

DELEGATED REPORT

Report by Helen Pressley	Date of report: 28/08/2024	Ref: 70927/TEL
Registration: 08/07/2024	LDFC: 15/08/2024	Expiry Date: 01/09/2024
Site Visit: 25/07/2024	Site Notice: 25/07/2024	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: NREQ

Proposal: Prior approval for proposed installation of a 20m radio base station supporting 6 no. antennas, 2 no. transmission dishes, 3 no. RRUs and ancillary development including 2 no. equipment cabinets and GPS module.

Location: Opposite 15 Albert Road, Whitefield, Manchester, M45 8NN

Description

The application relates to a grass verge located off Albert Road, on the opposite side of the highway to no. 15 - 19 Albert Road. There are residential properties to the west, north and south of the site and a row of protected trees to the east of the site separated from the site by the junction of Albert Road and Waterdale Drive.

Prior approval is sought for the installation of a mast and associated equipment. The proposal seeks approval for the installation of a 20m radio base station supporting 6no. antennas, 2no. transmission dishes, 3no. RRUs and 2no. equipment cabinets and a GPS module.

Relevant Planning History

70344 - Prior approval for proposed installation of a 20 metre high slim-line monopole supporting 6 no. antennas, 2no. transmission dishes, 2 no. equipment cabinets, and ancillary development thereto, including 3 no. Remote Radio Units (RRU's) - Prior Approval required and Refused - 09/02/2024

Publicity

Letters were sent to neighbouring properties on the
A site notice was posted on the 25th July 2024.

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - condition requested in relation to highways remedial works.

Pre-start Conditions - Agent has agreed with pre-start conditions

Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/4	Street Furniture
EN1/10	Telecommunications
EN1/11	Public Utility Infrastructure
HT6/1	Pedestrian and Cyclist Movement
JP-C5	Streets For All
JP-C6	Walking and Cycling
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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

Chapter 10 of the NPPF - Supporting high quality communications of the NPPF at para 118 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 paragraph 119, 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 paragraph 121, 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.

Chapter 12 of the NPPF Achieving well designed places, states that the creation of high quality places is fundamental to what the planning and development process should achieve.

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.

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.

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.

Policy H6/1 - Pedestrian and Cyclist Movement - Seeks to ensure that pedestrians and cyclists are able to move safely and conveniently, and includes considerations to provide direct and convenient routes, eliminate points of conflict and ensure proposals recognise the needs of pedestrians.

JP- C5 - Streets for All - Seeks to provide streets that are well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport. This is further supported by JP-C6 - Walking and Cycling - that sets out measures proposed to help deliver a higher proportion of journeys made by walking and cycling.

Need for the Development

The government's updated UK Digital Strategy sets out the goal of ensuring that the UK delivers a world leading digital economy, which includes the commitment to provide the latest 5G technology. The applicant states their commitment to following through the Government's aims and delivering a high quality service and the proposed new upgraded installation and equipment would provide the ability to prepare for the new 5G technology.

The proposed development would upgrade the network in the area to improve coverage and capacity and deliver a high quality service. The development would also be utilised by shared operators.

The need for the development is accepted in the light of the requirement to provide 5G technology.

Health and Technical 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. In this case, the applicant has indicated that the proposal would meet the ICNIRP guidelines through the submission of a certificate.

Site Selection Process

Paragraph 119 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.

In accordance with the NPPF and Code of Best Practice in England, an application should demonstrate that a sequential approach to site selection has been investigated.

Section 5 of the Supplementary Information relates to the site selection process.

16 other sites have also been reviewed, including existing telecom sites and buildings. The applicant advises that the existing structure on Albert Close cannot be upgraded as the existing structure is not capable of supporting another operator's equipment and a new structure would be of significant height which would be of more impact to the area. The operator has also considered other alternative sites and has provided the following reasons as to why they are not suitable:

- The existing structure was not capable of supporting another operator's equipment;
- The site is undergoing residential development;
- Unsuitable design of building;
- Visual amenity;
- Residential amenity;
- Narrow footway/highway safety;
- Adverse impact upon the conservation area;
- Upgrade of existing mast would require a lattice mast that would have more of an impact than a new mast;
- Loss of car parking;
- Insufficient space;
- Trees

It is considered that the applicants have considered a sufficient number of alternative sites prior to the submission of this site for consideration and as such have met the provisions set out within the NPPF.

Design and Layout

The proposed telecommunications boxes and 20 metre high monopole would be sited on a grass verge, approximately 1.6 metres wide, located between the adopted vehicular highway and the adopted pavement. An area of green space borders the other side of the pavement.

There are a number of street lighting columns, telegraph poles and trees in the immediate vicinity. The height of the street furniture and trees vary between 8 metres and 15 metres in height, with the nearest tree being approximately 10 metres in height. Whilst the immediately adjacent dwellings are 7 metres in height, there is a building to the west of the site, which contains flats, which is four storeys in height with a pitched roof. When travelling along Albert Road to the west, the proposed monopole would be viewed against the backdrop of the 4 storey building and as such, would not be an unduly prominent feature in the streetscene.

Therefore, the proposed development would be in accordance with UDP Policies EN1/2, EN1/4 and EN1/10.

Residential Amenity

The nearest properties would be No. 1 Naden Walk and No. 15/19 Naden Walk. No. 1 Naden Walk has a two storey blank wall facing the application site. There are two windows on the gable elevation of No. 15/19 Naden Walk, which would face the application site however these windows are not sited on a principal elevation. This property is also set at an angle to the application site and would have an oblique view of the proposed development. As such, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with UDP Policies EN1/2 and EN1/10 of the Bury Unitary Development Plan.

Highways

The proposed equipment would be sited on a grass verge extending along Albert Road from its junction with Waterdale Drive.

Drawing 410D has been submitted, showing that the proposed installation and associated cabinets would be located outside of the visibility splay for the above junction. The proposal would not be located on the grass verge, rather than footway allowing for pedestrian access to be maintained as existing. A scheme of paving works around the perimeter of the cabinets has also been shown on the proposed drawings to ensure that the verge can still be properly maintained. A condition has been agreed with the applicant to ensure that the scope and specification of these works are agreed with the Local Highway Authority. It is therefore considered that the proposal would comply with the policy considerations set out above.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Prior Approval Required and Granted

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 numbered 100 Revision B, 201 Revision C, 301 Revision B, 401 Revision D, 410 Revision 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 Notwithstanding the details indicated on approved plans referenced 201 Revision C, 410 Revision B and 401 Revision D the development hereby approved shall not be commenced unless and until the specification for and extent of paving around the proposed installation to aid verge maintenance, and the exact position of the proposed cabinets/installation have been agreed on site with the Local Highway

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Authority. All footway/verge remedial works around the proposed installation shall be implemented to a scope and specification to be agreed prior to the installation being brought into use.

Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, EN1/4 - Street Furniture, H6/1 - Pedestrian and Cyclist Movement, JP-C5 - Streets for All and JP-C6 - Walking and Cycling and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	28/08/24	DM	28/08/24