

DELEGATED REPORT

Report by Helen Leach	Date of report: 18/12/2020	Ref: 66132/TEL
Registration: 27/10/2020	LDfC: 23/11/2020	Expiry Date: 22/12/2020
Site Visit: 17/12/2020	Site Notice: 02/11/2020	Press Date: N/A
Objections: 20	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for NTQ proposed telecommunications installation - Proposed 20m High Valmont Slimline Climable Monopole on 5.2 x 5.2 x 1.4m deep concrete base with 6No. Antenna Apertures at 0°/120°/240° and 4No. proposed 600w Dishes. RRU's, MHA's, active routers and BOB's to be fixed to headframe below Antennas and associated ancillary works

Location: Land adjacent allotments, between Fern Street, Kenyon Street & Peel Brow, Ramsbottom, Bury, BL0 0AL

Description

The application site consists of a grassed area, which is located to the north of the allotments off Fern Street. The site is approximately 1 - 2 metres lower than Fern Street and is level. On the western edge is vegetation and the site slopes steeply down to Kenyon Street. There is a temporary mast to the east, which consists of the mast (24.3 metres high), 3 cabinets and a generator surrounded by heras fencing. The boundary with the allotments consists of a fence with vegetation along the boundary. The site is accessed by a single track road, which connects the allotments to Fern Street.

There are allotments to the south and south east and residential properties to the east. There is a large grassed area to the north and a play area to the north east. To the west, there is a steep embankment and the industrial buildings accessed from Kenyon Street beyond.

The proposed development involves the installation of a 20 metre high monopole supporting 6 antennae, 4 dishes and equipment cabinets. The proposed development would be located on a concrete base and would be surrounded by 2.1 metre high fencing. The site would be accessed from the existing track from Fern Street.

The proposed mast would be shared and would provide 4G and 5G coverage.

Relevant Planning History

52116 - Creation of play area at land between Fern Street and Kenyon Street, Ramsbottom. Approved with conditions - 9 February 2010.

Publicity

166 neighbouring properties were notified by means of a letter on 28 October 2020. Site notices were posted on 2 November 2020.

20 letters have been received from the occupiers of 45, 48, 49, 72 Peel Brow, 6, 10, 12, 16, 50, 59, 60, 62, 94 Fern Street, 24 Lime Grove, 82 Fir Street, 4 Rose Hill, which have raised the following issues:

- The temporary mast is far too close to the children's play area and the permanent one will be sited even closer. How can this be permitted? Is the applicant aware of the play area?

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- It is with dismay that I note that there is no risk assessment or mention of the allotments on the application, despite this being a place that people grow food and keep chickens.
- In one of the supporting documents we discover that the mast will give off certain radio active emissions.
- Why are we now faced with the consolidation of yet another thoughtless action by our council? Do the right thing, protect our younger generation, protect our wildlife corridor and respect local residents.
- The site is on recreational land, which has been made into a playground for local children.
- Opposite the site is accommodation for vulnerable adults and a primary school nearby. Have the parents been made aware?
- This area is residential with a wildlife corridor wrapping around it.
- A lot of local residents are elderly and do not have the means to object via this portal.
- How much are the Council making from this?
- This telecommunications mast is less than a 100 yards from a primary school. Even closer to residents homes and adjacent to public recreation facilities - allotments and a children's play area. It was previously located on the chimney of an industrial unit in an industrial area. It is now to be located in a residential area. It is an unsuitable location.
- Bury Council has not requested information from the owner of the mast on the relevant radiation exclusion zone. Such is required under the International Commission on Non ionizing Radiation in the UK. Details of the exclusion zone's exact boundaries have not been provided and should be provided further a contractual agreement that any such boundaries will not be extended is not evident. Information on exposure to electromagnetic field emissions has not been provided. Where is the risk assessment in relation to residents , school children , visitors, workers etc. Will it be upgraded from 4G to 5G which is both new and untested?
- I object to the location of the proposed mast on the grounds of potential health risks to the residents and especially to children playing regularly in the play area immediately under the mast. It makes no sense, in fact it defies logic to place the mast in the proposed location given the proximity of residential and educational premises. Consider that there is a primary school within 200 yards of the mast and the area is heavily populated. Why here of all places? Surely the mast should be placed away from a residential area in a safer, more isolated location.
- My view is that the decision to locate the mast here is commercially driven with no regard for the will or longer term health of the local residents.
- Firstly, I feel that it would represent an eye sore and dramatically encroaches on the view valued by Fern Street residents.
- This is too close a proximity to a park and area where children regularly play. This area is also one of the more under privileged areas in Ramsbottom which looks to be why this type of structure is being built here. There are other pieces of council land that could be used that is now such close proximity to housing let alone a park!!
- There MUST be far better sites that could be explored. As a council it must be your duty to ensure the safety of your residents.
- It is being built next to children's play area and close to a school and we do not yet fully understand the effects of the emissions. You are playing god with children's health and lives.
- The one there is also noisy at night and a bigger one will make even more noise.
- It is an eye sore, it blocks the view. There is a lot of land around Ramsbottom without housing where this could be built.
- House prices will go down. I objected to the temporary one and certainly don't want it replacing just removing. You wouldn't like it in your front garden but are expecting us to have it in ours.
- I object to this mast being erected so near to homes and a primary school. I have seen the horrific effects of birds dropping from the sky as they near these masts and the dangers to humans is worrying to say the least.
- I strongly object to this mast being installed. I was horrified when it appeared and I felt violated and disrespected by the lack of consultation locally.
- The workmen erecting it said it would be there for 8 weeks. It has now been there for

much longer and needs to be permanently removed. I do not want my family and community exposing to extra radiation or microwaves at any level. This mast is too close to homes, recreation areas, adult social care facilities and schools. It should be the choice of the local community where these masts are positioned.

- Bury Council need to have a strategy for installing these masts that includes the community in any decisions.
- The 'temporary' mast was installed just after we acquired an plot at Fern
- Street allotments and my first thoughts were that it is horrific, it's far too close to houses, the playground, school and allotments. I was told it was temporary and whilst that still is not a good scenario, it felt less worrying.
- Can you confirm why the land where the permanent phone mast is to be sited has been misdescribed in planning documents as land adjacent to allotments rather than correctly as Peel Brow/Fern Street Children's Play Area adjacent to a children's play ground ?
- Why have my objections not been listed in full by Helen Leach ?
- Has the phone mast applicant been told that the site is a children's play area? I am led to believe that it has not been told such. If so why?
- How is this application to be determined and when? Why is there an absence of public information about this?
- This is a complaint and a request for information.
- I have also submitted 2 supplementary emails given the planning web sites word limit which have not been included or added to my comments on the website. Please add the further submissions that I made by email to this summary.
- I also note that the address for the site of the permanent planned phone mast is incorrect it should state that it is the children's play area on Fern Street rather than land adjacent allotments etc. Why is the address / location wrong? Please correct this serious error. It looks like an attempt to hide the fact of the true location which is in a children's play area.
- There is a constant humming noise coming from the existing temporary structure that is in place. As the proposed replacement one is going to be even bigger what considerations are there to the people who will be able to hear this constantly as they do now. This structure will literally be right in people's front gardens how can people be expected to relax in their own homes when they have a structure so close to their windows and have to listen to the constant humming noise.
- How will this affect their house prices?
- I am also concerned that many people with children who live in the area use the recreational land, children's playground and allotments that will have not been sent a letter and not aware of this planning application. What about all the parents that visit the play ground on their way back from school but don't live near by.
- You have felt the need to contact the school so why not follow up if parents have been contacted?
- I'm aware that due to covid schools are very busy in trying to maintain an education for their children they may have not had time to contact parents individually! I believe this should be the councils responsibility.
- The mast is directly across from my home where I have lived for the past 27 years. It is located right next to allotments where fresh food is grown and chickens are kept. Not only this but it is way to close to a children's park and play area. I have no objections to a mast in the area but being so close to the above and way to close to residential homes is just silly. If the mast was further a field away from the residents in an open space then that would be a lot better. Also it can be quite noisy when the wind picks up as it sounds like a ships mast in the wind. On top of this there's then the not knowing if it may contribute towards health issues.
- I write to express not only my objection to the above planning application but also my absolute horror about the total disregard for residents, young children and the environment. The residents of Ramsbottom have serious questions which require immediate and honest responses.
- Who gave permission for this temporary mast to be erected - name please and then we can communicate with them directly.
- The photographs are misleading to say the least, they show and refer to one children's

playground when there are actually two. The second one is not shown or referenced, why?

- Regarding the informing of Peel Brow School, and the comment that no response was received from them, can you imagine what the day to day running of a large primary school is like in the time of COVID, they will be focusing on keeping body and soul together at this time and it is unfair to imply any lack of concern on their behalf due to lack of response.
- Also why inform the school and not the residents?.....Why? Who do you think uses the playground? Children of residents.
- This will have a serious detrimental effect on the wellbeing of residents, this is our home, we have been treated with total disregard by all concerned.
- I quote from the documentation a reason for disregarding one alternative site - Land lying North of Peel Brow E 379572, N 417108 Site directly next to childrens park. Other option preferred. The proposed site is a better solution from a planning and coverage perspective.
- You cannot have failed to notice that if the proposed site goes ahead children will actually be playing directly underneath the mast.
- Please act now to correct the above wrongdoings before it is too late.
- Another controversial application going through the planning process during lockdown. (due to COVID 19).
- At present a temporary mast is in place. Why then is it now to be re-sited to become a permanent fixture?
- It was originally sited on ex soap works (now owned by ISM) chimney.
- If the chimney is no longer its site, could it not be placed in the field at the rear, or is it to be a fixture on land registered to (the Council) or whoever owns the plot presumably to be rented from them.
- Danger of emissions (radio waves) next to a children's playground, near allotments, a school, people's homes there could be a hazard to them all. Have these matters to been taken into consideration?
- I wish to add to my objections submitted on line given the small allocation of only 1000 words permitted on the planning portal submission site. Please take these further points in to account along with my objections on the site.
- I am also concerned at the location of this planned permanent phone mast on the grounds that it is very close to a unit for vulnerable adults on the Peel Brow Estate have their views or health and safety been canvassed or taken in to consideration ? If so, where is the evidence of this or don't primary school children and vulnerable adults get to have a say?
- Have the parents of the young children at Peel Brow School who will spend 8 hours a day near to this mast been canvassed ?
- It is also a large mast with 600 dishes, routers and antennae in a wild life corridor and in the River Valley. It has no place in this location. What is the point of having such designated areas if Bury Council allows businesses/ special interests to run roughshod over such? It is not fitting with the immediate environment and it will be detrimental to local residents enjoyment of the area as well as to wild life. We have bats and deer in the immediate area. This mast should be sited in a non residential area. The only reason that the temporary one is on the site is because local people were not afforded the opportunity to object. I checked at the time.
- These mast sites have high incidents of vandalism and the location of this tower with easy public access is likely to attract the interest of would be vandals. If it were to be set on fire, scaled or toppled it would present a danger to local residents. The chimney where it used to be located is still standing no explanation for the move in to a wildlife corridor, river valley at the edge of a residential area has been provided to date. Nor has there been any evidence that other more suitable sites have been looked in to and why not?
- Can Bury Council also confirm whether it is sited on its land and if so is it to be paid a rent for allowing it to be sited on this spot. If so this is a clear conflict of interest where money trumps the health, wellbeing and safety of residents as well as their enjoyment of their immediate area.

- Little or no thought or critical thinking appears to have gone in to considering the location of this large telecomms tower and the impact on the immediate local community.
- Can you confirm whether this application will go before the planning committee or will it be dealt with by an individual public servant sitting at his/her computer?
- Has there been a site visit by the Planning committee? Is one planned?
- This concludes my objections.
- I also draw your attention to the defective map on the planning portal of the site area of the proposed telecomm tower. There is a further children's play area within a couple of metres of the intended tower which has not been included in the map. This is a further reason which I add to my objection.
- Structures like this should not be built any where near a children's play areas for health and safety reasons. It also spoils the environment in which they play and causes their parents anxiety.
- I am appalled at the attempt by the relevant company to try and site its structure in such a location and so should Bury Council and its councillors.
- I object to the location of the proposed mast on the grounds of potential health risks to the residents and especially to children playing regularly in the play area immediately under the mast. It makes no sense, in fact it defies logic to place the mast in the proposed location given the proximity of residential and educational premises. Consider that there is a primary school within 200 yards of the mast and the area is heavily populated. Why here of all places? Surely the mast should be placed away from a residential area in a safer, more isolated location and out of view. As in addition to the potential health risks, it will not be in keeping architecturally with the structures surrounding it and will be an obvious eyesore.
- My view is that the decision to locate the mast here is commercially driven with no regard for the will or longer term health of the local residents.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of an informative relating to servicing of the development.

Environmental Health - Contaminated Land - No comments.

Property & Technical Services - No response.

EDS Head of Parks and Countryside - No response.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN1/4	Street Furniture
EN1/10	Telecommunications
EN7	Pollution Control
OL5/2	Development in River Valleys
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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 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 - Previously, a mast was sited on the chimney at Britannia Works at the bottom of Kenyon Street, which was operated by Kays Limited. The applicant was served a Notice To Quit (NTQ) in 2017. Due to the dilapidated state of most of the buildings, the new owner of this site confirmed that their intention was to demolish and redevelop the area. Consent has been granted to demolish the building and the site was decommissioned in September 2020. As a result of the decommissioning, a temporary mast was erected on land to the north of the allotments and the temporary mast and equipment was permitted development.

The agent has provided a list of 5 sites, which were discounted for the following reasons:

- Acre Bottom chimney - The chimney is of a similar size to the previous site and the site is to be redeveloped. Located in a Conservation Area. The application site is a better site in terms of coverage and planning considerations.

- TNT Ramsbottom - A large area with many car parking spaces. Site was discounted due to the distance from the nominal and would not provide the required coverage.
- Industrial unit off Garden Street - The site owner confirmed that the area at the front of the building is used for car parking and the area at the rear is used for storage and transit. Site located in the Conservation Area. The roof top option was discounted as the roof was not suitable to house the equipment.
- Land to north of Peel Brow/land to east of ISM off Kenyon Street - Sited directly next to a childrens park and on a steep slope. The application site is better in terms of coverage and planning considerations.

The sites were discounted as the installation would not provide the required coverage and the proposed site would be better in terms of the coverage provided and planning issues. Two of the sites were located in the Conservation Area (CA) and there are concerns about the suitability of the design of a mast in the CA. Two of the sites in the CA and the site on land to the north of Peel Brow would have been located at a lower level and may have required a much larger monopole to provide the required coverage.

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 20 metres in height and would be located on the grassed area to the north of the allotments off Fern Street.

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 proposed mast would be 20 metres in height and would be 4.3 metres lower than the temporary mast in place currently. The proposed mast would be seen against a backdrop of trees and the proposed mast has been designed so as to reflect street furniture, such as telegraph poles in the vicinity. As such, it is considered that the proposed development would not look out of place within the locality and would not be an unduly intrusive feature in the landscape.

The proposed mast and equipment would be surrounded by 2.1 metre high fencing. Vandalism is a concern raised by objectors following reports in the press of masts being vandalised. The number of masts that have been vandalised represents less than 1% of the total number of masts. Anti-social behaviour can result in a criminal offence and would be a police matter to resolve should it take place. However this type of development cannot reasonably be associated with causing antisocial behaviour rather the misbehaviour by miscreants deliberately damaging other people's property is the concern. The operator has provided 2.1 metre high fencing around the site to ensure that the site is secure.

Therefore, the proposed development would conflict with Policies EN1/2, EN1/10 and EN8 of the adopted Unitary Development Plan.

Impact upon residential amenity - There would be 54.8 metres between the proposed development and the properties on Fern Street. There would be 88 metres between the

gable elevation of No. 31 Fern Street and the proposed development. Given the distance involved, 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 Policies EN1/1, EN1/2 and EN1/10 of the Bury Unitary Development Plan.

Highways issues - The proposed development would be located on the grassed area and accessed by the existing single track access. There is an existing gravel parking area to the north east of the site, which would ensure that access can be provided to the allotments at all times. The Traffic Section has no objections, subject to the inclusion of a informative relating to the servicing of the development. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy EN1/2 and EN1/10 of the Bury Unitary Development Plan.

Response to objectors

- The proposed development would comply with the ICNIRP regulations and a certificate has been submitted. As such, the proposed development would be acceptable near the school, play area, allotments, livestock and residential properties.
- The proposed development would not prevent the use of the wider site for recreational purposes.
- The applicant has confirmed that Peel Brow Primary School was consulted prior to the application being submitted and the school was notified as part of the planning application. No comments have been received from the school.
- The proposed development would not impact adversely upon the wildlife corridor.
- The letter sent to 166 neighbouring properties confirms that comments must be made in writing and can be done so via post. A site notice was posted on the streetlight near the site to alert anyone who passes the site of the application.
- The planning department have received a fee of £462 for the processing of the application. The issues relating to any income from the mast being located on Council land is not a material planning consideration.
- The mast will be provide 4G and 5G coverage.
- The issues relating to health risks, visual amenity and vandalism have been addressed in the report above.
- The Supporting Information has provided a list of sites that have been considered and discounted.
- The hum/noise from the temporary mast is being emitted from the generator. The proposed mast would be connected to the mains and the generator would be removed from site. As such, the proposed development would be quieter than the existing temporary mast.
- The loss of view and impact upon property prices are not a material planning considerations.
- The application site has been described as land adjacent to the allotments. The proposed site is closer to the allotments than the play area. As such, the location of the site is considered to be accurate.
- Any comments received via the website are shown on the website. Any comments received via e-mail or by post are not uploaded in order to comply with the data protection legislation. These comments are logged against the application and are considered/reported in the same way as those received via the website.
- The application is to determined using delegated powers in accordance with the scheme of delegation. A site visit has been carried out by the case officer.
- All planning applications received will be dealt with and determined during this time and the extract below from the Planning Update letter issued in March 2020 by the Chief Planner for the Ministry of Housing, Communities and Local Government is clear in the expectation for decision making to continue - 'It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy. Planning and Development Management is considered by the Council to be a Priority 1 Service during the current pandemic concern. Planning applications and processes are continuing within safe and as close

as possible to normal practices and staff hold letters of authorisation to carry out their duties.

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 100, 005, 003, 002, 200, 150, 250, 301, 305 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 temporary mast and associated equipment shall be removed from the site to the written satisfaction of the Local Planning Authority within 2 months of the mast hereby approved being brought into use.
Reason: In the interests of the 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>
HL - 18/12/2020		DM	18/12/20