

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136257/TEL/2023

Date registered valid: 14 February 2023

Proposal: Prior Approval for 15 metre high telecommunication mast with associated equipment cabinets and ancillary equipment

Address: Silverlace Avenue Opposite Junction To Mersey Street, Manchester, M11 1JE

Ward(s): Clayton & Openshaw Ward

Applicant: Signal Infrastructure UK Limited

Agent (if any): Ryan Marshall, WHP Telecoms Limited

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approved

Date of recommendation: 13 April 2023

Application details

Type of application: Telecommunication Application

Development type: Notifications

Standard consultations:

Printed: 15 February 2023 Expired: 8 March 2023

Neighbour notifications

Printed: 15 February 2023 Expired: 8 March 2023

Site notice

Posted: 22 March 2023 Expired: 12 April 2023

Press advert

Published: 28 February 2023 Expired: 21 March 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The proposed site is located at the rear of the wide pedestrian footpath on the northern side of Silverlace Avenue. The site backs onto a Sport Centre and associated parking area.

The proposed equipment would be adjacent to metal railing perimeter boundary treatment, which would act as a backdrop to the cabinets and lower section of the monopole. The existing footway is 4.2m in width at the point where the proposed mast and equipment cabinets would be located.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This application relates to an area of pavement on the northern side of Silverlace Avenue, in a predominantly residential area. Residential properties lie to the south and further east of the site, with a Sports Centre lying to the north of Silverlace Avenue. Further to the west of the site are commercial uses within the Lime Square development which forms part of Higher Openshaw District Centre.

Description of development

The submitted application seeks prior approval for the installation for the installation of a 15m high slim-line telecommunications monopole with associated Remote Radio Units and antennas to serve the 5G network, with 3 equipment cabinets at the back of pavement and associated works. These are required to link the site into the wider network.

The applicant has advised that this application follows a recent approval (ref: 126776/TEL/202 in June 2020) for the Prior Approval of the installation of 20 metre high telecommunication monopole with wraparound cabinet at base and associated equipment on Ashton Old Road,

which due to unforeseen circumstances concerning gas supplies in the area, cannot be implemented .

Consultations & Notification Responses

The proposal was advertised in the local press, and on site as a development affecting a public right of way.

Local residents/adjoining occupiers - No comments received.

Highway Services - The proposed equipment is to be positioned to the back of the footway, retaining an unobstructed clearance in excess of 2m from the edge of the carriageway and existing street furniture, this is acceptable to Highways. 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. Detail is sought on proposed installation arrangements from a highways perspective. The applicant is advised that any requirements for temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Email - highwaylicences@manchester.gov.uk

Issues

Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2016

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.

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was subsequently amended and updated in February 2019 and July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: 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 or specific policies in this Framework indicate development should be restricted.

The Framework has been related to the proposed development, with particular emphasis given to the following:

Section 10 Supporting high quality communications - The following paragraphs are considered to be relevant:

- i. Paragraph 114 - States that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. It further states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) connections. It is considered that the development would be appropriately related to this objective by upgrading the performance of mobile telephone network and its capacity.
- ii. Paragraph 115 - 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. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Furthermore, that where new sites are required equipment should be sympathetically designed and camouflaged where appropriate.
- iii. 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. They should ensure that:
- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
 - b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
- iv. Paragraph 117 - States that all 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. In this case the applicant has provided a satisfactory explanation of the site selection and a ICNIRP declaration. The proposal has been related to clearly presented drawings and a supporting statement. It is considered that sufficient and satisfactory information has been provided.

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.

Policy SP1 identifies 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 including:-

- 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 or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy EN1 relates to design principles and strategic character areas and states that all development in Manchester will be expected to follow the seven principles of urban design listed below:

- Character: a place with its own identity
- Continuity and enclosure: a place where public and private places are clearly distinguished
- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand
- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

Policy DM 1 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:-

- 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 and 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.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved policy DC17 relates to telecommunications and 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.

Siting -The proposed works are not located in close proximity to any designated sites such as SSSIs, SPAs, SACs, or national nature reserves. As such, the Site is not considered to be a sensitive area and is suitable for the proposed development. The proposed works will not require the significant removal of vegetation and will utilise existing access routes. Furthermore, the site is not near to any listed buildings nor is it in a Conservation Area.

The proposed siting of the mast would mean that it would be located within a wide section of footway in proximity to the existing railing boundary treatment which forms the site boundary at the back of pavement on Silverlace Avenue to the sports centre.

It is noted that there are a number of other vertical features in the area, including lighting columns and trees along Silverlace Avenue and the floodlighting columns to the curtilage of the

multi-use games area to the north east , which would assist in assimilating the equipment into its surroundings.

The applicant has applied the sequential test to the provision of new and upgraded telecoms equipment and is utilising the existing site in line with NPPF guidelines.

The applicants do not feel that there is an alternative suitable location (8 alternatives in the wider area were considered and discounted), and it has been noted that this site represents an alternative location to a recently approved 20 metre high telecommunication monopole with wraparound cabinet at base and associated equipment on Ashton Old Road, which due to unforeseen circumstances concerning gas supplies in the area, cannot be implemented(ref: 126776/TEL/202 in June 2020).

The new installation is considered the best technical and environmental solution which will enable the operator to address the current coverage deficiency in this area. It is considered the proposal strikes an appropriate balance between operational and environmental considerations, and the impact of the development would be outweighed by the public benefit of the proposal.

There are residential properties, in proximity to the site, with the nearest property is approximately 14.2 metres away to the southern side of Silverlace Avenue. Whilst the location is in a predominantly residential area, the proposed monopole would be read in the context of the sports centre to the north of the site. However, the open nature of the setting of the sports centre due to the MUGA's and parking facilities in proximity to the proposed site would mean that that the proposed monopole element of the scheme would be visible from the surrounding area. In this instance, there is a need to balance any visual intrusion in the streetscene, with the need to support high quality communications in the local area. It is considered that the works would not have a significantly harmful visual impact upon the locality to warrant refusal of permission and that the proposed location is therefore acceptable in principle.

It is not considered that the new telecommunication monopole and cabinets will create clutter within the street scene, as there is already street furniture along Silverlace Avenue, and within the vicinity of the site, and the siting of the works are considered to be acceptable.

In relation to pedestrian safety, the site lies on a sufficiently wide area of footpath, with an adequate footway clearance of 3 metres maintained, which is considered to be acceptable. It is not considered that this would unduly restrict the movement of wheelchair and buggy users.

Design - The proposal is for the siting of installation of a 15m high slim-line telecommunications monopole with associated Remote Radio Units and antennas to serve the 5G network , with 3 equipment cabinets at the back of pavement and associated works. supporting 3no. antennas to serve the 4G network and 3no. antennas to serve the 5G network

The proposed cabinets are of a simple square box/rectangular shape and the monopole is cylindrical and very similar to other telecommunications equipment within the vicinity and elsewhere in the City. The telecommunications column would have a grey finish, with the cabinets having a grey finish, which is considered acceptable in this location.

The design of the proposal is considered to be acceptable in this instance. It is considered that the colouration of the proposed cabinets has been designed to blend in with the adjacent railing boundary treatment to the sports centre , and would assist in reducing any potential visual impacts.

It is considered that any impacts to visual and residential amenity not be significant, and any impacts would be outweighed by the benefits of the proposal, in terms of improved connectivity.

Health and safety - A further ICNIRP certificate has been submitted which references the relevant guidelines and states the proposed equipment and installation as detailed in the attached planning / General Permitted Development Order application is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection¹ as expressed in EU Council Recommendation 1999/519/EC of 12 July 1999 "on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)".

The proposal therefore accords with all relevant health and safety requirements, including the guidelines of the International Commission for Non-Ionising Radiation Protection (ICNIRP) as adopted in the EU Council Recommendation of 12 July 1999 on the limitation of exposure to the general public to electromagnetic fields.

Compliance with ICNIRP legislation - A declaration of conformity with ICNIRP Public Exposure Guidelines has been submitted with the application and meets guidelines in terms of health aspects that a local planning authority does not need to give further consideration to health aspects given an ICNIRP has been submitted. Further advice on health issues was previously provided in PPG8 which has now been replaced with the National Planning Policy Framework (July 2021) and the weight that this can be given to applications for telecom equipment.

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. In this case the proposal was considered to be in accordance with City Council policy and no amendments were sought.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse**Reason for Approval**

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 136257/TEL/2023 as received on 14 February 2023, namely:

- a) Drawing pack (100 Existing Site Plan ;002 Site Location Plan; 150 Existing Elevation A ; 210 Proposed site plan: and 260 Proposed elevation) ref: 65762 MAN MAN12080-M003 rev.C;
- 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.

Informative

The applicant is advised that any requirements for temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Email - highwaylicences@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services

26 Silverlace Avenue, Manchester, M11 1GN
34 Silverlace Avenue, Manchester, M11 1GN
32 Silverlace Avenue, Manchester, M11 1GN
30 Silverlace Avenue, Manchester, M11 1GN
28 Silverlace Avenue, Manchester, M11 1GN
16 Silverlace Avenue, Manchester, M11 1GN
14 Silverlace Avenue, Manchester, M11 1GN
12 Silverlace Avenue, Manchester, M11 1GN
8 Silverlace Avenue, Manchester, M11 1GN
24 Silverlace Avenue, Manchester, M11 1GN
22 Silverlace Avenue, Manchester, M11 1GN
20 Silverlace Avenue, Manchester, M11 1GN
18 Silverlace Avenue, Manchester, M11 1GN
10 Silverlace Avenue, Manchester, M11 1GN
6 Silverlace Avenue, Manchester, M11 1GN
4 Silverlace Avenue, Manchester, M11 1GN
Sporting Edge Community Sports Centre, 1 Silverlace Avenue, Manchester, M11 1GN

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