

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138669/TEL/2023

Date registered valid: 28 November 2023

Proposal: Prior Approval for the installation of a 20-metre-high telecommunication monopole supporting 6 no antennas, 2 no 300mm dishes together with 4 no ground-based cabinets, 1 no meter cabinet, and ancillary development thereto.

Address: Junction Of Droylsden Road and Oldham Road, Manchester, M40 2FT

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Cornerstone

Agent (if any): Mrs Rachel Gormley Perry Williams Ltd

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 28 December 2023

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 22 December 2023

Standard consultations:

Printed: 29 November 2023

Expired: 20 December 2023

Neighbour notifications

Printed: 29 November 2023

Expired: 20 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 and surroundings

The application site relates to an area of recessed public pavement situated to the northern side of Droylsden Road, close to the junction with Oldham Road.

The site lies immediately adjacent to a surface car park associated with Farmfoods retail store beyond. To the opposite side of Droylsden Road is recent residential development still under construction comprising a combination of 2 and 3 storey houses and apartments. Further beyond to the south-east is a bakery. To the west, on the opposite side of Oldham Road are two storey residential properties, an industrial premises and Wynsors shoe store.



View of proposed site indicated by arrow

The wider area is considered mixed in character containing a variety of residential, retail and other commercial uses situated just off the main north/south arterial route of Oldham Road.

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 telecommunication monopole supporting 6 no antennas, 2 no 300mm dishes together with 4 no ground-based cabinets, 1 no meter cabinet, and ancillary development thereto.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Highway Services - Both the mast and associated antennas and cabinets appear to be placed at the back of the adopted footway. However, it is unclear how large the equipment is and how much footway will be used. Highways would be accepting in-principle of these proposals subject to the final positioning of apparatus being sufficient to maintain the minimum desirable clearance to any adjacent street furniture and the edge of carriageway. It is accepted that the proposal would not cause a distraction to passing vehicles and would not give rise to forward visibility issues.

Cadent – No objection. An 'informative' relates to their assets and infrastructure is requested.

Policy

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

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

Planning History

None.

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 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 Sport, 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 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 traffic signals.

Given the prevailing backdrop formed by Farmfoods retail store and associated car park and the uncluttered appearance of the junction at Droylsden Road/Oldham Road, the proposed installation can be satisfactorily assimilated without any significant undue impact to visual amenity. Whilst new residential properties are being built opposite, none of the facing windows would directly overlook the proposed mast, with only oblique views possible, given the orientation of the buildings. Further, given the separation distance between the proposed mast and residential properties on both Droylsden Road and Oldham Road 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 galvanised steel 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, which as can be seen from the preceding photograph is already recessed. 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 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 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 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 100/A, 201/A and 301/A and accompanying documents received by the City Council as Local Planning Authority on 28 November 2023.

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.

Informative

- 1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

Highway Services

2 Lonsdale Street, Manchester, M40 2FT
1145 Oldham Road, Manchester, M40 2FU
INPOST DELIVERY LOCKER OUTSIDE 1149-1167, Oldham Road, Manchester, M40 2FU
24 Droylsden Road, Manchester, M40 1WT
1133 - 1141 Oldham Road, Manchester, M40 2FU
3 Droylsden Road, Manchester, M40 1AA
Unit 2, Holyoak Street, Manchester, M40 1HB
1149 - 1167 Oldham Road, Manchester, M40 2FU
The Amber Club, 1143 Oldham Road, Manchester, M40 2FU

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA