

DELEGATED REPORT

Report by Claire Booth	Date of report: 22/08/2025	Ref: 72031/FUL
Registration: 09/06/2025	LDfC: 03/07/2025	Expiry Date: 04/08/2025
Site Visit:	Site Notice: 18/06/2025	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 1 no. BT Street Hub Unit with 2 no. digital 75 inch LCD display screens either side of unit and relocation of existing phone kiosks

Location: Pavement adjacent to car park in front of 174-176 Walmersley Road, Bury, BL9 6LL

Description

The application site relates to the pavement that runs alongside Chesham Shopping Precinct, on Walmersley Road opposite the junction of Walmersley Road with Eldon Street.

The application site is within an allocated Neighbourhood Shopping Centre (Chesham), as defined within the adopted Development Plan.

The application seeks planning permission for the installation of 1 no. BT Street Hub incorporating a 75" LCD advert screen. During the course of the application, amended plans have been submitted confirming the distance of the proposed BT Hub from the Pedestrian Crossing in proximity of the proposed hub. The location of the proposed Hub would be sited approximately 20m north of a Pedestrian Crossing, located close to the junction of Chesham Road.

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 charge points. 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 galvanized mild steel, with a powder coated external grade aluminium exterior. Displays would 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 the digital display advert (72031).

Relevant Planning History

51027 - 2 NO. EXTERNALLY ILLUMINATED FASCIA SIGNS; 1 NO. INTERNALLY ILLUMINATED PROJECTING SIGN; WINDOW GRAPHICS - Approved with Conditions, 27/03/2009

54070 - New shop front including sliding entrance door - Approved with Conditions, 02/08/2011

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54452 - Installation of a refrigeration plant to the rear - Approved with Conditions
19/10/2011

65010 - Replacement refrigeration plant and compound, redecoration of shop elevations to include window and door frames, fascia and stall risers and installation of external lighting - Approved with Conditions, 10/02/2020

65827 - 2 No. internally illuminated logo/fascia signs, 1 no. non-illuminated letters/fascia sign, 1 no. externally illuminated projecting sign, 2 no. non-illuminated banner frames and 6 no. non-illuminated panel signs - Approved with Conditions, 07/10/2020

71482 - Advertisement consent for 2 no. digital 75 inch LCD display screens either side of 1 no. BT street hub unit - Refused, 17/02/2025

71491 - Installation of 1 no. BT street hub unit with 2 no. digital 75 inch LCD display screens either side of unit - Withdrawn by Applicant, 02/08/2025

72032 - Advertisement consent for 2 no. digital 75 inch LCD display screens either side of 1 no. BT street hub unit - Currently under consideration.

Publicity

Not applicable.

Statutory/Non-Statutory Consultations

Traffic Section - Object - Proposal would create an unnecessary obstruction of the highway, would create an unacceptable obstruction of the adopted footway, would restrict visibility, cause a distraction to drivers approaching the Pedestrian Crossing, and the submitted plans contain insufficient information in relation to the removal of existing phone kiosks.

Greater Manchester Police - designforsecurity - No comments or observations received.

Transport for Greater Manchester - General comments provided in relation to sight lines, distance from the highway and risk of vehicle strike and refer to Traffic Section.

Pre-start Conditions - Not relevant

Development Plan and Policies

S1/5	Neighbourhood Centres and Local Shops
EN1/2	Townscape and Built Design
EN1/7	Throughroutes and Gateways
EN1/10	Telecommunications
EN1/4	Street Furniture
HT5/1	Access For Those with Special Needs
JP-P1	Sustainable Places
JP-C5	Streets For All
JP-C6	Walking and Cycling
NPPF	National Planning Policy Framework

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Principle

Paragraph 119 of the NPPF states that advanced high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including the next generation mobile technology (5G) and full fibre broadband connections.

Paragraph 120 states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers., the efficient operation of the network and providing reasonable capacity for future expansion.

Paragraph 123 states that Local Planning Authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

Policy EN1/10 states that the Council will give favourable consideration to proposals for new telecommunications development. In assessing proposals the Council will have regard to the following:

- the operating requirements of available and new telecommunications technology, and the national telecommunications network;
- the legal requirements of telecommunications code system operators;
- siting and design - including the opportunity for sharing masts or siting on existing buildings, height, ancillary development, landscaping, screening and the type and colour of materials used;
- the visual and physical impact, especially on the Green Belt, river valleys, Special Landscape Areas, Listed Buildings, Conservation Areas, ancient monuments and archaeological remains.

The proposed development would provide a street hub, which would ultrafast public and encrypted Wi-Fi and free phone calls, which would be powered by 100% renewable carbon-free energy. The proposed hub would provide WiFi to the public adjacent to the retail park and would be an appropriate ancillary retail use. Therefore, the proposed development would be acceptable in principle and would be in accordance with the NPPF and Policy EN1/10 of the Bury Unitary Development Plan.

Siting and Visual Amenity

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. It is recognised that such services can deliver social, economic and environmental benefits in terms of it being a community facility. In principle, the provision of such services within a publicly accessible area and within a spacious street setting is considered to be acceptable.

The proposed hub would be 2.9 metre high, 1.2 metres wide and 0.3 metres deep and would be constructed from galvanized mild steel, with a powder coated external grade aluminium exterior. The displays would be made of tempered and toughened glass. The proposed materials would be appropriate within the town centre setting.

There is existing street furniture in the immediate vicinity, including a telephone box, to be removed, two clothes recycling banks, street lighting columns, and concrete bollards which separate the Shopping Precinct car park from the adopted highway. The site is also located within Chesham Neighbourhood Shopping Area, opposite two properties in commercial use. As such, the provision of a street hub with display panels would not be a prominent feature in the street scene. Therefore, the proposed development would be in accordance with Policies EN1/2, EN1/4 and EN1/10 of the Bury Unitary Development Plan and Policy JP-P1 of the Places for Everyone Joint Development Plan.

Access issues

Places for Everyone Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The proposed development would be located on the pavement, which forms part of the adopted highway and due to the proposed advertisements being sited approximately 20m north of the Pedestrian Crossing. As such, there was a concern that the proposed development may be a distraction for drivers approaching the Pedestrian Crossing when driving along Walmersley Road.

The Traffic Section has objected to the proposal on the basis the proposal would create an unnecessary obstruction of the highway, would create an unacceptable obstruction of the adopted footway, would restrict the visibility as drivers approach the Pedestrian Crossing and plans contain insufficient information in relation to the removal of the existing

phone kiosk.

However, the applicant has carried out a Driver Distraction Assessment (DDA) which states that the unit has been positioned following careful consideration of the TfL Guidelines, whilst taking account of the proximity of the Pedestrian Crossing, and specifically, that the siting would achieve the following:

- There would be no conflict with any traffic signs, signals, crossing points, schools, hospitals or low bridges.
- No sightlines or clearances would be affected.
- The TfL guidance states that 'Static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted.' There is existing traditional advertisement on similar sections of the respective roads in many cases.
- The geometry of the roads is not complicated, and the driving conditions are not considered to be demanding or complicated.
- The advertisements would not be experienced by a driver in conjunction with any other similar digital advertisements.
- As per the TfL guidance, the advertisements would be located as close to the driver's natural eye line as possible and facing as head-on to the traffic as is practical.

The DDA concludes that overall, it is considered that the advertising display would have no material impact on driver distraction, highway safety or public safety.

For the above reasons, the Council considers the proposal is acceptable in terms of Public Safety.

Conclusions

The proposed advertisements would not have a detrimental impact on amenity or public safety and is therefore considered acceptable. It is thus recommended the proposals be given consent.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This permission relates to the following plans:

Drawing no. BRY-105:002 Rev. C: Proposed Site Plan;
Drawing no. BRY-105 Rev. C: 003 Rev. C: Overall Street Scene Plan;
Drawing no. STH-001: Street Hub Dimensions Elevations; and
Drawing no. BRY-105-B: 005 Rev.C: Proposed Site Elevation

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Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan, the Greater Manchester Places for Everyone Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	22/08/2025	DM	22/8/25