

# 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 Tom Gallivan  
Dot Surveying Ltd  
14 Inverleith Place  
Edinburgh  
EH3 5PZ

**On Behalf Of:**

Tom Gallivan  
CK Hutchison Networks (UK) Ltd  
450 Longwater Avenue  
Reading  
RG2 6GF

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### PART 1 - Particulars of Application

**Application Number:** 69046

**Date of Registration:** 04/11/2022

**Proposal:**

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

**Location:**

Footpath at Woodhill Road, opposite junction with Lichfield Drive, Bury, BL8 1BD

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### 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 sequential approach outlined in the National Planning Policy Framework has not been followed and as such, 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 installation would restrict the pedestrian desire line and available width of the footway on Woodhill Road in close proximity to the adjacent mini-roundabout, forcing pedestrians to use an area not intended for use by pedestrians where street furniture and footway drainage is located, which would be detrimental to pedestrian safety. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:  
EN1/2 - Townscape and Built Design  
EN1/4 - Street Furniture  
EN1/7 Throughroutes and Gateways  
EN1/10 - Telecommunications

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

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and

environmental conditions of the area and therefore does not comprise sustainable development. 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  
EN1/4 EN1/4 - Street Furniture  
EN1/7 EN1/7 - Throughroutes and Gateways  
EN1/10 EN1/10 - Telecommunications  
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, 215, 265

**NOTES TO APPLICANT**

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'J. H. H.', is written over a dotted line.

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On behalf of the Council

**Date of Decision:** 22/12/2022