

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139849/TEL/2024

Date registered valid: 22 April 2024

Proposal: Installation of proposed 20.0m high Orion Street Pole (Grey),
Installation of 6no. Antennas and 3no. RRUs, Installation of 1no.
Transmission Dish, Installation of York & Shire ground-based cabinets
(Green) and ancillary development required thereto.

Address: Topps Tiles Car Park , Cheetham Hill Road, Manchester, M4 4FS,

Ward(s): Cheetham Ward

Applicant: Cornerstone

Agent (if any): Mr James Dodd, Clarke Telecom

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

Recommendation: Refuse

Date of recommendation: 14 June 2024

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 10 May 2024

Standard consultations:

Printed: 24 April 2024 Expired: 16 May 2024

Neighbour notifications

Printed: 24 April 2024 Expired: 16 May 2024

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

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site relates to Topps Tiles Car Park within the north Manchester ward of Cheetham. The proposal would be sited on a patch of overgrown shrubs and weeds connected with the car park to the south west of the site, close to the junction of Elsworth Street and Carnarvon Street. The retail unit sited to the north of the site relates to Topps Tiles and which is a flat roof, red brick commercial unit.

The site is located to the west of Cheetham Hill Road and sits to the west of the Green Quarter residential development. The site is located to the north of the ring road and Manchester AO Arena. The immediate surrounding area of the applicant site consists of warehouses and commercial uses.

Description of development

The proposal seeks prior approval for the installation of proposed 20.0m high Orion Street Pole (Grey), Installation of 6no. Antennas and 3no. RRUs, Installation of 1no. Transmission Dish, Installation of York & Shire ground-based cabinets (Green) and ancillary development required thereto.

Planning History

No planning history exists for this site. However, the following planning history can be found for the commercial unit connected with the site:

038818-Various illuminated signs to comet warehouse.
Approved 18 April 1991.

038112-Illuminated free-standing goal post sign.
Approved 20 December 1990.

F/AD04213-a) 3x illuminated fascia name signs on north, south and east elevations of retail warehouse. b) 8 x free standing flagpoles fitted with vertical flags.
Approved 2 November 1983.

018191-Erection of a single-storey retail warehouse with ancillary offices and service department, and associated car-parking.
Approved 1 December 1982.

F17289-Use of vacant land as a short-stay public car park.
Approved 26 May 1982.

Further historic planning history exists for this site.

Consultations & Notification Responses

Local Residents

Local residents were consulted and two responses were received raising objections to the proposal. The following concerns were raised:

- The development would negatively impact the aesthetic of the area by introducing a prominent and overbearing structure.
- The proposal due to the height would dominate the street and lead to visual clutter.
- Concern over adverse safety implications to vehicles and pedestrians as a result of the proposal.
- The proposal would be detrimental to the proposed future re-development of the site.
- The proposal would dwarf the surrounding buildings.
- The proposal would not contribute positively to the appearance of the area and contradict the Council's ambitions for the wider area.

Highway Services

Highway Services were consulted on the application and provided the following response:

Both the mast and associated antennas and cabinets appear to be placed on land that falls under private ownership, given that the equipment will be located on private land, permissions will be required from the landowner.

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.

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 Network Management teams via Email -highwaylicences@manchester.gov.uk
highwaynetworkmanagement@manchester.gov.uk

Issues

POLICY

The National Planning Policy Framework (December 2023)

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
- b) a social objective and
- c) an environmental objective.

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.

Policy E3.3 states the Council will upgrade the appearance of the City's major radial and orbital roads and rail routes. This will include improvements to the appearance of adjacent premises; encouraging new development of the highest quality; and ensuring that landscape schemes are designed to minimise litter problems.

Objective: To enhance the City's environment.

Reason: To improve the appearance of the City's major road and rail routes both as an important element in improving the local environment for people living and working on or close to these major routes; to improve the image of the City in order to attract new investment and jobs; and make the City more attractive to tourists and visitors. The Council wishes to see green areas which are established alongside roads designed to a high quality and without the use of shrubs where these would form a litter trap. Where high quality open space cannot be provided then the Council will promote the site for built development.

Policy CC4 states The Council intends to enhance the character of Cheetham Hill Road, Bury New Road/Great Ducie Street, and the Metrolink line. A high standard of design will be expected from new developments in order to restore the unity and particular character of the roads, and to improve the setting of listed and other important buildings. In addition, the Council will encourage the conservation and refurbishment of buildings of character and quality.

Reason: To ensure improvements in the appearance of the City's major radial and orbital routes. To complement this policy, the Council will also take action to reduce the number of unauthorized signs and advertisements in the Cheetham Hill Road, and Bury New Road/Great Ducie Street areas.

The Strangeways Local Plan is a 10- 15 year plan addressing the economic and physical issues of the area. The Local Plan seeks to ensure that a comprehensive and holistic regeneration strategy is in place.

The role of the Local Plan is to:

- Provide a framework to guide physical change and thereby encourage and maximize investment.
- Establish key objectives and priorities for the area.
- Encourage business and investor confidence.
- Provide a framework for the co-ordination and implementation of services.

The Strangeways Local Plan area has been divided into six neighbourhoods. The applicant site sits within the City Fringe neighbourhood. The vision for the City Fringe neighbourhood will be redeveloped as an employment-led mixed-use vibrant neighbourhood contributing to the revitalisation of the City Centre North Commercial Quarter.

Other frameworks of relevance within this application: Great Ducie Street Strategic Regeneration Framework (2018)

The SRF area sits directly to the south side of Carnarvon Street (to the south of the applicant site).

The Great Ducie Street Strategic Regeneration Framework (SRF) area extends northwards from Manchester's Inner Ring Road adjacent to the Manchester Arena. It wraps around (but does not include) the former Boddington's Brewery Site, which itself is the subject of a Strategic Regeneration Framework. The area presents a prime opportunity for regeneration and has been identified as a priority in a number of previous documents, including the North Manchester Regeneration Framework and Strangeways Local Plan.

The SRF envisages the creation of a mixed use neighbourhood with a strong sense of place and community. The aim, consistent with the principle set by the Former Boddingtons Brewery SRF, is to deliver a maximum of 50% residential accommodation within the SRF area with the balance comprising non-residential uses.

Places for Everyone (2022-2039)

Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance.

The following policies are relevant:

- JP- S1- Sustainable development
- JP-J2- Employment sites and premises
- JP-C2- Digital connectivity

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. This now includes the erection of telecommunications masts which do not exceed a height of 30m above ground level on unprotected land. These permitted development rights remove the need to submit a full planning application, but rather require a 'prior approval' application to be made.

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 Local Planning Authority has 56 days in which to let the applicant know of its decision on whether prior approval is required for siting and appearance and to let the operator know of its decision to allow or refuse approval.

Given background Government planning guidance, a principal theme running through the National Planning Policy Framework is the commitment to ensuring sustainable economic growth. This includes the advancement of infrastructure and the use of smarter technologies.

Notwithstanding the prevailing policy and Government support for telecommunication installations coupled, it is considered that in this case, the siting and appearance of the proposed installation would be unduly harmful to visual amenity and the visual harm to the appearance of the area and that this would outweigh any public benefits in terms of enhancement to the communications network for businesses, residents and visitors in this location.

As such, it is considered that the proposal fails to comply with the aforementioned policy and the design and location of the proposed installation would not be appropriate as set out below.

Siting and Appearance

Whilst the National Planning Policy Framework advocates the use of high-quality communications infrastructure, it is not considered the proposed site has been selected to minimise visual impact intrusion in the local area nor would its siting and appearance contribute positively to this evolving neighbourhood of the city centre where the vision is to achieve an employment-led mixed-use vibrant neighbourhood contributing to the revitalisation of the City Centre North Commercial Quarter (as stated within the Strangeways Local Plan).

At 20 metres high, the proposed tower would be significantly noticeable in the local area. Whilst it is acknowledged development opposite the applicant site to the east of Cheetham Hill Road is characterised by high rise residential development, the immediate area surrounding the application site is relatively low-rise in character, with buildings generally ranging from 1-3 storeys in scale. The proposed installation would dwarf the current adjoining buildings and appear as a dominant, visually intrusive feature, which would appear out of place. The industrial, utilitarian appearance of the mast would jar with the local vernacular and which in time is also likely to prejudice the future regenerative aspirations of the area, due to the city centre fringe location of the site.

There is further concern that the mast would be highly visible from the main north/south arterial route of Cheetham Hill Road. The applicant site sits within the area of policy E3.3 of the UDP which aims to upgrade the appearance of Manchester's main routes into the city including

improving the appearance of adjacent premises. It is considered the installation of the 20 metre mast would be visible from Cheetham Hill Road and would not act as an attractive feature for visitors/residents entering the city, nor would it help improve the image of the city. Further, policy CC4 with the UDP discusses the Council's intention to enhance the character of Cheetham Hill Road, Bury New Road/Great Ducie Street, and the Metrolink line. It is considered that the proposed development would act as an alien feature within the streetscene and would hinder future development close to Cheetham Hill Road.

Further, high-rise residential apartments to the east- the Green Quarter Development- would overlook the mast. It is believed that in turn, due to the height and appearance of the mast it would undermine the character and appearance of the area, negatively affecting the outlook for neighbouring occupiers.

In addition, as detailed above, the applicant site sits within the City Fringe neighbourhood- one of the six neighbourhoods within the Strangeways Local Plan. The vision for the City Fringe neighbourhood is to be redeveloped as an employment-led mixed-use vibrant neighbourhood contributing to the revitalisation of the City Centre North Commercial Quarter. In regard to townscape and public realm, this area aims to develop a strong character and sense of place in the City Fringe through architecture and public realm. It is considered the introduction of the 20 metre mast and associated cabinet is not considered to contribute positively to public realm nor would it be a welcoming feature for the area. The proposal would create a harsh and overpowering feature within the streetscene leading to architectural clutter.

Further, it states the area should develop a pedestrian friendly environment, including an east-west pedestrian link with active built frontages. Whilst it is acknowledged the proposal would not give rise to conflicts with the public footpath, the introduction of the mast would contradict the desire to increase active built frontages and create welcoming entrances to buildings and routes across the area. It is considered that due to the proposal being sited to the west of the unit's entrance, it would not attract residents/pedestrians as per the intentions of the Local Plan.

Further, the site would be sited directly north of the boundary for the Great Ducie Street Framework area, as the boundary of the SRF is sited to the south side of Carnarvon Street. As such, the proposed telecoms mast would be sited directly north to Zone 6 Park Place. Plans within the SRF indicate the parcel of land sited directly to the south of Topps Tiles- close to the junction of Carnarvon Street and Cheetham Hill Road is earmarked as a landmark building, with an indicative height of 16-20 storeys (plot 58 within appendix B of the SRF). The building directly south of the applicant site (where the telecoms mast would be sited) is identified as plot 53 with an indicative height of up to 5 storeys. The proposal at 20 metres would result in a highly visible feature to the detriment of future development for the surrounding plots and wider ambitions as detailed within the Great Ducie Street SRF. The proposal would not contribute positively towards the long term vision of realising the sites development and would have a negative impact on the setting and visual amenity of this new neighbourhood when seen against adjacent developments. As such, the proposed development would be considered to act as prejudice for future development.

Recent planning history exists for the development of 1 Park Place for the erection of a part 25 and part 15 storey residential building comprising 154 apartments (Use Class C3a) with ground floor commercial uses (Use Class E), together with associated residents amenity space, cycle parking, substation, servicing, and associated landscaping works following demolition of existing buildings (see planning reference: 138302/FO/2023 approved 22 February 2024). This site sits to the south of the applicant site and one of the first large scale buildings to come forwards and be approved within this part of the Great Ducie Street SRF. It is considered the mast would also create an unattractive feature for the development of 1 Park Place given the height proposed for

1 Park Place and would again contradict the aspirations of this development and the SRF in place making and improving the quality of development in this area.

Access

Although the proposal is not acceptable in terms of siting and appearance, when consulted, Highway Services raised no concern in relation to the siting of the development in relation to the highway and motorist/ pedestrian safety. The Team noted both the mast and associated antennas and cabinets appear to be placed on land that falls under private ownership, given that the equipment will be located on private land, permissions will be required from the landowner.

Impact on Health and Safety

The role of the planning system however 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. A clarification of the declaration of ICNIRP was supplied by the agent and received by the City Council on 22 April 2024.

It should also be noted that within the 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 NonIonizing Radiation Protection (ICNIRP), which is formally recognised by the World Health Organisation.

Conclusion

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 and long regeneration of the area and SRF area sited directly to the south of the site as a consequence of the proposed siting and appearance of the installation is considered to outweigh these factors in this case.

Whilst the developer has provided further information in relation to the rationale for the site selection and provided alternative discounted locations that were considered by the telecoms company, the proposed site is still not considered appropriate given the future aspirations for the area.

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 occupiers and appear as a dominant visual feature in the locality to the detriment of local character and undermine the regeneration aspirations for this neighbourhood of the city centre.

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 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 the proposed installation has been sited and designed to minimise the impact upon visual amenity or taken account of the changing character of this local area. The proposed telecommunication installation by reason of its siting, height, appearance and its relationship with the immediate and emerging context, would form a highly intrusive feature, which would be harmful to the visual amenity together whilst failing to contribute positively to the evolving character of this neighbourhood of the city centre and the regeneration area to the south of the site. As such, the proposed installation is contrary to policies DM1 and SP1 of the Manchester Core Strategy (2012), saved policy DC17.1, E3.3 and CC4 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone policy JP- S1, the Strangeways Local Plan (2009), and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services

51 Lord Street, Manchester, M3 1HE

9 Carnarvon Street, Manchester, M3 1EZ

Ground Floor, 51 Lord Street, Manchester, M3 1HE

D And P Data Systems Ltd, 15 Carnarvon Street, Manchester, M3 1HJ

33 - 41 Cheetham Hill Road, Manchester, M4 4FT

First Floor, 51 Lord Street, Manchester, M3 1HE

J R Hosiery Co Ltd, 2 - 12 Carnarvon Street, Manchester, M3 1JJ

55 Cheetham Hill Road, Manchester, M4 4FS

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3

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

Area Team Boundary - Name: NORTH AREA