

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 24/01/2023	Ref: 69168/FUL
Registration: 09/12/2022	LDfC: 13/01/2023	Expiry Date: 03/02/2023
Site Visit: 22/12/2022	Site Notice: 22/12/2022	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIOT

Proposal: Proposed Rooftop upgrade to the existing telecommunications installation: Proposed removal and replacement of 3No. Antennas with 6No. Antennas and 1No. Replacement Cabinet; Proposed installation of 1No. GPS Module, 15No. ERS's and associated ancillary works

Location: Land at Bury Football Club Co Ltd, Gigg Lane, Bury, BL9 9HR

Description

The site is located off Gigg Lane and relates to Bury Football Club. The pitch and main stands are set back from Gigg Lane by approx 80m and there is a carpark at the front of the site. Residential development surrounds the club to the north and east.

The stand nearest Gigg Lane is constructed from brick with blue cladding and there are two external staircases on the northern elevation.

There is an existing telecommunications pole 17.9m high with 3 antennae which is attached more or less centrally on the north elevation next to one of the staircases and which projects circa 6m above the roof line. There is an equipment box at ground level.

It is proposed to upgrade the site to provide 5G coverage to the area.

The development would comprise removal and replacement of 3No. Antennas with 6No. Antennas and a replacement cabinet, proposed installation of 1No. GPS Module, 15No. ERS's and associated ancillary works.

The overall height of the poles would be approx 18m. The new poles and antennae would be fixed to a horizontal support rail attached to the north elevation of the football stand located either side of the existing pole.

The poles would project approx 6m above the roof line of the football stand.

The applicant states that as the proposed upgrade is greater than 10m in length and the building is not more than 30m in height the proposed development would not constitute permitted development and a full planning application is required.

Relevant Planning History

44816 - Renewal of single portacabin for use as offices (renewal of 41215/03) & erection of new pitched roof & disabled ramp - Approve with Conditions 05/08/2005

45900 - Six antennae fixed to pole, mounted on side of and projecting above roof of football stand, in addition to associated equipment - approve 30-3-2006

48605 - Installation of atm cash machine on front elevation of social club - Approve with Conditions 26/10/2007

51942 - Installation of elevated water tank to side of west stand - Approve with Conditions 22/12/2009

57732 - Proposed upgrade to existing equipment including removal and replacement of existing support pole with extended pole (1m higher antennae); proposed removal and replacement of existing 3 no antennae with 3 no new antennae on existing pole; Removal of 1no. equipment cabinet and erection of 2no equipment cabinets - 14/8/2014

59349 - 1 No. non-illuminated fascia sign (retrospective) - Approve with Conditions
16/12/2015

Publicity

Letters sent to 62 properties on 21/12/22
Site notice posted 22/12/22

No response received

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF National Planning Policy Framework
EN1/2 Townscape and Built Design
EN1/10 Telecommunications

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.

Chapter 10 of the NPPF - Supporting high quality communications of the NPPF at para 114 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including the next generation mobile technology (such as 5G) and full fibre broadband connections.

At para 115, use of existing masts, buildings and other structures for new electronic communications capability should be encouraged. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

At para 117, applications should be supported by the necessary evidence to justify the proposed development, which should include a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection.

The applicant should also demonstrate that the sequential approach outlined in the NPPF has been adopted, with consideration given first to mast sharing, possibility of erecting antennas on an existing building or structures and following that, ground base installations.

UDP Policy EN1/10 - Telecommunications states that the Council will give favourable consideration to proposals for new telecommunications developments. In assessing such proposals, the Council will have regard to the following:

- the operating requirements of available and new telecommunications technology, and the national telecommunications network;
- the legal requirements of the telecommunications code systems operators;
- siting and design - including the opportunity for sharing masts or siting on existing buildings, height and ancillary development, landscaping, screening and the type and colour of materials used;
- the visual and physical impact especially on sensitive or special landscapes/buildings.

UDP Policy EN1/2 - Townscape and Built Design considers factors including the external appearance and design of the proposal in relation to height, scale, density and layout, relationship to the surrounding area and access and servicing.

UDP Policy EN1/4 - Street Furniture - Seeks to ensure that amongst other factors, the siting and design meets the needs of all users including the mobility impaired, does not detract from highway safety and does not interrupt main pedestrian flows.

Health issue

The NPPF states that applications for telecommunications development should include a statement that self certifies that the cumulative exposure, when operational, will not exceed the International Commission on non-ionising radiation protection guidelines. Local Planning Authorities must determine applications on planning grounds. They should not seek to determine health safeguards if the proposal meets International Commission guidelines for public exposure.

The applicant states that installations are designed and constructed in compliance with the precautionary ICNIRP public exposure guidelines as adopted in EU Council

Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields.

Principle and need for development

The Government remains committed to promoting telecommunications and place emphasis on the importance of telecommunications to the wider economy. The NPPF recognises the vital importance of high quality telecommunications and outlines the Government's support for high quality communications.

The NPPF recognises that planning policies and decisions should support the expansion of electronic communication networks including next generation technology such as 5G and the LPA recognises the Government's drive and national objectives to deliver the latest telecommunications technology which is essential in today's economic and social environment.

The development proposes to upgrade an existing site to improve network coverage and capacity in the area to deliver 5G coverage to the area.

It is therefore considered that the proposals to improve the telecommunications provision and network in the locality would be accepted and would comply with the principles of the NPPF.

Siting and visual impacts

Para 115 of the NPPF states that LPA's should aim to keep the number of radio and telecommunications masts sites to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Mast or site sharing is encouraged.

The development proposes to upgrade existing telecommunications equipment and therefore would not require a site selection process to identify alternative sites as this would be an accepted approach in line with NPPF principles. The upgrade would deliver the requisite level of coverage on a single site and in addition it would negate the need for an additional separate ground based column close to this site.

Whilst there will be some visible impacts by the additional equipment, as it would project beyond the existing roof plane, it is considered this would not significantly detract from the visual amenity of the area, given the equipment would be viewed against the backdrop of the existing football stand and floodlighting and intervening structures including streetlights, telegraph poles and a street tree.

The football stand is also set back more than 80m from the main streetscene and as such considered not to be a prominent feature in the locality and not change the character of the area to a significant degree.

As such the proposed siting is considered acceptable and would comply with EN1/2 and EN1/10.

Impact on residential amenity - The nearest residential properties would be approximately 40m away to the north west. Flats to the east would be 80m away and houses to the north more than 85m away. Given the upgrade to the site and that there is already existing equipment in place, it is considered the additional masts and equipment would not harm the amenity or the outlook from residential properties to have a significant adverse impact on residential amenity.

Highways issues - The proposed development would be located adjacent to the existing staircase to the stand and as such, would not impact upon the highway, pavement or pedestrian movements. Therefore, the proposed development would be in accordance with Policy EN1/10 of the Bury Unitary Development Plan.

Note

The applicant states that prior to the submission of this application, pre-application discussions were initiated with the PA.
No pre-application was submitted.

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 dwg 100 rev A; Detailed site location plan dwg 101 rev A; Existing site plan dwg 200 rev A; Proposed site plan dwg 201 rev B; Existing site elevation dwg 300 rev A; Proposed site elevation dwg 301 rev B 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 telecommunications equipment hereby approved are required to be respectively removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
Reason. In the interests of visual and residential amenity pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and EN1/2 - Telecommunications.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	24/1/23		