

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131591/TEL/2021

Date registered valid: 7 September 2021

Proposal: Erection of 15m telecommunications mast structure supporting antennae and fibre cable together with associated cabinets

Address: Opposite 26 St Werburghs Road, Manchester, M21 0TJ

Ward(s): Chorlton Ward

Applicant: Grogan IX Wireless Ltd Lockside Office Park, Preston, PR2 2YS

Agent (if any):

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 01.11.2021

Application details

Type of application: Telecommunication Application

Development type: Notifications

Standard consultations:

Printed: 16 September 2021 Expired: 7 October 2021

Neighbour notifications

Printed: 23 September 2021 Expired: 14 October 2021

Site notice

No site notice has been produced

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: Not applicable

Tree Preservation Order: Not applicable

Description of site

The application site is the pavement on the eastern side of St Werburghs Road to the immediate south with its junction with Brantingham Road. The pavement has a depth of approximately 3.9 metres adjacent the rear garden of 265 Brantingham Road. The area is residential in nature comprising of two storey red brick semi detached properties.

Description of development

The application proposals are for the prior approval for the installation of a 15 m high telecommunications mast structure supporting antennae and fibre cable together with associated cabinets. The equipment is proposed to provide a full-fibre broadband network to the local residential properties and is required as part of, and to extend, the Applicant's electronic communications distribution network. The pole will also support antennae, which will transmit and receive radio signals, to create a local access network allowing wireless connections from the users' premises to the Applicant's distribution network. The presence of this equipment means that it requires a prior approval application.

The applicant has set out the planning fallback in consideration of the proposals and installation of a 15m high mast alone. They have also provided Counsel advice of this fallback position as well as examples of certificates of lawful proposed development for the installation of 15m high poles carrying fibre cable, there have been no changes to the relevant part of the General Permitted Development Order since this decisions or Counsel advice. The applicant concludes within their statement that the pole and fibre cable alone can be (and would be) erected without

the need for Prior Approval of the LPA. This clearly provides the planning 'fall-back' position against which to consider the inclusion of antennae on the pole, which would then create a 'mast' for the purposes of the GPDO and requiring the prior approval of the LPA

Consultations & Notification Responses

Neighbouring properties were notified of the proposals, two objections were received, a summary of the comments made are set out below.

- The proposed 15m telecoms mast structure and cabinets are obtrusive; it overlooks our property and will disrupt the skyline view from our garden and windows in a negative way.
- The mast and cabinets will obstruct the pavement used daily by school children and pedestrians of all ages (including wheelchair, mobility scooter, pushchair and pram users).
- The mast and cabinets are ugly and industrial in appearance and will not blend into this domestic, leafy, community area. They will appear as an eyesore.
- Similar masts and cabinets have attracted anti-social behaviour, noise, graffiti, and vandalism to the area they have been installed. . We do not want similar problems in St. Werburgh's Road.

26 St. Werburghs Road is currently empty and has just been sold, subject to contract. The current and new' owners' may not be aware of the planning proposals, so may not be able to make comments about this planning application or reply by the October 14th deadline.

Having studied the proposed layout and size of the mast and cabinets I am in no doubt that there will be a permanent visual dominant 'eyesore', that is completely out of character to this neighbourhood and the normal street furniture. The proposed structure will command an overbearing disproportionate appearance in this quiet urban residential landscape and it will have a long lasting detriment to the visual appearance and character of this area.

The proposed structure will be located on a pavement that is narrow when compared to other mast and cabinet structures already located nearby on much wider pavements and wider roadways (Wilbraham Road in Fallowfield, for example). This proposed structure will narrow the existing pavement width by approximately 20%. St. Werburghs Road is a popular pedestrian route, most notably for school pupils and parents with pushchairs. At busy times such a proposed siting may force people to cross the road at or close to a busy 'commuter' junction with Brantingham Road, and thereby add greater pressure to a busy footfall on the opposite side of the road at school commuter times in particular. The junction of St. Werburghs Rd and Brantingham Rd is an accident hotspot, with significant damage reported on neighbouring properties.

It is worth noting that at the proposed site and along Werburghs Road many vehicles are parked on the pavement, to allow an easy flow of two-way traffic along the road. This parking behaviour already narrows the pavement width but at the proposed site will narrow the pavement further, adding to the pedestrian congestion.

Despite telecommunications providers signing up to ICNIRP RF EMF Guidelines, as a new technology, no one really knows the health implications of long-term exposure to 5G may have to people who live in close proximity to the 5G masts and cabinets. Surely it is safer for the community to place them away from houses and the families who live in them.

MCC Highway Services - Both the monopole and associated antennas and cabinets appear to be placed at the back of the adopted footway. Sufficient carriageway clearance is being provided and sufficient footway width is being maintained.

It is accepted by highways that the proposals would not cause a distraction to passing vehicles and would not give rise to forward visibility issues.

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

Policies

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

Chapter 2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

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):

- 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;
- 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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- An environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

11. Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Chapter 10. Supporting high quality communications

114. 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 next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

115. The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. 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.

116. Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:

- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

117. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) 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, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
- b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

118. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

Local Development Framework - Core Strategy Development Plan Document (adopted July 2012)

Policy SP1 identifies 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 including:-

- 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 or income.
- Protect and enhance the built and natural environment
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.
- Policy DM 1 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:-
- Appropriate siting, layout, scale, form, massing, materials and detail.
 - 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.
 - 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.
 - Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
 - Community safety and crime prevention.
 - Design for health.
 - Adequacy of internal accommodation and external amenity space.
 - Refuse storage and collection.
 - Vehicular access and car parking.
 - Effects relating to biodiversity, landscape, archaeological or built heritage.
 - Green Infrastructure including open space, both public and private.
 - Flood risk and drainage.
 - Existing or proposed hazardous installations.

Unitary Development Plan Saved Policies

DC17 Telecommunications states that the council should be satisfied that the development has been sited and designed to minimise its impact on residential amenity and in environmentally sensitive areas.

Issues

Siting & Appearance - Following assessment of the proposal and the proposed siting of the telecoms mast and associated cabinets it is considered that the development would not give rise to harmful impact to the visual or residential amenity given permitted development rights exist for the installation of a similar structure in this location.



View south along St Werburghs Road from junction with Brantingham Road with the application site located to the left.



View north toward junction of Brantingham Road and St Werburghs, application site to the right

Highway Services have raised no concerns with regards to the depth of pavement that would remain following the installation of the mast and equipment cabinets. In this instance the proposals are not considered to give rise to unacceptable impacts on highway and pedestrian safety.

The proposed monopole would have a varying diameter being 457mm for the first 10 metres narrowing to 406 mm for 3 metres and narrowing for the final 2 metres being approximately 100mm in diameter widening to 1000mm at the top where the antennas are mounted. The pole is proposed to be grey/galvanised according to the submitted planning statement. It is considered that these finishes would be acceptable within the street scene.

The applicant has set out a reasoned case as to why the mast alone with a fibre cable would be permitted development under Schedule 2, Part 16, Class A of the General Permitted Development Order together with examples of recently granted certificates of lawful proposed development for the installation of 15m high poles. This fallback is material to consideration of such structures in this instance as the applicant has indicated a willingness to utilise this fallback provision.

The fallback position would be for a pole 15 metres in height with a fibre cable attached and no antennas provided at the top. As such consideration is required as to whether the top most element of the mast housing the antennas gives rise to unacceptable impacts in terms of siting and appearance. Whilst the antennas would have a length across the top of the mast of 1m they are relatively slimline in design as is the upper most 2 metres of the mast. Given this it is not considered that the presence of the antennas would give rise to significant impacts in terms of visual appearance of the structure as a whole.

It is noted that the mast has been sited approximately 19m from the front elevation of residential properties on the western side of St Werburghs Road and has been positioned so that views from rear facing windows of 265 Brantingham Road would not be direct, it is noted that a number of ground floor windows are positioned on the gable wall of this property which would face towards the mast it is not considered that views from these would be so significant as to warrant refusal of the prior approval. It is acknowledged that given the overall height of the structure it would be readily visible in the street, there are other poles and infrastructure in the vicinity although not of such height, however as set out above the applicant intended to utilise their permitted development rights to install a mast of 15m in height, this fallback is a material consideration and as set out above the inclusion of antennas to the mast are not considered to give rise to unacceptable impacts to warrant a refusal in this instance.

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

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

1) The City Council is satisfied that this development has been sited and designed to minimise the impact on residential amenity and the visual amenity of the surrounding area. Accordingly, the proposal complies with Section 10 of the National Planning Policy Framework, policies SP1 (Spatial Principles) and DM1 (Development Management) of the Core Strategy for the City of Manchester and saved policy DC17.1 (Telecommunications) of the Unitary Development Plan for the City of Manchester. Therefore, consent is hereby granted in accordance with the information accompanying application received on the 7th September 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) 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

Highway Services

24 St Werburgh's Road, Manchester, M21 0TJ
11A St Werburgh's Road, Manchester, M21 0TW
230 Brantingham Road, Manchester, M21 0TX
15 St Werburgh's Road, Manchester, M21 0TL
22 St Werburgh's Road, Manchester, M21 0TN
20 St Werburgh's Road, Manchester, M21 0TN
228 Brantingham Road, Manchester, M21 0TX
34 St Werburgh's Road, Manchester, M21 0TJ
32 St Werburgh's Road, Manchester, M21 0TJ
30 St Werburgh's Road, Manchester, M21 0TJ
28 St Werburgh's Road, Manchester, M21 0TJ
263 Brantingham Road, Manchester, M21 0TP
26 St Werburgh's Road, Manchester, M21 0TJ
265 Brantingham Road, Manchester, M21 0TP

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH