

DELEGATED REPORT

Report by Mark Kilby	Date of report: 08/08/2022	Ref: 68443/FUL
Registration: 12/05/2022	LDFC: 28/07/2022	Expiry Date: 07/07/2022
Site Visit: 09/06/2022	Site Notice: 09/06/2022	Press Date: 07/07/2022
Objections:	Con Area: BURY	Adv Type: CA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Location: Pavement outside 25 The Rock, Bury, BL9 0JP

Description

An application for the installation of 1no. new BT Street Hub, incorporating a 75" LCD advert screen to each side of the hub. It would be sited within Bury town centre. The site is the pedestrianised area of The Rock and the Hub would be sited outside No. 25 The Rock 3.30 metres from the shop frontage to the northern side of The Rock. There is an existing delineation of street furniture comprising of planters, seating and stand alone advertisement displays that extend along The Rock towards The Rock Triangle development. Pedestrian movement is predominantly either side of this delineated area.

The main Street Hub structure will be made of galvanised mild steel, with a powder coated external grade aluminium exterior. Displays will be made of tempered and toughened laminated glass. There will also be Radio Frequency transparent compartments.

The Hub comprises of and would provide the following:

- Ultrafast public and encrypted Wi-Fi Access to public services
- Multiple accessibility options powered by 100% renewable carbon-free energy
- Inspected weekly and cleaned at least every two weeks, monitored 24/7
- Secure power-only USB ports for rapid device charging
- Free phone calls Direct 999 call button
- Display community and emergency (i.e. police) awareness messaging
- Environmental sensors to measure air quality, noise, traffic and more.

The two 75-inch LCD display screens would have static illumination with changing images. A maximum day time luminance level 2500 candela per square metre (Cd/m²) automatically reducing to 600 Cd/m² at night time. The proposed Hub would replace two existing BT payphones which are distance away from the site at the start of the pedestrianised area and as such the proposed Hub would not be a direct replacement for them and as such their removal is not relevant to this application.

Dimensions of the Hub would be 2.960m high, 1.236m wide and 0.35m deep.

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.

An application for advertisement consent, 68444, has been submitted which will assess the the use of the Hub to display advertisements.

Relevant Planning History

68444 - Advertisement consent for installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks. -

Publicity

Press Notice 7/7/22, Site Notice 9/6/22. No objections or comments received.

Statutory/Non-Statutory Consultations

Traffic Section - Objection - The proposal would result in an unnecessary obstruction of the existing emergency access route and adopted highway and the creation of additional street clutter for an installation that primarily consists of an advertisement screen that is not a direct replacement for the adjacent telephone kiosks, and 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.

Greater Manchester Police - designforsecurity - no objection.

Pre-start Conditions - Not applicable.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/10	Telecommunications
EN1/4	Street Furniture
EN1/5	Crime Prevention
EN7/2	Noise Pollution
HT6/1	Pedestrian and Cyclist Movement
HT5/1	Access For Those with Special Needs
CF1/1	Location of New Community Facilities
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) and 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 Policy 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.

Policies - EN1/1 Visual Amenity - Development will not be permitted where proposals would have a detrimental effect on:

public views of prominent or important buildings, especially those in areas of architectural or historic interest;
the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

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.

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.

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.

CF1/1 - Location of New Community Facilities - 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;

Use - 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 and provide USB chargepoints. 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. As such the proposal would, subject to appropriate siting, in principle be acceptable.

Siting - The proposal would be sited outside the existing delineation of street furniture comprising planters, seating, bollards and other stand alone advertising display units. It is considered the position in which the proposal would be sited would conflict with pedestrian movement in general or those with mobility impairment especially when consideration is given the potential congregation of pedestrians created by the use of the Hub. Pedestrian movement is predominantly either side of this delineation.

The proposed Hub would be sited in an isolated position that would cause a detrimental increase in street furniture outside the delineated area causing unacceptable harm to the visual amenity of the street scene. It would represent an incongruous structure in its isolated position and would conflict with desired sight lines.

As such the proposal would conflict with the aims of adopted UDP policies EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design, EN1/4 - Street Furniture, EN1/10 - Telecommunications, HT5/1 - Access for those with Special needs and HT6/1 - Pedestrian and Cyclist movement.

Access - The proposed hub would be located on the public highway within a pedestrianised shopping area.

The Highway Authority have recommended refusal for the following reasons:

The proposal would result in an unnecessary obstruction of the existing emergency access route and adopted highway and the creation of additional street clutter for an installation that primarily consists of an advertisement screen that is not a direct replacement for the adjacent telephone kiosks, and 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.

As such the proposal would conflict with the aims of adopted UDP policies EN1/4 - Street Furniture, EN1/10 - Telecommunications, HT5/1 - Access for those with Special needs and HT6/1 - Pedestrian and Cyclist movement.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed siting of the BT Hub would be seriously detrimental to the visual amenity of the street scene, nearby occupiers and pedestrians by reason of its siting on the adopted pedestrianised highway and would cause pedestrian movement conflict and conflict with desired sight lines. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design, EN1/4 - Street Furniture,

DELEGATED REPORT

EN1/10 - Telecommunications, HT5/1 - Access for those with Special needs and HT6/1 - Pedestrian and Cyclist movement.

- 2 The proposal would result in an unnecessary obstruction of the existing emergency access route and adopted highway and the creation of additional street clutter for an installation that primarily consists of an advertisement screen that is not a direct replacement for the adjacent telephone kiosks, and 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 proposal would conflict with the following adopted policies of the Bury Unitary Development Plan: EN1/4 - Street Furniture, EN1/10 - Telecommunications, HT5/1 - Access for those with Special needs and HT6/1 - Pedestrian and Cyclist movement.

<u>Case Officer</u> MK 8/8/22	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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