

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 133553/TEL/2022

**Date registered valid:** 19 April 2022

**Proposal:** Prior approval for the installation of 4no. roof mounted telecommunication antennas and associated equipment following the removal of 3no. antennas

**Address:** Willow Court, 962 Kingsway, Manchester, M20 5WR

**Ward(s):** Didsbury East Ward

**Applicant:** Cellnex 4th Floor, 2 Blagrove Street, Reading, RG1 1AZ

**Agent (if any):** Ms Hannah Gibson Dot Surveying 14 Inverleith Place, Edinburgh, EH3 5PZ

**Case officer:** Robert Tyrer  
Tel: 0161 234 4068  
Email: robert.tyrer@manchester.gov.uk

**Recommendation:** Approve

**Date of recommendation:** 14<sup>th</sup> June 2022

## **Application details**

**Type of application:** Telecommunication Application

**Development type:** Notifications

**Date of site visit:** 19 May 2022

### **Standard consultations:**

Printed: 4 May 2022      Expired: 25 May 2022

### **Neighbour notifications**

Printed: 4 May 2022      Expired: 25 May 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/ Description of area**

The application site relates to a concrete and brick built ten storey high rise apartment building located between the railway line to Manchester Airport (west), Kingsway (east), a major highway in and out of the city centre, River Mersey and Green Belt to the south.



**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

### **Description of development**

The applicant is seeking prior approval for the installation of 4no. roof mounted telecommunication antennas and associated equipment following the removal of 3no. antennas

### **Consultations & Notification Responses**

Local residents/public opinion – No objections, comments or representations in support of the application have been received.

Stockport Metropolitan Borough Council – No Objection

### **Issues**

#### **Local Policy**

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Core Strategy** policies for this application are as follows:

SP1 – Spatial Principles

DM1 – Development Management 1

The relevant **UDP** policies for this application are:

DC 17.1 - Telecommunications

#### **The Guide to Development in Manchester SPD**

#### **National Policy**

#### **National Planning Policy Framework (NPPF) – Sections 10 and 12**

**The 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 20m above ground level. These permitted development rights remove the need to submit a full planning application, but rather require what is termed a 'prior notification' 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 112 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.

A letter issued to Local Planning Authorities from the Department for Digital, Culture, Media and Support, 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, residents and visitors 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**

The applicant is seeking to install 4no. roof mounted telecommunication antennas and associated equipment following the removal of 3no. antennas to the existing stub tower located on the roof of Willow Court. This will enable the fourth generation (4G) and fifth generation (5G) mobile communications. This would mean that not only additional equipment on the roof but an slight increase in height from 34.0 metres to 34.4 metres

The siting has already been established by the existing installation and therefore the upgrade is unlikely to introduce any greater impact in terms of its visual appearance than the existing.

The roof top location would not cause a distraction to passing vehicles, and would not give rise to forward visibility issues.

Given the context of the existing installation and the nature of the surrounding environment, the siting and appearance of the proposal is considered satisfactory.

The proposal is therefore considered to be in accordance with saved policy DC17.1, DM1 and SP1 of the Core Strategy, NPPF and with the requirements of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

**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.

### **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**

### **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 numbered 302774-00-001-MD002 Rev 2.A, 302774-00-003-MD002 Rev 2.A, 302774-02-101-MD002 Rev 2.A, 302774-02-151-MD002 Rev 2.A and 302774-02-152-MD002 Rev 2.A together with accompanying documents, received by the City Council as Local Planning Authority on 19 April 2022.

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**

Stockport Metropolitan Borough Council

954 Kingsway, Manchester, M20 5WR  
952 Kingsway, Manchester, M20 5WR  
40 Merston Drive, Manchester, M20 5WT  
950 Kingsway, Manchester, M20 5WR  
Flat 7, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 4, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 46, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 44, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 41, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 39, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 37, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 35, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 32, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 29, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 28, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 25, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 23, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 20, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 16, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 14, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 11, Willow Court, 962 Kingsway, Manchester, M20 5WR  
37 Broad Oak Lane, Didsbury, Manchester, M20 5QB  
31 Broad Oak Lane, Didsbury, Manchester, M20 5QB  
25 Broad Oak Lane, Didsbury, Manchester, M20 5QB  
21 Broad Oak Lane, Didsbury, Manchester, M20 5QB  
52 Merston Drive, Manchester, M20 5WT  
46 Merston Drive, Manchester, M20 5WT  
Flat 9, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 8, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 6, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 5, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 48, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 47, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 45, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 43, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 42, Willow Court, 962 Kingsway, Manchester, M20 5WR  
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Flat 12, Willow Court, 962 Kingsway, Manchester, M20 5WR  
Flat 10, Willow Court, 962 Kingsway, Manchester, M20 5WR  
960 Kingsway, Manchester, M20 5WR  
958 Kingsway, Manchester, M20 5WR  
956 Kingsway, Manchester, M20 5WR  
35 Broad Oak Lane, Didsbury, Manchester, M20 5QB  
33 Broad Oak Lane, Didsbury, Manchester, M20 5QB  
29 Broad Oak Lane, Didsbury, Manchester, M20 5QB  
27 Broad Oak Lane, Didsbury, Manchester, M20 5QB  
23 Broad Oak Lane, Didsbury, Manchester, M20 5QB  
54 Merston Drive, Manchester, M20 5WT  
50 Merston Drive, Manchester, M20 5WT  
48 Merston Drive, Manchester, M20 5WT  
44 Merston Drive, Manchester, M20 5WT  
42 Merston Drive, Manchester, M20 5WT  
38 Merston Drive, Manchester, M20 5WT  
30 Jayton Avenue, Manchester, M20 5QD  
29 Jayton Avenue, Manchester, M20 5QD  
27 Jayton Avenue, Manchester, M20 5QD

## **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  
Flood Zones Type 2 (low to medium risk) -  
Susceptible to Surf Water Flood (Less) -  
Area Team Boundary - Name: SOUTH