

DELEGATED REPORT

Report by Claire Booth	Date of report: 09/02/2024	Ref: 70344/TEL
Registration: 18/12/2023	LDfC: 25/01/2024	Expiry Date: 12/02/2024
Site Visit: 04/01/2024	Site Notice: 04/01/2024	Press Date: N/A
14:40:00		
Objections: 1	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: 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).

Location: Land near junction of Albert Road & Waterdale Drive, Whitefield, M45 8NN

Description

Where a communications code operator considers its development complies with the restrictions and limitations outlined under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order and does not require planning permission, it is required to notify the council of its proposals and submit a notification for prior approval. The Council cannot object to the principle of erecting the telecommunications structure but has 56 days to comment on the siting and appearance. A notification for prior approval to the Local Authority is therefore not an assessment of whether the proposed development complies with permitted development but is an assessment of the siting and appearance of the development.

Prior approval is thus sought for the proposed installation of a 20 metre high slim-line monopole supporting 6 no. antennas, 2no. transmission dishes, 2 no. equipment cabinets, and for ancillary development thereto, including 3 no. Remote Radio Units (RRU's) on part of a grass verge extending from the junction of Waterdale Drive along Albert Road which extends up to the gable end boundary of no. 1 Naden Walk, Whitefield. The grass verge is part of the adopted highway.

The site is within close proximity to the community assets of local primary schools and nurseries, Ribble Drive Country Primary School, Ribble Drive Pre-School and St Michaels Roman Catholic Primary School.

Relevant Planning History

There is no planning history relating to this grassed area.

Publicity

The Local Authority is required to give notice of the proposed development by placing a site notice in at least one place on or near the land to which the application relates for no less than 21 days or by notifying any adjoining owner or occupiers and by local advertisement.

The application has been advertised by Site Notice in accordance with the requirements of the Development Management Procedure Order 2015 (as amended).

The site notice was posted on 4 January 2024.

With the exception of a local resident asking how to view the plans online, no other

representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - Raises objections.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/4	Street Furniture
EN1/10	Telecommunications
HT6/2	Pedestrian/Vehicular Conflict
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) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Policies

Chapter 10 of the National Planning Policy Framework (NPPF) - Supporting high quality communications of the NPPF at paragraph 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 118 of the NPPF retains the guidance set out in paragraph 46 of the 2012 NPPF version which relates to determining applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

At paragraph 119 of the NPPF, 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 the Framework states applications should be supported by the necessary evidence to justify the proposed development, which, for new development should include evidence that the applicant has explored the possibility or utilising existing buildings, masts or other structures and should include a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection.

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 encourages the provision of suitably located and well designed street furniture which satisfies the requirements of pedestrians, shoppers and other users, and enhances the character and appearance of the urban street scene, including open spaces. Siting and design should:

- meet the needs of all users including the mobility impaired;
- not detract from highway safety;
- not interrupt main pedestrian flows or hinder access for emergency services;
- reflect the design and materials of the locality and not detract from the amenity and appearance of the street scene.

The prior approval procedure allows the Local Authority to approve or refuse details of the siting and appearance of the installation. The 'siting' and 'appearance' of the proposal are the only factors that can be considered under an application for prior approval. No other matters can be considered.

Principle and need for the 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 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 proposed equipment would improve network coverage and capacity in the area to deliver a high quality service.

The proposed new equipment would improve network coverage and capacity in the area to deliver a high quality service. It is therefore considered that the in-principle proposal to improve the telecommunications provision and network in the locality would be accepted and would comply with the principles of the NPPF, subject to regard to be had to the siting and design of the equipment and impacts which may effect the visual or residential amenity of an area as well as any highway safety impacts.

Site selection

Paragraph 121 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. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

In accordance with the licence obligations and advice in the National Planning Policy Framework and the Code of Best Practice in England the applicant's network roll out team investigated the following siting and design options using this sequential approach to site selection:

- Upgrading their own existing base stations;
- Using existing telecommunications structures belonging to another communications operator. i.e. Mast and/ or site sharing, co-location;
- Installations on existing high buildings or structures including National Grid pylons;
- Using small scale equipment; and finally
- Erecting a new ground based mast site -
 - (1st) Camouflaging or disguising equipment.
 - (2nd) A conventional installation e.g. a lattice mast and compound.

This prior approval proposal is looking to provide a new radio base providing 2G, 3G and 4G technologies and provide a new 5G service to this part of Whitefield.

The Operator advises the existing installation, SGG Construction Site, Albert Close, Bury, Manchester, M45 8EH NGR E: 381110 N: 405910, 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 8 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;
- The site would be too exposed with limited screening/backdrop;
- The footway is too narrow to accommodate the equipment and would lead to highway

- safety issues;
- Adverse impact upon the conservation area;

Accordingly the applicant has satisfactorily met the requirements of paragraph 121 of the NPPF.

Design, siting and impact on the surrounding area

This application proposes new telecommunications equipment in an area which has not previously accommodated a mast and associated cabinets and as such, there will be a visible impact where there is currently none.

The proposed equipment would comprise the installation of a 20 metre high slim-line monopole supporting 6 no. antennas, 2no. transmission dishes, 2 no. equipment cabinets, and for ancillary development thereto, including 3 no. Remote Radio Units (RRU's) on part of a grass verge extending from the junction of Waterdale Drive along Albert Road which extends up to the gable end boundary of No. 1 Naden Walk, Whitefield.

Due to all the technologies that will be available at this location, 2G, 3G, 4G and future 5G, 6 antennae need to be installed at the top of the slim-line monopole. These are split into a dual stack formation where 3 antennae will be located at the top and the other 3 will be located underneath. The 3 upper antennae will provide enhanced 2G, 3G and 4G service provision. The 3 lower antennae will provide new 5G technology for the operator to the surrounding area. Thus, the applicant asserts that if the column were to be any lower, the antennas would not be able to clear the trees and urban clutter and as such, would not be able to operate effectively. The applicant has also advised they are proposing 'the most sensitive design currently available to provide the necessary coverage and capacity to the surrounding area'. The proposed height of the proposed monopole at 20 metres is essential in order to provide coverage to the target coverage area.

Visual Amenity

The proposed telecommunications boxes and 20 metre high monopole would be sited on a grass verge, approximately 2.2 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 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 applicant states that the nature of 5G means the equipment and antennae now required are different to the equipment previously able to facilitate telecommunications. Whilst this is appreciated and understood, it makes it even more important to sensitively site this type of equipment as far away or not in direct views of local residents.

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, the property is 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 grassed verge extending along Albert Road from its junction with Waterdale Drive up to the gable end of No. 1 Naden Walk.

The proposed development would be located on a grass verge, which is located between the pavement and Albert Road. It would be adjacent to the pedestrian footway and approximately 1.2 metres from the edge of grass verge. The proposed communication cabinets would occupy approximately half the width of the verge. The grass verge is approximately 2.2 metres in width and it forms the visibility splay for occupiers and visitors of properties on Waterdale Drive.

The Traffic Section has objected to the siting of the proposed equipment as it would reduce visibility to at the junction of Waterdale Drive with Albert Road to substandard levels, which would result in conditions detrimental to highway safety. The restriction in the width of the grass verge would also result in the Council being unable to mow the grass verges and keep them at a height that allows unrestricted visibility. As such, the proposed development would be detrimental to the safety of all users of the adopted highway. The proposed development would therefore conflict with Policies EN1/10 and HT6/2 of the Unitary Development Plan.

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 International Commission on non-ionising radiation protection guidelines. When determining compliance, the emissions from all mobile phone network operators on or near the site are considered.

The appropriate certificate has been submitted with the application.

As such, the proposed development would be acceptable in this respect and would not harm the health of nearby residents or pupils of Ribble Drive Community Primary School and Day Nursery and St Michaels Roman Catholic Primary School.

Pre-application discussions - The applicant states on the Site Specific Supplementary Information (SSSI) that the LPA was contacted with regard to pre-application discussions on 13 October 2023. On the same day (Friday 13 October 2023), the LPA replied confirming that a fee is payable for pre-application enquiries. The LPA has charged a fee for pre-application advice for over 10 years and no fees were paid for the pre-app enquiry. As such, it was not progressed and no comments have been provided by the LPA. The agents have been made aware of the fees and the fact that no pre-application enquiry will be progressed without the relevant fee on several occasions.

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.

Recommendation: Prior Approval Required and Refused

Conditions and Reasons:

- 1 The proposed installation by virtue of its siting within a visibility splay would reduce visibility at the junction of Waterdale with Albert Road to substandard levels, which would be detrimental to highway safety, contrary to Policies EN1/2 - Townscape and Built Design and Policy EN1/10 – Telecommunications of the Bury Unitary Development Plan.
- 2 The position of the proposed installation within a visibility splay, sited remote from the adjacent footway would have an adverse impact on the adopted highway verge and does not provide adequate accommodation works around the perimeter of the whole installation to ensure that the verge can continue to be properly maintained and kept clear and unobstructed to the detriment of highway safety, contrary to Policy EN1/2 - Townscape and Built Design and Policy EN1/10 - Telecommunications of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB - 09/02/2024			