

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 26/03/2024	Ref: 70426/FUL
Registration: 05/02/2024	LDfC: 05/03/2024	Expiry Date: 01/04/2024
Site Visit: 01/03/2024	Site Notice: 01/03/2024	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 1no. multifunctional communication hub including defibrillator and advertisement display

Location: Pavement outside 61 The Rock, Bury, BL9 0NB

Description

The proposed site is situated on a pedestrianised retail street, at the junction of The Rock and Tithebarn Street in Bury town centre.

Planning permission is sought for the installation of 1 no.. multi functional communication hub including a defibrillator and single sided advertisement panel that would measure 1065mm x 1895mm.

The unit would be 2.6m high and 1.3m wide and 0.3m in depth.

The unit would provide a number a functions and services including free calls to landlines, a range of additional connective functions that include free wi-fi, touch screen wayfinding, direct access to local web pages, publicly accessible defibrillator and device charging capabilities.

One side of the unit would be a single sided advertising panel.

Relevant Planning History

53366 - Non-illuminated poster panel to media cabinet (resubmission) - 10/08/2011

53366 - Non-illuminated poster panel to media cabinet (resubmission) - Refused
17/01/2011

70443 - Advertisement consent for display integrated into multi functional communication hub unit - Concurrent application

Publicity

Site notice posted 1/3/24.

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal for obstruction/restriction to the highway and street clutter

Greater Manchester Police - designforsecurity - No comments to make.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1	Built Environment
EN1/2	Townscape and Built Design
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
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
NPPF	National Planning Policy Framework
JP-C2	Digital Connectivity

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.

Places for Everyone

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

All nine Councils adopted PfE with effect from 21 March 2024 which means that the Plan is now part of the statutory development plan for Bury and holds full weight in regard to planning applications.

The principle of this proposal does not give rise to any conflict with PfE policies.

Policy JP-C2 - Digital connectivity supports the provision of affordable high quality, digital infrastructure.

The proposed development would accord with this policy.

UDP Policies

Policy EN1/2 - Townscape and Built Design will give favourable consideration to development which do not have an unacceptable effect on the character of an area. factors considered when assessing proposals include appearance, design and relationship to an area, choice and use of materials, access, and use of lighting.

Policy EN1/4 - Street Furniture seeks to ensure the siting and design 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.

EN1/9 - Advertisements - States that proposals should have regard to interests of amenity and public safety in order to enhance the quality of the Borough's environment. Regard will be given to factors including characteristics of the local neighbourhood, scale of the existing building and structures, nature of the prominent land use, presence of heritage assets and effect on the safe use of any form of transport including the safety of pedestrians.

Policy EN1/10 - Telecommunications - In assessing such proposals, 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.

CF1/1 Proposals for new and improved community facilities will be considered with regard to the following factors:

- impact on residential amenity and the local environment;
- traffic generation and car parking provision;
- the scale and size of the development;
- where applicable, access to shops and other services;
- if the use is intended to serve a local community, or catchment area, the suitability of the chosen location in relation to that community or catchment area;
- accessibility by public and private transport;
- the needs and requirements of the disabled;

Highway 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.

Principle (Use)

The Hub Unit, in addition to free calls to landlines, offers a range of additional connective functions that include free Wi-Fi, a 32-inch touch screen to enable wayfinding, direct access to local webpages, a publicly accessible defibrillator and both USB and wireless device

charging capabilities. The communication apparatus includes a telephony element together with an advertised face to the rear. It is recognised that such services can deliver social, economic and environmental benefits to the public benefit in terms of it being a community facility.

Policy CF1/1 however confirms that if the use is intended to serve a local community, the suitability of the chosen location in relation to that community needs to be considered. Whilst acknowledged that the installation would have some public benefit, 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.

It is noted that the advertisement function would provide some revenue to support the provision and maintenance of the equipment however other defibrillators have been sited within the borough that have not required a large advertisement face, and associated revenue in order to provide the same public benefit.

As such it is considered that the proposal would fail to comply with UDP Policy CF1/1.

Siting

The proposed hub would be sited within a pedestrian walkway on northern side of The Rock. This is a well traversed route by pedestrians and more so as it forms a junction with Tithebarn Street which is used as a cut-through to link to other pedestrian routes in the town.

There are a number of digital advertisement boards, bins and benches located along the opposite side of The Rock which follow a delineated route with pedestrian movement predominantly either side. There is also a digital advert board directly to the north of the site between Nos 55 and 61 The Rock.

Conversely, apart from street lights, the northern side of The Rock is devoid of any street furniture and clutter and there is a defined paved route along this length of The Rock which provides an unobstructed and visually open access and route for pedestrians.

The proposed Hub would introduce a piece of street furniture which would be sited outside any established line of street furniture and would introduce clutter to this area of The Rock which was designed to provide an unobstructed and visually open route as well as a clear pedestrian access. The proposed unit would not only add unnecessary clutter to the area but would cause an obstruction to pedestrians travelling along the Rock.

In addition, as noted above, there are a number of digital display boards in the immediate locality and it is considered that the proposed siting of another digital unit would result in the proliferation of digital display screens within very close proximity of each other and thus another display would by its very addition, would further detract from the streetscene.

It is therefore considered that the proposed siting of the Hub would cause an obstruction to public access and have a detrimental impact on the appearance and pattern of the existing streetscape.

The proposed development is therefore considered to be unacceptable and would be contrary to policies EN1/2, EN1/4, EN5/1, HT6/1 and EN1/9 .

Access

The Rock was designed as an open and wide walkway where there is a defined line and regimented pattern of street furniture which runs along the southern side of The Rock, leaving a spacious pavement for pedestrian movement on the other side of this delineation.

The proposed Hub would be sited close to the juncture with a pedestrian access which connects The Rock to Tithebarn Street and would not be located within the existing alignment of street furniture and would encroach onto a pedestrian walkway where there

are currently no obstructions which would cause conflict with pedestrian movement in general and in particular, those with mobility impairment especially when consideration is given the potential congregation of pedestrians created by the use of the associated Hub.

The Highway Authority have been consulted on the application and recommend refusal as the development 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. The proposal would be detrimental to pedestrian safety and the maintenance of 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 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.

Recommendation: Refuse

Conditions and 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.

<u>Case Officer</u> JT 26/3/24	<u>Date</u>	<u>Sign off Officer</u> DM	<u>Date</u> 27/03/2024
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