



Appendix 4 – Post Application Correspondence

Correspondence received from the Bury Metropolitan Borough Council

BRY21703 – Jubilee Way

- **Copy of Decision Notice refusing application**

**DEPARTMENT FOR
RESOURCES & REGULATION
Planning Services**

3 Knowsley Place
Duke Street
BURY BL9 0EJ
Tel: 0161 253 5432
Fax: 0161 253 5290

Notice of Planning Decision

This is an important document
Please keep it in a safe place



NOTES FOR PLANNING PERMISSION

This permission refers to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

GREATER MANCHESTER ACT 1981

Notice is given in accordance with Section 63, Greater Manchester Act 1981, that consideration will be given to means of access for the fire brigade in appropriate cases where plans are deposited for building regulations approval.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within 6 months of the date of this notice, or if an advertisement consent within 8 weeks of the date of this notice, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Tel: 0303 444 5000. Appeal forms and guidance can also be found at <https://www.planningportal.co.uk/info/200207/appeals>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

NOTICE OF PRIOR APPROVAL DETERMINATION

Part 16 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

To:

Mr Wilson
DOT Surveying
2 Anderson Place
Edinburgh
EH6 5NP

On Behalf Of:

Mr Wilson
Ck Hutchison Networks (UK) Limited
450 Longwater Avenue
Reading
RG2 6GF

PART 1 - Particulars of Application

Application Number: 68819

Date of Registration: 24/08/2022

Proposal:

Prior approval for proposed 5G 20m
telecoms installation: H3G street pole and
additional equipment cabinets.

Location:

Corner of Jubilee Way & Tenters Street,
Bury, BL9 0AL

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby determine that the prior approval of the local planning authority is **REQUIRED** for the development set out in Part 1 of this decision notice.

Bury Metropolitan Borough Council hereby **REFUSE** approval for the development proposed in the above-mentioned application for the following reason(s)

- 1 The application and submitted documents contain insufficient information to enable the alternative sites to be discounted. Therefore, the proposed development would conflict with Policy EN1/10 - Telecommunications of the Bury Unitary Development Plan.
- 2 The proposed development would be detrimental to the amenities of the neighbouring properties property by reason of its height, size and position. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy EN1/10 - Telecommunications
- 3 The application and submitted plans contain insufficient information to enable the impact of the proposed development upon nearby trees to be properly assessed. Therefore, the proposed development conflicts with Policy EN8 - Woodland and Trees of the Bury Unitary Development Plan.
- 4 The application and submitted plans contain insufficient information to properly assess the impact of the proposed installation on the adjacent highway trees and does not provide adequate accommodation works around the perimeter of the installation will be provided to ensure that the highway verge can continue to be

properly maintained. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy EN1/3 - Landscaping Provision
Policy EN1/10 - Telecommunications
Policy EN8 - Woodland and Trees

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:

EN1/2 EN1/2 - Townscape and Built Design
EN1/3 EN1/3 - Landscaping Provision
EN1/7 EN1/7 - Throughroutes and Gateways
EN1/10 EN1/10 - Telecommunications
EN7 EN7 - Pollution Control
EN8 EN8 - Woodland and Trees
HT6/2 HT6/2 - Pedestrian/Vehicular Conflict
NPPF National Planning Policy Framework

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:

002 B
215 B
265 B

NOTES TO APPLICANT

Not Applicable

Signed:



2 of 2

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On behalf of the Council

Date of Decision: 12/10/2022