

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130393/TEL/2021

Date registered valid: 13 May 2021

Proposal: Prior Approval for the installation of 18.0 metre Monopole with associated cabinet at base, three equipment cabinets and associated ancillary works.

Address: Lightbowne Road, Manchester, M40 5HG

Ward(s): Moston Ward

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

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

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

Recommendation: Refuse

Date of recommendation: 23 June 2021

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 3 June 2021

Standard consultations:

Printed: 21 May 2021 Expired: 11 June 2021

Neighbour notifications

Printed: 21 May 2021 Expired: 11 June 2021

Site notice

Posted: 3 June 2021 Expired: 24 June 2021

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates an area of hard-standing which forms an area of public footway situated immediately adjacent to an end terraced property, situated at 35 Sulby Street. The footway is much wider than average and faces onto Lightbowne Road.

The gable wall to which the proposed site most closely relates, incorporates a large wall mounted advertisement. Immediately to the front of the gable wall are two street lampposts.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is principally residential in character, mainly comprising two-storey, terraced and semi-detached dwelllinghouses.

The site lies immediately adjacent to the eastern end of a terrace of two storey dwellinghouses, situated at the corner of Lightbowne Road and Sulby Street. Opposite the site, to the north-east, on the other side of Lightbowne Road, is three storey care home (Lightbowne Hall). To the south west is a rectory, formerly associated with St. Lukes's Church which is located just beyond. Further to the north-west, situated at the western end of Sulby Street, is a vacant social club, beyond which approximately 87 metres away is St. Dunstan's Primary School.

Description of development

Prior approval is sought for the installation of an 18 metre high telecommunication monopole with associated equipment cabinet at base, together with three further, detached equipment cabinets and associated ancillary works.

During the course of the application, the applicant offered a reduction in height of the mast from 18 to 15 metres. Revised plans were not submitted, following the Council's feedback that a reduced height would not overcome the Council's concerns.

Consultations & Notification Responses

Local Residents/Occupiers – 21 representations of objection have been received from local residents. Principal comments are summarised below:

- Concerns are raised about the potential effects of radiation and impact to the health. The health risks are unknown.
- The proposed installation is too close to St. Dunstan's Primary School and nearby Residential care home. Concern is again expressed about the impact to the health.
- The mast would be unsightly and noisy.
- The proposal is an eyesore and would affect the view of nearby residents.

Local Ward Members – All three ward Members for Moston object to the proposal and agree with the feedback of local residents that the proposed site is too close to a residential care home, residents' and St. Dunstan's school.

Highway Services - 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.

It is understood that the proposals would require a minimal level of routine servicing/maintenance (every two to three months) which would require maintenance vehicles to be parked nearby in consideration of the surrounding parking restrictions.

Whilst Highways have no objections, given that the equipment will be located on private land, permissions will be required from the landowner.

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy 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.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 – 'Spatial Principles' refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 – 'Development Management' states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is also considered relevant:

Saved policy DC17.1 states that the Council will normally approve applications for telecommunications development 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 area. Wherever possible, the Council will expect the potential of existing buildings and masts, including the sharing of such facilities to be explored.

National Planning Policy Framework (NPPF)

The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role

Section 10 refers to supporting high quality communications.

Paragraph 113 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'.

Section 12 relates to achieving well-designed places.

Paragraph 127 refers to the need to ensure that policies and decisions should ensure that new developments add to the overall quality of the area, are visually attractive, are sympathetic to local character and history, establish a strong sense of place and optimise the potential of a site.

Paragraph 130 goes on to state that:

'Permission should be refused for development of poor design that fail to take the opportunities available for improving the character and quality of an area and the way it functions'.

Issues

Principle

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 in this case relates to the impact upon visual amenity, as consequence of the siting and appearance of the proposed installation.

It is believed that the siting and appearance of the proposed installation is not acceptable on this occasion. 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.

Siting and Appearance

The proposed site is situated adjacent to the eastern end of a terrace of two storey dwellinghouses situated at 35-45 Sulby Street and immediately adjacent to the side of 35 Sulby Street. This property incorporates a small rear garden area, enclosed to the side by a 1.5 metre (approx.) high brick wall.

The proposed mast would be located right up to the side boundary wall, beyond the rear elevation and associated two storey outrigger of No.35 and would be highly visible from the rear windows of this property, as well as presently oblique views from the rear windows of neighbouring properties within the terrace.

At 18 metres high, the proposed mast would dwarf the adjoining property at No.35 and appear as a dominant, intrusive feature, made more prevalent by the siting of the mast being only around 4.5 metres from the rear facing windows of this property. This in turn would directly affect views from these windows and present an imposing, dominant and unattractive feature which would undermine the visual amenity of the occupants of this property in particular.

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 this location and significantly harm 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 and Safety

Many of the objections received, focus on the impact to public 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 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.

Given the above, the impact to health would not be a valid consideration in planning terms as part of this application.

Access

The proposed equipment has also been sited towards the back of pavement so far as possible, so not to impede pedestrian access along the footway. Sufficient pavement width is retained. Highway Services raise no objection in this regard.

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 the proposed installation has been sited and designed to minimise the impact upon visual amenity. The proposed telecommunication installation by reason of its siting, height, appearance and its relationship with the rear windows of 35 Sulby Street, would form a highly intrusive feature, which would be harmful to the visual amenity of occupants of this property. As such, the proposed telecommunications equipment is 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

St Lukes Rectory, Kenyon Lane, Manchester, M40 5HS

41 Sulby Street, Manchester, M40 5HY

45 Sulby Street, Manchester, M40 5HY

Lightbowne Hall, 262 Lightbowne Road, Manchester, M40 5HQ

31 Sulby Street, Manchester, M40 5HR

43 Sulby Street, Manchester, M40 5HY

39 Sulby Street, Manchester, M40 5HY

37 Sulby Street, Manchester, M40 5HY

35 Sulby Street, Manchester, M40 5HY

14 Sulby Street, Manchester, M40 5HY

12 Sulby Street, Manchester, M40 5HY

10 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

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: NORTH1