of heritage assets, including numerous listed buildings, civic landmarks and archaeological features that contribute to its distinctive character and appearance.

The conservation area is currently included on Historic England's Heritage at Risk Register, reflecting concerns regarding its condition and the pressures affecting its historic environment. Historic England identifies the conservation area as being in poor condition, with a deteriorating trend, and assigns it a Priority A status, indicating that no agreed strategy for its recovery has yet been secured.

The inclusion of Bury Town Centre Conservation Area on the Heritage at Risk Register is a material consideration which highlights the need for sensitive development, that preserve and enhance the significance of the historic environment.

Accordingly, the appeal proposal should be assessed not only in terms of any potential heritage impacts, but also in relation to how it presents to support the enhancement and ongoing regeneration of a conservation area which Historic England has identified as being at risk.

Whilst no official action plan has been developed for the Conservation Area through the development management process the Council secures development that would result in an enhancement to the character and appearance of the Conservation Area such as securing the replacement of modern windows, including UPVC windows, with traditional timber sliding sash windows, the replacement of shop fronts with traditional timber shop fronts and timber bin stores. Whilst these may, on their own only be small enhancements, the installation of the proposed BT Hub would be a noticeable step back and would undoubtedly detract and thus cause harm to the character and appearance of the conservation area and to the setting of listed buildings. In turn, it would also harm the visual amenity of this part of the Conservation Area for the reasons described in the respective decision notices.

The Inspector should note, the length of Market Street, is currently free of any electronic communication hubs therefore the allowance of this one, would be noticeable and discordant and further justifies the Council's reasons for refusal relating to both the harm it would cause to the setting of listed buildings, the character of the conservation area and to visual amenity, contrary to the policies listed within the Council's reasons for refusal.

Obstruction on the Highway

The Council maintains that the proposed development would result in an unacceptable encroachment into the adopted highway, introducing an unnecessary obstacle within an area intended for unobstructed pedestrian movement. The structure would add to existing street clutter and, by virtue of its siting and primary function as an advertising display, would fail to provide sufficient public benefit to justify the loss of pedestrian amenity and accessibility.

Particular concern arises from the proposal's impact on those with disabilities and special access needs. Blind and partially sighted people rely upon clear, predictable and unobstructed pedestrian routes in order to navigate safely and independently, as supported by Policy HT5/1 - Access For Those with Special Needs. The introduction of additional street furniture within the public highway increases the risk of collisions and disorientation, particularly where features are not anticipated within established pedestrian desire lines. Such obstacles can create significant barriers to movement and reduce confidence in using the public realm.

The proposal would also adversely affect other vulnerable highway users, including wheelchair users, people with mobility impairments, those using walking aids, and individuals with cognitive or sensory disabilities. Any reduction in effective footway width or interruption to established pedestrian routes in this area, which is already restricted by an outside seating area associated with the adjoining care business, can create difficulties in passing, manoeuvring and maintaining safe distances from other users. In busy town centre environments, these impacts are often amplified by higher pedestrian flows and competing demands on limited footway space.

The siting of the structure within the adopted highway would be particularly harmful because it would introduce a fixed obstruction in a location where **all** pedestrians would reasonably expect a clear and direct route. The proposed installation would therefore detract from the legibility, accessibility and inclusiveness of the public realm. Rather than supporting safe and convenient movement for all users, the development would create an avoidable impediment that disproportionately affects those who already experience barriers to accessing public spaces.

Furthermore, the illuminated advertisement screen has the potential to divert attention away from the surrounding environment, creating additional challenges for visually impaired pedestrians who depend on environmental cues, clear routes and unobstructed movement corridors. The proposal would undermine the principles of inclusive design by prioritising a commercial advertising function over the needs of pedestrians and vulnerable users of the highway.

For these reasons, the Council considers that the proposal fails to provide a safe, inclusive and accessible environment and materially conflicts with Policies EN1/2 (Townscape and Built Design),

EN1/4 (Street Furniture), EN1/5 (Crime Prevention), EN1/10 (Telecommunications), HT5/1 (Access for Those with Special Needs) and HT6/1 (Pedestrian and Cyclist Movement) of the Bury Unitary Development Plan. The proposal is also contrary to the objectives of the National Planning Policy Framework, which seeks to secure safe, accessible and inclusive places for all members of society, including those with disabilities and reduced mobility. As such, we respectfully request the appeal should be dismissed.

The Inspector's attention is also drawn to the fact that the Bury Blind Society operates from premises in close proximity to the appeal site. Consequently, the surrounding pedestrian environment is likely to be used regularly by blind and partially sighted people accessing the Society's facilities and services. The introduction of an additional obstruction within the adopted highway would therefore have a particularly acute impact in this area of the town centre, increasing the potential for conflicts with vulnerable pedestrians who rely on clear, direct and unobstructed routes to travel safely and independently. The proposal is clearly contrary to the policies the proposal was refused against.

National Planning Policy Framework 2026

With this new NPPF the term "less than substantial harm" has been deleted. This proposal would result in 'harm', as defined within NPPF Policy.

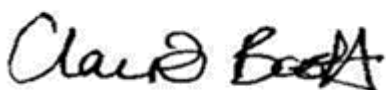
As the new NPPF was only published on Monday, we trust the Inspectorate will seek a separate statement from both the LPA and the appellant on the implications of the new National Planning Policy Framework. When both parties have had the opportunity to consider its contents in full.

Weight to be attributed to the appellants asserted Public Benefits

The Inspector is invited to give little weight to the claimed public benefits of the proposal. The appellant has failed to demonstrate that a further BT Street Hub is required in this location, particularly given the presence of existing BT Street Hubs a short walk away towards the Kay Monument within Kay Gardens close to the Bus Interchange on Market Street, therefore the appeal site. The proposal would result in the unnecessary duplication of infrastructure and services already available within Bury Town Centre. Accordingly, any public benefits are marginal and do not outweigh the identified harm to the character, appearance and functionality of the public realm.

In bring this letter to a close, the Council respectfully requests both appeals are dismissed for the reasons provided above, explained within the associated delegated reports and which stated on the respective decision notices.

Kind Regards,



Claire Booth (MRTPI)
Senior Planning Officer (Development Management)
Bury Council.

Enclosed: Appeal Decisions referred to within the Planning History section of the Council's delegated report for the previous BT hub proposal a few metres away from the appeal site.