

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132576/FO/2021

Date registered valid: 22 December 2021

Proposal: Installation of 1 no. equipment cabinet following removal of an existing cabinet and installation of 1No. GPS unit and ancillary development to existing telecommunications mast

Address: Pavement Adjacent Withington Public Library, Wellington Road, Manchester, M20 3BN

Ward(s): Old Moat Ward

Applicant: Mobile Broadband Network Limited, 6th Floor Thames Tower, Station Road, Reading, RG1 1LX

Agent (if any): Mr Roland Dahllof, Avison Young, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 03.02.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 12 January 2022

Standard consultations:

Printed: 5 January 2022 Expired: 26 January 2022

Neighbour notifications

Printed: 5 January 2022 Expired: 26 January 2022

Site notice

Posted: 12 January 2022 Expired: 2 February 2022

Press advert

Published: 11 January 2022 Expired: 1 February 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Withington Conservation Area 1983

Tree Preservation Order: Not applicable

Description of area

The site relates to the pavement area to the western side of Withington Library on Wellington Road. The site lies within the Withington Conservation Area. The pavement currently houses a telecoms monopole mast and associated cabinets.

Description of development

The proposals are for the upgrade of the existing site which comprises the removal and replacement of existing equipment cabinets within the pavement with 1No. Weston cabinet, the installation of 1No. GPS unit and ancillary development. As the proposal seek to replace a cabinet within a conservation area, an application for planning permission is required. The cabinet is approximately 1.4m in height with a width of 674mm and depth of approximately 700mm.

Planning History

079698/TEL/2006/S1 - PRIOR APPROVAL installation of 14.7m high telecommunications monopole including 1 antenna and 2 base equipment cabins -Approved 28.07.2006

109959/TEL/2015/S1 - Prior notification for erection of a 15 metre high telecommunication mast with associated equipment cabin to replace existing monopole – Approved 06.11.2015

Consultations & Notification Responses

Neighbouring properties were notified, an advertisement was placed in the Manchester Evening News and a site notice was posted. No responses were received.

Highway Services -The proposed equipment is an upgrade of the current telecommunications base station at this location.

Both the column and associated equipment appear to be placed at the back of the adopted footway. Sufficient carriageway clearance is being provided and sufficient footway width is being maintained. Highways do not object to this proposal.

Policies

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in 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'.

Chapter 2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different 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 a well-designed and safe built environment, 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 contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or d) 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.

Chapter 10. Supporting high quality communications

112. 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).

113. 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.

114. 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.

115. 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.

116. 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.

Section 16 – Conserving and enhancing the historic environment

Paragraph 194 – “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.” In relation to this paragraph, the relevant historic environment records are referred to within the Heritage Statement of this document and the impact of the proposal on these historical assets are explained in Design Considerations section.

Paragraph 201 – “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”

Paragraph 202 – “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Local Development Framework - Core Strategy Development Plan Document (adopted July 2012)

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 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.

Policy EN 3, Heritage - Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains. Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Unitary Development Plan Saved Policies

DC17 Telecommunications 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.

Policy DC18, Conservation Areas - Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i. the relationship of new structures to neighbouring buildings and spaces;
 - ii. the effect of major changes to the appearance of existing buildings;
 - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
 - iv. the effect of signs and advertisements;
 - v. any further guidance on specific areas which has been approved by the Council.
- b. The Council will not normally grant outline planning permission for development within Conservation Areas.
- c. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance or character of the area.
- d. Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Issues

Principle - The Council supports the principle of improving telecommunications coverage within the City, however, in doing so it seeks to ensure that the amenity of residents is not impacted upon to an unacceptable degree.

Siting and Appearance - Following assessment of the proposal it is considered that the siting of the new equipment cabinet is acceptable in this location. The site is an existing and established location for the telecommunications mast in situ and the associated equipment cabinets. The upgrading of this equipment is considered acceptable and is sited to the back of pavement adjacent the library building.

The installation of the GPS unit to the existing telecommunications mast is a relatively minor addition to this structure and would not give rise to unacceptable impacts in terms of the visual amenity of the area or character of the conservation area.

Impact on the Withington Conservation Area – The proposed cabinet would replace an existing cabinet, its siting has previously been considered acceptable within the conservation area under previous prior approval applications. There has been no significant alterations to the conservation area or the site since the granting of the previous prior approvals. As such the continued use of the pavement in this location to contain equipment cabinets is considered acceptable and would have a neutral impact on the designated heritage asset.

Highway and Pedestrian Safety – No objections have been raised in respect of the proposed siting of the cabinet within the footway and this reflects the positioning of existing cabinets which would be the back of pavement sited on the footprint of an existing cabinet. It is not considered that the installation of the cabinet gives rise to unacceptable impacts on pedestrian or highway safety.

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

The application has been determined in a positive and proactive manner. In this instance a decision has been issued within statutory timescales.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

150 PROPOSED SITE PLAN; 250 PROPOSED SITE ELEVATION A as received by the City Council as local planning authority on the 22nd December 2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This informative does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588

Appendix 1 – List of consultees & neighbours notified

Highway Services
Withington Civic Society

4 Rippingham Road, Manchester, M20 3EX
Jordan Fishwick, Unit 1B, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Unit 1C, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
First Floor, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Ground Floor Rear, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
2A Rippingham Road, Manchester, M20 3EX
Withington Library, 410 Wilmslow Road, Manchester, M20 3BN
Flat 18, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 17, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 16, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 15, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 14, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 13, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 12, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 11, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 10, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 9, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 8, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 7, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 6, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 5, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 4, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 3, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 2, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 1, 406 - 408 Wilmslow Road, Manchester, M20 3BD
Flat 9, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 6, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 4, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 2, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
2 Rippingham Road, Manchester, M20 3EX
Flat 8, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 7, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 5, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 3, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 1, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
156 Wellington Road, Old Moat, Manchester, M20 3FU

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
Conservation Area - Withington Conservation Area 1983
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH

