MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140879/TEL/2024
Date registered valid:	28 August 2024
Proposal:	Prior approval application for the installation of a 20m high streetworks telecommunications pole and associated ancillary works
Address:	Grimshaw Lane, Manchester, M40 2AX
Ward(s):	Miles Platting & Newton Heath Ward
Applicant:	EE UK Ltd & Hutchison UK Ltd
Agent (if any):	Julia Marshall, WHP Telecoms Limited
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: 3 October 2024

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 13 September 2024

Standard consultations:
Printed: 29 August 2024 Expired: 19 September 2024

Neighbour notifications
Printed: 29 August 2024 Expired: 19 September 2024

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 and surroundings

The application site relates to an area of public footway to the northern side of Grimshaw Lane. The site is located a few metres to the west of a redundant vehicular access to the site behind which is presently closed off by weldmesh fencing.



View of site indicated by arrow

The site is situated within an industrial and commercial area and within the Central Park Strategic Employment area as defined by Policy EC6 of the Core Strategy.

Central Park is a business park offering accommodation and premises for offices, research and development, light industrial, industrial and warehousing. It offers the potential for a range of

accommodation suited to existing sectors and growth sectors within the knowledge-based industries.



View of site indicated by arrow

The site is bounded by vacant industrial land to the north, a large bakery to the east, industrial warehouses to the opposite side of Grimshaw Lane to the south and a recent estate of industrial units (Former Mather and Platt Foundry) to the west. The immediate area is largely commercial in character.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of development

Prior Approval is sought for the installation of a 20-metre-high street-works telecommunications pole and associated ancillary works, including equipment cabinets at ground level, adjacent to the monopole.

The application as originally submitted proposed that the installation be sited towards the front of the pavement.

Due to the concerns of Highway Services that the installation would jeopardise vehicular visibility, due to its position adjacent to a currently, closed off vehicular access which could potentially be re-open on land to the north behind, the installation has been re-sited towards the back of pavement.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Highways Services – Following initial concerns regarding visibility to a site access being impeded, the revised location to the back of the pavement is now considered acceptable.

Planning History

None.

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policy DC17.1 of the UDP;
- Policies DM1, EC6 and SP1 of the Manchester Core Strategy;
- Sections 10 and 12 of the National Planning Policy Framework (NPPF).

Issues

Principle

The Town and Country Planning (General Permitted Development) (England) Order 2015 confers 'permitted development rights' for certain types of telecommunications development. This now includes the erection of telecommunications masts which do not exceed a height of 30m above ground level on unprotected land. These permitted development rights remove the need to submit a full planning application, but rather require a 'prior approval' application to be made.

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 Local Planning Authority has 56 days in which to let the applicant know of its decision on whether prior approval is required for siting and appearance and to let the operator know of its decision to allow or refuse approval.

Given background Government planning guidance, a principal theme running the through the National Planning Policy Framework is the commitment to ensuring sustainable economic growth. This includes the advancement of infrastructure and the use of smarter technologies.

Paragraph 118 at Section 10 of the NPPF states that "Advanced, high-quality communications infrastructure is essential for sustainable economic growth and social well-being".

Saved policy DC17.1 of the UDP similarly looks to support telecommunication development, subject to minimising any impact upon siting and appearance.

Within a letter issued to Local Planning Authorities from the Department for Digital, Culture, Media and Support, dated 24 May 2021, the Government is clear that digital connectivity is considered now, more than ever – vital to enable people to stay connected and businesses to grow. The demand for mobile data is increasing rapidly, and the COVID-19 pandemic has highlighted how important it is that we all have access to reliable, high quality mobile connectivity.

It is stated further that The National Planning Policy Framework ("the Framework") for England states that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G.

The Framework is clear that decisions on applications should be made as quickly as possible, and within statutory timescales. Local planning authorities must determine applications on planning grounds only and they should not seek to prevent competition between different operators or question the need for an electronic communications system.

In this case, given the prevailing policy and Government support for telecommunication installations, together with consideration of the siting and appearance of the proposed installation, the principle of the proposed installation is considered satisfactory.

Further, the public benefits of a greatly enhanced communications network for businesses and residents alike in this location, would qualify as a considerable positive that would contribute to the wider economic output of the area, as well as social improvements.

Given the above, 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

In keeping with the National Planning Policy Framework which advocates the use of high-quality communications infrastructure, the proposed design has been selected to minimise visual impact upon the street scene by integrating with the existing vertical emphasis provided by street lighting columns along Grimshaw Lane.

The introduction of a tall structure will always to some degree be noticeable, particularly to passers-by and nearby occupiers. This does not necessarily mean any harm will result or that there will be an overwhelming, undue impact.

In this instance, it is considered that the applicant has minimised the impact by practicable and appropriate siting and design, balancing the siting and appearance of the installation against technical requirements and material planning policy and guidance which advocates a presumption in favour of such equipment.

The proposal has undergone a sequential site selection, with the current proposal representing the best fit when balancing siting against coverage requirements. The proposed installation would facilitate advanced coverage in the area to aid the social well-being and business needs of the occupants of the nearby properties and local businesses. It would also replace an previous redundant mast location nearby.

Given the prevailing industrial backdrop, together with relatively open context of the immediate area, the proposed installation can be satisfactorily assimilated without any significant undue impact to visual amenity.

It is believed that the development would have limited visual impact in this location. The mast would be sited within an industrial area and close to lighting columns and tall trees situated along Grimshaw Lane. There are no residential properties in close proximity and would not result in visual clutter as a result of street furniture installations.

The proposed design is typical of this form of mast and related equipment. Its height and composition would be appropriate in the context of the application site

It is not considered that the proposed mast and associated equipment would form overly intrusive features, nor would there be any significantly harmful impact upon the character and appearance of the area.

In light of the above, it is felt that taking into account the technical constraints and needs of the operator, available site consideration and the immediate environmental context of the area, the

siting and appearance of the proposal can be satisfactorily accommodated without significant, adverse impact to visual amenity.

Access

The proposed installation is sited at the back of the public footway and would allow a sufficient pavement width for pedestrians to safely pass.

Impact on Health and Safety

The role of the planning system however 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 Support, 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.

Other Legislative Requirements
Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 polices 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 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 referenced 002/C, 003/C, 004/C, 215/C, 265/C and 304/C accompanying documents, received by the City Council as Local Planning Authority on 30 September 2024.

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

Appendix 1 – List of consultees & neighbours notified

Highway Services

Former Princes Soft Drinks Limited, Lord North Street, Manchester, M40 2HJ

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA