

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136112/TEL/2023

Date registered valid: 31 January 2023

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

Address: Pavement On Nell Lane To The North-west Of The Junction With Mauldeth Road West, Manchester, M21 7SJ,

Ward(s): Chorlton Park Ward

Applicant: CK Hutchison Networks (UK) Ltd

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

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 08.03.2023



Application details

Type of application: Telecommunication Application

Development type: Minor Other

Date of site visit: 09.02.2023

Standard consultations:

Printed: 8 February 2023 Expired: 1 March 2023

Neighbour notifications

Printed: 2 February 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site is a pavement area adjacent to Chorlton Park located along Nell Lane in the Chorlton Ward. The pavement forms a shared cycle/footway to the south of the site but directs cyclist onto the on-road cycle lane prior to the application site. Opposite the site is an access road serving the Grade II* Hough End Hall Listed Building 100metres to the north east and two former office buildings at Mauldeth House and 550 Mauldeth Road West. The latter building is currently subject of a planning application to demolish and erect a foodstore and associated car parking (application reference 135647/FO/2022). To the immediate south of the application site is Chorlton Park and a single storey building with associated outdoor space.

Description of development

The application proposals are for the installation of a 15m high telecommunications mast together with associated cabinets. The mast and cabinets are proposed to be finished in an appropriate colour (light grey) and would be sited on the pavement set back from the road edge and adjacent the fence to the park. The mast is of a similar design to other masts installed within the city to provide 5G mobile coverage for EE and H3G network operators on a shared mast.

Consultations & Notification Responses

Nearby properties were notified of the proposals, one resident made contact requesting clarification on the proposals and indicated that it would be an inconvenience to have construction work over an extended period of time.

MCC Highways – Highways request that the final positioning of apparatus being sufficient to maintain the minimum desirable clearance of 2m to any adjacent street furniture and the edge of carriageway.

Highways have concerns that during installation and for ongoing maintenance requirements, there would be significant disruption caused to Mauldeth Road West and Nell Lane. A temporary partial road closure would be required (through a temporary TRO) to facilitate these works which is likely to generate local traffic and congestion issues on a key, heavily-trafficked route, Highways requests that installation and servicing take place at weekends and out of hours.

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 and highwaynetworkmanagement@manchester.gov.uk

Policy

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in 2021. It sets out the Government's planning policies for England and how these are expected to be applied.

Relevant sections in this instance are Chapter 2 'Achieving Sustainable Development' ; Chapter 10 'Supporting high quality communications'; and , Chapter 16 'Conserving and enhancing the historic environment'.

Local Development Framework - Core Strategy Development Plan Document (adopted July 2012)

Relevant policies in this instance are:

Policy SP1 - identifies the City Council's Core Development Principles

Policy EN3 - Heritage

Policy DM 1- a general development management plan policy that's sets out a number of key considerations and specific issues that need to be considered in determining applications. Including: 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.

Unitary Development Plan Saved Policies

DC17 Telecommunications states that the council should be satisfied that the development has been sited and designed to minimise its impact on residential amenity and in environmentally sensitive areas.

Issues

Principle

The Council supports the principle of improving telecommunications coverage within the City, however, in doing so it seeks to ensure that the amenity of residents is not impacted upon to an unacceptable degree.

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

The applicant has indicated that the proposals forms an integral part for the applicant to expand their respective 5G telecommunications network across Manchester and that they are unable to utilise the existing rooftop site at 81 Beresford Road due to ICNIRP and structural reasons.

Siting

Following assessment of the proposal and the proposed siting of the telecoms mast and associated cabinets it is considered that the development would not give rise to harmful impact to visual or residential amenity. The proposal has been sited to minimise its visual impacts and would ensure adequate pavement space is retained for pedestrian flows on the pavement.

The Grade II* Listed Building of Hough End Hall is located 100m to the north east of the application proposals. This listed building is located behind two office blocks one of 7 storeys the other of four. As a result key views of the listed building are from the junction of Mauldeth Road West and Nell Lane. The siting of the mast would not be readily ascertained within these views given its set back position away from the junction and it being set at the back of pavement. The mast would be seen in the context of nearby trees, lighting columns and tall buildings and given the distance from the site, intervening urban development and highways it is

not considered that the siting of the proposed mast and equipment cabinets gives rise to harm to the setting of the listed building.

It is considered that the siting and distance from properties would ensure that the installation would not form an overbearing or overly dominant feature adjacent the road or in the area and has been chosen to minimise impacts on residential and visual amenity.

Appearance

It is acknowledged that the mast would form a new structure that would be taller than some nearby street furniture although being similar in height to some nearby trees. The width of the mast together with the proposed finish (grey) would assist in assimilating the structure into the street scene.

The site is not located within an environmentally sensitive area.

The mast and associated equipment cabinets have been sited to provide the required infrastructure and network coverage for the area and to minimise the visual impacts of the installation. Given the location of the mast it is not considered that the installation would give rise to harmful visual clutter.

It is acknowledged that the mast and cabinets would result in a visual change, this change is not in this instance considered as so harmful as to warrant refusal of the proposal in terms of its siting and appearance as set out above.

Health

The application has been accompanied by an ICNIRP declaration and National Planning Policy indicates it is not the local planning authority's role to set health safeguards different from the International Commission guidelines for public exposure.

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

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. Accordingly, the proposal complies with Section 10 of the National Planning Policy Framework, 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 received on the 31st January 2023:

- Application for prior notification forms;
- Drawings references: 215 Rev A Proposed Site Plan; 265 Rev A Proposed Site Elevation
- Site Specific Supplementary Information
- ICNIRP Certificate

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

Metrolink
Highway Services

Unit 3, 557 Mauldeth Road West, Manchester, M21 7SP
Unit 1, 557 Mauldeth Road West, Manchester, M21 7SP
Unit 4, 557 Mauldeth Road West, Manchester, M21 7SP
557 Mauldeth Road West, Manchester, M21 7SP
30A Nell Lane, Manchester, M21 7SJ
575 Mauldeth Road West, Manchester, M21 7SH
Ground Floor, Brookfield House, 30 Nell Lane, Manchester, M21 7SJ
Brookfield House, 30 Nell Lane, Manchester, M21 7SJ
Sixth Floor, Mauldeth House, Nell Lane, Manchester, M21 7SW
Caretakers House, Chorlton High School, Nell Lane, Manchester, M21 7SJ
Chorlton High School, Nell Lane, Manchester, M21 7SL
Hough End Hall, Nell Lane, Manchester, M21 7SW
Top Flat, 40 Nell Lane, Manchester, M21 7SN
38A Nell Lane, Manchester, M21 7SN
Fourth Floor, Mauldeth House, Nell Lane, Manchester, M21 7SW
Ground Floor To Third Floor, Mauldeth House, Nell Lane, Manchester, M21 7SW
Fifth Floor, Mauldeth House, Nell Lane, Manchester, M21 7RL
550 Mauldeth Road West, Manchester, M21 7AA
553A Mauldeth Road West, Manchester, M21 7SP
551 Mauldeth Road West, Manchester, M21 7SP
545 Mauldeth Road West, Manchester, M21 7SP
589 Mauldeth Road West, Manchester, M21 7SH
583 Mauldeth Road West, Manchester, M21 7SH
577 Mauldeth Road West, Manchester, M21 7SH
571 Mauldeth Road West, Manchester, M21 7SH
34 Nell Lane, Manchester, M21 7SN
Mauldeth House, Mauldeth Road West, Manchester, M21 7RL
Sai Spice, Unit 2, 557 Mauldeth Road West, Manchester, M21 7SP
567 Mauldeth Road West, Manchester, M21 7SH
First Floor, Brookfield House, 30 Nell Lane, Manchester, M21 7SJ
555B Mauldeth Road West, Manchester, M21 7SP
555A Mauldeth Road West, Manchester, M21 7SP
553B Mauldeth Road West, Manchester, M21 7SP
549 Mauldeth Road West, Manchester, M21 7SP
547 Mauldeth Road West, Manchester, M21 7SP
543 Mauldeth Road West, Manchester, M21 7SP
541 Mauldeth Road West, Manchester, M21 7SP
587 Mauldeth Road West, Manchester, M21 7SH
585 Mauldeth Road West, Manchester, M21 7SH
581 Mauldeth Road West, Manchester, M21 7SH
579 Mauldeth Road West, Manchester, M21 7SH
573 Mauldeth Road West, Manchester, M21 7SH
569 Mauldeth Road West, Manchester, M21 7SH
40 Nell Lane, Manchester, M21 7SN
38 Nell Lane, Manchester, M21 7SN
36 Nell Lane, Manchester, M21 7SN

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

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: SOUTH AREA