

Description

The application relates to an established business located on an employment site within an industrial estate. The site contains a number of buildings in use as offices and for manufacturing. The application site relates to a small area adjacent to the eastern boundary and is adjacent to a storage.

There are industrial buildings to the north and east of the site. To the west and south, there are commercial buildings with residential beyond. There is an existing mast to the northeast of the site, which would be replaced by the proposed development.

The proposed development involves the installation of a 25 metre high lattice tower including 6 antennae, 1 GPS module, 1 300mm dish, 1 600mm dish on the mast and 3 cabinets and 1 meter cabinet. The proposed lattice tower would be constructed on a concrete base with gravel finish to the perimeter. There would be a 2.4 metre high palisade fence provided around the perimeter.

Relevant Planning History

None relevant.

Publicity

78 properties were notified by means of a letter on 5 June and site notices were posted on 28 June 2023.

There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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 issues - 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 NPPF states that a sequential approach should be taken to the selection of sites. Firstly, consideration is always given to mast and site sharing, consideration is then given to utilising any suitable existing structures or buildings and thirdly, sites for freestanding ground based installations are investigated.

The agent has confirmed that the application is in response to a Notice To Quit (NTQ) on the existing site at the Bealey Industrial Estate. The agent has provided a list of 5 sites, which were discounted for the following reasons:

- An ICNIRP compliant scheme could not be achieved.
- The site is due to be flattened for redevelopment.
- Access issues for installation and maintenance.
- The close proximity to residential properties.
- The radio efficacy would be better at the application site.

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 to justify the need of the proposed development in terms of the replacement facility and improved 5G coverage for the site. Therefore, the

proposed development would be in accordance with Policy EN1/10 of the adopted Unitary Development Plan.

Design and layout - The proposed mast would be located within a commercial site, which is located within an Employment Generating Area (EGA) and there are commercial buildings to all boundaries. The proposed development would replace an existing lattice tower mast to the north east of the site, where the applicant has been served a notice to quit by the landowner. The position of the proposed lattice tower is such that the lower half would be screened by the existing buildings. Given the close proximity of an existing lattice tower and the industrial nature of the surrounding area, the proposed development would not be a prominent feature in the streetscene. Therefore, the proposed development would be in accordance with Policies EN1/10 and EN1/2 of the Bury Unitary Development Plan and the NPPF.

Impact upon residential amenity - The nearest residential property would be over 150 metres away and there would be several industrial buildings between the dwellings and the application site. Given the distance, it is considered that the proposed development would not have an adverse impact upon the amenity of the neighbouring properties. Therefore, the proposed development would be in accordance with Policy EN1/2 of the Bury Unitary Development Plan.

Highways issues - The proposed development would be located within an industrial site, which is currently operated by Fragrance Oils. Access would be taken through the site and there would be adequate space for maintenance. The Traffic Section has no objections to the proposal. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies EN1/2 and EN1/10 of the Bury Unitary Development Plan.

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 15 May. On the same day (Monday 15 May), 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.