

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138697/TEL/2023

Date registered valid: 30 November 2023

Proposal: Installation of a 20m slim-line column supporting 6 no. antennas, 2no. 300mm Transmission Dishes and 3no. Remote Radio Units (RRUs), with 2no. equipment cabinets at the base and ancillary development

Address: Junction Of Copson Street And Old Moat Lane, Manchester, M20 3HE

Ward(s): Old Moat Ward

Applicant: Cornerstone

Agent (if any): Mr Jamaal Hafiz, Clarke Telecom

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 23 January 2024

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 19th January 2023

Standard consultations:

Printed: 6 December 2023 Expired: 27 December 2023

Neighbour notifications

Printed: 6 December 2023 Expired: 27 December 2023

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

The area that is the subject of this prior approval telecoms application is a wide section of unadopted pavement area that is located towards the junction of the crossroads with Yew Tree Road, Old Moat Lane and Copson Street. Immediately to the rear of the site is a car park that serves the adjacent commercial units. To the rear of the car park facing onto Old Moat Lane is an apartment block. To the south- west of the proposal site is a water trough. This is not listed nor is this section within the Conservation area.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The immediate area is commercial in nature and leads to the shopping centre. The other roads off the crossroads are more residential in nature, with small amounts of commercial located directly at the junction.

Description of development

The proposal is for the installation of a 20m slim-line column supporting 6 no. antennas, 2no. 300mm Transmission Dishes and 3no. Remote Radio Units (RRUs), with 2no. equipment cabinets at the base and ancillary development.

Consultations & Notification Responses

Local Residents were informed- no representations have been received.

Highways- no objections to the proposal. The area where the monopole and the equipment is to be located is a stretch of unadopted pavement. It would be located to the back of the pavement and would leave in excess of 2 metre clearance from the edge of the carriageway. It is not

considered that the proposed siting of the equipment would cause a distraction to passing vehicles and would not give rise to forward visibility issues. There would be a minimal level of routine maintenance required for which the vehicles would need to park nearby taking into consideration the surrounding parking restrictions.

Issues

Policies

The National Planning Policy Framework (December 2023) - The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking 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.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 118 in Section 10 (Supporting high quality communications) 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 next generation mobile technology (such as 5G) and full fibre broadband connections.

Paragraph 119 states that 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. It states further that the 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.

Paragraph 120 states that 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.

Paragraph 121 states that 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.

Paragraph 122 states that 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.

Core Strategy Development Plan Document - The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, Spatial Principles - 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 and protect and enhance the built and natural environment.

Policy DM1, Development Management - This policy states that all development should have regard to a number of specific issues, the most relevant of which are:-

- o Appropriate siting, layout, scale, form, massing, materials and detail.
- o 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.
- o Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- o Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- o Community safety and crime prevention.
- o Vehicular access and car parking.
- o Effects relating to biodiversity, landscape, archaeological or built heritage.

Saved UDP Policies - Policy DC17 (Telecommunications) is considered of relevance in this instance: 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.

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places

for Everyone Plan is adopted it will form part of Manchester's development plan. To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation. The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023. Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report. Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - The proposal falls within Part 16, Class A - 'Electronic communications code operators', of the above regulations. This requires that Local Planning Authorities assess whether prior approval is required for the siting and appearance of the development.

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 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.

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 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 and residents 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

In keeping with the National Planning Policy Framework which advocates the use of high-quality communications infrastructure, the proposed design has been selected to balance the visual

impact upon the street scene by integrating within the existing commercial backdrop, against operator coverage requirements.

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 site selection process has also been influenced by the numerous vertical elements of street furniture distributed around the vicinity of the site including street lighting columns. The height of the pole has been kept down to the absolute minimum capable of providing the required essential new 5G coverage. 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 will 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.

In terms of appearance, the design reflects the utilitarian emphasis provided by existing lighting columns and instructional / directional signage. Given the prevailing backdrop formed by commercial uses and associated car park and the uncluttered appearance of the junction Old Moat Lane and Copson Street, the proposed installation can be satisfactorily assimilated without any significant undue impact to visual amenity.

Further, given the separation distance between the proposed mast and residential properties on both Old Moat Lane and Copson Street and the respective intervening roads, it is considered that the visual impact can be sustained. Moreover, given nearby existing, tall, vertical street furniture coupled with mixed use character of the area, it is believed the mast will assimilate into the street scene without appearing overly incongruous or intrusive.

The mast is also fairly slim-line in appearance and is to have a grey mat finish to reflect other nearby street furniture, typical of an urban streetscape.

The proposed equipment cabinets are less than 2.5m³ each and will be located immediately alongside the mast. It should be noted that if seen alone as standalone developments, they would constitute permitted development. The cabinets have also been designed to appear like other statutory undertakers' equipment cabinets. They are small for telecommunications apparatus and are again similar in appearance to other equipment cabinets commonly found in urban environments.

In light of the above, it is felt that taking into account the technical constraints of the operator, available sites and immediate environmental context of the area, the siting and appearance of the proposal can be satisfactorily accommodated without significant, undue impact to visual amenity.

Access

The proposed equipment has also been sited towards the rear of an existing area of wide pavement, pedestrian access along the public footway will not therefore be impeded.

Impact on Health and Safety

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 Government's 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 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 that this development has been sited and designed to minimise the impact on residential amenity and the visual amenity of the surrounding area. The proposal is also suitably sited to ensure there is no detriment to highway and pedestrian safety. Accordingly, the proposal complies with Section 10 of the National Planning Policy Framework, policies EN3 (Heritage), 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.

Consent is hereby granted in accordance with the following drawings and documents:

Drawing refs:

100 rev.A Site location plan;

201 rev.A Proposed Site Plan;

301 rev.A Proposed Elevation;

ICNIRP declaration and clarification statement received 30th November 2023 prepared by Sinclair Dalby Limited;
Health and Mobile Phone Base Stations document prepared by Cornerstone;
5G Masts and Health Statement by Mobile UK ;
General Background Information for Telecommunications Development by Cornerstone;
Health Statement prepared by Institute of Engineering and Technology
received on 13th January 2022;

Content of the email from the planning agent received 23rd February 2022.

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).

Appendix 1 – List of consultees & neighbours notified

Highway Services

Flat 1, Constable House, 2 Hill Street, Manchester, M20 3HL
Flat 4, Constable House, 2 Hill Street, Manchester, M20 3HL
Flat 5, Constable House, 2 Hill Street, Manchester, M20 3HL
35 Old Moat Lane, Manchester, M20 3EE
29 Old Moat Lane, Manchester, M20 3EE
21 Old Moat Lane, Manchester, M20 3EE
30 Old Moat Lane, Manchester, M20 3FL
30A Old Moat Lane, Manchester, M20 3FL
Flat 6, Constable House, 2 Hill Street, Manchester, M20 3HL
Flat 3, Constable House, 2 Hill Street, Manchester, M20 3HL
24 Old Moat Lane, Manchester, M20 3FL
360 Yew Tree Road, Manchester, M20 3FR
8 Hopelea Street, Manchester, M20 3FD
10 Hopelea Street, Manchester, M20 3FD
33 Old Moat Lane, Manchester, M20 3EE
31 Old Moat Lane, Manchester, M20 3EE
27 Old Moat Lane, Manchester, M20 3EE
23 Old Moat Lane, Manchester, M20 3EE
331 Yew Tree Road, Manchester, M20 3FP
7 Hill Street, Manchester, M20 3GR
4 Old Moat Lane, Manchester, M20 3GF
28 Old Moat Lane, Manchester, M20 3FL
12 Hopelea Street, Manchester, M20 3FD
25 Old Moat Lane, Manchester, M20 3EE
26 Old Moat Lane, Manchester, M20 3FL
35 Copson Street, Manchester, M20 3HB
Room 1, 360 Yew Tree Road, Manchester, M20 3FR
Room 6, 360 Yew Tree Road, Manchester, M20 3FR
Room 5, 360 Yew Tree Road, Manchester, M20 3FR
Room 4, 360 Yew Tree Road, Manchester, M20 3FR
Room 3, 360 Yew Tree Road, Manchester, M20 3FR
Room 2, 360 Yew Tree Road, Manchester, M20 3FR
Mydentist, Constable House, Morris Street, Manchester, M20 3BG
Constable House, 2 Hill Street, Manchester, M20 3HL
Flat 5, 6 Old Moat Lane, Manchester, M20 3GF
Flat 4, 6 Old Moat Lane, Manchester, M20 3GF
Flat 3, 6 Old Moat Lane, Manchester, M20 3GF
Flat 2, 6 Old Moat Lane, Manchester, M20 3GF
Flat 1, 6 Old Moat Lane, Manchester, M20 3GF
Constable House, Copson Street, Manchester, M20 3HB
Flat 2, Constable House, 2 Hill Street, Manchester, M20 3HL

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
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Yew Tree Road/Mauldeth Road West)

Area Team Boundary - Name: SOUTH AREA