

DELEGATED REPORT

Report by Helen Pressley	Date of report: 02/06/2023	Ref: 69598/TEL
Registration: 26/04/2023	LDfC: 26/05/2023	Expiry Date: 21/06/2023
Site Visit: 04/05/2023	Site Notice: 04/05/2023	Press Date: 04/05/2023
Objections: 71	Con Area: ALSA	Adv Type: LBCA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed 15m 5G telecoms installation comprising H3G street pole and additional equipment cabinets.

Location: Grass verge at junction of Higher Lane/Church Lane, Whitefield, Manchester, M45 7WE

Description

The application relates to a grass verge located on the junction of Higher Lane and Church Lane. The grass verge is currently occupied by mature highways trees, and has footways to the front and rear. The rear footpath separates the site from the front of a Grade II listed War Memorial, gardens, cemetery and Grade I listed building to the east and south. Residential properties are located to the north and west of the site.

The site is located within All Saints Conservation Area.

The proposed development involves the installation of a mast and associated equipment on the grass verge. The proposed mast is shown on the submitted drawings to be 15 metres in height, located approximately 650mm from the back of the footway. The associated equipment cabinets would be located to the north of the proposed mast.

The application is a resubmission of application 69041 that was refused.

Relevant Planning History

69041 - Prior approval for proposed 5G telecoms installation comprising of H3G 18m street pole and additional equipment cabinets - Refused 07/12/2022

Publicity

Neighbour Letters 28/04/2023

Site Notice 04/05/2023

Press Notice 04/05/2023

72 objections received in relation to:

- It's the same as 69041 except the pole is 2m lower .
- The same reasons for refusal apply.
- The current application fails to address the reasons for refusal of the earlier application on this site
- The original application was refused and received many complaints and media coverage.
- A decrease in the height of the planned mast has no bearing on the reasons why the first application was rejected.
- There is no material difference between this application and the recently refused application. To allow this app would be a contradictory act on the pay of the authority.
- I fully endorse the remarks in the report from the Conservation Officer and agree that the proposal does not address the concerns expressed about the previous application.

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- The amenities of those visiting the cenotaph, graveyard or church and the amenities of those living around the proposed site would be affected.
- The mast would be in All Saints Conservation Area
- The mast would not preserve or enhance this area.
- A conservation area is not the place for such a mast and cabinets because it will adversely affect many aspects of this unique space.
- Given this is in a conservation area with even minor adjustments to properties requiring permissions, the construction of an ugly outsized mast, especially so close to a beautiful church must be deemed as unacceptable by all.
- The adjacent graveyard is used as a green space by people to walk and exercise dogs, and is a tranquil and peaceful oasis for the community.
- Constant noise from the cabinets next to a War Memorial where people try to pay their respects in quiet moments
- The siting of the mast will be an absolute eyesore to the vista in what is a conservation area. It would only be about 30 feet away from the Grade II listed Cenotaph, which would be disrespectful to those who died in the wars.
- Outrageous to put a mast in front of a war memorial. Have these people got no sense of decency....
- The War Memorial is important not only to church members, but also to the local Jewish congregation and other assimilated groups, who assemble there on Armistice Day. To quote John McCrae In Flanders Fields..."To you from failing hands we throw the torch; be yours to hold it high. If you break faith with us who die we shall not sleep, though poppies grow in Flanders Fields". We appreciate the world must modernise, but there must be RESPECT when dealing with War Memorials and Churchyards. There must be another way!
- The Local Authority and other bodies such as Commonwealth War Graves have funded improvements to the Cenotaph and the war graves in recent years.
- The church is an important grade 1 listed monument and the eyeline and skyline views would be detrimentally affected.
- All Saints Church is of historic significance recently awarded substantial national lottery funding for repairs to the tower. This recognised the work of Sir Charles Barry an architect of great repute who designed the church and was responsible in large part for the design of the House of Commons.
- Stand Church is an early work by Charles Barry, and has national importance.
- Such an ugly development would blight an area of great importance and spiritual/emotional benefit to the local community and surrounding area, including many visitors to All Saints Stand church, a near 200-year-old Grade 1 listed building, and its graveyard which is immaculately maintained by a large group of dedicated local volunteers. It would also completely overshadow the historic, Grade 2 listed Cenotaph.
- Grade 1 listed buildings are of exceptional interest and ONLY 2.5% of listed buildings are Grade 1. (Taken From Historic England website)
- There are many burials and burial of ashes ceremonies each year and an ugly mast among the beautiful greenery surrounding this area would not be very good for the grieving families.
- The development could be detrimental to safety by increasing cover for crime.
- It would attract graffiti on the cabinets like the one in the alleyway between Higher Lane and Ringley Chase and could be tagged by drug dealers so encouraging crime in the area.
- Has not mitigated our concerns about the safety of the many pedestrians who walk through the area on their way to the 2 schools on Higher Lane.
- The cabinets and mast would further limit the visibility of traffic for the busy higher lane, church lane, ringley road junction - also making it more dangerous for the hundreds of high school children, primary school children and parents with buggies who use this road and junction in term time.
- The proposed site is totally unsuitable.
- The council will not be happy until every green patch in Whitefield is covered over and replaced with what our new King would surely describe as a carbuncle, a blot on the landscape.

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- The area is a green oasis for local people with around 40 species of birds having been seen there and is important for the physical, mental and spiritual health of local people.
- It will render ugly what is probably the last remaining pleasant areas within Whitefield.
- It will remove another of what little open green space there is in the area.
- The churchyard is a public space and community amenity used by local people daily. It was already important prior to COVID, even more so during the pandemic and continues to be of community value .
- The application states that the mast will assimilate well into the street scene and will not be detrimental, which very clearly is not the case.
- it is used to unite communities with religious displays at points during the year. This is definitely a better use of the space and allows all members of society to enjoy the verge for celebrating rather than using it for an environmentally destroying, intrinsically ugly, non-beneficial to the community, mast.
- The applicant's submission that the trees mask the visual effect of the mast is wrong and they do not disguise the large ancillary equipment?? A mast 15 metres high together with a set of metal boxes some 2 metres high by 4 metres long will significantly detract from this protected area.
- Health Risks: There are concerns about the potential health risks associated with exposure to electromagnetic radiation emitted from the phone mast.
- On discussing this issue with a medical colleague from The Christie, I understand that research is being carried out to ascertain any cancer risk to residents near all these paraphernalia. I know that this is not an issue that comes within the Council's remit but I find it worrying.
- Property Values: The installation of a phone mast can significantly reduce the value of nearby properties.
- Aesthetics: It would be an unsightly addition to the local landscape, and it would be visible from many areas, including public spaces, and residential homes, as well as the Cenotaph disrespecting our fallen soldiers.
- Environmental Impact: The construction of a phone mast would require the removal of trees and other vegetation, which would have a negative impact on the local ecosystem.
- Public Consultation: It has already been refused once.
- Reducing the height of the mast by 3m has little effect on the collection of a wide diameter mast and the collection of metal cabinets.
- I believe this is a flagrant misuse of the planning rules when the original objections were numerous and this is an attempt to ride roughshod over the wishes of the local community.
- There is considerable local opposition to a mast being located on this site and I hope that the Council will reject this application.
- I am very surprised that legislation permits this further application.
- I find it an insult that only a few months after permission being denied for a telecoms installation this has been submitted again, albeit shorter. I very much doubt the residents of Whitefield have changed their minds!
- There are inaccuracies in the application, the gardens to the cenotaph are referenced as "private garden" and the stone wall around the cenotaph is referenced as "existing brick wall."
- Can these masts not be located in primarily non-residential areas for example alongside the existing O2 one at Whitefield Metrolink station?
- There must be other suitable locations that fit the needs of the technology that do not impact the area so negatively.
- There are more suitable locations to place this mast where it would not have a detrimental impact to an historic site - the local Morrisons car park is a prime example.
- There is a nearby alternative. Why not put this erection in the grounds of Whitefield Library, very near and surrounded by trees.
- The trees within a Conservation Area are also protected.
- I am very disappointed CK Hutchison Networks Ltd have ignored the request made at the previous application to install their equipment in a far more suitable location.
- There has been no consultation with the community by the applicant.
- The site is on the line of the Roman Road

- This installation will prevent future opportunities to widen and improve safety at this junction e.g. cycle lanes.
- I have read the application and whilst we do get poor mobile reception and I can see the need to improve reception, however, putting the mast in the proposed place seems ridiculous and I should like to object.
- I would be horrified to think that intelligent, planning officers think it would be acceptable to have one of these ugly masts in this location and should it be passed ,I honestly believe I would lose all faith in the planning department.
- We are also perplexed that in the application 69598 it states that No. 50 is the only property affected which is a total nonsense. Nos 50-56 inclusive on this side of Higher Lane. Nos 139 - 145 Higher Lane are in line of sight of the pole as well as the property which used to be the Toll House on the corner of Ashbourne Grove and Dales Lane.
- If this application is accepted then the other 4 companies would want to place their poles and cabinets nearby and there is not enough room at this junction.

Statutory/Non-Statutory Consultations

Conservation Officer Recommend refusal due to the harm caused to nationally and locally significant heritage assets. The application has not addressed the heritage reasons for refusal.

Traffic Section Recommend refusal due to insufficient information in relation to the impact of the proposal on the adjacent highway trees, and inadequate provision of accommodation works to ensure that the highway verge can continue to be maintained properly.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/4	Street Furniture
EN1/7	Throughroutes and Gateways
EN1/10	Telecommunications
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN8	Woodland and Trees
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. 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 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 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 confirmed within Section 6 of the SSSI that a sequential approach has been adopted when looking for 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 concluded that due to the constrained site area, a street pole and associated cabinets is the only appropriate solution available in this area.

The agent has put forward 6 alternative sites that have been discounted for the following reasons:

- unsuitable pavements or grass verge
- visibility splay issues
- proximity of residential properties

Figure 4, is a coverage map however unlike the last application no yellow line has been used to indicate where the proposed installation must be located. As with the previous application this is a zoomed out aerial photograph which does make it difficult to see the full extent of the search area, however it does appear that the applicant has chosen to focus on adopted highway sites.

In this instance, it appears that the applicant has reviewed a number of sites within the search area. However, it should be noted that the previous officer report for a refusal at this site highlighted that local councillors and the community are keen to engage with the developer when considering future developments within this area to identify sites. As the supporting information document submitted identifies the exact same sites as the previous application it does not appear that the applicant's have taken this opportunity to engage despite there being a number of reasons for refusal attached to the previous consent.

Design and Layout

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.

UDP Policy EN1/7 Throughroutes and Gateways - seeks to secure a high standard of development along the main routes through the borough.

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.

The proposed mast would be 15 metres in height and there would be 3 cabinets.

The proposed site is an open grass verge, set to the front of a well tree'd, open area associated with the Grade II listed war memorial and cemetery the boundary of which is depicted by a low level wall. Two storey residential properties are separated from the site by the A665, Church Lane and a wide junction that makes up part of the Strategic Route Network. Two street trees are also located within the grass verge. The existing street furniture in the locality includes street lights and road signs. The buildings and street furniture within the street scene are low level, and the location of the grass verge to the front of the cenotaph and cemetery is an important green space that helps to maintain the open nature of this particular street scene. The trees and planting within the immediate street scene also contribute to it's character.

The proposed mast would be significantly higher than this adjacent street furniture and built form, and has been sited to the front of the verge limiting the screening and softening that could have been provided by the adjacent tree coverage. It is noted that 5G radio technologies operate in higher frequency bands than older technologies, such as 2G and 3G. Since it operates at higher frequencies where attenuation of the radio signal is naturally higher, and the effects of clutter are much greater, it will normally require a higher structure to achieve the same coverage footprint. The combination of this element of clutter, and the height of the proposed mast at this particular site would lead to a development that is out of scale and that would be at odds with the open character of the street scene identified above.

The impact of the proposal in terms of the Conservation Area, and adjacent Listed Buildings will be assessed within the Heritage section of the report.

It is considered that the proposed mast would dominate the surrounding area and would have an adverse impact upon the amenity of the visual amenity of the area. The proposal would be visually intrusive contrary to Policies EN1/2, EN1/4, EN1/7 and EN1/10 of the adopted Unitary Development Plan.

Heritage

The application site is within All Saints Whitefield Conservation Area and is within the setting of All Saints Church, Whitefield (1822) a Grade I listed church of national significance, a Grade II listed war memorial (1920), Grade II listed monument to Joseph Leng (1856), a Grade II listed monument to John Munn (1877) and the grade II listed Stand Rectory at 32 Church Lane.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving a listed building or its setting or any feature of architectural or historic interest it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building.

The church and its grounds form part of the conservation area and as such make a strong contribution to character and appearance of the conservation area.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

EN2/1 - Character of Conservation Areas - The Council will take action as appropriate to preserve or enhance the character or appearance of the Borough's Conservation Areas. The Council will be especially concerned with encouraging and, where appropriate, implementing measures to:

- retain, replace and restore features of historical and architectural interest.
- retain and enhance existing landscape features including trees, parks and gardens.
- initiate and promote environmental improvement/enhancement schemes such as landscaping, refurbishment of street furniture, traffic management and pedestrian schemes.
- remove dereliction and bring unused land or buildings back into beneficial use.
- prepare and promote design guidelines to ensure sympathetic development.

EN2/2 - Conservation Area Control - Development within a Conservation Area will only be acceptable if it preserves or enhances the special character or appearance of the area. In considering proposals for development in Conservation Areas, regard will be had to the following criteria:

- the nature of the development in terms of its bulk, height, materials, colour, design and detailing.
- the relationship between the proposed development and the architectural and visual qualities of the surrounding area.
- where demolition is proposed, the contribution of any proposed new building to the character or appearance of the area as compared to the building to be demolished.
- in the case of the re-use of buildings or the introduction of new uses, the impact of the proposal on the character or appearance of the area and the fabric of the existing building.

EN2/3 - Listed Buildings - The Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features. Proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that the building(s) cannot be retained.

In considering applications for Listed Building Consent, the Council will have regard to the following criteria

- a) the impact of the proposal on the historic fabric of the building.
 - the relationship of any extension to the Listed Building in terms of its height, size, design, and roofscape.
 - the need to protect the setting of the Listed Building.
 - the impact of associated ancillary facilities and infrastructure works.

Paragraph 199 of the National Planning Policy Framework (NPPF) states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposed mast at 15m in height and associated equipment cabinets at a height of 1.80 metres would not lead to a total loss of significance of the heritage assets identified. However, as such the level of harm caused would be that of less than substantial harm to the significance of the heritage assets and would be considered to be at the highest end of that spectrum. As such there would need to be identified public benefit(s) that would outweigh any harm identified.

The proposed mast and cabinets would, by virtue of their siting, design, size and mass represent incongruous features in that part of the conservation area. That part of the conservation area is characterised by the core of the conservation area being All Saints

church its grounds and links with the cricket ground and Hamilton Road Park and views along Church Lane and Higher Lane. The proposal would be at odds with the built form of that part of the conservation area. The proposal would also have a severely detrimental impact on the visual amenity provided by the trees in close proximity and further afield and dominate the street scene to such an extent as to cause, by reason of its incongruity, severe harm to the visual amenity of the street scene and character and appearance of the conservation area. The proposal would represent less than substantial harm within the terms of paragraph 201 of the NPPF. As such the proposal would not preserve or enhance the character or appearance of that part of the All Saints conservation area and therefore would not comply with or be contrary to adopted UDP policies EN2/1 - Character of Conservation Areas, EN2/2 - Conservation Area Control and paragraphs 199 and 201 of the NPPF.

The proposal would by virtue of its siting, size, design and mass have a severely detrimental impact on the setting of the listed buildings identified and in particular on the war memorial sited only approximately 20 metres away and the church. The proposal would be a visually dominant and uncompromising feature in the setting of the listed church and war memorial to such an extent that the significance of those heritage assets would be severely harmed to an unacceptable level. Within the terms of paragraph 201 of the NPPF the level of harm is not resulting in the total loss of significance is that of less than substantial harm, but at the higher end of that spectrum. The proposal would not comply with or be contrary to adopted policy EN2/3 - Listed Buildings and paragraphs 199, 200 and 201 of the NPPF.

In conclusion there are public benefits in the provision of new and upgraded digital infrastructure however it is considered the harm caused to such nationally and locally significant heritage assets would not be outweighed by this single benefit.

Trees

The proposed mast would be located on a grassed verge and the canopy of one of the mature trees does extend close to the application site. A tree survey has not been provided and it is unclear if the proposed mast would require any works to the tree which is located in a Conservation Area and is therefore protected under Section 211 of the Town and Country Planning Act 1990. As such, there is insufficient information to assess the impact upon the tree, which is mature and contributes positively to the character of the Conservation Area. Therefore, the proposal conflicts with Policy EN8 of the Bury Unitary Development Plan.

Highways Issues

The Traffic Section has objected to the proposal, as there is insufficient information to ensure that adequate accommodation works around the perimeter of the installation will be provided to ensure that the highway verge can continue to be properly maintained.

Therefore, the proposed development would conflict with Policies EN1/2, EN1/4, EN1/7 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 19th October 2022 via email. An email was sent to the planning email on the 19th October. On the 20th October, the LPA contacted the applicant confirming that a fee is payable for pre-application enquires. This was confirmed again on the 2nd November when the developers notice was received. This was also confirmed again within the Officer Report for application 69041. Unfortunately whilst this document is available on the Council's website it does not appear that the applicant/agent has read this document.

The LPA has charged a fee for pre-application advice for 10 years and no fees were paid for the pre-app enquiry. As such, the pre-application was not progressed and no comments have been provided by the LPA. It is therefore unclear who provided the comments on page

2 of the Supplementary Information. 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.

Resubmission

The difference between this application and previously refused application, 69041, is a reduction in the height of the proposed mast to 15 metres and a shrouded antenna cluster with a reduced visual profile. All other aspects of the re-submission with regards to siting, design and mass are identical to the refused application.

The height of the mast was not the only reason the application was refused.

The applicant has not addressed any of the previous reasons for the refusal of 69041, and the site specific supporting information does not reflect or acknowledge that there has been a previous refusal at the site. In fact, it appears to be a near identical document to the one submitted for 69041.

Following submission of this current application the applicant's agent was contacted on the 28th April 2023 and asked "For clarity, can you let me know what has been done to address the previous reasons for refusal apart from lowering the height of the proposed mast as the supporting information document appears to be the same."

The applicant's agent responded that "The re-submission consists of a smaller Phase 9 Monopole to ease the concerns of size and design." They then asked "Regarding the concerns for the adjacent trees would a tree report ease these concerns?"

The Case Officer responded again that the tree report would possibly address concerns, but it would be helpful to have something in writing to state why reducing the height of the mast addresses reasons for 1 - 3 and asked why the siting was acceptable from a heritage perspective and what reducing the height of the mast does to outweigh the identified harm. The Case Officer also asked how the proposal preserves or enhances the Conservation Area.

No response was received from the agent, and no tree report has been forwarded.

The proposed reasons for refusal for this scheme are therefore identical to the previous scheme as no clarity has been given by the applicant as to what they have done to address the previous reasons for refusal and why a 15 metre pole is more acceptable in this sensitive location.

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 development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would add to the clutter within the streetscene. Therefore, the proposed development would be seriously

detrimental to the visual amenities of the area. 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

- 2 The proposed mast and cabinets would, by virtue of their siting, design, size and mass represent unacceptable impact on the All Saints Conservation Area of which the site forms part. The proposal would neither preserve or enhance the traditional character or appearance of the Conservation Area. The proposal therefore conflict with the following policies of the Unitary Development Plan: EN2/1 Character of Conservation Areas
EN2/2 Conservation Area Control and
Paragraphs 199 and 201 of the National Planning Policy Framework.
- 3 The proposal would by virtue of its siting, size, design and mass have a severely detrimental impact on the setting of the Grade II Listed War Memorial and the Grade I Listed Church of All Saints. The proposal therefore conflict with the following policy of the Unitary Development Plan:
EN2/3 - Listed Buildings
Paragraphs 199, 200 and 201 of the National Planning Policy Framework
- 4 The application and submitted plans contain insufficient information to properly assess the impact of the proposed installation on the adjacent highway trees and does not provide adequate accommodation works around the perimeter of the whole installation to ensure that the highway verge can continue to be properly maintained. 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
EN8 - Woodland and Trees

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	02/06/2023	HL	05/06/23