

**DELEGATED REPORT**

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|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Helen Leach    | <b>Date of report:</b> 07/12/2021 | <b>Ref:</b> 67681/TEL          |
| <b>Registration:</b> 15/10/2021 | <b>LDfC:</b> 12/11/2021           | <b>Expiry Date:</b> 10/12/2021 |
| <b>Site Visit:</b> 12/11/2021   | <b>Site Notice:</b> 12/11/2021    | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> PI            |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> NREQ        |

**Proposal:** Prior Approval for proposed 20.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.

**Location:** Land opposite 29 Bury Old Road, Prestwich, Manchester, M25 0EY

**Description**

The site is located on the wide footway on the western side of Bury Old Road and there are bollards on the boundary with the carriageway. The footpath is constructed from tarmac of 4.9 metres in width immediately adjacent to the retail units and paving flags for the remaining 5 metres. There are retail units to the west of the site and there is a variety of street furniture on the pavement including streetlights, phone box and road signs.

There are retail units with a vacant site and more retail units to the south and residential properties to all other boundaries.

The proposed development involves the installation of a 20 metre high monopole with a wraparound cabinet at the base and 3 additional cabinets.

**Relevant Planning History**

61820 - Prior notification for 17.5 m high streetworks pole including 1 antennae and equipment cabinets at pavement fronting 21 - 29 Bury Old Road, Prestwich. Prior approval required and granted - 2 October 2017.

**Publicity**

The neighbouring properties were notified by means of a letter on 22 October 2021 and the site notices were posted on 12 November 2021.  
There has been no response.

**Statutory/Non-Statutory Consultations**

**Traffic Section** - No objections, subject to the inclusion of a condition relating to remedial works.

**Pre-start Conditions** - Applicant/Agent has agreed with pre-start conditions

**Unitary Development Plan and Policies**

**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.

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

**Supporting information** - The agent has provided a list of 9 sites, which were discounted for the following reasons:

- Insufficient pavement width
- Obstructing tree canopy
- Obstructing overhead cables
- Proximity to residential properties
- Insufficient retained pavement width
- Underground services.

5G radio technologies operate in higher frequency bands than older technologies, such as

2G and 3G. As it operates at higher frequencies where attenuation of the radio signal is naturally higher, the effects of clutter are much greater. In other words, the antennae would need to be located closer to the target area to achieve coverage than previously. Therefore, it is considered for the reasons provided above, that there are no alternative sites that would provide the required coverage.

Sufficient information has been provided within the statement submitted with the application to justify the need of the proposed development on this particular site and in terms of improved 5G coverage. The proposed development would be in accordance with Policy EN1/10 of the adopted Unitary Development Plan and Section 5 of the NPPF.

**Visual amenity** - The proposed mast is relatively slimline and has been designed to reflect the existing street furniture in the vicinity. The proposed mast would be viewed against the backdrop of the existing mast, streetlights and signage. Within the busy commercial streetscape, the proposed development would not constitute a particularly prominent or incongruous feature and would comply with the NPPF and UDP Policies EN1/2 Townscape and Built Design and EN1/10 Telecommunications.

**Residential Amenity** - The proposed development would be located at least 30 metres from the gable elevation of No. 2 Danesway. As such, the occupiers of this property would not have a direct view of the proposed development. The proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and therefore, the development would be in accordance with Policies EN1/2 and EN1/10 of the adopted Unitary Development Plan.

**Highways issues** - The proposed development would be located in the paved element of the footway and has been relocated to ensure that it would not impact upon the tactile paving near the pedestrian crossing. There would be 2.8 metres between the proposed equipment and Bury Old Road and 6.2 metres between the proposed equipment and the retail units. As such, the proposed development would not impact upon visibility splays and would not impact upon pedestrian safety. The Traffic Section has no objections to the proposal, subject to the inclusion of a condition relating to remedial works. Therefore, the proposed development would not be detrimental to pedestrian safety and would be in accordance with Policy EN1/2 of the adopted Unitary Development Plan.

### **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 002 E, 100 E, 150 E, 210 E, 260 E, 261 E, 303 E, 305 E and the development shall not be carried out except in accordance

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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 development hereby approved shall not be brought into use unless and until a scheme of remedial works to a scope and specification to be agreed with the Highway Authority around the perimeter of the proposed installation, required to reinstate the existing adopted highway to its former condition, have been implemented to the satisfaction of the Local Planning Authority

Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy EN1/10 - Telecommunications

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| HL - 07/12/2021     |             | DM                      | 08/12/2021  |