

DELEGATED REPORT

Report by Claire Booth	Date of report: 08/06/2026	Ref: 72991/FUL
Registration: 13/04/2026	LDFC: 15/05/2026	Expiry Date: 08/06/2026
Site Visit:	Site Notice: N/A	Press Date: 23/04/2026
Objections:	Con Area: BURY	Adv Type: LBCA
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

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.

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 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

72992 - Advertisement consent for 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

70442 - 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

Publicity

Press Notice: 23/04/2026

Site Notice: 21/04/2026

Statutory/Non-Statutory Consultations

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

Greater Manchester Police - designforsecurity - Having looked at the proposals there are a number of external seating areas in the vicinity of the Street Hub and these might be subject to loitering and other misuse, due to the free Wi-Fi calls these units provide.

Conservation Officer - Raises objections

Pre-start Conditions -Not applicable

Development Plan and Policies

EN1	Built Environment
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN2	Conservation and Listed Buildings
EN1/5	Crime Prevention
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN1/9	Advertisements
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
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-P2	Heritage
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.

Impact on the character and appearance of the conservation area and the setting of listed buildings

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving a listed building or its setting or any feature of architectural or historic interest it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building.

Paragraph 205 of the National Planning Policy Framework (NPPF) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 208 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 209 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The application site is within Bury Town Centre conservation area. The conservation area is on the Historic England Heritage at Risk Register and therefore the Council is trying to secure development that enhances the traditional character and appearance of the conservation area, or at the very least preserve its character. The application site is also within the setting of listed buildings

The two applications under consideration (72991 and 72992) are similar to two refused

applications (70422 & 70423) which sought permission for a communications hub and defibrillator and which were proposed to be sited approximately 17 metres north of the application(s) site on the same side of the road - Market Street/Haymarket Street, outside 46 Haymarket Street. The application refusals were appealed and dismissed, appeal reference APP/T4210/W/24/3343988 on 12/08/2024.

The Inspector commented with regard to the impact of the proposals on the character and appearance of the conservation area as follows:

"I therefore conclude on the first main issue that, in respect of Appeal A, the proposal would fail to preserve or enhance the character and appearance of the CA, contrary to the requirements of Section 72(1) of the Act and the relevant provisions of the Framework, PfE policies JP-P1 and JP-P2 and UDP policies EN1/2, EN1/4 and EN1/10. These policies, amongst other things, seek to ensure that new development, including street furniture, is suitably located and well-designed, respects and would not have an unacceptable adverse effect on the particular character and townscape, and conserves the historic environment. With regards to Appeal B, the proposal would have an unacceptable effect on the amenity of the area. The policies of the development plan have been considered as far as they are material, and in this respect, the proposal would also conflict with the above identified policies and UDP Policy EN1/9 which requires advertisements to have regard to the characteristics of the local neighbourhood".

This proposal being considered would provide a double sided 75 inch screen display which would cause a greater visual impact than the dismissed appeal proposal 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.

Impact on the street scene

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.

It is therefore recommended that the proposal also be resisted on this ground.

Crime and Disorder

Paragraph 96 of the NPPF stated planning decisions should aim to achieve healthy, inclusive and safe places which, amongst other things, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.

Greater Manchester Police have noted that there are a number of external seating areas in the vicinity of the proposed Street Hub and these might be subject to loitering and other misuse, due to the free Wi-Fi calls these units provide. Kay Gardens to the south of the application site experiences anti-social behaviour which detracts from approaches from Market Street, the application site, and the bus interchange to Bury Market. Bury Market is a highly important asset to the vibrancy and vitality of the Town Centre, which needs to be protected from such development.

Highway Safety

UDP 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.

The proposed Hub would be sited in position that would cause a detrimental increase in street furniture on an open area of pavement in very close proximity to a bus stop. It is considered that the addition of a Communication Hub orientated at 90 degrees to the highway, along with its siting in the middle of this open pavement, would be seen as an obstruction within the street scene and would obstruct pedestrian flow, which is narrower than shown on the submitted plans due to the presence of the outside seating area. The proposal would therefore be detrimental to highway safety.

Other Matters

UDP Policy CF1/1 supports community facilities, which providing on-street public wifi and although the benefits of providing public wifi in this particular part of Market Street, the harms identified to the street scene, the character of the conservation area, the setting of listed buildings and the obstruction on the public highway all outweigh this public benefit.

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 development, due to its scale, massing, siting, materials and position of the proposed Hub within this part of the Town Centre shopping centre area would result in the introduction of incongruous street furniture and the enclosure of this part of the street to the detriment of the visual amenities of the area and the appearance of the streetscene. The proposal therefore conflicts with Policies EN1/2 - Townscape and Built Design, EN1/10 - Telecommunications, and EN1/4 - Street Furniture of Bury Unitary Development Plan, Bury Town Centre Conservation Area Appraisal and the National Planning Policy Framework.
- 2 The proposed siting, scale and massing 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 Buildings, and EN1/4 - Street Furniture of the Bury Unitary Development Plan, Bury Town Centre Conservation Area Appraisal and the National Planning Policy Framework.
- 3 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, which would detract from pedestrian desire lines and public safety. The proposal therefore conflicts with Policies EN1/2 - Townscape and Built Design, EN1/4 - Street Furniture, EN1/5: Crime Prevention, EN1/10 - Telecommunications, HT5/1 - Access For Those with Special Needs and HT6/1 - Pedestrian and Cyclist Movement of the Bury Unitary Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	08/06/2026	DM	08/06/26