

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130969/TEL/2021

Date registered valid: 6 July 2021

Proposal: Proposed telecommunications installation of 15m Monopole with wraparound cabinet at base and associated ancillary works

Address: Palatine Road, West Didsbury, Manchester, M20 6UT,

Ward(s): Withington Ward

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

Agent (if any): Eve Wyke, WHP Telecoms Limited, Troy Mills, Helena House , Troy Road, Horsforth, Leeds, LS18 5GN

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

Recommendation: Refuse

Date of recommendation: 23.09.2021

Application details

Type of application: Telecommunication Application
Development type: Notifications
Date of site visit: 22nd July 2021

Standard consultations:

Printed: 15 July 2021 Expired: 5 August 2021

Neighbour notifications

Printed: 15 July 2021 Expired: 5 August 2021

Site notice

Posted: 22 July 2021 Expired: 12 August 2021

Press advert

Published: 20 July 2021 Expired: 10 August 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

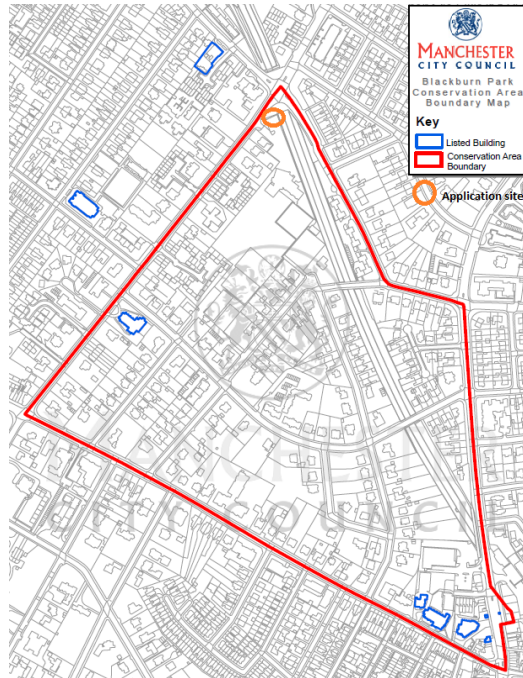
Listed building: Not applicable

Conservation area: Blackburn Park Conservation Area 1979

Tree Preservation Order: Not applicable

Description of area

The site relates to an area of footpath in a wider landscaped space forming a corner of the junction between Lapwing Lane and Palatine Road. The footpath serves the West Didsbury Metrolink stop and there are safety barriers and trees within the landscaped space. The general area is open with Metrolink set down from the road level with it passing underneath the road junction. Along the road edge of the landscaped space are street lighting columns. The site lies within the Blackburn Park Conservation area located at its most northerly point. There are other telecoms equipment and masts located to the north of the junction situated outside of the conservation area.



Blackburn Park Conservation Area boundary

Description of development

The proposals have been amended since first submission and comprise the installation of 15m Monopole with wraparound cabinet at base and associated ancillary works.

Consultations & Notification Responses

A site notice was posted, an advertisement was placed in the Manchester Evening News and nearby properties were notified of the proposal.

A response was received from a local resident, comments made are set out below:

Looking at the application, is this in addition to the one that has already gone up on Palatine Road on grid reference SJ844922?

This site look better suited to a communication mast than the one at SJ844922. I would be happy for this new application to go ahead, but I think the permission for the one at SJ844922 needs to be reviewed.

Why are two masts in close proximity required?

There is also a third mast outside Wheldon Opticians. I don't understand the need for so many in close proximity.

The plans don't look to incorporate the best guidance practice for telecommunications development.

Whilst I think the site is suitable, given its proximity to commercial buildings etc, the design doesn't do enough to blend the development into the existing environment.

At 20m tall the mast will dominate the skyline/ roofscape of the area. This was apparent from another mast on palatine road. A limit of 15m seems more suited to the area. The mast opposite this site blends much better into the local area. At 20m it will be too dominant .

The exposed antenna looks more visually intrusive. I think the developer should consider some plastic/glass casing around the antenna to make them more discreet.

TfGM Metrolink - Raise no objection in principle to this application but are concerned about the potential hazards associated with the erection of the structure and its proximity to the operational Metrolink line. The distance between the site and Metrolink infrastructure is similar to the length of the pole and it is considered that any failure during erection could result in the installation coming into contact with the Metrolink overhead wires. We would therefore ask that due to the proximity of the site to the operational Metrolink line the following condition is applied to any planning permission for this development:

Working safely near Metrolink - No development shall take place, until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by the Manchester City Council (approval to be in consultation with Transport for Greater Manchester). The CMP shall specifically provide for the construction methods to be used; including the use of any lifting equipment (which must not oversail the tramway).

Highway Services - Both the mast and associated antennas and 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, including trees 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.

Operatives undertaking servicing / maintenance thereafter will be expected to comply fully with the relevant traffic laws, including any local parking and movement restrictions.

Detail is sought on proposed installation arrangements from a highways perspective. The applicant is advised that any requirements for temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Email - highwaylicenses@manchester.gov.uk

TfGM (Highways) - A minimum footway width of 2 metres (where the apparatus is positioned) needs to be retained at all locations to ensure pedestrian movements are unimpeded.

Sightline visibility for vehicles, cyclists and pedestrians needs to be maintained and should not be impinged upon by the siting of the apparatus.

Servicing arrangements associated with the apparatus should not impact upon the highway and result in traffic conflicts. Service vehicles should park appropriately and should not use bus lay-bys or footways.

Policies

National Planning Policy Framework

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.

Paragraph 197. (Section 16 Conserving and enhancing the historic environment) states that in determining applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 201 states that 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, or all of the following apply: a. the nature of the heritage asset prevents all reasonable uses of the site; and b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d. the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 states that 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.

Paragraph 206 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 207 states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

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

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 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.

Policy DM1, Development Management - This policy 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:-

- o Appropriate siting, layout, scale, form, massing, materials and detail.
- o 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.
- o 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.
- o Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- o Community safety and crime prevention.
- o Design for health.
- o Adequacy of internal accommodation and external amenity space.

- o Refuse storage and collection.
- o Vehicular access and car parking.
- o Effects relating to biodiversity, landscape, archaeological or built heritage.
- o Green Infrastructure including open space, both public and private.
- o The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- o Flood risk and drainage.
- o Existing or proposed hazardous installations.
- o Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques

Saved UDP Policies - Policies DC17, and DC18 are considered of relevance in this instance:

DC17.1 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.

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 of 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

Siting & Appearance - Following assessment of the proposal and the proposed siting of the telecoms mast and associated cabinets it is considered that the development would give rise to harmful impact to the visual amenity of the area.

The applicant has provided information confirming the constrained search area for this particular cell and that other alternative locations have been reviewed and discounted for a number of reasons. Whilst the constraints are understood other similar structures have been installed within the locality and as outlined in this report it is not considered that the siting and appearance in this instance are acceptable. The identified location is within a visually open part of the conservation area, whilst the applicant has looked to limit visual impacts through the

reduction in height from 20m to 15 m, the result is an incongruous feature that would detract from the sense of openness and treelined backdrop to the area. As such the requirement for upgraded infrastructure is not considered to overcome the visual harm that would arise.

It is considered that this scheme is unacceptable in this instance as the proposal would create a significant and harmful impact within the overall character of the local area in terms of visual amenity and appearance. The overall height of the monopole at 15 metres, would dominate the existing street furniture (i.e. existing street lighting columns) and would dwarf nearby structures and buildings and would appear as a dominant feature in the street-scene given the open nature of the immediate surroundings around the site.

Pedestrian Safety - Concerns have been raised by the Councils Highway Services on the narrowing of the footpath caused by an installation of the proposed equipment. According to the submitted drawings the proposed installation would retain a distance of less than 2 metres on the designated pavement and the nearby street tree. Whilst the presence of the surrounding landscaped area would allow the safe movement of pedestrians this would result in less direct routes around trees and other street furniture.

Impact of the proposals on the Blackburn Park Conservation Area

The requirement to preserve or enhance the Conservation Area is a key requirement within policy EN3 of the Core Strategy, saved policy DC18 of the UDP along with the objectives of the NPPF. As such, any new development must seek to retain the character of the area.

In this instance the proposal would result in the installation of an incongruous and alien feature within the conservation area that would dominate the landscaped area where it is proposed to be located and also views into the conservation area. This visual intrusion into the streetscene is considered particularly harmful on a prominent and well used section of pavement.

Blackburn Park Conservation Area was designated by the City Council in 1979. Within the information sheet for the CA it is noted that the houses built along Palatine Road constituted the first phase of development in Blackburn Park. On 1st January 1880, the Midland Railway opened its Manchester South District line with nearby stations at Didsbury and Albert Park. This prompted the second phase of development up to 1905, when Charles Blackburn offered two thirds of his estate for sale in lots as sites for private houses. When Blackburn died, the remainder of his estate was sold, and this led to the third phase of development. Around this time the Northern Lawn Tennis Club, previously based in Old Trafford, bought a large part of the park. This resulted in a wide expanse of open land being preserved in the north of the conservation area.

The application proposals would result in less than substantial harm to the Blackburn Park Conservation Area, however it is considered that the level of less than substantial harm is at the higher end in terms of magnitude given the importance of Palatine Road to the historic development of the Conservation Area and the openness in this part of the conservation area. In this instance it is not considered that the level of harm is outweighed by the public benefit that could be derived from the proposal.

Given the scale and siting of the proposed mast and associated cabinets the proposals would fail to preserve or enhance the character of Blackburn Park Conservation Area and therefore the proposals are not considered to accord with section 16 of the NPPF, policy EN3 of the Core Strategy and saved Unitary Development Plan policy DC18.

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

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 of the area. The proposed telecommunication installation by reason of its height, siting and appearance would form a visually intrusive and dominant feature which would be harmful to the visual amenity of the area in particular the appearance of the street-scene and fails to preserve or enhance the character and appearance of the Blackburn Park Conservation Area. As such, the proposed installation is considered contrary to saved policies DC17.1 and DC18.1 of the Unitary Development Plan for the City of Manchester, policies DM1, EN3 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

2) The proposed development, due to its siting and size, would result in the existing footway serving the West Didsbury Metrolink Stop being reduced in width which would have a detrimental impact on pedestrian movement. The proposal would therefore have an unacceptable impact on highway and pedestrian safety. As such, the proposed installation is considered 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
Blackburn Park Conservation Society
West Didsbury Residents Association
Transport For Greater Manchester
Highway Services
Transport For Greater Manchester
West Didsbury Residents Association
Blackburn Park Conservation Society

95 Lapwing Lane, Manchester, M20 6UR
Northern Lawn Tennis And Squash Club, Palatine Road, Manchester, M20 3YA
Craig House, 33 Ballbrook Avenue, Manchester, M20 3JG
Flat 2, 35 Ballbrook Avenue, Manchester, M20 3JG
Flat 1, 35 Ballbrook Avenue, Manchester, M20 3JG
Ground Floor, 99 Palatine Road, Manchester, M20 3JQ
First Floor, 99 Palatine Road, Manchester, M20 3JQ
91 Lapwing Lane, Manchester, M20 6UR
106 Palatine Road, Manchester, M20 3YB
Basement, 99 Palatine Road, Manchester, M20 3JQ
Second Floor Flat, 108 Palatine Road, Manchester, M20 3ZA
First Floor Flat, 108 Palatine Road, Manchester, M20 3ZA
99 Palatine Road, Manchester, M20 3JQ
93 Lapwing Lane, Manchester, M20 6UR
119 Palatine Road, Manchester, M20 3YA
Flat 7, 119 Palatine Road, Manchester, M20 3YA
Flat 6, 119 Palatine Road, Manchester, M20 3YA
Flat 5, 119 Palatine Road, Manchester, M20 3YA
Flat 4, 119 Palatine Road, Manchester, M20 3YA
Flat 3, 119 Palatine Road, Manchester, M20 3YA
Flat 2, 119 Palatine Road, Manchester, M20 3YA
Flat 1, 119 Palatine Road, Manchester, M20 3YA
97 Lapwing Lane, Manchester, M20 6UR
108 Palatine Road, Manchester, M20 3ZA
114 Palatine Road, Manchester, M20 3ZA

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 - Blackburn Park Conservation Area 1979
Area Team Boundary - Name: SOUTH