

DELEGATED REPORT

Report by Claire Booth	Date of report: 08/06/2026	Ref: 72992/ADV
Registration: 13/04/2026	LDfC: 08/05/2026	Expiry Date: 08/06/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: ADVT

Proposal: Advertisement consent for 1 no. BT Street Hub Unit with 2 no. digital 75 inch LCD display screens either side of unit

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

Description

The application relates to an area of pavement outside No. 1 Market Street within Bury Town Centre. The site is located within Bury Town Centre Conservation Area and within the setting of listed buildings.

The area of pavement is located to the north of the entrance to the Millgate Shopping Centre, and to the west of a row of commercial premises that face directly onto Market Street.

Advertisement Consent and planning permission is sought for the installation of 1no. communication hub and an advertisement display. The proposed hub would reach a height of 2980mm, a width of 1236mm and a depth of 350mm.

The submitted Proposed Site Plan shows the proposed BT hub/ advert would be sited approximately 4685mm south of the Bus Stop sign and would run in line with the end of the bus stop box markings.

Relevant Planning History

72991 - Installation of 1 no. BT Street Hub Unit with 2 no. digital 75 inch LCD display screens either side of unit - Under consideration

Pavement outside 46 Haymarket Street

70422 - Installation of 1 no. multifunctional communication hub including defibrillator and advertising display. - Refused, 19/03/2024 - Appeal Dismissed - Appeal Ref: APP/T4210/H/24/3343989, 12/08/2024

70423 - Advertisement consent for display integrated into multifunctional communication hub unit - Refused, 19/03/2026

Publicity

N/A

Statutory/Non-Statutory Consultations

Traffic Section - Raises concerns given the presence of the bus stop and street clutter

Conservation Officer - Raises objections

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Development Plan and Policies

EN1/9	Advertisements
EN1	Built Environment
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2	Conservation and Listed Buildings
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN1/10	Telecommunications
EN1/4	Street Furniture
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
HT6/1	Pedestrian and Cyclist Movement
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 of development

The Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. These matters are considered below:

Amenity

The Framework states that poorly placed advertisements can have a negative impact on the appearance of the built natural environment, but that the control over outdoor advertisements should be efficient, effective and simple in concept and operations. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the Local Planning Authority's detailed assessment.

NPPG Paragraph 79 states that the Local Planning Authority should consider the local characteristics of the neighbourhood, and whether the proposal is considered to be in scale and in keeping with those features.

In terms of visual amenity UDP Policy EN1/2 seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

UDP Policy EN1/4 seeks to ensure the siting and design of street furniture 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. In terms of telecommunication installations UDP Policy EN1/10 confirms 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.

The pavement on this side and section of street already has a sense of enclosure by virtue of the projecting canopy extending from the Millgate Shopping Centre. the outside seating provision outside the corner unit within the shopping centre, due to the presence of the bus stop and the due to the street trees present along this section of the highway which the proposed hub would sit between adjacent to the Bus Stop.

Due to the height and width of the proposed hub, it would appear as a significant addition to the footpath. The proposed Street Hub would be sited very close to a bus stop, bins, and a street light, which has a traffic sign attached to it. As such, the proposed Street Hub would contribute to an abundance of street furniture which is positioned across a short section of footpath which is not particularly wide. Moreover, the proposed orientation of the Street Hub would be such that it would face toward people walking along the footpath. Combined with the illuminated advertisement, this would increase the prominence of both the proposed development and advertisement. Taking account of the above factors, the proposal would result in the footpath appearing cramped and cluttered to the detriment of the visual amenity of the street scene.

Further justifying this position, the proposal would provide a double sided 75 inch screen display which would cause a greater visual impact than the dismissed appeal proposal APP/T4210/H/24/3343989, 12/08/2024 for a similar BT hub and advert application at 46

Haymarket Street that is located approximately 17 metres north of the application(s) site on the same side of the road and would be closer to the listed buildings at 18-20 Market Street and the Derby Hall Market Street with The Kay Monument to the south. It would impact their settings by virtue of its siting and its intervisibility with those buildings and views up to Market Place, further contemporising the immediate vicinity of the listed buildings in which they would be experienced, thus diminishing their significance and detracting from the character and appearance of the conservation area in which they are set.

As such the proposal would not, by virtue of its proposed siting, scale and massing, mitigate the harm identified on the previous applications to the setting of the listed buildings. It would also not mitigate the contemporising harm to the character and appearance of the conservation area by virtue of its size, siting and visual impact. The harm caused to the character and appearance of the conservation area and the setting of the listed buildings would constitute less than substantial harm and whilst there may be some public benefit provided by the hub it is not considered it would outweigh the harm identified, which would result in further dilution of the character and appearance of Bury Town Centre Conservation Area.

For these reasons the proposal would clearly harm the amenities of this locality.

Public Safety

NPPG Paragraph 67 states that all advertisements are intended to attract attention, but proposed advertisements at points where drivers need to take more care are likely to affect public safety.

The Council's Highways team have not raised any objections to the advert, just to the BT hub itself.

Conclusions

The proposed advertisements would have a detrimental impact on amenity and it is therefore recommended the proposal be refused.

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.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed siting of the proposed advertisement and associated hub 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 streetscene. The proposed hub would also neither preserve nor enhance Bury Town Centre Conservation Area within which the site is located and would have an unacceptable impact on the setting of Listed Buildings and Non-Designated Heritage Assets, that would lead to a development that is neither sympathetic to nor compatible with the historic significance of the buildings. The proposed development therefore conflicts with Policy EN1/9 - Advertisements, EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation Area, EN2/2 - Conservation Area Control, EN2/3 - Listed

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Buildings, and EN1/4 - Street Furniture of the Bury Unitary Development Plan, Bury Town Centre Conservation Area Appraisal and the National Planning Policy Framework.

- 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, in an area already enclosed, which would be detrimental to pedestrian safety and maintaining existing pedestrian desire lines. The proposal therefore conflicts with the following policies of the Unitary Development Plan EN1/9 Advertisements.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	08/06/2026	DM	08.06.2026