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8 May 2024

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

Our Ref: A02426
LPA Ref: 70427
70444

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 O/s Mill Gate Shopping Centre, Union Street, Bury BL9 0NY

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.

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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 16th 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^A. 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 16th of January 2024. Subsequently, on the 7th 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^B. The application was subsequently refused on the 27th of March 2024. The reasons for refusing PP and AC are extracted below.

Planning Permission - Reasons for Refusal

- 1. The proposed development, due to the scale, siting, materials and position would result in the introduction of incongruous street furniture that would be detrimental to the visual amenities of the area and the appearance of the street scene. The proposed hub would neither preserve nor enhance the setting, appearance or character of the immediately adjacent Bury Town Centre Conservation Area or the Non-Designated Heritage Asset.*
- 2. The application and submitted plans fail to adequately assess the impacts of the proposal on the significance of the identified Non-designated Heritage Asset and Conservation Area through the submission of a Heritage Assessment. The application and submitted plans therefore contain insufficient information to enable*

^A JCD 1 - BURY COUNCIL Response 02843

^B JCD 2 - Live Application Query

them to be properly assessed in relation to the impact of the proposal on the Non-Designated Heritage Asset and Bury Town Centre Conservation Area.

- 3. The proposal would result in an unnecessary obstruction of the adopted highway 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 and contrary to the active travel aspirations of the Council.*
- 4. 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.*

Advertisement Consent - Reasons for Refusal

- 1. The proposed development by reason of its siting and position 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.*
- 2. The proposal would result in an unnecessary obstruction of the existing adopted highway 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 and contrary to the active travel aspirations of the Council.*

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, EN1/1, EN1/2, EN1/4, EN1/9, EN1/10, EN2/1, EN2/2, HT5/1, and HT6/1, as well as the Bury Town Centre Character Appraisal (2007). 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 Conservation 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 hub on Union Street would introduce incongruous street furniture detrimental to the visual amenities of the area and the historic significance of the Bury Town Centre Conservation Area. However, the design of the hub has been carefully considered to complement the surrounding environment while respecting the historic character of the area. Comprehensive on-site assessments have been undertaken to ensure compatibility with listed and non-designated heritage assets.

The refusal notice contends that the application lacks an adequate Heritage Assessment to evaluate its impact on listed buildings, non-designated heritage assets, and the conservation area. However, we assert that comprehensive heritage assessments have indeed been conducted, and all necessary information has been provided to thoroughly assess the proposal's impact. Any perceived deficiencies can be addressed through supplementary documentation and further consultation with heritage authorities.

While the details provided within the covering letter may not have been specifically labelled as a Heritage Statement, they elucidate the proposal's relation to the heritage assets in the area and why the introduction is not expected to detract from the area's amenity. Furthermore, we proactively followed up during the application timeline to inquire if there was any further information we could provide. Unfortunately, there was no attempt from Bury Council to obtain further justification from our side.

The refusal notice raises concerns about the proposed installation's potential obstruction of the 9m wide section of pedestrianised adopted highway and the creation of additional street clutter, especially given its advertisement-focused nature. Nevertheless, the design of the proposal includes measures aimed at minimising obstruction and ensuring pedestrian safety.

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^C.

The refusal notice suggests that the application lacks information regarding the wider strategy for the need for and provision of defibrillators throughout the borough. Any additional information required can be provided to demonstrate the proposal's alignment with broader public health objectives. Again, there was no attempt from the Bury Council to obtain further information regarding the defibrillator provision from our side during the application timeline.

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 enhances 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 Union Street, 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

^C JCD 3 - Developers Notice - A02426 - Os Mill Gate Shopping Centre