

# NOTICE OF REFUSAL OF PLANNING PERMISSION

## Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

**To:**

Mr Stephen Herraghty  
JCDecaux  
991 Great West Road  
Brentford  
TW8 9DN

**On Behalf Of:**

Mr Nathan Still  
In Focus Ltd  
991 Great West Road  
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TW8 9DN

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### PART 1 - Particulars of Application

**Application Number:** 70426

**Date of Registration:** 05/02/2024

**Proposal:**

Installation of 1no. multifunctional communication hub including defibrillator and advertisement display

**Location:**

Pavement outside 61 The Rock, Bury, BL9 0NB

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### PART 2 - Particulars of Decision

The Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reasons:-

- 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. 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 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. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2, EN1/4, EN5/1, HT6/1, EN1/9, EN1/10 and CF1/1.
- 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. 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.

**Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:**

|        |                                               |
|--------|-----------------------------------------------|
| EN1    | EN1 - Built Environment                       |
| EN1/2  | EN1/2 - Townscape and Built Design            |
| EN1/9  | EN1/9 - Advertisements                        |
| EN1/10 | EN1/10 - Telecommunications                   |
| EN1/4  | EN1/4 - Street Furniture                      |
| HT5/1  | HT5/1 - Access For Those with Special Needs   |
| CF1/1  | CF1/1 - Location of New Community Facilities  |
| HT6/1  | HT6/1 - Pedestrian and Cyclist Movement       |
| S1/1   | S1/1 - Shopping in Bury Town Centre           |
| S2/3   | S2/3 - Secondary Shopping Areas and Frontages |
| NPPF   | National Planning Policy Framework            |
| JP-C2  | Digital Connectivity                          |

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**Applicant Plan Numbers:**

A/489467/01 Rev A, Site 4 Existing, Site 4 Proposed - A02425

**NOTES TO APPLICANT**

- . It is brought to the attention of the applicant that the proposal affects existing adopted highway and that the necessary permit for the placement of such equipment on the adopted highway is highly likely to be refused by the Highway Authority.

Signed:

A handwritten signature in black ink, appearing to read 'P. H. H.', written in a cursive style.

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On behalf of the Council

**Date of Decision:** 27/03/2024