

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 11/08/2022	Ref: 68447/FUL
Registration: 12/05/2022	LDFC: 06/07/2022	Expiry Date: 07/07/2022
Site Visit: 09/06/2022	Site Notice: 09/06/2022	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. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks.

Location: Pavement adjacent Wilko, 111 The Rock, Bury, BL9 0NB

Description

The site relates to an area of a pedestrianised shopping street in Bury Town Centre which is located at the north eastern end of a main pedestrian route at The Rock.

The site is next to a superstore and there are 2 telephone boxes approx 4m from the shop frontage. There is also a utility service box which is set behind the phone boxes on the same delineation on the street.

There are other pieces of street furniture in this area comprising planters, benches and litter bins which are located on the opposite side of the pedestrianised walkway.

The application seeks planning permission for the installation of 1 no. BT Street Hub incorporating a 75" LCD advert screen. The two BT telephone kiosks would be removed.

Street Hubs are free standing structures which are the modern alternative to phone boxes and provide services including free phone calls and public wi-fi, access to public services and USB chargepoints. The Street Hubs are also an advertising platform with digital HD display screens on two sides.

Dimensions of the Hub would be 2.960m high, 1.236m wide and 0.35m deep. The Hub would be made of galvanised mild steel, with a powder coated external grade aluminium exterior. Displays will be made of tempered and toughened laminated glass.

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.

A separate application for advertisement consent has been submitted for the digital display advert (ref 68448)

Relevant Planning History

68448 - Advertisement consent for installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks - concurrent application

Publicity

Site notice posted 9/6/22

No representations received

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal - The proposal would result in an unnecessary obstruction of the 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 - Recommend that consideration be given to the potential of the unit attracting or increasing incidents of anti-social behaviour and loitering in these high footfall areas.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/4	Street Furniture
EN1/5	Crime Prevention
EN1/9	Advertisements
EN1/10	Telecommunications
EN7/2	Noise Pollution
S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
HT5/1	Access For Those with Special Needs
HT6/1	Pedestrian and Cyclist Movement
CF1/1	Location of New Community Facilities

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

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.

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.

Siting - The proposed hub would replace two existing BT phone boxes.

The proposed Hub would be sited on the same alignment and position as the two phone boxes and as such would not encroach any further into the pedestrianised walkway than currently exists. It is considered the space in which the proposal would be sited is large enough so as not to conflict with pedestrian movement in general or those with mobility impairment. Pedestrian movement is predominantly to the side of this delineation of street furniture and space would be retained for pedestrians to cross and re-cross this area without a detrimental increase in pedestrian conflict with the proposed or existing street furniture.

In this instance the proposed Street Hub would be a direct replacement of existing BT kiosks in terms of providing phone call facilities with the addition of wi-fi, digital services and

USB chargepoints and whilst the structure would comprise digital display type elevations it is considered that in this particular location on the Rock there would not be a detrimental impact on the appearance of the area.

Two phone boxes would be removed and replaced by a single and slim profile Hub structure, and as such there would be a reduction of street furniture in this particular part of the pedestrianised street and considered there would not be a harmful impact on visual amenity of the area.

There is an existing digital advertising display unit located to the south west of the Rock, more than 30m away. It is considered that given this separation and distance apart, it would be unlikely that the two digital screens would be viewed together within the street and as such it is considered there would not be a cumulative impact or proliferation of the same type of structure which would be intrusive to the streetscene or detract from the appearance of the area.

It is therefore considered the proposed development would be acceptable and comply with policies EN1/2, EN1/4, EN5/1, HT6/1, EN1/9 and EN1/10.

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 in terms of it being a community facility.

The proposed development would be a like for like replacement of the two telephone boxes in terms of delivering telecommunications services in the vicinity and as such considered to be of public benefit and acceptable.

In principle, the provision of such services within a publicly accessible area and within a spacious street setting is considered to be acceptable. There would not be an undue cause for concern in terms of obstructions to pedestrian flow caused by groups of people using the facility at one time

As such, the proposed hub is considered to comply with EN1/2, EN4/1, EN1/9 and HT6/1.

The use of the Hub for the dual purpose of digital advertising would be subject to the concurrent advertisement consent ref 68448.

Access - The proposed Hub would be located on a public highway and pedestrianised shopping street.

The Highway Authority (HA) have been consulted on the application and have recommended refusal due to the siting of an unnecessary obstruction of the adopted highway and that the structure would add to the street clutter for an installation that would primarily consist of an advertisement and therefore would not be a direct replacement for the adjacent phone boxes.

The proposed Hub would be sited at the location of the existing phone boxes on the same pavement alignment and delineation as the existing phone boxes and as such it is considered the installation would not obstruct pedestrian traffic and movement in the area.

The removal of the two existing phone boxes and replacement by a single and slimmer profiled structure would reduce the amount of street clutter in the area.

Whilst the Hub would perform a dual use - that of a telecommunications service and advertising display unit - it would not be reasonable to refuse the application on this basis.

On balance, and whilst respecting the Highway Authority's position, the LPA consider that for this specific site and location on the Rock, there would not be a justified case for supporting a refusal of the application.

Design for Security (DfS) - Street structures can be prone to abuse, vandalism or attract anti-social behaviours and possibly more so for installations which encourage public interactions, provide free services or are related to modern forms of communications which can be open to corruption.

The applicant has acknowledged the possible misuse of the Hub and has submitted an anti-social behaviour management plan which sets out steps and procedures to counteract potential or actual abuses of the installation.

The Design for Security Team have also been consulted on the application.

No objection has been raised in principle but the DfS recommend that consideration be given to the potential of the unit attracting or increasing incidents of anti-social behaviour and loitering in these high footfall areas. A strategy to disable the units if required in extreme circumstances (e.g. previous examples may include the Manchester riots and some incidents of extreme anti-social behaviour) should also be considered.

The DfS team would also comment that the security of the proposed unit be carefully considered. The proposed unit should be constructed to a robust and adequate standard and should also be securely fixed and vandal-resistant.

This would be included as an advisory to the applicant.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings Site location maps 001 rev A; Proposed site plan 002 rev A; Existing and proposed elevations 003 rev A; Street Hub Anti-Social Behaviour Plan Version 2; Street Hub Noise Management Plan Version 2 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The Communication apparatus hereby approved shall not use voice activated or hands free technology unless and until a Noise Management Plan (NMP) detailing the control measures including volume and sound levels have been submitted and approved by the LPA. The agreed levels set out within the NMP shall thereafter be permanently maintained. A noise assessment and noise management plan shall be

submitted to determine the noise level of the speaker associated with the equipment and agreed by the Local Planning Authority. Once the noise levels have been agreed, the levels will be included within the NMP and shall be complied with thereafter. Once the NMP has been agreed and the unit installed, a verification report will be required to include sound testing to confirm compliance with agreed noise limit.

Reason. In the interests of the occupiers of nearby premises and users of the surrounding area pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution.

- 4 Within 28 days of the installation of the development hereby approved, the two existing BT telephone boxes shown on proposed site plan 002 Rev A shall be removed in their entirety and the land reinstated to a scope and specification to be agreed with the Local Highway Authority.

Reason. To maintain the integrity of the adopted highway and in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, HT6/1 - Pedestrian and Cyclist Movement and HT5/1 - Access for Those with Special Needs.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	11/8/22		