

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134774/TEL/2022

Date registered valid: 24 August 2022

Proposal: Prior Approval for the installation of 15 metre high telecommunication monopole with wrapround cabinet at base, equipment cabinets and associated ancillary works.

Address: Kenyon Lane Streetworks, Kenyon Lane, Manchester , M40 9DF

Ward(s): Moston Ward

Applicant: CK Hutchison Networks (UK) Ltd, Great Brighams Mead, Vastern Road, Reading, RG1 8DJ

Agent (if any): Ryan Marshall, WHP Telecoms Limited, 1A Station Court, Station Road, Guiseley, Leeds, LS20 8EY

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 6 October 2022

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 16 September 2022

Standard consultations:

Printed: 31 August 2022 Expired: 21 September 2022

Neighbour notifications

Printed: 31 August 2022 Expired: 21 September 2022

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 and surroundings

The application site relates to an area of pavement at the junction of Kenyon Lane and Lightbourne Road, adjacent to a signalised junction and pedestrian crossing.

The pavement at this point is unusually wide and already accommodates an equipment cabinet.



The proposed pavement area is bounded to the west by a brick boundary wall and tree lined boundary which separates the pavement from an adjoining rectory and its associated grounds. The adjoining site has outline planning permission for a single pair of two storey dwellinghouses. Beyond the rectory is St. Lukes's Church and an associated car park (subject to a pending planning application for residential development) and even further to the north lies St. Dunstan's RC Primary School which is situated approximately 90 metres to the north of the site.

The immediate area is predominantly residential in character, largely comprising two storey dwellinghouses focused around the junction. Directly opposite the site on the opposite side of Kenyon Lane, the site directly faces onto the blank gable wall of a dwellinghouse, as well as facing onto further residential properties to the opposite side of Kenyon Lane and a signalised junction. To the opposite side of Lightbowne Road is a small area of open space with tree planting, which provides a feeling of openness, separating residential properties to the east from the busy junction.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of development

Prior Approval is sought for the installation of 15 metre high telecommunication monopole with wraparound cabinet at its base, 3 further equipment cabinets and associated ancillary works.

Consultations & Notification Responses

Local Residents/Occupiers – 18 representations have been received from neighbouring occupiers in which concerns are raised about the potential risks to public health and also risks to health given the proximity of a nearby primary school.

Local Ward Members – Councillors Appleby and Connolly support the views of local residents who have objected to the proposal and do not support the siting of a mast in this location.

Highways 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.

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policy DC17.1 of the UDP;
- Policies DM1 and SP1 of the Core Strategy;
- Sections 10 and 12 of the National Planning Policy Framework (NPPF).

Planning History

None.

Issues

Principle

The Town and Country Planning (General Permitted Development) (England) Order 2015 confers 'permitted development rights' for certain types of telecommunications development.

This now includes the erection of telecommunications masts which do not exceed a height of 30m above ground level on unprotected land. These permitted development rights remove the need to submit a full planning application, but rather require a 'prior approval' application to be made.

This means that the Local Planning Authority can only control the details of the siting, design and external appearance of a telecommunication development, as the acceptability of the principle of the development is already established. The Local Planning Authority has 56 days in which to let the applicant know of its decision on whether prior approval is required for siting and appearance and to let the operator know of its decision to allow or refuse approval.

Given background Government planning guidance, a principal theme running through the National Planning Policy Framework is the commitment to ensuring sustainable economic growth. This includes the advancement of infrastructure and the use of smarter technologies.

Paragraph 114 at Section 10 of the NPPF states that "Advanced, high-quality communications infrastructure is essential for sustainable economic growth and social well-being".

Saved policy DC17.1 of the UDP similarly looks to support telecommunication development, subject to minimising any impact upon siting and appearance.

Within a relatively recent letter issued to Local Planning Authorities from the Department for Digital, Culture, Media and Sport, dated 24 May 2021, the Government is clear that digital connectivity is considered now, more than ever – vital to enable people to stay connected and businesses to grow. The demand for mobile data is increasing rapidly, and the COVID-19 pandemic has highlighted how important it is that we all have access to reliable, high quality mobile connectivity.

It is stated further that The National Planning Policy Framework ("the Framework") for England states that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G.

The Framework is clear that decisions on applications should be made as quickly as possible, and within statutory timescales. Local planning authorities must determine applications on planning grounds only and they should not seek to prevent competition between different operators or question the need for an electronic communications system.

In this case, given the prevailing policy and Government support for telecommunication installations coupled with the siting and appearance of the proposed installation in the case, the principle of the proposal is considered satisfactory. The public benefits of a greatly enhanced communications network for businesses and residents alike in this location, would also qualify as a considerable positive that would contribute to the wider economic output of the area, as well as social improvements.

As such, it is considered that the proposal complies with the overarching policy framework which outlines a general presumption in favour of telecommunication development. It is necessary however to further assess the appropriateness of the siting and appearance of the proposed equipment, as outlined below.

Siting and Appearance

In keeping with the National Planning Policy Framework which advocates the use of high-quality communications infrastructure, the proposed design has been selected to minimise so far as possible the visual impact upon the street scene.

The introduction of a tall structure will always to some degree be noticeable, particularly to passers-by and nearby occupiers. This does not necessarily mean any harm will result or that there will be an overwhelming, undue impact.

In this instance, it is considered that the applicant has minimised the impact by practicable and appropriate siting and design, balancing the siting and appearance of the installation against technical requirements and material planning policy and guidance which advocates a presumption in favour of such equipment. The site selection process has also been influenced by the numerous vertical elements of street furniture distributed around the vicinity of the site including street lighting columns. The height of the pole has been kept down to the absolute minimum capable of providing the required essential new 5G coverage

The proposal has undergone a sequential site selection, with the current proposal representing the best fit when balancing siting against coverage requirements. The proposed installation will facilitate advanced coverage in the area to aid the social well-being and business needs of the occupants of the nearby properties and local businesses.

In terms of appearance, the design reflects the utilitarian emphasis provided by existing lighting columns, traffic signals and matures trees which appear to the back and foreground along Kenyon Lane.

Given the prevailing backdrop, the uncluttered appearance of the junction at Kenyon Lane/Lightbowne Road, together with relatively open context of the immediate area, the proposed installation can be satisfactorily assimilated without any significant undue impact to visual amenity.

The mast has also been set back from the road frontage to minimise its impact. The tree lined boundary to the west which separates the pavement from the neighbouring rectory site performs an important screening function. Whilst this site has outline permission for a pair of dwellinghouses, a proposed access road into the site, together with the existing brick boundary wall and tree lined boundary would separate the pavement (and mast) along Kenyon Lane from the site. The proposed houses are also orientated in a position that would not give rise to direct overlooking.

Whilst there are other residential properties nearby, given the separation distance and as no properties directly face onto the mast, it is considered that the visual impact can be sustained. The nearest residential property to the opposite side of Kenyon Lane incorporates a blank gable wall and therefore no direct overlooking would result.

Further, given nearby existing, tall, vertical street furniture and trees it is believed the mast will assimilate into the street scene without appearing overly incongruous.

As such, it is not considered that the proposed mast and associated equipment would form overly intrusive features, nor would there be any significantly harmful impact upon the character and appearance of the area.

The mast is also fairly slim-line in appearance and is to have a galvanised steel finish to reflect other nearby street furniture, typical of an urban streetscape.

The proposed equipment cabinets are less than 2.5m³ each and will be located immediately alongside the mast. It should be noted that if seen alone as standalone developments, they would constitute permitted development. The cabinets have also been designed to appear like other statutory undertakers' equipment cabinets. They are small for telecommunications

apparatus and are again similar in appearance to other equipment cabinets commonly found in urban environments.

In light of the above, it is felt that taking into account the technical constraints of the operator, available sites and immediate environmental context of the area, the siting and appearance of the proposal can be satisfactorily accommodated without significant, undue impact to visual amenity.

Access

The proposed equipment has also been sited towards the rear of existing area of wide pavement Pedestrian access along the public footway will not therefore be impeded. This has been confirmed by Highway Services.

Impact on Health and Safety

Representations have been received from neighbouring occupiers in which concerns are raised about the impact to human health as a consequence of the proposed installation, as well as the impact to health due to the location of a nearby primary school.

The role of the planning system however is not to duplicate existing controls under other legislation and is not the place to determine health safeguards. It is the Government's view that if a proposed development conforms to International Compliance for Public Exposure Guidelines for Public Exposure to Electromagnetic Fields established by the International Commission on Non Ionising Radiation Protection (ICNIRP), further consideration of this issue should not be necessary by the Local Planning Authority.

It should also be noted that within the recent letter issued to Local Planning Authorities from the Department for Digital, Culture, Media and Sport, dated 24 May 2021, it is stated that the Government's independent advisers on matters of public health, are clear that there is no credible evidence of a negative impact of mobile technology, including 5G on people's health. Central to PHE's advice are the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), which is formally recognised by the World Health Organisation.

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

1) The City Council is satisfied with the siting and appearance of the proposed telecommunication installation, in accordance with 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). The consent hereby provided shall ensure the installation be carried out only in accordance with drawings referenced 002, 210/A and 260/A and accompanying documents received by the City Council as Local Planning Authority on 24 August 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to saved policy DC17.1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

146 Kenyon Lane, Manchester, M40 9DF
41 Sulby Street, Manchester, M40 5HY
45 Sulby Street, Manchester, M40 5HY
148 Kenyon Lane, Manchester, M40 9DF
231 Lightbowne Road, Manchester, M40 9BA
150 Kenyon Lane, Manchester, M40 9DF
250 Lightbowne Road, Manchester, M40 5EF
152 Kenyon Lane, Manchester, M40 9DF
St Lukes Rectory, Kenyon Lane, Manchester, M40 5HS
237A Lightbowne Road, Manchester, M40 9BA
235 Lightbowne Road, Manchester, M40 9BA
233 Lightbowne Road, Manchester, M40 9BA
229 Lightbowne Road, Manchester, M40 9BA
254 Lightbowne Road, Manchester, M40 5EF
252 Lightbowne Road, Manchester, M40 5EF
248 Lightbowne Road, Manchester, M40 5EF
43 Sulby Street, Manchester, M40 5HY
39 Sulby Street, Manchester, M40 5HY
37 Sulby Street, Manchester, M40 5HY
35 Sulby Street, Manchester, M40 5HY

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA