

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135906/TEL/2023

Date registered valid: 6 January 2023

Proposal: Prior Approval for erection of 16m telecommunication pole and additional equipment cabinets.

Address: Every Street Street Works , Every Street, Manchester , M4 7DN

Ward(s): Ancoats & Beswick Ward

Applicant: Gallivan CK Hutchison Networks (UK) Ltd

Agent (if any): Mr Tom Gallivan Dot Surveying Ltd

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 23.02.2023

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 10 January 2023 Expired: 31 January 2023

Neighbour notifications

Printed: 10 January 2023 Expired: 31 January 2023

Site notice

Posted: 17 January 2023 Expired: 7 February 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: n/a

Tree Preservation Order: n/a

Description of area

The area relates to New Islington, which lies at the north-western edge of Manchester city centre. There are a number of different uses, including commercial, entertainment, ecclesiastical, dining, drinking, educational and residential. The relevant part of New Islington is not in a conservation area.

The area directly adjacent to the site is mainly residential, with a school up the road overlooking the site from the crest of the hill. The residences in the area are mainly two storey semi-detached and terrace properties. There is a church directly across the road. The site itself is directly at the bottom of residential gardens. The site also affects the setting of the Grade-II listed Church of All Souls further down Every Street.

Description of development

The development relates to the installation of a 16m telecommunications pole and associated equipment cabinets.

Consultations & Notification Responses

Publicity - a notice was displayed on site to inform passers-by of the proposed development. Letters were sent to surrounding occupiers informing them of the proposed development. One representation was received as a result of this publicity. A local resident objects on the grounds of:

- Visual amenity
- Public safety related to 5G and the proximity to a school
- Risk to passing traffic

Highways Services - No objections

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.

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

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.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.
- 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.

Policy EN3 - 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. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Policy CC9 - Design and Heritage

Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

Unitary Development Plan for the city of Manchester (1995)

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.

DC19.1 In determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting.

Amenity impacts

The proposal would provide 5G telecommunication equipment which is important in terms of improving technology in this part of the city as part of supporting economic growth and digital poverty. However, this benefit would not be outweighed in this instance by the visual harm of the equipment which would appear out of scale and overbearing in the street scene (and of adjacent properties) due to its siting in the street scene. The rear gardens of Maidford Close abut onto the Every Street and would be particularly effected by the proposal from within their rear gardens.

At 16 metres, the pole would loom large in the street scene and on the adjacent gardens.

The agent has suggested that tree cover between the development and the closest houses would shield the occupiers from the visual impact of the development. As per the submitted drawings, the proposed pole would be substantially taller than these trees. Furthermore, the trees are not permanent fixtures. They grow inside private gardens so there is potential for removal at any time. Likewise, there is potential for die back or falling. This would potentially leave these occupiers with a large, obtrusive feature directly in front of their houses.

This does not address views from other angles. This has been reiterated within the concerns of the local objector. Matters relevant to public health are not, however, relevant to the consideration of this matter.

Although a sequential test has been undertaken, it appears to have discounted more suitable sites that this one including the top of high rise buildings. The applicant was contacted to review other sites again but no response has been provided.

Heritage

The proposal is in close proximity to a grade II listed building. However, the proposed development is not considered to detract from the appreciation of the Church of All Souls. The proposed site is distant enough from the church to not given rise to any unacceptable impacts.

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:

Article 35 Declaration

Officers have worked with the applicant in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. Matters were raised with the applicant during the course of the application. This has included discussions about the acceptability of the proposals. Unfortunately, the issues with this application couldn't be resolved.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed telecommunications equipment, by virtue of its siting, scale and appearance within the streetscene would form an obtrusive feature which would harm visual amenity and character of the area together with being overbearing to adjacent properties. The proposal is therefore contrary to the provisions of policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC17 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

Highway Services

16 Blisworth Close, Manchester, M4 7DT
16 Adstone Close, Manchester, M4 7DY
14 Adstone Close, Manchester, M4 7DY
14 Maidford Close, Manchester, M4 7EG
12 Maidford Close, Manchester, M4 7EG
10 Maidford Close, Manchester, M4 7EG
8 Maidford Close, Manchester, M4 7EG
6 Maidford Close, Manchester, M4 7EG
2 Maidford Close, Manchester, M4 7EG
4 Maidford Close, Manchester, M4 7EG
21 Maidford Close, Manchester, M4 7EG
St Annes Presbytery, Carruthers Street, Manchester, M4 7EQ
7 Blisworth Close, Manchester, M4 7DT
16 Maidford Close, Manchester, M4 7EG

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: CENTRAL