

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131934/TEL/2021

Date registered valid: 15 October 2021

Proposal: Prior Approval for the installation of a 20 metre high telecommunications mast with associated equipment cabinets

Address: Footpath Along Varley Street Street, Manchester, M40 7AT

Ward(s): Miles Platting & Newton Heath Ward

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

Agent (if any): Chris Dalby Sinclair Dalby Ltd Suite H, KBF House, 55 Victoria Rd, Burgess Hill, RH15 9LH

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 8 December 2021

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 15 November 2021

Standard consultations:

Printed: 25 October 2021 Expired: 15 November 2021

Neighbour notifications

Printed: 28 October 2021 Expired: 18 November 2021

Site notice

Posted: 15 November 2021 Expired: 6 December 2021

Press advert

Published: 2 November 2021 Expired: 23 November 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The application site relates to the footpath along Varley Street in the north Manchester ward of Miles Platting and Newton Heath. The proposed site is located to the eastern side of Varley Street north of the junction with Bradford Road. The site is an area of grass verge besides Varley Street in an area where there is open land to each side and a backdrop of industrial use. The mast would be sited close to Sabden Close. This section of Varley Street has a relatively high-level of traffic as it is used as a cut through to reach Oldham Road. The junction with Bradford Road close to the site provides access to the Lovell development. Various trees are positioned to the left of the proposal.

The immediate area is mixed. Much of the area surrounding the site is part of Lovell's development under the Miles Platting PFI scheme. The north and north west of the site are characterised by new development. Area to the immediate east is characterised by the piece of land covered in grass, the south of the site is characterised by the gas works and west consists of housing development some of which are Lovell's. Those properties on Charnley Close look onto the proposal site, distanced by Varley Street and a piece of land between the two streets.

Description of development

Prior approval is sought for the installation of a 20 metre high telecommunications mast with associated equipment cabinets. This would include 4 no. equipment cabinets.

Planning history

107479/NMC/2014/N1- Land Bounded By Butler Street, Rodney Street And Garforth Avenue- Application for non-material amendment following a grant of planning permission under application 103549/MO/2013/N1 to allow for changes to number and location of windows in kitchen area for house on plot 81.
Approved 7 January 2015.

103549/MO/2013/N1- Land Bounded By Wardle St, Eastfield Ave, Ridgeway St, Charnley Close, Bradford Rd. Varley St, Sandal St, Danson St And Iron St. Land On Darton Ave, Land On Saxon St And Stacey St.- Application for approval of reserved matters (access, appearance, landscaping, layout and scale) following previous outline approval under application 079633/OO/2006/N1 to allow for development of 86 no. dwellings with associated car parking, landscaping and boundary treatment.
Approved 19 February 2014.

080520/FO/2006/N1- Land Forming The Miles Platting Neighbourhood As Bounded By New Allen St, Livesey St, Oldham Rd, Sawley Rd, Varley St, James St, Lwr Vickers St, Danson St, Iron St, Rear Of Kenwin St, Bradford Rd, Old Mill St, Miles Platting- Full Application for the re-development of the Miles Platting Neighbourhood area, comprising the erection of 11 new dwellinghouses (4 on Sawley Road, 2 on Bradford Road and 5 on Chippenham Road (following demolition)), part 2/3 storey extension to Butler Court to provide 20 additional apartments for the elderly, external alterations to 7 existing high rise blocks (Alburn, Nelson, Queensbury, Butler, Landos, Gunson and Naylor Courts), new boundary treatments to all domestic properties, physical upgrading of 1548 houses and apartments, conversion of 22 apartments at Millhead Avenue and Manstead Walk to form 11 family houses, and removal of 65 apartments from existing high rise blocks to form larger residential units, environmental and public realm works including the provision of 6 pocket parks (following demolition); and the carrying out of associated highway improvements throughout the area.
Approved 26 October 2006.

079633/OO/2006/N1- Land Bounded By New Allen St/Oldham Rd To North West, Sawley Rd/Varley St To Saxon St To North & North East, Bradford Rd/Ashton Canal & Old Mill St To South & East, Weybridge Rd/Wadeford Cl/Butler St & Oakford Ave To West- Outline Application for the re-development of the Miles Platting neighbourhood area, comprising the erection of a maximum of 1443 no. residential dwellings comprising a maximum of 875 no. houses and 568 no. apartments and means of access. Demolition of 278 residential properties and 28 areas of commercial properties/community facilities. Refurbishment works to 1757 retained houses and apartments. Erection of a maximum of 6935 sq. metres (gross) commercial and community facilities (Classes A1,A2,A3,A4,A5,D1 and D2) on Oldham Road/Varley Street. Erection of a maximum 600 sq. metres (gross) inter-denominational community facility floorspace adjacent to Rochdale Canal (Class D1). Provision of a maximum area of 0.74 hectares for education-related Class D1 use to south-east of St. Marks School. Provision of 2.64 hectares public open space including canal-side walkway and informal amenity areas. Provision of new and refurbished highway network and associated parking
Approved 5 September 2006.

052871/FO/NORTH2/97- Land at Sandal Street/Saxon Street and land at Varley Street/Sandal Street, Miles Platting- Residential development comprising of 28 dwellinghouses on land at

Sandal Street/Saxon Street, 5 dwellinghouses and a 3 storey block of 12 self contained flats on land at Sandal Street/Varley Street, and the construction of a new road between Stradley Street and Saxon Street.
Approved 18 December 1997.

Previous planning applications show how the site chosen for the proposal has been earmarked for development through the Miles Platting PFI. This is shown first in the application 079633/OO/2006/N1.

Consultations & Notification Responses

Local residents

One comment was received by Lovell. They expressed concerns as they are due to submit a formal planning application shortly for the piece of land behind the proposed mast location. This land has long been associated with the Miles Platting PFI. They expressed concerns that a mast would prevent housing being positioned as intended- restricting driveway access and creating an unsuitable outlook for the properties, and the size of the mast and extent of the associated cabinets would not be in keeping with the frontage of a residential development. Lovell provided a scale mock-up of the proposed draft elevation to demonstrate the impact of the mast on the future development.

Highways

Highways were consulted and gave the following response. Both the mast and associated equipment appear to be placed towards the front of the adopted footway. Sufficient carriageway clearance is being provided and sufficient footway width is being maintained by using part of the grassed verge, this is to be in agreement with the relevant council department. 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. Operatives undertaking servicing / maintenance thereafter will be expected to comply fully with the relevant traffic laws, including any local parking and movement restrictions. The applicant should be advised that any requirements for licensing, hoarding /scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email highwaylicenses@manchester.gov.uk.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 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):

- a) 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;
- b) 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
- c) 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 following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 10. Supporting high quality communications- Explains how 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. It specifically states that 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.
- ii. Chapter 12. Achieving well-designed places- Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces. Where development is not well designed, it should be refused.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

Policy DM1 (Development Management); which 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. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The 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. The 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.

Policy SP1 (Spatial Principles); which sets out 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, amongst these include: 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.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policy is of relevance in the consideration of this application:

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.

ISSUES

Principle of development

The Town and Country Planning (General Permitted Development) (England) Order 2015 confers 'permitted development rights' for certain types of telecommunications development. These permitted development rights remove the need to submit a full planning application for masts and equipment of the type proposed.

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 principal issue relates to the impact upon visual amenity and upon the character and appearance of the area, as consequence of the siting and appearance of the proposed installation.

In this case, the siting and appearance of the proposed installation is not considered acceptable. When taking into account the public benefits of an enhanced communications network for businesses, residents, the benefits are considered to be outweighed by the effects upon visual amenity as a consequence of the siting and appearance of the proposed installation.

Although the applicant site has open space behind the grass verge and there is some distance to those properties on Charnley Close, the open space has been marked for development since 2006. As explained in Lovell's objection, it is the last development phase of the PFI contract and has been in delay pending the decommissioning of the nearby gas monitor. The site would become home to residential properties and thus the visual amenity to these properties must be considered.

Siting and Appearance

The application site relates to the footpath along Varley Street. The proposed site is located to the eastern side of Varley Street north of the junction with Bradford Road. The site is an area of grass verge besides Varley Street in an area where there is open land to each side and a

backdrop of industrial use. It would be sited close to Sabden Close. Residential uses surround the site, with the Lovell's future site behind the proposal mast.

The proposed mast at 20 metres high would dwarf the adjoining properties and appear as a dominant, intrusive, and conspicuous feature in the streetscene. In turn, this would be harmful to the visual amenity of the area and in particular, occupiers associated with the current and future development on or close to Varley Street.

The mock-up provided by Lovell shows how the mast could be positioned in front of a new residential home. The mast would be significantly taller than the 2 and 3 storey homes proposed. The new cabinet equipment in relation to the mast would add additional clutter to the streetscene and impact the visual amenity of surrounding neighbours and area. The proposed monopole would be appreciably taller and bulkier than the nearby streetlight and other vertical structures in the surrounding area.

Whilst the public benefits of a greatly enhanced communications network for businesses, residents and visitors alike in this location would qualify as a considerable positive, the impact upon visual amenity as a consequence of the proposed siting and appearance of the installation is considered to outweigh these factors in this case.

On balance, it is considered that the proposed telecommunication installation would be out of context in the streetscene and detrimental to the character and appearance of the open nature of the surrounding area and the visual amenity of neighbouring residential occupiers.

For these reasons, the proposed installation would be contrary to guidance within the National Planning Policy Framework (NPPF), policies and SP1 of the Manchester Core Strategy saved policy DC17.1 of the Unitary Development Plan for Manchester.

Impact on Health

The role of the planning system is not to duplicate existing controls under other legislation and is not the place to determine health safeguards. It is the Governments' 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.

Access

Both the mast and associated equipment appear to be placed towards the front of the adopted footway. Highways have no objection regarding the installation of the mast in terms of safety and highway implications. However, it is to be noted that the visual harm to the surrounding properties is of greater concern.

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: Refuse

Article 35 Declaration

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

- 1) The City Council is not satisfied that this development has been sited and designed to minimise the impact upon visual amenity. The proposed telecommunication installation by reason of its height, siting and appearance, would be unduly harmful to the character and visual amenity of the streetscene, whilst also being visually intrusive to current and future neighbouring residential properties along this part of Varley Street. The proposed telecommunications equipment would therefore be contrary to policies DM1 and SP1 of the Manchester Core Strategy (2012), saved policy DC17.1 of the Unitary Development Plan for the City of Manchester (1995) and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services

139 Ridgway Street, Manchester, M40 7DS
202 Varley Street, Manchester, M40 7EJ
200 Varley Street, Manchester, M40 7EJ
Keen Distribution Ltd, 144 Bradford Road, Manchester, M40 7AS
8 Charnley Close, Manchester, M40 7AT
2 Charnley Close, Manchester, M40 7AT
4 Charnley Close, Manchester, M40 7AT
6 Charnley Close, Manchester, M40 7AT
10 Charnley Close, Manchester, M40 7AT
12 Charnley Close, Manchester, M40 7AT
63 Sandal Street, Manchester, M40 7EN
14 Charnley Close, Manchester, M40 7AT
16 Charnley Close, Manchester, M40 7AT

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 High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
HSE COMAH Zone - H3595 MZ - Bradford Road Holder Station (West) Middle Zone
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1