

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 07/12/2020	Ref: 66081/TEL
Registration: 15/10/2020	LDfC: 11/11/2020	Expiry Date: 10/12/2020
Site Visit: 02/11/2020	Site Notice: 02/11/2020	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Proposed telecommunications installation: Proposed 20m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works

Location: Every Street, Woodhill Fold, Fernhill, Bury, BL9 5AA

Description

The application site relates to a piece of land which is formed from a pedestrian footpath and comprises a setted island crossing at a 3-way junction. The site is located in the Fernhill Employment Generating Area (Policy EC2/1/4) and within a setting of industrial and commercial buildings and units.

There is an existing telecommunications mast and 2 equipment cabinets located on the same verge to the south of the site.

The application seeks the installation of an additional 20m high telecommunications mast with 3 equipment cabinets sited centrally within the island footway.

The column would be 20m high, of a slimline design finished in a grey colour. The equipment cabinets would be no more than 1.8m high and also finished in grey.

The supporting statement submitted with the application states that the equipment is needed to provide 5G coverage to improve capacity and coverage and deliver a high quality telecommunications service.

Relevant Planning History

54814 - Installation of 20m high street pole with shrouded antennas and equipment cabinets to facilitate site sharing - Approved 24/8/11

57166 - prior notification for the removal of the existing street pole and the replacement with 20m housing 6no. antennas, new radio equipment cabinet and retention of existing cabinets
- PARG - 18/3/14

Publicity

Letters sent on 20/10/20 to 60 properties in the area (a full list is available on the public file).

Site notice posted 2/11/20

No representations received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

EN1/2	Townscape and Built Design
EN1/4	Street Furniture
EN1/10	Telecommunications
EC2/1	Employment Generating Areas

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.

Chapter 10 of the NPPF - Supporting high quality communications of the NPPF at para 112 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 para 113, 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 para 115, 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.

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 - 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.

EC2/1 - Employment Generating Areas - Seeks to retain existing industrial areas and premises in employment areas.

Principle and need for the development - At the beginning of March 2017, the government issued an updated UK Digital Strategy with 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 as well as providing enhanced 4G.

The need and principle of the new upgraded equipment is not one out to debate, as 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 upgrade of equipment would improve network coverage and capacity in the area to deliver a high quality service.

It is therefore considered that the proposals to improve the telecommunications provision and network in the locality would be accepted and would comply with the principles of the NPPF.

As such, subject to details of siting, design and access, the proposed development would be acceptable in principle and compliant with the principles of the NPPF.

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.

All operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their license which are conditioned by OFcom. The applicant states that the telecommunications infrastructure the subject of the application would accord with all other relevant legislation and as such would not cause significant and problematic interference with other electrical equipment, air traffic services or instruments operated in the national interest.

As such, the proposed development would be acceptable.

Site selection process - Para 113 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.

In accordance with the licence obligations and advice in the National Planning Policy Framework and the Code of Best Practice in England the applicant investigated other site options using this sequential approach to site selection.

Ten alternative sites in the vicinity have been considered, and were discounted for reasons including unsuitability due to dense residential locations, existing underground installations and servicing cabling and unsuitable footway and pavement widths.

The proposed area requires the provision of new 5G coverage in order to improve the network coverage and communications service to this particular area of the Borough. There is an existing monopole which is located just to the south of the proposed site. However, the applicant states that it should be noted that the nature of 5G and equipment and antennas required means not all existing sites can be upgraded. The proposed site has also been selected due to its catchment area for coverage, and its commercial location which is already characterised by tall buildings and structures of an industrial type.

There is an existing monopole on the same footway island. The proposal would be 3 times as heavy as previous antennas, while the associated Remote Radio Units also now need to be placed at the top of the pole, thus many street works designs are no longer structurally capable of hosting all the equipment of 2 operators. It should be noted that the alternative option that could accommodate both operators (EE and H3G LTE who have a site sharing agreement) would be a more traditional 'greenfield' mast, with an open headframe and more bulky design, which would be inappropriate in a street scene location. There is no such location in this cell search area where a greenfield mast could be housed and thus site sharing is not a viable proposition.

It is therefore considered that a reasonable investigation has been carried out to consider alternative sites and which have been rejected for clear and valid reasons and as such the site selection process is considered acceptable.

Siting, design and impact on the surrounding area -

Located in an EGA, it is considered there would be no impact on the commercial character or nature of the area and there would be no residential properties which would be affected by the position and siting of the equipment.

There is an existing monopole on the same footway as the proposed equipment, and therefore there would be an intensification in the amount of equipment in the area. However, as the area is industrial in character and the structure would be viewed against the backdrop of tall buildings buildings in a non residential area, it is considered that the addition of the new equipment would not detract from the visual amenity of the area.

The site selection process has been influenced by a number of elements, including the need to site the equipment which would not impede pedestrian or highway flows, the location of other structures including buildings and street furniture.

The site has been selected on a wide adopted area of the highway in a position that will not impede pedestrian flow or the safety of passing motorists. The proposed site would be located off Every Street which is surrounded by tall existing vertical structures (streetlights, existing monopole) with industrial units to the rear and as such the equipment would be viewed against the backdrop of such buildings which are industrial in character and appearance.

The proposed equipment would comprise a 20m high column within a solid cabinet base. The antennae and top of the tower would not be much wider than the pole itself which would be relatively slim in appearance comparative to other 5G equipment. There would be 3 cabinets in total, the highest being 1.8m. The equipment would be finished in a grey colour and similar to other street furniture of this type which are found within the Borough. Located within an industrial and commercial area, it is considered this would be appropriate.

It is therefore considered that the proposed siting and design of the equipment would not have a detrimental impact on the visual amenity of the area or affect the occupiers of the nearby properties. As such, the proposed development would comply with EN1/2, EN1/4 and EN1/10.

Highways - The proposed equipment would be located on a footway which forms an 'island' at a 3-way road junction.

The footway is relatively wide and comprises expanses of vegetation and planting between a setted surfacing which is not particularly conducive to use by pedestrians. There is evidence (from google street views and site visit) that cars use this footway to park, although there is a drop kerb and paved area where pedestrians can cross over.

The equipment would be sited centrally on this island, leaving a minimum gap of approximately 1.9m to the kerb edge on either side of the equipment. The island footway serves as a crossing point rather than an actual footway which pedestrians would use to walk, as there are suitable pavements which run adjacent to the highway on all sides of the highway surrounding the site.

There would be some works required to install the equipment, requiring the removal of cobbles and setts. The Highway Team have raised no objection to the siting of the equipment subject to a condition once the equipment is in situ, that the existing surfacing is reinstated to its former condition.

As such, the proposed development is considered to comply with EN1/2, EN1/10 and EN1/4.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 -

BRY14595_M001 Issue A -
002 Site location plan; 100 Existing site plan; 150 Existing elevation A; 210 Proposed H3G site plan; 250 Proposed H3G elevation; 303 Proposed H3G antenna schedule and line configuration; 305 Equipment schedule and support structure details

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 The existing sett paving around the proposed installation shall be reinstated to its former condition within 1 month of the first operation of the 20m monopole hereby permitted. The scope and specification for the ground reinstatement shall be submitted to and agreed in writing with the Local Planning Authority prior to the first operation of the 20m monopole hereby permitted, and carried out in accordance with the approved details.
Reason. To ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, EN1/4 - Street Furniture and EN1/10 - Telecommunications.
- 4 The monopole and associated cabinet equipment hereby approved shall be coloured grey and thereafter maintained as such.
Reason. In the interests of visual amenity pursuant to Policies 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>
JT	7/12/20	DM	07/12/20