

# NOTICE OF REFUSAL OF PLANNING PERMISSION

## Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

**To:**

Mr Stephen Herraghty  
JCDecaux  
991 Great West Road  
Brentford  
TW8 9DN

**On Behalf Of:**

Mr Nathan Still  
In Focus Ltd  
991 Great West Road  
Brentford  
Middlesex  
TW8 9DN

---

### PART 1 - Particulars of Application

**Application Number:** 70422

**Date of Registration:** 05/02/2024

**Proposal:**

Installation of 1no. multifunctional  
communication hub including defibrillator and  
advertisement display

**Location:**

Pavement outside 46 Haymarket, Bury, BL9  
0BX

---

### PART 2 - Particulars of Decision

The Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reasons:-

- 1 The proposed development, due to the scale, siting, materials and position of the proposed Hub within this part of the shopping centre and wide pavement 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 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 proposal therefore conflicts with the following policies of the Unitary Development Plan :  
EN1/1 - Visual Amenity  
EN1/2 - Townscape and Built Design  
EN2/1 - Character of Conservation Areas  
EN2/2 - Conservation Area Control  
EN2/3 - Listed Buildings  
EN1/10 - Telecommunications  
EN1/4 - Street Furniture  
Bury Town Centre Conservation Area Appraisal and the National Planning Policy Framework.
- 2 The application and submitted plans fail to adequately assess the impacts of the proposal on the significance of the identified Listed Buildings, Non-designated

Heritage Assets and Conservation Area through the submission of a Heritage Assessment. The application and submitted plans therefore contain insufficient information to enable them to be properly assessed in relation to the impact of the proposal on Listed Buildings, Non-Designated Heritage Assets and Bury Town Centre Conservation Area. The proposal therefore conflicts with the following policies of the Unitary Development Plan:

EN1/2 - Townscape and Built Design

EN2/1 - Character of Conservation Areas

EN2/2 - Conservation Area Control

EN2/3 - Listed Buildings

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, 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. The proposal therefore conflicts with the following policies of the Unitary Development Plan

EN1/2 - Townscape and Built Design

EN1/4 - Street Furniture

EN1/10 - Telecommunications

HT5/1 - Access For Those with Special Needs

HT6/1 - Pedestrian and Cyclist Movement

and the National Planning Policy Framework.

- 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. The proposal therefore conflicts with the following policy of the Unitary Development Plan CF1/1 - Location of New Community Facilities.

#### **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.

#### **The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:**

EN1 EN1 - Built Environment

EN1/1 EN1/1 - Visual Amenity

EN1/2 EN1/2 - Townscape and Built Design

EN2 EN2 - Conservation and Listed Buildings

EN2/1 EN2/1 - Character of Conservation Areas

EN2/2 EN2/2 - Conservation Area Control

EN2/3 EN2/3 - Listed Buildings

EN1/9 EN1/9 - Advertisements

EN1/10 EN1/10 - Telecommunications

EN1/4 EN1/4 - Street Furniture

HT5/1 HT5/1 - Access For Those with Special Needs  
CF1/1 CF1/1 - Location of New Community Facilities  
HT6/1 HT6/1 - Pedestrian and Cyclist Movement  
NPPF National Planning Policy Framework  
PFE Places for Everyone

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**Applicant Plan Numbers:**

A/489467/01 Rev A, Site 2 Existing, Site 2 Proposed, A 0 2 4 2 4

**NOTES TO APPLICANT**

1. It is brought to the attention of the applicant that the proposal affects existing adopted highway and that the necessary permit for the placement of such equipment on the adopted highway is highly likely to be refused by the Highway Authority.

Signed:



3 of 3

.....  
On behalf of the Council

**Date of Decision:** 19/03/2024