

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135820/TEL/2022
Date registered valid: 22 December 2022
Proposal: Prior Approval Application for the installation of a 16m high telecommunications street pole and additional equipment cabinets.
Address: Pavement To The Front Of Aylesbury Court, Wilbraham Road, Manchester, M21 0UH
Ward(s): Chorlton Ward

Applicant: Gallivan CK Hutchison Networks (UK) Limited)
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: 15 February 2023



Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 15 February 2023

Standard consultations:

Printed: 3 January 2023 Expired: 24 January 2023

Neighbour notifications

Printed: 3 January 2023 Expired: 24 January 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 to the front Of Aylesbury Court, Wilbraham Road, close to the junction with St Werburgh's Road. The area is predominantly residential in area.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is seeking Prior Approval for the installation of a 16 metres high telecommunications street pole and associated equipment cabinets.

Consultations & Notification Responses

Local Residents – No comments received.

Chorlton Voice – Chorlton Voice has no objection in principle to the installation of telecommunications equipment.

However, it considers that the chosen location in this case is poor. The proposed plant location is set centrally in front of the attractive open space of Aylesbury Court and so will detract from the attractive vista and sight lines of the street scene. A location further to the east, perhaps in line with one of the building gables, would be less obtrusive, as well as being in the sight line of fewer residents.

Highway Services – Both the pole and associated equipment cabinets appear to be placed at the back of the adopted footway. However, it is unclear how large the equipment is and how much footway will be used. Highways would be accepting in-principle of these proposals subject

to 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.

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 and residential amenity are important considerations in terms of siting and appearance impacts. In this instance whilst there are residential properties in the locality, the presence of mature landscaping and existing street furniture would limit any impact.

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 where there is an acute need.

Mobile phone base stations operate on a low power, therefore, base stations therefore need to be located in the areas they are required to serve. Increasingly, people are also using their mobiles in their homes which means that base stations need to be sited in, or close to, residential areas.

A further limiting factor is that the position has to be one that fits in with the existing network. Sites have to form a patchwork of coverage cells with each cell overlapping to a limited degree with the surrounding base stations to provide continuous network cover as users move from one cell area to another. However, if this overlap is too great, unacceptable interference is created between the two cells.

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

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, consideration has been given to sharing any existing telecommunication structures in the area, secondly consideration has been given to utilising any suitable existing structures or buildings and thirdly sites for freestanding ground-based installations have been investigated.

This sequential approach is thus summarised as:

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

In compliance with its licence and the sequential approach outlined in the NPPF, the applicant has made attempts to utilise any existing telecommunication structures where they represent the optimum environmental solution. This search has been performed using the industry database prior to the submission of the application.

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.

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 and integrating it with the existing vertical elements in the street scene. Thus the proposal has sought to minimise the appearance of the new infrastructure within the street scene.

Overall the appearance of the proposal is considered acceptable.

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 135820/TEL/2022 as received on 22 December 2022, namely:

- a) Drawing pack (MAN19853_MAN627_87887_M1257_GA_REV_A, Issue 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

36 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
35 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
34 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
33 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
32 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
31 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
30 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
28 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
29 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
26 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
23 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
20 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
380 Wilbraham Road, Manchester, M21 0UW
27 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
25 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
24 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
22 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
21 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
19 Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
384A Wilbraham Road, Manchester, M21 0UW
380A Wilbraham Road, Manchester, M21 0UW
384 Wilbraham Road, Manchester, M21 0UW
382 Wilbraham Road, Manchester, M21 0UW
378 Wilbraham Road, Manchester, M21 0UW
376 Wilbraham Road, Manchester, M21 0UW

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