

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136670/TEL/2023

Date registered valid: 4 April 2023

Proposal: Prior approval for the installation of a 15m street telecommunications mast and associated equipment cabinets

Address: Button Lane Street Works, Button Lane, Manchester , M23 0LZ

Ward(s): Brooklands Ward

Applicant: Gallivan CK Hutchison Networks (UK) Limited

Agent (if any): Mr Tom Gallivan, Dot Surveying Ltd

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 25.05.2023

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 05 May 2023

Standard consultations:

Printed: 5 April 2023 Expired: 26 April 2023

Neighbour notifications

Printed: 5 April 2023 Expired: 26 April 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Site/Area

The application site relates to the grass verge directly behind the pavement along Button Lane within Brooklands Ward, Manchester. The proposal would be sited on the southern side of Button Lane, with greenspace directly behind the application site. Three storey terraced properties with commercial units along the ground floor are situated directly to the north of the application site across Button Lane with a large forecourt and grass verge.

The surrounding area is predominately residential in nature with residential dwellings encompassing the area around the application site with Sale Road to the north.

Supporting information provided with the application explains how other locations had been considered and discounted when choosing a suitable site. A list of the other options are presented.

Description of development

The proposal seeks prior approval for the installation of a 15metre high, 5G telecommunication monopole and associated equipment cabinets.

Consultations & Notification Responses

Local residents were notified however none responded.

Highways Comments:

Sufficient carriageway clearance is being provided and sufficient footway width is being maintained by using part of the grassed verge, this is to be in agreement with the relevant council department.

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.

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 -highwaylicences@manchester.gov.uk

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 application site relates to the grass verge behind the pavement situated along the southern side of Button Lane directly opposite parade of terraced properties that consist of commercial units along the ground floor and what appears to be residential on the upper floors. The siting of the proposal is considered acceptable. The introduction of a tall structure would always to some degree be noticeable, particularly by passers-by and nearby residents. This does not necessarily mean there would be any harm or that would be an overwhelming, undue impact. The proposal at an immediate level is not considered to create significant adverse implications.

The properties situated along Button Lane which look onto the application site would be situated close to the proposal. However, these properties would be sited approx. 22.86metres away. Due to the distance and the light vegetation surrounding the application site on the western side of the open space area, no significant visual implications are considered to be caused. Therefore, the surrounding properties are not considered to be adversely impacts and is hoped that the existing trees would help the proposal blend in.

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 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

As mentioned above Highways commented that both mast and equipment appear to be placed along the grass verge behind the pavement therefore retaining an unobstructed clearance of 2m(minimum) from the edge of the carriageway. As such there are no additional concerns regarding pedestrian safety and therefore, no access issues would arise from the proposal.

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 numbered LOCATION PLAN ref. MAN21708_MAN668_96941_M1348_GA_REV_A, received by the City Council as Local Planning Authority On 04 April 2023, together with accompanying documents.

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

Detail is sought on proposed installation arrangements from a highways perspective. 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 - highwaylicences@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services

120 Button Lane, Manchester, M23 0NA
114 Button Lane, Manchester, M23 0NA
106 Button Lane, Manchester, M23 0NA
45 Button Lane, Manchester, M23 0LZ
43 Button Lane, Manchester, M23 0LZ
39 Button Lane, Manchester, M23 0LZ
37 Button Lane, Manchester, M23 0LZ
33 - 35 Button Lane, Manchester, M23 0LZ
35A Button Lane, Manchester, M23 0LZ
41A Button Lane, Manchester, M23 0LZ
126 Button Lane, Manchester, M23 0NA
108 Button Lane, Manchester, M23 0NA
100 Button Lane, Manchester, M23 0NA
39A Button Lane, Manchester, M23 0LZ
37A Button Lane, Manchester, M23 0LZ
33A Button Lane, Manchester, M23 0LZ
31A Button Lane, Manchester, M23 0LZ
29A Button Lane, Manchester, M23 0LZ
29 Button Lane, Manchester, M23 0LZ
124 Button Lane, Manchester, M23 0NA
122 Button Lane, Manchester, M23 0NA
118 Button Lane, Manchester, M23 0NA
116 Button Lane, Manchester, M23 0NA
112 Button Lane, Manchester, M23 0NA
110 Button Lane, Manchester, M23 0NA
104 Button Lane, Manchester, M23 0NA
102 Button Lane, Manchester, M23 0NA
31 Button Lane, Manchester, M23 0LZ
41 Button Lane, Manchester, M23 0LZ

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA