

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136315/TEL/2023
Date registered valid: 20 February 2023
Proposal: Prior Approval for the installation of 15 metre high slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets and ancillary development thereto.
Address: Footway Of Factory Lane Adjacent To Entrance To Amey Depot, Manchester, M9 8AB
Ward(s): Harpurhey Ward

Applicant: CK Hutchinson Networks (UK) Ltd
Agent (if any): Mr Alan Osborne WHP Telecoms Limited
Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation: Refuse
Date of recommendation: 11 April 2023

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 7 March 2023

Standard consultations:

Printed: 21 February 2023 Expired: 14 March 2023

Neighbour notifications

Printed: 21 February 2023 Expired: 14 March 2023

Site notice

Posted: 07.03.2023 Expired: 28.03.2023

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

The proposed location is within a predominantly residential area with a number of commercial and leisure amenities. The immediate area includes a low rise Social Club immediately behind the site, residential properties and a Youth Centre to the south of the site, and significant green space with mature trees lie between the site and residential dwellings.

The Proposal

Prior Approval for the installation of 15 metre high slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets and ancillary development thereto.

Site History

085007/TEL/N1 PRIOR APPROVAL for installation of 3 no. antennas and 2 no. transmission dishes at 15 metre height on existing telecommunications column, and ancillary equipment cabin : Approve.

126880/TEL/2020 Prior Approval for the installation of a 20m slim-line telecommunication monopole supporting 6 no. antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto, including a GPS module and 3 no. Remote Radio Units: Deemed Consent.

Consultations & Notification Responses

The occupiers of the surrounding buildings were consulted, and no representations were received.

The proposal was advertised in the local press as a development affecting a public right of way and a site notice was erected close to the site and no representations were received.

The Highways Team were consulted and commented the proposed equipment is to be positioned to the back of the footway, retaining an unobstructed clearance of 2m (minimum) from the edge of the carriageway, this is acceptable to Highways.

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.

Issues

Policy

Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2016

The proposal falls within Part 16, Class A - 'Electronic communications code operators', of the above regulations. This requires that Local Planning Authorities assess whether prior approval is required for the siting and appearance of the development.

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. I

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, the NPPF states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: 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 or specific policies in this Framework indicate development should be restricted. Relevant sections of the NPPF to this application are:

Section 10 of the NPPF (Supporting high quality communications) states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

Paragraph 192. 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.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy")

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. 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,
- 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 or income,
- Protect and enhance the built and natural environment.

Policy DM1 - Development Management

Follows the principles advocated in the aforementioned policies and informs that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- 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.
- 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Existing or proposed hazardous installations.

Policy SP1 - Spatial Principles

This Policy refers to the key spatial principles which will guide the strategic development of Manchester to 2027, 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. All development should have regard to the character, issues and strategy for each regeneration area as described in the Strategic Regeneration Framework and the Manchester Strategic Plan.

Unitary Development Plan

The Unitary Development Plan has been largely replaced by the Core Strategy for Manchester. However, several policies within the UDP have been saved by way of a Secretary of State Saving Direction and remain extant as material considerations in the planning process. The following policies are of relevance to the present application:

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.

Issues

Siting and Appearance

The proposal site is located on a busy main road, Factory Lane in front of an existing single storey building. The proposed location is close to the Harpurhey district centre which has a number of commercial uses.

The proposal would be sited at the back of the footpath set forward in front of the community centre, there are a number of trees within the vicinity however these are set back from the proposal site by approx. 25 metres and at a height approx. 9 metres lower than the proposed installation. Therefore, it is considered that the overall height of the monopole at 15 metres, would dominate the existing street furniture when viewed along this stretch of Factory Lane. The proposal is considered unacceptable as it has a harmful impact in terms of visual amenity and appearance.

Furthermore, it is considered in this instance that the siting of the 15-metre monopole in such close proximity to an existing telecommunication pole of the same height would contribute to visual 'clutter' along this section of Factory Lane and as a consequence would have a detrimental impact on the overall street scene. An existing 20 metre telecommunication mast also lies within the curtilage of the social club and is highly visible above the tree line and would therefore add to a sense of clutter when viewed in conjunction with the 2 other telecommunication masts set out in a triangular shape. All of which are highly visible when viewed within the street scene.

For these reasons, the proposed installation would be contrary to guidance within the National Planning Policy Framework, policies DM1 (Development Management) and SP1 (Spatial Principles) of the Adopted Core Strategy for the City of Manchester and saved policy DC17.1 (Telecommunications) of the Unitary Development Plan for Manchester.

Health and Safety

A document has been submitted stating that the proposal accords with all relevant health and safety requirements, including the guidelines of the International Commission for Non-Ionising Radiation Protection (ICNIRP) as adopted in the EU Council Recommendation of 12 July 1999 on the limitation of exposure to the general public to electromagnetic fields.

Alternative sites

Saved UDP policy DC17 states that '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. The applicant has provided a site appraisal which includes discounted options and justification for the proposal site.

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 proposed 15 metre monopole, by reason of its siting, scale and appearance would form a visually intrusive and dominant feature which would be unduly harmful to the visual amenity of the surrounding area. Furthermore, the proposed installation in such close proximity to an existing 20 metre and 15 metre installation is considered to contribute to visual 'clutter' along this section of Factory Lane.

The proposed telecommunications equipment would therefore be contrary to policies DM1 and SP1 of the Manchester Core Strategy (2012), saved policy DC17.1 and DC18 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

Manchester Youth Zone, 931 Rochdale Road, Manchester, M9 8AE

8 Factory Lane, Manchester, M9 8AB

Barnes Green Catholic Club, 6 Factory Lane, Manchester, M9 8AB

937 - 941 Rochdale Road, Manchester, M9 8AE

935 Rochdale Road, Manchester, M9 8AE

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

Historic Landfill Site 250m Buffer -

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: NORTH AREA