

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136111/TEL/2023

Date registered valid: 31 January 2023

Proposal: Prior Approval for the installation of a 20 metre high telecommunication mast with associated equipment cabinets and ancillary works

Address: Verge At The Junction Of Bank Street And Bamford Street Manchester M11 4RP

Ward(s): Clayton & Openshaw Ward

Applicant: CK Hutchison Networks (UK) Ltd

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

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 15 March 2023

Application details

Type of application: Telecommunication Application

Development type: Notifications

Standard consultations:

Printed: 2 February 2023 Expired: 23 February 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

This application relates to an area of pavement at the junction of Bank Street and Bamford Street. The site lies in an area of mixed uses, including a number of residential properties, but the site itself is surrounded by commercial uses.

The submitted application seeks prior approval for the installation of a 20 metre high telecommunications mast with 3 associated equipment cabinets and ancillary works. The cabinets would be positioned adjacent to, but not connected to the mast, and both the mast and cabinets would be silver-grey in colour. The mast and cabinets would be situated at the back of a wide strip of pavement, and would be approximately 2.8 metres from the edge of pavement.

Consultations & Notification Responses

Local residents/adjoining occupiers - No comments received.

Highway Services - Makes the following comments:

The proposed equipment is to be positioned to the back of the footway. Plans show an unobstructed clearance in excess of 2m from the edge of the carriageway and existing street furniture, which 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.

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 (July 2021) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

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;

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

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

Section 10 Supporting high quality communications infrastructure - 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. 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. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

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. 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.

iii. Paragraph 117 - 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. This should include:

(a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and

(b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

(c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

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 mast would be positioned at the back of a wide strip of pavement, and would be immediately surrounded by commercial properties. It is noted that there are a number of street lighting columns, in the vicinity of the site along with other street furniture.

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 proposed mast is due to a requirement to upgrade the CK Hutchison Networks (UK) Ltd network to provide improved coverage and capacity, most notably in relation to 5G services. To bring this new technology to the general public, CK Hutchison Networks (UK) Ltd will need to provide a mix of upgrades to existing sites and the building of new sites. New sites will be needed for reasons, including that the higher radio frequencies used for 5G do not travel as far as those frequencies currently in use and that sometimes not all existing sites can be upgraded. In this area the applicants consider that there is an acute need for a new mast to deliver the above.

The applicants also state that the nature of 5G and the network services it provides, means the equipment and antennas required are quite different to the previous, and existing, service requirements. In particular, the nature of the antennas, and the separation required from other items of associated equipment, is such that it cannot utilise some existing structures that provide an installation for another operator, most notably in a street works or highways environment. In this case, the applicant's state 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.

Other sites have been identified and subsequently discounted. The applicants do not feel that there is an alternative suitable location and 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.

Whilst the application site is surrounded, by commercial/industrial properties, there are a number of residential properties in the wider area, with the nearest house being approximately 50 metres away, although all are separated, from the application site, by some commercial built form. The proposed mast is 20 metres high, so it will be visible, from above adjacent buildings, but will largely be seen in the context of industrial/commercial premises and a number of high level lighting columns adjacent to the site and it is not considered that the works would have a harmful visual impact upon the locality and it is considered that the proposed location is therefore acceptable in principle.

In relation to highways the site lies on a sufficiently wide area of footpath, approximately 3.5 metres wide and a footway clearance of well over 2 metres has been maintained between all equipment and the edge of pavement, and this is considered to be acceptable and it is not considered that this would unduly restrict the movement of wheelchair and buggy users. It is therefore considered that the proposal would have no adverse highways implications.

Residential amenity - The site is separated, from the nearest residential properties, by commercial premises, and it is not considered that the proposed mast would detract from the attractiveness of this area. In visual terms it is not therefore considered that the proposal would have an undue impact upon the amenity of local residents.

Design - The proposal is for the siting of a new 20 metres high telecommunications column and ancillary development including 3 cabinets at its base, which would have a height of approximately 1.5 metres.

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 applicant has confirmed that the mast and cabinets would have a silver-grey finish, which is considered acceptable in this location.

The design of the proposal is considered to be acceptable in this instance, and it is considered that it has been designed to blend in with the surrounding street scene and would not draw undue attention to itself.

Noise impact - The application seeks the prior approval of the City Council in relation to the siting and appearance of the development and the potential noise impact is not a matter that can be considered. If the equipment creates noise disturbance in the future there are alternative powers, available to the City Council, to address this.

Health and safety - The proposal 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. 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.

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 agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the 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

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, 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.

Consent is hereby granted in accordance with the following drawings and documents:

Declaration of Conformity with ICNIRP Public Exposure Guidelines dated 3 November 2022 (ref:GBC)

5G Site Specific Supplementary Information and Planning Justification Statement Document
(Site ref: MAN21930)

Drawing set numbered MAN21930_MAN653_TBC_MAN1375-GA-REV-A and titled '002 Site Location Plan'. '215 Proposed Site Plan' and '265 Proposed Site Elevation'.

All stamped as received by the City Council as Local Planning Authority on 31 January 2023.

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

1) 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

Appendix 1 – List of consultees & neighbours notified

Highway Services

Sarayautos Limited, Unit 4, Bamford Street, Manchester, M11 4FE

Workshop Junction Garner Street, Bamford Street, Manchester, M11 4FE

1 - 29 Bamford Street, Manchester, M11 4FE

Unit B, Buchan Street, Manchester, M11 4EA

Space Recycling, Unit 2, Bamford Street, Manchester, M11 4FE

Jada Tyres, Unit 1, Bamford Street, Manchester, M11 4FE

Greater Manchester Police Bradford Park, 571 Ashton New Road, Manchester, M11 4AA

British Vita, Bank Street, Newton Heath, Manchester, M11 4AS

13 West Street, Manchester, M11 4EF

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