

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135986/TEL/2023
Date registered valid: 17 January 2023
Proposal: Prior approval application for the installation of a 16m high Telecommunications mast together with associated equipment cabinets.
Address: Pavement At The Junction Of Whiteholme Avenue And Merseybank Avenue, Manchester, M21 7NS
Ward(s): Chorlton Park Ward

Applicant: Cooke, CK Hutchison Networks (UK) Ltd
Agent (if any): Mr Tom Gallivan, Dot Surveying Ltd
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 17 March 2023



Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 06 February 2023

Standard consultations:

Printed: 19 January 2023 Expired: 23 February 2023

Neighbour notifications

Printed: 19 January 2023 Expired: 23 February 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/area

Pavement area to the front of a vacant site that was once home to no. 56 Merseybank Road and which is located at the junction of Whiteholme Avenue and Merseybank Avenue. To the northwest of the site there is a commercial parade, in which there are a number of residential conversions. The remainder of the area is residential, consisting of mainly of two storey semi-detached and terraced dwellings, though further up Merseybank Avenue there is an apartment building and community facility.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is seeking prior approval consent for the installation of a 16m high telecommunications mast together with associated equipment cabinets.

Consultations & Notification Responses

Local Residents – Twenty-nine letters of objection have been received. The points raised are summarised below:

- This will be an eyesore and will cause anti-social behaviour in the community.
- It's been hard work getting the green spaces to look presentable, planters and flowers will be disrupted.
- Will take up so much room on the pavement not good for disabled, and kid's will be hanging around all hours of the day and night.
- There are health implications and the mast would interfere with anything under 5G.

Ward Councillors – Joint correspondence has been received from the three ward members:

- It is recognised that before too long 5G service will become more widely available and that it will offer much faster data download and upload speeds. Existing capacity is becoming more congested which can lead to difficulties accessing online mobile services, particularly when lots of people and devices are trying to access the Internet at the same time.
- Areas without 5g connection will be at a disadvantage as increasing demand puts pressure on the existing network. We believe that the Merseybank estate must not be left behind.
- However, residents have raised with us real concerns about the siting of this mast and associated cabinets.
- The position is on an exposed corner of the shopping parade. There are no background buildings to help to absorb the view of the equipment. It will stick out like a sore thumb. No mitigation can be put in place to try and blend the mast into the surroundings. Siting the mast on this corner will have a serious detrimental impact on nearby households who look out to the site.
- Unfortunately, it is highly likely to become an instant target for graffiti. Something which the parade and nearby phone and electricity cabinets already suffer from. This will provide a large new canvas for this unsightly work. Further adding to the sense of living in an uncared for stretch of road.
- It is requested that the applicant withdraw this proposal and continue to search for a more appropriate site in the area where there would be far less impact on residents' amenity.

Highway Services – Both the mast 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.

Policies

The National Planning Policy Framework – The National Planning Policy Framework (NPPF) 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 NPPF 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 this means:

- a) Approving development proposals that accord with an up-to-date development plan without delay; or
- b) 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 112 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 113 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 114 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 115 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 116 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:-

- 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, 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Vehicular access and car parking.

- 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.

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.

Issues

Principle – The proposal is for the installation of a new telecommunications mast and associated equipment to deliver 5G telecommunications services. The application is made under the Prior Approval procedure set out above which means the proposal already has the benefit of Permitted Development. Within this application, by law, Local Planning Authorities can only consider issues to do with the siting and appearance of the proposal and no other matters such as impacts on health, biodiversity and wildlife and financial considerations.

Siting – The mast and the associated cabinets would be in the location shown below. The pavement of the width is unaltered and sufficient room remains for pedestrians to pass safely, i.e. the 2 metres required by Highways Services.



Visual Amenity – Whilst it is recognised that siting the mast in this location would have some impact on existing levels of visual amenity, this impact is considered to be limited and not of a degree to warrant refusal of the proposal. The area is not an environmentally sensitive one, e.g.

green belt or adjoining a heritage asset and it considered that the backdrop of properties on either side of the highway would help minimise any overall impact.

Residential Amenity – Concerns have been raised that the mast and the associated cabins would encourage anti-social behaviour. It is acknowledged that the shopping parade has been subject to historic instances of antisocial behaviour, however, there is no evidence that the installation of the mast and cabins would exacerbate this.

Site Selection – The proposal forms part of an integral requirement for CK Hutchison Networks (UK) to expand its 5G telecommunications network across Manchester specifically in this instance to enhance 5G coverage levels and network capacity within the M21 area. The applicant has stated that there is an acute need for a new base station to provide effective service coverage and in this case, the height of the proposed street pole is the minimum required to bring the benefits of 5G to this area. The applicant also confirmed that the mast needs to be located close to the area shown below (the application site is marked by a red star):



The cell search areas for 5G telecoms are extremely constrained with a typical cell radius of approximately 250m meaning that it would not be feasible to site the infrastructure outside of this locale. Other matters considered include the location of underground services and avoidance of siting new infrastructure on greenfield sites. The proposed site option is considered the best available compromise between extending 5G service across the target 'coverage hole' with the selected street works pole height and associated antenna and ground-based cabinets restricted to the minimum height which is capable of providing the required essential coverage.

In line with the requirements of the NPPF paragraph 115 (c), a sequential approach to site selection has considered and discounted alternative locations. In addition to the above, the need to achieve sufficient height clearance from obstructions due to the greater sensitivity of 5G technology, together with an absence of viable alternatives, including rooftops, within the constrained cell search area, has identified the location as the optimum site from which to deliver an adequate network coverage.

Discounted Options – The application sets out the process in arriving at the selected site. The following search criteria have been utilised in selecting the site of the proposal. Firstly,

- a) Mast and Site Sharing
- b) Existing Buildings Structures
- c) Ground Bases Installations

The cell search area for this application is extremely constrained with the application noting that the only viable option which minimises amenity issues is the one which has been put forward. There is no scope to pull the mast outside of this area and give the cell 5G coverage.

[illegible]

However, the applicant has deemed these unacceptable for the following reasons:

Site	NGR	Discounted Reason
D1 – <u>Merseybank</u> Avenue	382604, 391858	Nominal location – insufficient pavement to build the proposed equipment
D2 – <u>Merseybank</u> Avenue	382588, 391883	This option has been discounted due to unsuitable pavements to build the proposed equipment
D3 – Maitland Avenue	382468, 392039	This option has been discounted due to unsuitable pavements and visibility splay issues.
D4 – Maitland Avenue	382547, 392147	This option has been discounted due to unsuitable pavements or grass verge and visibility splay issues.
D5 – <u>Waincliffe</u> Avenue	382733, 391716	This option has been discounted as pavement is too narrow for a site
D6 - Princess Road	382844, 391597	This option has been discounted due to unsuitable pavements to build the proposed equipment

Appearance – Paragraph 113 of the NPPF provides guidance to Local Planning Authorities on the appearance of telecoms technology:

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.

In keeping with the NPPF guidelines of using high quality communications infrastructure the proposed design has been selected to minimise visual impact upon the street scene by selecting the lowest possible height mast at 16 metres. Accordingly, it is considered that the proposal has sought to minimise the appearance of the new infrastructure within the street scene.

Health Matters – As noted above, concerns have been raised regarding the perceived health risks associated with 5G technology with objectors inferring detrimental impacts on health. Paragraph 116 of the NPPF states that local planning authorities can consider such applications on planning grounds only. The application is supported by a self-certified ICNIRP certificate which declares that the equipment will not exceed ICNIRP guidelines, thus the proposal meets the requirements within the NPPF, paragraph 115 (b) for new telecoms infrastructure.

The International Commission on Non-Ionizing Radiation Protection is an independent, non-government or industry affiliated organization which publishes research on radiation in a range of settings. The findings of ICNIRP were adopted by the EU Council in 1999 and the telecoms industry has applied its standards of safe levels of human exposure to non-ionizing electromagnetic fields, as declared in the ICNIRP certification accompanying the application. Submission of this certificate meets health guidelines so that a local planning authority does not need to consider health and other concerns, including the perception of risk.

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

Officers have worked with the applicant in a positive and proactive manner to resolve any problems arising in relation to dealing with the planning application.

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 (2019), 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 referenced 135986/TEL/2023 as received on 17 January 2023, namely:

- a) Drawing pack (MAN21771_MAN646_TBC_M1353_GA_REV_A),
- b) Declaration of Conformity with ICNIRP,
- c) Site Specific Supplementary Information,

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.

Appendix 1 – List of consultees & neighbours notified

Highway Services

73 Mersey Bank Avenue, Manchester, M21 7NT
77 Mersey Bank Avenue, Manchester, M21 7NT
75 Mersey Bank Avenue, Manchester, M21 7NT
71 Mersey Bank Avenue, Manchester, M21 7NT
69 Mersey Bank Avenue, Manchester, M21 7NT
65 Mersey Bank Avenue, Manchester, M21 7NT
63 Mersey Bank Avenue, Manchester, M21 7NT
74 Mersey Bank Avenue, Manchester, M21 7WW
44A Mersey Bank Avenue, Manchester, M21 7NN
Flat At, Mersey Bank Post Office, 48 Mersey Bank Avenue, Manchester, M21 7NN
46A Mersey Bank Avenue, Manchester, M21 7NN
Flat Above, 54 Mersey Bank Avenue, Manchester, M21 7NN
Flat Above, 50 Mersey Bank Avenue, Manchester, M21 7NN
52 Mersey Bank Avenue, Manchester, M21 7NN
4 Thyme Close, Manchester, M21 7BE
19 Waterside Close, Manchester, M21 7NU
30 Whiteholme Avenue, Manchester, M21 7PH
26 Whiteholme Avenue, Manchester, M21 7PH
20 Whiteholme Avenue, Manchester, M21 7PH
38A Mersey Bank Avenue, Manchester, M21 7NN
72 Mersey Bank Avenue, Manchester, M21 7WW
23 Pulford Avenue, Manchester, M21 7QD
42A Mersey Bank Avenue, Manchester, M21 7NN
40 Mersey Bank Avenue, Manchester, M21 7NN
Mersey Bank Post Office, 48 Mersey Bank Avenue, Manchester, M21 7NN
21 Pulford Avenue, Manchester, M21 7QD
87 Mersey Bank Avenue, Manchester, M21 7NT
85 Mersey Bank Avenue, Manchester, M21 7NT
67 Mersey Bank Avenue, Manchester, M21 7NT
61 Mersey Bank Avenue, Manchester, M21 7NT
5 Thyme Close, Manchester, M21 7BE
3 Thyme Close, Manchester, M21 7BE
2 Thyme Close, Manchester, M21 7BE
1 Thyme Close, Manchester, M21 7BE
21 Waterside Close, Manchester, M21 7NU
20 Waterside Close, Manchester, M21 7NU
18 Waterside Close, Manchester, M21 7NU
78 Mersey Bank Avenue, Manchester, M21 7WW
76 Mersey Bank Avenue, Manchester, M21 7WW
70 Mersey Bank Avenue, Manchester, M21 7WW
34 Whiteholme Avenue, Manchester, M21 7PH
32 Whiteholme Avenue, Manchester, M21 7PH
28 Whiteholme Avenue, Manchester, M21 7PH
24 Whiteholme Avenue, Manchester, M21 7PH
22 Whiteholme Avenue, Manchester, M21 7PH

18 Whiteholme Avenue, Manchester, M21 7PH
16 Whiteholme Avenue, Manchester, M21 7PH
54 Mersey Bank Avenue, Manchester, M21 7NN
50 Mersey Bank Avenue, Manchester, M21 7NN
46 Mersey Bank Avenue, Manchester, M21 7NN
44 Mersey Bank Avenue, Manchester, M21 7NN
42 Mersey Bank Avenue, Manchester, M21 7NN
38 Mersey Bank Avenue, Manchester, M21 7NN

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) -
Area Team Boundary - Name: SOUTH AREA