

DELEGATED REPORT

Report by Tom Beirne	Date of report: 16/02/2022	Ref: 67851/TEL
Registration: 30/11/2021	LDfC: 11/01/2022	Expiry Date: 25/01/2022
Site Visit: 17/12/2021	Site Notice: 17/12/2021	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed telecommunications installation comprising of a 17 metre high, monopole tower, associated radio-equipment cabinets and ancillary development hitherto

Location: Island at junction of Pilkington Way/Mill Street/Outwood Road, Radcliffe, Manchester, M26 1LD

Description

The application site lies to the south of Pilkington Way and is opposite the car park to the Lock Keeper pub. The site is on the grass verge between Pilkington Way and Mill Street.

There are commercial yards located either side of Mill Street to the south of the site. Outwood Road is located to the east with commercial units beyond. The Lock Keeper pub and associated car park is located to the north and the River Irwell is to the west with the supermarket beyond.

The proposed development involves the installation of a 17 metre high streetpole with a wrap around cabinet and mast with associated antennae and 3 additional cabinets all located on the grassed verge between Mill Street and Pilkington Way, adjacent to the footway on Mill Street.

Relevant Planning History

N/A

Publicity

The neighbouring properties were notified by means of a letter on 2 December 2021 and site notices were posted on 17 December 2021. There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Pre-start Conditions - Agent agreed with pre-start conditions.

Unitary Development Plan and Policies

Area	South of Pilkington Way
RD3	
EN1/10	Telecommunications
EN1/2	Townscape and Built Design
EN1/4	Street Furniture

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 agent has provided a list of alternative sites, which were discounted for various reasons:

- Impact upon residential amenity
- Inappropriate ground conditions

- Pavement is too narrow and would impede footpath users
- Would not achieve ICNIRP compliance.

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 improved 5G coverage for the site. Therefore, the proposed development would be in accordance with Policy EN1/10 of the adopted Unitary Development Plan.

Need - The need to provide up-to-date telecommunications is an essential component to support the economy and wider modern life. As such proposals for new telecommunication are strongly supported by the NPPF and UDP Policy EN1/10 telecommunications.

Design and layout

The proposed mast would be 17 metres in height and there would be 3 cabinets in addition to the wraparound cabinet, all in light grey (RAL7035).

The site is located within the town centre, adjacent to a main throughroute and the surrounding area is commercial in character with associated urban furniture. Although located on a grass verge, the installation would not require the removal of trees or shrubs. As such, the proposed development, whilst prominent within the immediate vicinity, viewed against the town centre and commercial/urban backdrop, would not be so visually intrusive to warrant refusal given the benefits it provides in terms of telecommunication benefits it provides. As such the proposal would be in accordance with Policies EN1/2, EN1/4 and EN1/10 of the adopted Unitary Development Plan.

Highways issues - The proposed development would not impede pedestrian flow along the adjacent footway or obscure any sight lines and visibility splays at the junction can be maintained. The proposed development would not be detrimental to highway or pedestrian safety and would be in accordance with Policies EN1/2 and EN1/10 of the Bury Unitary Development Plan. The Traffic Section has therefore no objection to the proposal.

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.

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- 2 This decision relates to drawings numbered BRY19828/BRY119/85046/M1248/GA/REV/C 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 Notwithstanding the details indicated on approved plan reference BRY119/85046/M1248 Revision C, the development hereby approved shall not be brought into use unless and until a scheme of remedial works around the perimeter of the proposed installation on the existing adopted highway verge, to a scope and specification to be agreed with the Highway Authority in order to ensure the continued maintenance of the verge, have been implemented to the written 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 UDP Policy EN1/10 Telecommunications.
- 4 The mast, equipment and all associated works hereby approved shall be removed from site within 6 months of it ceasing operation and the site returned to its former condition to the written satisfaction of the Local Planning Authority.
Reason: In the interests of the visual amenity pursuant to Policy EN1/10 Telecommunications.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	16/02/2022		