

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132554/TEL/2021

Date registered valid: 20 December 2021

Proposal: Prior Approval for the installation of 15 metre high telecommunication monopole with wrapround cabinet at base and associated ancillary works.

Address: Pavement Adjacent To Cheetham Hill Shopping Centre, Bury Old Road , Manchester, M8 5BL

Ward(s): Crumpsall Ward

Applicant: CK Hutchison Networks (UK) Ltd Great Brighams Mead, Vastern Road, Reading, RG1 8DJ

Agent (if any): Sam Wismayer WHP Telecoms Limited 1a Station Court, Station Road, Guiseley, Leeds, LS20 8EY

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 8 February 2022

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 14 January 2022

Standard consultations:

Printed: 4 January 2022 Expired: 25 January 2022

Neighbour notifications

Printed: 4 January 2022 Expired: 25 January 2022

Site notice

Posted: Expired:

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The application site relates to the pavement adjacent to Cheetham Hill Shopping Centre in the north Manchester ward of Crumpsall. The 5G mast is proposed to be positioned within the pavement along Bury Old Road, close to 4 existing cycle parking rails and in front of the shop Junaid Jamshed. The site is located close to the vehicle entrance and walkway entrance to Cheetham Hill Shopping Centre. This piece of pavement is extremely well used by residents and shoppers. An existing 5G mast is positioned further south along Bury Old Road; no planning history exists for this mast.

There may be some residential flats above the commercial units along Bury Old Road, but the immediate area is mainly commercial in nature. To the east of the site lies the Cheetham Hill Shopping Centre, the south of the site comprises of commercial properties along Bury Old Road, the west comprises of additional businesses which sit within the Salford City Council authority and again the north comprises of additional commercial properties leading further into Crumpsall.

Description of development

Prior Approval for the installation of a 15 metre high telecommunication monopole with wraparound cabinet at base and associated ancillary works has been applied for. This would include a G-100876 cabinet and 2 no. cabinets.

Planning history

No planning history exists for this site, however there are numerous planning applications relating to the construction and usage of the Cheetham Hill Shopping Centre.

Consultations & Notification Responses

Local residents

Local residents were consulted, and no responses were received.

Environmental Health

Environmental Health asked that the following pre-commencement condition was placed on any consent granted.

External plant/equipment/servicing:

- a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (L_{Aeq}) below the typical background (L_{A90}) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.
- b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

Highways Services

Highways gave the following response. The proposed equipment is to be positioned towards the front of the footway. Sufficient carriageway clearance is being provided and sufficient footway width is being maintained with a clearance of 2m (minimum) to the back of the footway. An adequate clearance of a minimum of 450mm is being provided from the edge of the carriageway. This is acceptable to Highways.

An unobstructed clearance of 2m (minimum) should be provided from existing street furniture. The applicant is advised to make contact with the relevant council department regarding any amendments that maybe needed concerning the existing bike stand.

Operatives undertaking servicing / maintenance thereafter will be expected to comply fully with the relevant traffic laws, including any local parking and movement restrictions.

The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email -highwaylicenses@manchester.gov.uk

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 10. Supporting high quality communications- Explains how planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. It specifically states that where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
- ii. Chapter 12. Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and

appearance of public and private spaces. Where development is not well designed, it should be refused.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. Of relevance are:

Policy DM1 (Development Management); which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The impact; on the surrounding areas; in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area. The effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 (Spatial Principles); which sets out the City Council's Core Development Principles and states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, amongst these include: creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policy is of relevance in the consideration of this application:

Policy DC17.1 states that applications for telecommunications developments will normally be approved if the Council can be satisfied that the development has been sited and designed to minimise its impact on residential amenity and in environmentally sensitive areas. Wherever possible, the Council will expect the potential of existing buildings and masts, including the sharing of such facilities, to be fully explored before agreeing to additional separate development.

ISSUES

Principle of development

The Town and Country Planning (General Permitted Development) (England) Order 2015 confers 'permitted development rights' for certain types of telecommunications development. These permitted development rights remove the need to submit a full planning application for masts and equipment of the type proposed.

This means that the Local Planning Authority can only control the details of the siting, design and external appearance of a telecommunication development, as the acceptability of the principle of the development is already established.

The principal issue relates to the impact upon visual amenity and upon the character and appearance of the area, as consequence of the siting and appearance of the proposed installation.

In this case, given the prevailing policy and Government support for telecommunication installations coupled with the siting and appearance of the proposed installation in the case, the principle of the proposal is considered satisfactory. The public benefits of a greatly enhanced communications network for businesses, residents and visitors alike in this location, would also qualify as a considerable positive that would contribute to the wider economic output of the area, as well as social improvements.

As such, it is considered that the proposal complies with the overarching policy framework which outlines a general presumption in favour of telecommunication development. It is necessary however to further assess the appropriateness of the siting and appearance of the proposed equipment, as outlined below.

Siting and Appearance

The 5G mast is to be positioned on the pavement along Bury Old Road close to 4 existing cycle parking rails and in front of the shop Junaid Jamshed. The immediate area is comprised of a mainly commercial nature. This piece of pavement is extremely well used by residents and shoppers and an existing 5G mast is positioned further south along Bury Old Road. On 7 January 2022 over email, the agent confirmed that the existing mast was not one of the agent's clients and would be retained as a result of this proposal.

The introduction of a tall structure would always to some degree be noticeable, particularly to passers-by, nearby commercial units and occupiers. This does not necessarily mean there would be any harm or that there would be an overwhelming, undue impact. Furthermore, the proposed mast would be seen in context with the mast further south along Bury Old Road, and thus it is considered that the applicant has minimised the impact by practicable and appropriate siting. In terms of appearance, the design reflects the vertical emphasis provided by the neighbouring mast, street lighting and buildings, as the mast would sit above the approximate surrounding building height (8 metres) and the streetlights (9.3 metres). The mast is also fairly slim-line in appearance and is to have a galvanised steel finish to reflect other nearby street furniture, typical of an urban streetscape.

Since the properties surrounding the site are mainly commercial uses, this proposal would not unduly affect residential amenity, and would fit in with the busy nature of the street, which contains multiple advertisement signs. The mast would be well sited with the surrounding commercial setting.

On balance, given the context of the existing equipment, the proposed installation is unlikely to be significantly intrusive or noticeably detectable beyond the immediate area and above the eyeline of neighbouring occupiers. As such, the impact is not considered so significant to have an undue impact upon either the appearance of the area or upon residential amenity.

Impact on Health

The role of the planning system is not to duplicate existing controls under other legislation and is not the place to determine health safeguards. It is the Governments' view that if a proposed development conforms to International Compliance for Public Exposure Guidelines for Public

Exposure to Electromagnetic Fields established by the International Commission on Non Ionising Radiation Protection (ICNIRP), further consideration of this issue should not be necessary by the Local Planning Authority.

It should also be noted that within the recent letter issued to Local Planning Authorities from the Department for Digital, Culture, Media and Sport, dated 24 May 2021, it is stated that the Government's independent advisers on matters of public health, are clear that there is no credible evidence of a negative impact of mobile technology, including 5G on people's health. Central to PHE's advice are the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), which is formally recognised by the World Health Organisation.

Access

The proposed equipment is to be positioned towards the front of the footway. Sufficient carriageway clearance is being provided and sufficient footway width is being maintained with a clearance of 2m (minimum) to the back of the footway. An adequate clearance of a minimum of 450mm is being provided from the edge of the carriageway. This is acceptable to Highways.

Noise

Environmental Health requested that an external plant/equipment/servicing pre-commencement condition was placed on any approval granted. This condition is considered too onerous, given the site is already a busy area due to the nature of Bury Old Road. Therefore, the condition would not be placed on any approval granted.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1)The City Council is satisfied with the siting and appearance of the proposed telecommunication installation, in accordance with policies SP1 and DM1 of the Manchester Core Strategy, saved policy DC17.1 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework (NPPF). The consent hereby provided shall ensure the installation be carried out only in accordance with drawings numbered MAN19113, together with accompanying documents, received by the City Council as Local Planning Authority on 20 December 2021.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy, saved policy DC17.1 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework (NPPF).

Informatives

1)An unobstructed clearance of 2m (minimum) should be provided from existing street furniture. The applicant is advised to make contact with the relevant council department regarding any amendments that maybe needed concerning the existing bike stand.

2)Operatives undertaking servicing / maintenance thereafter will be expected to comply fully with the relevant traffic laws, including any local parking and movement restrictions.

3)The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email - highwaylicenses@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Environmental Health

23 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
22 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
5 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
4 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
3 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
2 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
1 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
1 St Margarets Building, Bury Old Road, Salford, M7 4PF
2 St Margarets Building, Bury Old Road, Salford, M7 4PF
3 St Margarets Building, Bury Old Road, Salford, M7 4PF
Unit 5 Union Terrace, Cheetham Hill Road, Salford, M7 4ZH
Unit 7 Union Terrace, Cheetham Hill Road, Salford, M7 4ZH
Unit 8 Union Terrace, Cheetham Hill Road, Salford, M7 4ZH
Unit 9 Union Terrace, Cheetham Hill Road, Salford, M7 4ZH
Unit 10 Union Terrace, Cheetham Hill Road, Salford, M7 4ZH
Unit 11 Union Terrace, Cheetham Hill Road, Salford, M7 4ZH
Unit 12 Union Terrace, Cheetham Hill Road, Salford, M7 4ZH

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH1