MANCHESTER CITY COUNCIL

# PLANNING

# GROWTH & DEVELOPMENT

# DELEGATED OFFICER REPORT FOR PLANNING APPLICATION

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| **Application no.** | 142560/TEL/2025 |
| **Date registered valid:** | 28 March 2025 |
| **Proposal:** | Prior approval application for the addition of antennae to an existing 15 metre high pole structure |
| **Address:** | Stockport Road, Opposite St Luke's Church, Manchester, |
| **Ward(s):** | Ardwick Ward |
| **Applicant:** | Simpson, IX Wireless |
| **Agent (if any):** | |
| **Case officer:** | Joshua Lee<br>Tel: 0161 219 2851<br>Email: joshua.lee@manchester.gov.uk |

**Recommendation:** Approve

**Date of recommendation:** **2nd May 2025**

## APPLICATION DETAILS

**Type of application:** Telecommunication Application

**Development type:** Notifications

**Date of site visit:** 16 April 2025

**Standard consultations:** Printed: 8 April 2025 Expired: 1 May 2025

**Neighbour notifications:** Printed: 8 April 2025 Expired: 1 May 2025

**Site notice:** No site notice has been produced

**Press advert:** No press advert had been published

**Departure from Development Plan:** No

**Environmental Statement:** Not required

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

### Description of site/building

The proposal relates to an existing 15m telecommunication pole on adopted pavement Opposite St Luke's Church, Stockport Road

### Description of area

The proposal is in a mostly residential part of the Ardwick ward of Manchester. The proposal sits outside of a Voyage Care Devonshire House Care Home and opposite St Lukes Church. McDonalds sits further down Stockport Road.

### Description of development

Prior approval application for the addition of antennae to an existing 15-metre-high pole structure.

The proposed antennae would be located between 12 and 15m from the ground on top of the existing pole.

## PLANNING HISTORY

The existing pole was erected under permitted development in April 2024.

## CONSULTATION, NOTIFICATION & PUBLICITY RESPONSES

### Consultations

Manchester City Council Highways Services

Manchester City Council Highways Service were consulted on this application and had no objections to the proposed development.

### Notifications

Local Residents

No representations received.

# RELEVANT POLICIES & THE PRINCIPLE OF DEVELOPMENT

## Relevant Policies

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

The following policies are considered relevant.

- The Town and Country Planning (General Permitted Development) (England) Order 2015
  - Schedule 2 - Permitted development rights
    - Part 16 - Communications
      - Class A - electronic communications code operators

## Principle

The principle of the telecommunications development is accepted in law and the local planning authority can make an assessment against the conditions within the legislation, as below.

# THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

**Part 16, Class A**

Conditions

| A.2 – Conditions | Comments |
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| 1. Class A(a) and A(c) development is permitted subject to the condition that—<br>a. ~~the siting and appearance of any—~~<br>i. ~~mast;~~<br>ii. ~~electronic communications apparatus installed, altered or replaced on a mast;~~<br>iii. ~~antenna or supporting apparatus;~~<br>iv. ~~radio equipment housing; or~~<br>v. ~~development ancillary to radio equipment housing,~~<br>~~constructed, installed, altered or replaced on a building (other than a building which is a mast) are such that the effect of the development on the external appearance of that building is minimised, so far as practicable;]~~<br>b. ~~the siting and appearance of any—~~<br>i. ~~mast;~~<br>ii. ~~electronic communications apparatus installed, altered or replaced on a mast;~~<br>iii. ~~antenna or supporting apparatus;~~ | The final positioning of apparatus should maintain the minimum desirable clearance of 2m to any adjacent street furniture and the edge of carriageway.<br>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. |

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| iv. ~~radio equipment housing; or~~<br>v. ~~development ancillary to radio equipment housing,~~<br>~~which has been constructed, installed, altered or replaced in a manner which does not require prior approval under paragraph A.2(3) are such that the visual impact of the development on the surrounding area is minimised, so far as practicable;~~<br>c. ~~the siting and appearance of any development which is visible from a site which is—~~<br>i. ~~article 2(3) land;~~<br>ii. ~~a scheduled monument or a listed building;~~<br>iii. ~~the curtilage of a schedule monument or a listed building;~~<br>iv. ~~a World Heritage Site;~~<br>v. ~~a site designated by the Secretary of State under section 1 of the Protection of Wrecks Act 1973; or~~<br>vi. ~~land registered by Historic England in a register described in section 8C of the Historic Buildings and Ancient Monuments Act 1953,~~<br>~~are such that the visual impact of the development on the site is minimised so far as practicable, taking into account the nature and purposes of the site;~~<br>d. the siting of any development is such that it—<br>i. does not prevent pedestrians from passing along a footway;<br>ii. does not prevent access to premises adjoining a footway; and<br>iii. is determined having regard to—<br>a. the needs of disabled people; and<br>b. the guidance document "Inclusive Mobility" issued by the Department for Transport in December 2021. | |
| 2. Class A development is permitted subject to the condition that— | Conditioned. |

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| a. any electronic communications apparatus provided in accordance with that permission is removed from the land or building on which it is situated—<br>i. if such development was carried out in an emergency, at the expiry of the relevant period; or<br>ii. in any other case, as soon as reasonably practicable after it is no longer required for electronic communications purposes; and<br>b. such land or building is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer. | |
| 3. Subject to sub-paragraph (5), Class A development –<br>a. ~~on article 2(3) land, excluding development specified in sub-paragraph (4);~~<br>b. ~~on land which is, or is within, a site of special scientific interest;~~<br>c. on unprotected land where that development consists of—<br>i. the installation of a mast, other than the installation of a mast on a building where the height of the mast (including any antenna and supporting apparatus) does not exceed the height of the highest part of the building by more than 6 metres;<br>ii. ~~the alteration or replacement of a mast, other than on a building, which, when completed —~~<br>a. ~~is taller than the mast which existed prior to such alteration or replacement; and~~<br>b. ~~exceeds a height of 25 metres above ground level excluding any antenna;~~<br>iii. ~~the alteration or replacement of a mast~~ | Class A development on unprotected land where that development consists of the installation of a mast requires Prior Approval.<br>The 15m pole has been accepted as permitted development however the installation of radio equipment would constitute the installation of a mast. |

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| other than on a building, which—<br>a. is less than one metre wide where the mast would, when altered or replaced, exceed the original width of the mast by two thirds; or<br>b. is one metre wide or wider where the mast would, when altered or replaced, exceed the original width of the mast by more than one half or 2 metres, whichever is the greater; or<br>iv. the construction, installation, alteration or replacement of radio equipment housing, where the volume of any single development, other than a single development within a permitted compound, exceeds 2.5 cubic metres;<br>d. on a highway where that development consists of—<br>i. the alteration or replacement of a mast, other than on a building, which, when completed—<br>a. is taller than the mast which existed prior to such alteration or replacement; and<br>b. exceeds a height of 20 metres above ground level excluding any antenna;<br>ii. the alteration or replacement of a mast which—<br>a. is less than one metre wide where the mast would, when altered or replaced, exceed the original width of | |

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| the mast by two thirds; or<br>b. is one metre wide or wider where the mast would, when altered or replaced, exceed the original width of the mast by more than one half or 2 metres, whichever is the greater; or<br>e. which consists of the installation, alteration or replacement of a mast on a defence safeguarding area.<br>is permitted subject, except in case of emergency (in which case only paragraph A.3(12) applies), to the conditions set out in paragraph A.3 (prior approval). | |
| 4. Development is specified for the purposes of sub-paragraph (3)(a), if it consists of—<br>a. the installation, alteration or replacement of a small cell system on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse;<br>b. development which is within the limitations specified in paragraph A.1(2)(f), A.1(5) or A.1(6)<br>c. the construction, installation, alteration or replacement of radio equipment housing—<br>i. within a permitted compound; or<br>ii. in any other location, where the volume of any single development does not exceed 2.5 cubic metres;<br>d. the alteration or replacement of a mast, other than on a building, which, when completed, is no taller (excluding any antenna) than the taller of—<br>i. the height of the mast prior to such alteration or replacement; or<br>ii. 20 metres above ground level; or<br>e. the alteration or replacement of a mast, other than on a building, which—<br>i. is less than one metre wide where the mast would, when altered or | Not on Article 2(3) land. |

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| replaced, not exceed the original width of the mast by two thirds; or<br>ii. is one metre wide or wider where the mast would, when altered or replaced, not exceed the original width of the mast by more than one half or 2 metres, whichever is the greater]. | |
| 5. The conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 2(3) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband | Not on Article 2(3) land |
| 6. Except in case of emergency, Class A development which consists of the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area is permitted subject (in addition to any other condition imposed by this paragraph) to the conditions that—<br>a. the developer notifies in writing—<br>i. the Civil Aviation Authority, in respect of development on a civil safeguarding area;<br>ii. the Secretary of State for Defence, in respect of development on a defence safeguarding area;<br>iii. the operator of the civil safeguarding area (if the operator is not the Civil Aviation Authority) or defence safeguarding area (if the operator is not the Secretary of State for Defence); and<br>b. the development does not begin until the end of 28 days after the day the last notification required by paragraph (a) is given. | Not within civil safeguarding area or a defence safeguarding area. |
| 7. In case of emergency, Class A development which consists of the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area is permitted subject to the condition that the developer notifies the person mentioned in sub-paragraph (5A)(a)(i) to (iii) (as appropriate) | Not within civil safeguarding area or a defence safeguarding area. |

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| ~~as soon as practicable after the emergency begins~~ | |
| 8. ~~In this paragraph—~~<br>~~"fixed-line broadband" means a service or connection (commonly referred to as being 'always on'), via a fixed-line network, providing a bandwidth greater than narrowband (and for these purposes, "narrowband" means a service or connection providing data speeds up to 128 k bit/s); and~~<br>~~"relevant period" means a period which expires when the need for any electronic communications apparatus, structure or use permitted by Class A ceases or, if sooner, 18 months from the commencement of the construction, installation, alteration or replacement of apparatus or structures permitted by Class A(a) or Class A(c), or the commencement of the use permitted by Class A(b), as the case may be.~~ | Not applicable |

Prior Approval

| **A.3 – Prior Approval** | **Comments** |
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| 1. Before making the application required by sub-paragraph (4), the developer must give notice of the proposed development to—<br>a. any person (other than the developer) who is an owner of the land to which the development relates, or<br>b. a tenant of an agricultural holding any part of which is comprised in the land to which the application relates. | The applicant has provided confirmation that they have notified the landowner (Manchester City Council) |
| 2. Notice must be given by or on behalf of the developer as follows—<br>a. by serving a signed and dated notice on every person described in sub-paragraph (1) whose name and address is known to the developer, stating—<br>i. the name of the developer;<br>ii. the address or location of the proposed development;<br>iii. a description of the proposed development (including its siting and appearance which includes the height of any mast);<br>iv. a statement that the developer will apply to the | The applicant has provided confirmation that they have notified the landowner (Manchester City Council) |

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| local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development;<br>v. the name and address of the local planning authority to whom the application will be made;<br>vi. a statement that the application is available for public inspection at the offices of the local planning authority during usual office hours;<br>vii. a statement that any person who wishes to make representations about the siting and appearance of the proposed development may do so in writing to the local planning authority;<br>viii. the date by which any such representations should be received by the local planning authority, being a date not less than 14 days from the date of the notice; and<br>ix. the address to which such representations should be made; or<br>b. if the developer has been unable to ascertain the names and addresses of every such person after taking reasonable steps, by local advertisement. | |
| 4. Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development. | The proposed infrastructure is a radio antenna (Fixed Wireless Access) attached to an existing 15m permitted development pole.<br>**Siting**<br>The existing pole is located on Stockport Road. The radio antenna are affixed to the top of the pole with minimal impact to the immediate siting of the existing pole. The street scene features existing furniture including a McDonalds totem further down the road.<br>**Appearance**<br>The 15m pole has been accepted under permitted development and the addition of the radio antenna to the top of the pole has minimal impact to the appearance and visual amenity of the street scene. |
| 1) The application must be accompanied by— | Documents received 28/03/2025 |

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| a. written description of the proposed development and a plan indicating its proposed location together with any fee required to be paid;<br>b. the developer's contact address, and the developer's email address if the developer is content to receive communications electronically;<br>c. evidence that the requirements of sub-paragraph (1) have been satisfied where applicable; and<br>d. ~~where the condition in paragraph A.2(5A) applies, evidence that the Civil Aviation Authority, the Secretary of State for Defence or the operator of the civil safeguarding area or defence safeguarding area, as the case may be, has been notified of the proposal.~~ | |
| 6. Subject to sub-paragraphs (8)(b)(ii) and (c), upon receipt of the application in accordance with sub-paragraph (5), the local planning authority must—<br>a. for development which, in their opinion, falls within a category set out in the Table in Schedule 4 to the Procedure Order (consultations before the grant of permission), consult the authority or person mentioned in relation to that category, except where—<br>i. the local planning authority are the authority so mentioned; or<br>ii. the authority or person so mentioned has advised the local planning authority that they do not wish to be consulted, and must give the consultees at least 14 days within which to comment;<br>~~ab. for development which is subject to the condition in paragraph A.2(5A), consult—~~<br>iii. ~~the Civil Aviation Authority, in respect of development on a civil safeguarding area;~~<br>iv. ~~the Secretary of State for Defence, in respect of development on a defence safeguarding area;~~ | MCC Highways consulted 08/04/2025, expiring 01/05/2025<br><br>No airport or aerodrome within 3km.<br><br>Neighbour Notifications sent (See Appendix 1) 08/04/2025, expiring 01/05/2025 |

v. ~~the operator of tahe civil safeguarding area (if the operator is not the Civil Aviation Authority) or defence safeguarding area (if the operator is not the Secretary of State for Defence);]~~

b. ~~in the case of development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated, or which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way) applies, must give notice of the proposed development, in the appropriate form set out in Schedule 2 to the Procedure Order (notice of applications for planning permission)—~~

i. ~~by site display in at least one place on or near the land to which the application relates, for not less than 21 days, and~~

ii. ~~by local advertisement;~~

c. ~~in the case of development which does not fall within paragraph (b) but which involves development carried out on a site having an area of 1 hectare or more, must give notice of the proposed development, in the appropriate form set out in Schedule 2 to the Procedure Order by local advertisement and either—~~

i. ~~by site display in at least one place on or near the land to which the application relates, for not less than 21 days, or~~

ii. ~~by serving notice on any adjoining owner or occupier;~~

d. in the case of development which does not fall within paragraph (b) or (c), must give notice of the proposed development, in the appropriate form set out in Schedule 2 to the Procedure Order—

i. by site display in at least one place on or near the land to which the

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| application relates for not less than 21 days, or<br>ii. by serving notice on any adjoining owner or occupier. | |
| 7. When determining the application made under sub-paragraph (4), the local planning authority must—<br>a. take into account any representations made to them as a result of consultations or notices given under paragraph A.3; and<br>b. not grant prior approval contrary to the advice of any person consulted in accordance with sub-paragraph (6)(ab) | MCC Highways have no objection. The final positioning of apparatus should maintain the minimum desirable clearance of 2m to any adjacent street furniture and the edge of carriageway.<br>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.<br>Highways have concerns that during installation and for ongoing maintenance requirements, there would be significant disruption caused to Stockport Road. If a temporary partial road closure is required (through a temporary TRO) to facilitate the works, it would likely generate local traffic, and congestion issues, on a key, heavily trafficked route. Highways requests that installation and servicing take place at weekends and out of hours.<br>An informative has been attached to the decision.<br><br>No further representations have been made. |
| 8. The development must not begin before the occurrence of one of the following—<br>a. the receipt by the applicant from the local planning authority of a written notice of their determination that prior approval is not required;<br>b. where the local planning authority gives the applicant written notice that prior approval is required—<br>i. the giving of that approval to the applicant, in writing, within a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5);<br>ii. the expiry of a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5) without the local planning authority notifying the applicant, in writing, that such approval is given or refused; or | Decision made in time |

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| c. the expiry of a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5) without the local planning authority notifying the applicant, in writing, of their determination as to whether such prior approval is required. | |
| 9. The development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—<br>a. where prior approval has been given as mentioned in sub-paragraph (8)(b)(i), in accordance with the details approved;<br>b. in any other case, in accordance with the details submitted with the application. | Conditioned |
| 10. The agreement in writing referred to in sub-paragraph (9) requires no special form of writing, and, where that agreement is in place, there is no requirement on the developer to submit a new application for prior approval in the case of minor amendments to the details submitted with the application for prior approval. | Not required |
| 11. The development must begin—<br>a. where prior approval has been given as mentioned in sub-paragraph (8)(b)(i), not later than the expiration of 5 years beginning with the date on which the approval was given;<br>b. in any other case, not later than the expiration of 5 years beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5). | Conditioned. |
| 12. ~~In the case of emergency, development is permitted by Class A subject to the condition that the operator must give written notice of such development as soon as possible after the emergency begins, to—~~<br>a. ~~the local planning authority; and~~<br>1. ~~in the case of development carried out on land which is, or is within, a site of special scientific interest, to Natural England.~~ | Not applicable |
| 13. When computing the number of days in sub-paragraphs (6)(b)(i), (6)(c)(i) and (6)(d)(i), any day which is a public holiday must be disregarded. | Not applicable |

## OTHER LEGISLATIVE REQUIREMENTS

### Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

### 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 polices 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.

## CONCLUSION

The proposed addition of antennae to the existing 15-metre telecommunication pole on Stockport Road, opposite St Luke's Church, has been thoroughly assessed. The development complies with relevant policies and conditions under the Town and Country Planning (General Permitted Development) (England) Order 2015. The siting and appearance of the antennae have minimal impact on the surrounding area and do not pose any significant issues for pedestrians or traffic. No objections were raised by the Manchester City Council Highways Services or local residents. Therefore, the recommendation is to approve the application with conditions to ensure minimal disruption during installation and maintenance.

## RECOMMENDATION: APPROVE

### CONDITIONS TO BE ATTACHED TO DECISION FOR PRIOR APPROVAL

1. **5-year time limit**

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

   Reason - Required to be imposed pursuant to Schedule 2, Part 16, Class A of the General Permitted Development Order 2015.

## 2. Specified plans

The development must, except to the extent that the local planning authority otherwise agrees in writing, be carried out— where prior approval has been given as mentioned in sub-paragraph (8)(b)(i), in accordance with the details approved.

a. Application Form 28 Mar 2025 APPLICATION FORM
b. Drawing - Location Plan 28 Mar 2025 THE LOCATION PLAN
c. Drawing - Proposed 15 Apr 2025 A101 ELEVATION

Reason - Required to be imposed pursuant to Schedule 2, Part 16, Class A of the General Permitted Development Order 2015

## 3. Removal when not required

a. any electronic communications apparatus provided in accordance with this permission is removed from the land or building on which it is situated, as soon as reasonably practicable after it is no longer required for electronic communications purposes; and
b. such land or building is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

Reason - Required to be imposed pursuant to Schedule 2, Part 16, Class A of the General Permitted Development Order 2015

# INFORMATIVE(S) TO BE ATTACHED TO DECISION FOR APPROVAL.

## 1. Highways

Highways have concerns that during installation and for ongoing maintenance requirements, there would be significant disruption caused to Stockport Road. If a temporary partial road closure is required (through a temporary TRO) to facilitate the works, it would likely generate local traffic, and congestion issues, on a key, heavily trafficked route. Highways requests that installation and servicing take place at weekends and out of hours.

The applicant is required to discuss and agree any requirements for licensing, hoarding / scaffolding, and skips with MCC's Highways Licensing Team via Email to: highwaylicences@manchester.gov.uk

The applicant is required to discuss and agree any requirements for temporary traffic and pedestrian management with MCC's Event and Traffic Management Team via Email to highwaynetworkmanagement@manchester.gov.uk

# APPENDIX 1 – LIST OF CONSULTEES & NEIGHBOURS NOTIFIED

Highway Services

2 Devonshire Street, Manchester, M12 4BB

85 Aked Close, Manchester, M12 4AN

St Lukes Rectory, Stockport Road, Manchester, M13 9AB

87 Aked Close, Manchester, M12 4AN

# APPENDIX 2 – PLANNING CONSTRAINTS

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH AREA