

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 20/04/2023	Ref: 69091/TEL
Registration: 16/11/2022	LDfC: 10/12/2022	Expiry Date: 11/01/2023
Site Visit: 25/11/2022	Site Notice: 25/11/2022	Press Date: N/A
Objections: 2	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 installation of a 20m Monopole with 6no. Antennas; 1no. GPS module, 2no. Transmission Dishes and 3no. Remote Radio Units (RRUs); 1no. meter cabinet, 3no. equipment cabinets at the base and ancillary development including 1.8m high palisade fencing

Location: Land at Butterstile playing fields (between 47-53 Venwood Road & 206-212 Butterstile Lane), Venwood Road, Prestwich, Manchester, M25 9UF

Description

The application relates to a grassed piece of land which is located in a residential area and close to Butterstile Lane/Venwood Road playing area.

The site is on the periphery of a wide access and parking area which serves the 3 storey residential development to the west which are formed in a half circle layout fronting onto Venwood Road and whose rear elevations directly face the site opposite. To the north is a sports facility and the associated playing area and to the east are houses on Butterstile Lane which are set behind fencing and some tree and vegetation planting.

The grassed verging where the equipment is to be located is approx 7.5m wide beyond which the land rises towards the east to form an embankment which is fenced at the top beyond which are a line of trees.

The application seeks the installation of telecommunications equipment and is a resubmission of an application for telecommunications equipment (ref 67884) which was refused in 2022 for the following reasons:

- Failure to demonstrate alternative sites had been investigated;
- Detrimental to the visual amenity of the area and the residential amenity of nearby occupiers by virtue of the siting, size and appearance.

The proposed equipment would still comprise a 20m high monopole with 6 exposed antennae, 2no. transmission dishes, 1 no meter cabinet and 3 no. equipment cabinets at the base of the monopole enclosed by a 1.8m high palisade fencing. The equipment would be mounted on a concrete base, approx 25 sqm.

The applicant has sought to address the previous reasons for refusal, now proposing a slimmer monopole and hardframe and providing information to discount other site options.

Relevant Planning History

67884 - Prior approval for telecommunications installation comprising of a 20m Phosco Monopole with 6no Antennas; 1no GPS module, 2no Transmission Dishes and 18no. Remote Radio Units (RRUs); 1no. meter cabinet, 3no. equipment cabinets at the base and

ancillary development including 2m high palisade fencing - PARF - Refused 27/1/22

Publicity

Letters sent to adjacent 136 properties on 18/11/22

Site notice 25/11/22

Two objections received with the following comments -

- Overall height in this prominent location would be an obtrusive development, which would harm the character and appearance of the road. This is not something that I wish to look at and possibly see from my house and feel that it would impact negatively on the overall appearance of Butterstile Lane.
- Conspicuous and out of character in proposed location, adversely impacting on surrounding wholly residential areas in terms of scale and siting and seriously affecting residential amenities for occupiers of nearby dwellings in that it would be sited extremely close to residential properties and backing onto gardens not currently overlooked. The mast will be visually dominant in all directions.
- The installation will negatively impact on the character and enjoyment of the nearby designated children's play area, which is the only open-air play area for some children living in nearby dwellings which do not have gardens for them to play in.
- Site could become a focus for anti-social behaviour; there have been press reports of alleged arson attacks on similar equipment in the North West.
- Not enough research concluded to ensure radiation emissions from telecommunication equipment operating at higher frequencies sited close to residential does not present health risks.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

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
HT6/2	Pedestrian/Vehicular Conflict

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.

With regard to prior approval, para A.3(4) of Class A provides that before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

Chapter 10 of the NPPF - Supporting high quality communications of the NPPF at para 114 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 115, 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 117, 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.

The applicant should also demonstrate that the sequential approach outlined in the NPPF has been adopted, with consideration given first to mast sharing, possibility of erecting antennas on an existing building or structures and following that, ground base installations.

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.

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.

Principle of development - The Government remains committed to promoting telecommunications and places emphasis on the importance of telecommunications to the wider economy. The NPPF recognises the vital importance of high quality telecommunications and outlines the Government's support for high quality communications.

The NPPF recognises that planning policies and decisions should support the expansion of electronic communication networks including next generation technology such as 5G and 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 in-principle proposal to improve the telecommunications provision and network in the locality would be accepted and would comply with the principles of the NPPF, subject to details of siting, design and access.

Site selection

Para 115 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.

Where new sites are required equipment should be sympathetically designed and camouflaged where appropriate.

In accordance with the licence obligations and advice in the National Planning Policy Framework and the Code of Best Practice in England the applicant's network rollout team investigated the following siting and design options using this sequential approach to site selection:

- Upgrading their own existing base stations;
- Using existing telecommunications structures belonging to another communications operator. i.e. Mast and/ or site sharing, co-location;
- Installations on existing high buildings or structures including National Grid pylons;

- Using small scale equipment; and finally
- Erecting a new ground based mast site – (1st) Camouflaging or disguising equipment. (2nd) A conventional installation e.g. a lattice mast and compound.

The applicant currently mast shares with another provider at the Sandy Lane site but now requires new 5G to be installed on their network in this cell area. However, the existing installation at Sandy Lane cannot be upgraded to provide 5G for both operators as it would require significant redevelopment of the existing structure which would be out of keeping with current streetworks style structure and would cause detrimental harm. Therefore, the applicant is looking to replace its coverage at the existing site with a new replacement radio base station which needs to be as close as possible in order to replicate its existing coverage in this cell area, and also upgrade its 2G, 3G and 4G technologies and provide a new 5G service to this part of Bury. The existing installation at Sandy Lane would be retained for Vodafone service provision.

7 alternative sites were considered:

1. Upgrade existing Sandy Lane site - Currently site share with another provider. To continue to share an existing structure at this location would require significant redevelopment of the existing structure to a much more structurally robust mast capable of hosting all the differing antennas and equipment from both operators. A new replacement site is therefore needed to provide the applicant with the latest 2G, 3G, 4G and 5G technologies.
2. Junction Butterstile Lane and Sandy Lane - Would not have the 30m required separation between the 2 operators sites. This was confirmed by TEF radio on the site visits and discounted.
3. Butterstile Primary - Discounted due to impact on residential amenity
4. Junction Carr Ave and Butterstile Lane - Area behind site subject to several applications for a new property to be built. Given the streets density, an installation at this location would have more of an impact on the residential amenity in the area.
5. Roundabout at Venwood Road - rejected as it is located at a much lower ground height than the target area and would not provide the required coverage
6. Roof of Flats at Brentwood Court and Brentwood Court - would not support the equipment
7. Venwood Road playing fields - rejected as it is located at a much lower ground height than the target area and signal obstruction from trees and would not provide the replacement coverage from the existing Vodafone SW. In addition it was one of the worst options in terms of visual impact on neighbours.

It is considered that the applicant has undergone an adequate site selection process in terms of siting the equipment and in order to continue to provide the necessary coverage at the existing site.

The proposed development would therefore comply with advice in the NPPF and Code of best practice in England.

Design, siting and impact on the surrounding area - This application proposes new telecommunications equipment in an area which has not previously accommodated a mast and associated cabinets and as such there will be a visible impact where there is currently none.

The proposed equipment would comprise a 20m high mast with a column width of approx 0.5m and with 6 exposed antennae. Equipment cabinets would be located at the base and enclosed within a 1.8m high palisade fence.

The nearest properties would be the flats to the west whose rear elevations would be approximately 22m away from the equipment. There are a number of flats within the building whose rear elevations and habitable room windows would have direct views of the

site and equipment.

Comparative to the previous application, the pole width would be the same but would have a less industrial type appearance. The top of the column would support 6 no antennas but unlike the previous scheme would be fitted tight to the headframe and less bulky and obtrusive.

The applicant states that if the column was to be any lower the antennas would not be able to clear the trees and therefore not operate effectively and that located within the context of other linear structures and set against the backdrop of a line of trees to the east of the site, the equipment would be screened from certain vantage points.

The applicant has provided a photomontage which shows the proposed equipment super-imposed on the site when viewed from the rear of the residential properties looking eastwards. The proposed equipment would be viewed against part of an embankment which rises to meet the rear gardens of houses on Butterstile Lane. There is a boundary fence running along the top of the embankment and mature high trees beyond.

The photomontage is helpful, in that whilst the equipment would still be sited in the same position and would be the same height as the previously refused application and therefore highly visible when viewed from some of the flats opposite, the design has been modified to now appear less obtrusive in bulk and appearance, and can be assessed against the backdrop of the landform and trees.

It is acknowledged that there would be some impact on the visual amenity of the surrounding area and nearby residential properties. However, in weighing up these impacts, it is considered the harm caused could reasonably be outweighed by the benefit of providing an improved telecommunications network coverage to the area, and on balance, considered acceptable.

In addition, it is noted that only two objections have been received out of the 136 notified of the application. No objections were received from properties on Venwood Road.

Therefore on balance, it is considered the proposed development would be acceptable in relation to the dwellings on Venwood Road.

The site is located approx 10m from the rear boundaries to the houses to the west on Butterstile Lane and 30m to their rear elevations. There is a difference in levels between the site and these properties and also an intervening boundary wall and some tree planting on top of the embankment which would screen part of the equipment from views from these houses and from their gardens.

It is therefore considered that the siting of the proposed equipment would not have a significantly harmful impact on the amenity of the occupiers of Butterstile Lane.

The proposed equipment would be sited approx 25m from the boundary with the playing fields to the north, which are at a higher level to the site. The monopole would be visible from these fields and there is also a ballzone pitch located 37m away. Whilst the structure would be visible, the distance away of the proposed equipment is considered to provide enough relief not to be significantly harmful to users of the playing field.

As such and on balance, the proposed development is considered to be acceptable on this occasion.

Additional consideration

In April 2022, the Government made changes to the permitted development rights for the siting of new telecommunications equipment, whereby new ground-based masts on unprotected land are permitted up to 30m in height, subject to prior approval to assess siting and design.

There are also permitted development rights for the erection of street apparatus without antennas up to 15m high which do not require prior approval from the LPA. Thereon,

development is permitted for the alteration or replacement of an existing ground based apparatus which could increase the height up to 25m (subject to prior approval on article 2(3) land or land on the highway). Prior approval is not required outside of Article 2(3) land and land on or within SSSI. The site is not article 2(3) land, not a SSSI and not on the adopted highway.

There is therefore the fall back position in that apparatus up to 15m could be without consent and thereon erect 25m high replacement apparatus.

It is acknowledged there is a difference between 'apparatus' and 'masts/antennas' for the purposes of providing wireless telecommunications, but in principle, replacing a 15m high structure by a 25m high structure could be carried out without any planning consent.

It is therefore considered that on balance and in weighing the benefits of providing the upgrade to telecommunications services in the area, in considering development which could be carried out without requiring a planning approval and given the change to the design to provide a less imposing structure with less bulky antennae, it is considered the proposed development would be acceptable.

The proposed plans show a 1.8m palisade fence would enclose the equipment. Palisade fences are types which are generally only seen in industrial/manufacturing or commercial locations and even then, tend only to be found on older developments with the move to encouraging and supporting paladin mesh type enclosures which are more visually appealing and less visually intrusive. Notwithstanding the submitted plans, a condition would be included for details of a fenced enclosure to be submitted for approval.

Highways issues - The equipment would be sited on a grassed verge and would not obstruct pedestrian access or cause highway safety issues to the road network. The proposed development would be acceptable from a highway perspective.

Response to objections

- An ICNIRP certificate has been submitted and as such the proposed development would fulfill the legal requirements in this respect.
- The proposed development has been assessed in terms of visual and residential impacts in the above report.

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.
- 2 This decision relates to drawings numbered Site location plans 100 rev B; Propsoed site plan 201 rev C; Propsoed site elevation 301 rev C (received 17/11/22) and the

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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 monopole hereby approved shall be coloured grey (Ral 7035) and the equipment cabinets shall be coloured green 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.
- 4 Notwithstanding the approved plans, prior to the installation of the equipment hereby approved, details of the type, colour and height of a fence enclosure shall be submitted to and approved by the Local Planning Authority. The approved fence enclosure only shall be implemented and thereafter retained.
Reason. In the interests of visual amenity pursuant to Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design.
- 5 The telecommunications equipment hereby approved are required to be respectively removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
Reason. In the interests of visual and residential amenity pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and EN1/2 - Telecommunications.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	20/4/23	DM	21/04/23