

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 08/08/2022	Ref: 68445/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:	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		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 between Racconto Lounge and Fone Tech, The Rock, Bury, BL9 0PJ

Description

The site relates to an area of a pedestrianised shopping street in Bury Town Centre which is a main pedestrian route along the Rock.

The shopping street is a fairly wide paved area and there is also a pedestrian route to the south east which leads to South Back Rock and a servicing area and Clerke Street. The pedestrian surface at this part of The Rock is made up of differing paving sizes, colour and patterns with a multi coloured 'strip' of flags broadly running along the central part of the street. The immediate area is more or less devoid of street furniture apart from a postbox on the south side and a street light on the other side. Other street furniture including benches, information boards, planters and litter bins are located further up the Rock to both the west and east set out in a delineated and defined pattern..

The application seeks planning permission for the installation of 1 no. BT Street Hub incorporating a 75" LCD advert screen.

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.

The applicant states that the hub would replace two existing phone booths. However these are not located within Bury Town centre. The applicant states that their removal would be of material benefit to the areas as it would remove street clutter and allow for improved pedestrian movement.

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 68446).

Relevant Planning History

68446 - 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 existing emergency access route and 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 The Rock and contrary to the active travel aspirations of the Council.

Greater Manchester Police - designforsecurity - Recommend that consideration be given to the potential of the unit attracting or increasing incidents of anti-social behaviour and loitering in these high footfall areas.

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 hub would be sited in an area of the Rock which is a well used throughroute. This part of the Rock is fairly spacious and wide, and the immediate site area is free from other pieces of street furniture apart from a post box and streetlights which are located in a line down the side of the street. The site is also close to a juncture with a pedestrianised route to the south which links Clerke Street and a public car park to the Rock.

Further to the south west of the site is a row of street furniture comprising planters, seating, litter bins and stand alone advertisement displays. These follow a delineated line and pedestrian movement is predominantly either side.

The proposed Hub would be off-set to the established pattern and the linear row of existing street furniture along the Rock which was designed to provide an unobstructed and visually open route as well as a clear pedestrian and emergency access route.

The siting of a structure in this part of the Rock streetscape would introduce a piece of street clutter in an isolated location which would interrupt the visual rhythm and pattern of the existing streetscene.

It is therefore considered that the proposed siting of the Hub would cause an obstruction to public access and have a detrimental impact on the appearance, layout and pattern of the existing streetscape.

The proposed Hub would not be a direct replacement of 2 existing phone boxes and as such there would be no visual benefits as a result of this application.

The proposed development is therefore considered to be unacceptable and would be contrary to policies EN1/2, EN1/4, EN5/1, HT6/1 and EN1/9 .

Access - The Rock was designed as an open and wide walkway where there is a defined line and regimented pattern of street furniture which runs along The Rock, leaving a spacious pavement for pedestrian movement to the side of this delineation as well as provision for emergency access.

The Highway Authority have been consulted on the application and recommend refusal of the application as it would result in an unnecessary obstruction of the existing emergency access route and 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 would be sited close to the juncture with a pedestrian access which connects The Rock to Clerke Street. The proposed hub would not be located within the existing alignment of street furniture and would encroach onto a pedestrian walkway where there are currently no obstructions.

It would be sited within the access route so as to cause an obstruction for emergency vehicles accessing this part of the site.

The Highway Authority have recommended refusal of the application as there is a substantial concern that the proposed siting would impede emergency access and any piece of street furniture should not be sited so as to encroach the areas which are used for emergency access purposes.

The Highway Authority have also noted that the 2 no phone boxes proposed for removal are not located in the town centre and therefore the proposed Hub would not be a direct replacement of the facility in this location.

The proposed development would therefore be contrary to policies EN1/2, EN1/4, EN5/1, HT6/1, EN1/9 and EN1/10.

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

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

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

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal would result in an unnecessary obstruction of the existing emergency access route and 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 two 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 The Rock and contrary to the active travel aspirations of the Council. The proposed development would therefore be contrary to UDP Policies EN1/2, EN1/4, EN5/1, HT6/1, EN1/9 and EN1/10.
- 2 The proposed development by reason of its siting and position within The Rock would introduce a piece of street clutter which would interrupt the visual rhythm and pattern of the existing street furniture and layout of the streetscene and would be seriously detrimental to the visual amenity and appearance of the streetscene. The proposed development would therefore be contrary to UDP Policies EN1/2, EN1/4, EN5/1, HT6/1, EN1/9 and EN1/10.

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