

DELEGATED REPORT

Report by Claire Booth	Date of report: 27/11/2023	Ref: 70140/TEL
Registration: 03/10/2023	LDFC: 27/10/2023	Expiry Date: 28/11/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed installation of a 25.0m lattice mast with an existing compound approximately 36m to the south of the site. The development will include a base station, 2.4m high palisade fencing, 6no. operator cabinets, 1 no. electrical metre cabinet, no.2 dishes, 6no. antennas and ancillary development thereto

Location: Unsworth Cricket And Tennis Club Ltd, Pole Lane, Bury, BL9 8QL

Description

The application relates to a site on land to the east of Unsworth Cricket Club, adjacent to the dual carriageway M66, which is bordered by vertical elements such as trees and bushes and signage along the road. Unsworth Cricket and Tennis Club borders the M66 to the east. There is residential development approximately 220m to the east of the site.

Prior approval is sought for the installation of a 25.0m lattice mast with a existing compound approximately 36m to the south of the site. The development will include a base station, 2.4m high palisade fencing, 6no. operator cabinets, 1 no. electrical metre cabinet, no.2 dishes, 6no. antennas and ancillary development .

The supporting information indicates that the proposal is for an upgrade to local nearby cells which are able to be consolidated on to the new Icon Tower mast in due course.

The site is located within the Green Belt, as defined within the UDP within 30m of an existing monopole mast. The submission documents indicate the existing infrastructure will be removed when decommissioned, which will be within 3 months of the new mast being up and running.

Relevant Planning History

01754/E - Proposed ground mounted solar pv - Enquiry completed 02/12/2015

59922 - Prior notification of telecommunications development for the replacement of 15 metre high phase 4 monopole with 15 metre high phase 5 monopole and 1 no. equipment cabinet - Withdrawn by Applicant 24/05/2016

60261 - Prior notification of telecommunications development for the replacement of 15m phase 4 monopole with 15m phase 5 monopole and 1 no. equipment cabinet. - Prior Approval Required and Granted 26/07/2016

60827 - Installation of 33.5 KW ground mounted solar panel system - Withdrawn - Invalid 02/03/2017

64247 - Replacement of 15m monopole supporting 3 no. antennas with 20m high capacity monopole supporting 6 no. antenna apertures and 4 no. 600mm dishes: At ground level, 4 no. cabinets to be replaced with 8 no. cabinets and ancillary works thereto at both ground level and on monopole - Approve with Conditions 08/08/2019

Publicity

8 nearby neighbour were notified by letter about the proposals. A Site Notice advising of the proposal was also erected at the gateway to the Cricket Club.

No representations have been received to this publicity.

Statutory/Non-Statutory Consultations

National Highways - Offer no objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

Not applicable

Issues and Analysis

Policies

Chapter 10 of the NPPF - Supporting high quality communications of the NPPF at paragraph 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 paragraph 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 paragraph 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.

Chapter 12 of the NPPF Achieving well designed places, states that the creation of high quality places is fundamental to what the planning and development process should achieve.

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 EN1/1 - Visual Amenity considers seeks to ensure development does not detract from visual amenity.

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 OL1 Green Belt seeks to protect the Green Belt from inappropriate development and to preserve its openness and permanence.

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Principle of Development

Class A, Part 16 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order, 2015 (GDPO) states that the installation, alteration or replacement of any electronic apparatus may be permitted development. Having regards to Class A.1 (1), Part 16 of Schedule 2 of the GPDO, for ground base apparatus, it is considered that the proposed development could constitute as permitted development, subject to the conditions set out within section A (2) of this class.

Class A.3 (1) of the GDPO states the requirements which the developer should carry out if a prior approval application is submitted. Having regards to the information provided with the submission of the application, it is considered that the developer has carried out the correct procedures under Class A.3 (1) of the GDPO.

Chapter 10 of the National Planning Policy Framework (NPPF) relates to the supporting of high quality communications.

Need for the Development

The government's updated UK Digital Strategy sets out the goal of ensuring that the UK delivers a world leading digital economy, which includes the commitment to provide the latest 5G technology. The applicant states their commitment to following through the Government's aims and delivering a high quality service and the proposed new upgraded installation and equipment would provide the ability to prepare for the new 5G technology.

Proposed drawings and Site Supplementary Document (SSD) have been submitted as part of the application. Information within the SSD states that the applicant's site selection strategy is to keep the overall environmental impact to a minimum and that utilising existing masts is always progressed where it is technically and legally possible. New sites are only developed where there are no viable or accessible alternatives. Improvements in telecommunications technology has led to the existing sites nearby becoming unsuitable for Icon Tower, the applicant, as existing structures cannot support the required upgrades to the existing telecommunications systems. To allow for these upgrades as well as future proofing the site for other potential telecommunication innovations the applicant has deemed it necessary to construct a new mast with additional capacity. The 25m in height is required to ensure none of the existing operators lose coverage as the antennas have to be relocated on to two new headframes on the proposed mast. The proposed height is also required to "see over" nearby trees and built form which are particularly problematic when broadcasting signal. As the proposed development is intended to in time to replace existing telecommunication installations which are already established feature in the area, the applicant has kept the proposed new telecommunications mast at a point whereby a wide coverage area can be achieved by operators, while being located in an area where the principle of development has already been established due to the existing mast.

On balance, information within the supporting documents clearly demonstrates the need for new telecommunications services within the area, which are considered to be a benefit to members of the public, whilst also meeting the aims of the UK Government. Information provided also shows that a variety of other locations has been considered, with the best option being the one forming this application. The need for the development is accepted in the light of the requirement to provide 5G technology and therefore the principle of the development is therefore considered to comply with the NPPF in this instance.

Design and Visual Amenity

National policy attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

- a. Function well and add to the overall quality of the area, not just short term but over the lifetime of the development,
 - b. Are visually appealing,
 - c. Are sympathetic to the local character and history,
 - d. Establish and maintain a strong sense of place,
 - e. Optimise the potential of the site to accommodate and sustain an appropriate mix of developments,
 - f. Create places
- which are safe, inclusive and accessible as to promote health and

well-being.

Paragraph 115 of the National Planning Policy Framework (NPPF) states that where new sites are required, 'equipment should be sympathetically designed and camouflaged where appropriate.'

In this case, the proposed 25m mast and its associated infrastructure would be sited close to, within 30 metres, of existing telecommunications infrastructure on this land, a mono-pole mast which will be replaced when the new mast is installed and is transmitting. In the short term its position would therefore consolidate existing telecommunications infrastructure and once the new mast is installed and functioning the old mast will be replaced. The proposal is therefore considered to not caused demonstrable harm to visual amenity and once the new mast is functioning the existing mast will be removed from site.

A planning condition has been recommended to ensure the existing monopole mast is removed from site.

Highway Safety

Paragraph 111 of the NPPF states that '*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highways safety or the residual cumulative impact on the road network would be severe.*'

Unsworth Cricket Club is located off Pole Lane, Unsworth with the club itself located at the far end of the site. The proposed 25m lattice mast would be located to the east of the clubhouse.

The application site borders the M66 motorway. National Highways have been consulted on the proposals and have raised no objections to the proposed development. In terms of the impact on local highways, the site is located well away from Pole Lane and as such, the proposed development is not considered to result in significant harm to highway safety. On this basis the proposal therefore would therefore accord with the NPPF.

Health and Technical Issue

Section 117A of the NPPF states that telecommunications applications should be supported by necessary evidence to justify the proposed development, which should include 'the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college...'

Section 118 of the NPPF states that Local Planning Authorities should determine telecommunications applications on planning grounds only and that Authorities should not question the need for an electronic communications system or set health safeguards which differ from the guidance within the International Commission's Guidelines (ICNIRP) regarding public exposure. If a telecommunications proposal meets ICNIRP guidelines, then the Local Planning Authority is not required to further consider health aspects or concerns.

As part of the submission for the application, a declaration of conformity document has been provided demonstrating that the scheme would conform with ICNIRP Public Exposure Guidelines, therefore there is no requirement for the Council to consider any further health impacts on the application, as per Paragraph 118 of the NPPF.

Site Selection Process

Paragraph 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.

In accordance with the NPPF and Code of Best Practice in England, an application should demonstrate that a sequential approach to site selection has been investigated.

This site contains existing telecommunications infrastructure which the new mast will use. The submitted plans state that the existing mono-pole on site will be removed once the new site is up and running satisfactorily. Replacement of a mast is acceptable.

Green Belt

Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation;
- c) extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
- d) replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for community needs under policies set out in the development plan (including policies for rural exceptions sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use excluding temporary buildings) which would
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 150 of the NPPF confirms certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages.

Policy OL1/5 - Mineral Extraction and Other Development in the Green Belt.

Within the Green Belt other development, not including buildings, will be inappropriate unless:

- a) it maintains openness and does not conflict with the purposes of including land in the Green Belt; or
- b) in the case of mineral extraction, it does not conflict with the purposes of including land in the Green Belt, and high environmental standards will be maintained and the site well restored.

Proposals for other development not falling into one of the above categories is inappropriate development and is, by definition, harmful to the Green Belt. Any development proposal considered to involve inappropriate development will only be permitted in very special circumstances.

There is an existing telecoms mast on the area of land to the east of Unsworth Cricket Club, which is sought to be replaced by the proposed mast. In the immediate short term however, the proposal is for an additional mast on the land adjoining the cricket club. The proposed mast would therefore add a secondary telecoms mast within the location for a short time, and as such this increase in development could be considered to have a greater impact on the openness of the Green Belt than the existing development.

As there is already an existing mast within 30 metres of the proposed mast, the applicant considers the proposed mast would co-locate them, and thus the proliferation of masts would be avoided. They also consider the lattice design of the mast permits more to be seen through the structure, reducing bulk in comparison to the existing monopole mast. This design feature in itself helps to reduce impact on the openness of the Green Belt. In addition to this, the proposed site is sited adjacent to the M66 Motorway which is host to vertical infrastructure such as signage, which contribute towards visual clutter and themselves impact upon the openness of the green belt. Co-locating the site with this existing infrastructure in the short term means that the openness of this particular area of the Green Belt is not adversely affected to the same extent as a more vastly open area of Green Belt further away from the pylons and motorway infrastructure. Once the proposed mast is installed and functioning the existing monopole mast is to be removed within 3 months of the new mast functioning.

Other Matters

Mineral Safeguarding Area

Policy 8 of the Greater Manchester Minerals and Waste Plan aims to safeguard potentially viable deposits of coal within the District.

Whilst the application site is located within a Mineral Safeguarding Area, given the scale, nature and location of the proposed development, and its location between the cricket club and the M66 motorway it is not considered that there is a potential for future coal extraction and therefore only limited weight can be afforded to the MSA allocation in this instance.

Conclusion

The proposed development relates to the installation of a 25.0m lattice mast with an existing compound approximately 36m to the south of the site. The development will include a base station, 2.4m high palisade fencing, 6no. operator cabinets, 1 no. electrical metre cabinet, no.2 dishes, 6no. antennas and ancillary development. The development falls within Part 16, Class A of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (GPDO). The proposed development is considered acceptable having regard to its design, appearance and siting. Prior approval is therefore required and granted.

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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 five 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 ENT001 Rev. A, 201 Rev. A, and 301 Rev.A 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 and the National Planning Policy Framework listed.

- 3 Within 3 months of the telecommunications facility hereby approved being erected and brought into use, the existing monopole shall be permanently removed from the application site.

Reason: In the interests of visual amenity and in accordance with Policies EN1/1 - Visual Amenity and EN10

<u>Case Officer</u> CB 27/11/23	<u>Date</u>	<u>Sign off Officer</u> DM 27/11/23	<u>Date</u>
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