

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135937/TEL/2023

Date registered valid: 10 January 2023

Proposal: Prior Approval for the installation of 17 metre high telecommunication mast and associated equipment cabinets.

Address: St Marys Road Opposite the Junction Off Old Hall Lane Adjacent To Public Footpath, Manchester, M40 0AT

Ward(s): Moston Ward

Applicant: Cooke CK Hutchison Networks (UK) Ltd

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

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

Recommendation: Refuse

Date of recommendation: 20 February 2023

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 16 February 2023

Standard consultations:

Printed: 12 January 2023 Expired: 2 February 2023

Neighbour notifications

Printed: 12 January 2023 Expired: 2 February 2023

Press advert

Published: 17 January 2023 Expired: 7 February 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to an area of public footway situated on the eastern side of St. Mary's Road.

The proposed installation is situated towards the back of the footway. A narrow, cobbled strip of hard-standing separates the pavement from the rear boundary wall and fencing of two storey residential properties which face onto the proposed installation.

The section of St. Mary's Road to which the application site relates contains a variety of residential properties, some of which present their principal frontage to St. Mary's Road and some which present their rear to St. Mary's Road. In this case, properties immediately adjacent to the site are those along Marleyer Close who rear windows, gardens and conservatories face onto St. Mary's Road.

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 dwellinghouses, as well as a nursing home to the other side of St. Mary's Road.

Directly opposite the site, on the other side of St. Marys Road, is an area of open space and allotments leading to Broadhurst Park.

Description of development

Prior approval is sought for the installation of a 17 metre high telecommunication monopole, together with 3 equipment cabinets associated ancillary works.

Consultations & Notification Responses

Local Residents/Occupiers – 25 representations have been received from local residents. 1 in support and 24 against the proposal. Principal comments are summarised below:

-One more mast in the area will make little difference to the outlook and will have the advantage of giving a better signal in this dense residential area.

-The proposed mast will be a blight on the area.

-Concerns are raised in relation to traffic congestion during installation.

-The proposal would be a blot on the landscape. Surely additional local industrial / brownfield sites that or not within viewing distance of peoples' windows could be found.

-The proposed positioning of this mast would be right at the back of houses on Dean Brook. It could and should be positioned further down St Mary's Rd, going towards the railway bridge, where there is plenty of space and which doesn't impinge or interfere with any properties whatsoever.

-The proposal would depreciate the value of nearby properties.

-A 17 metre high mast and associated equipment cabinets will look unsightly and will spoil the park environment approach and pathway.

-The proposed mast will have a negative impact on views to facing properties.

-Bats are resident in the park and the trees on the approach as they fly low in the close at dusk to feed and will be affected by the mast.

-The mast is too close to properties behind.

-The proposed mast will be unsightly and intrusive.

-The mast could cause health problems and attract graffiti.

Local Ward Members

Councillor Yasmine Dar objects to the application as support the concerned residents who have objected to the proposal.

Councillor Appleby object to the siting of the proposed mast and is totally supportive of residents in their objections. This view is endorsed by Councillor Connolly.

Highway Services

No objections.

Issues

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 directly adjacent to the rear boundary of two storey properties along Marleyer Close and overlooked by facing windows of properties along St. Mary's Road and Dean Brook Close.

The proposed mast would be highly visible from habitable rooms windows of facing properties and due to the proximity to the rear garden boundary wall of properties along Marleyer Close would be unduly dominant and highly intrusive

At 17 metres high, the proposed mast would dominate the facing properties and appear as a dominant, intrusive feature, made more prevalent by the siting of the mast being only around 7 metres from the rear facing windows of the neighbouring properties 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 these properties 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

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 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.

It should also be noted that within the recent letter issued to Local Planning Authorities from the Department for Digital, Culture, Media and Support, 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.

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

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 immediately facing windows of properties along St. Mary's Road, Marleyer Close and Dean Brook Close, would form a highly intrusive feature, which would be harmful to the visual amenity of occupants of these properties. 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

47 Marleyer Close, Manchester, M40 0AB
4 Marleyer Close, Manchester, M40 0AB
21 Marleyer Close, Manchester, M40 0AB
3 Marleyer Close, Manchester, M40 0AB
16 Marleyer Close, Manchester, M40 0AB
71 Marleyer Close, Manchester, M40 0AB
67 Marleyer Close, Manchester, M40 0AB
65 Marleyer Close, Manchester, M40 0AB
55 Marleyer Close, Manchester, M40 0AB
49 Marleyer Close, Manchester, M40 0AB
45 Marleyer Close, Manchester, M40 0AB
43 Marleyer Close, Manchester, M40 0AB
41 Marleyer Close, Manchester, M40 0AB
35 Marleyer Close, Manchester, M40 0AB
31 Marleyer Close, Manchester, M40 0AB
8 Marleyer Close, Manchester, M40 0AB
2 Marleyer Close, Manchester, M40 0AB
27 Marleyer Close, Manchester, M40 0AB
17 Marleyer Close, Manchester, M40 0AB
9 Marleyer Close, Manchester, M40 0AB
7 Marleyer Close, Manchester, M40 0AB
5 Marleyer Close, Manchester, M40 0AB
1 Marleyer Close, Manchester, M40 0AB
16 Dean Brook Close, Manchester, M40 0AZ
8 Dean Brook Close, Manchester, M40 0AZ
2 Dean Brook Close, Manchester, M40 0AZ
13 Dean Brook Close, Manchester, M40 0AZ
11 Dean Brook Close, Manchester, M40 0AZ
7 Dean Brook Close, Manchester, M40 0AZ
5 Dean Brook Close, Manchester, M40 0AZ
172 St Mary's Road, Manchester, M40 0AQ
168 St Mary's Road, Manchester, M40 0AQ
32 Dean Brook Close, Manchester, M40 0AZ
26 Dean Brook Close, Manchester, M40 0AZ
18 Dean Brook Close, Manchester, M40 0AZ
1 Dean Brook Close, Manchester, M40 0AZ
69 Marleyer Close, Manchester, M40 0AB
51 Marleyer Close, Manchester, M40 0AB
13 Marleyer Close, Manchester, M40 0AB
73 Marleyer Close, Manchester, M40 0AB
15 Marleyer Close, Manchester, M40 0AB
170 St Mary's Road, Manchester, M40 0AQ
63 Marleyer Close, Manchester, M40 0AB
61 Marleyer Close, Manchester, M40 0AB
59 Marleyer Close, Manchester, M40 0AB
St Marys Nursing Home, 171 St Mary's Road, Manchester, M40 0BN
18 Marleyer Close, Manchester, M40 0AB
14 Marleyer Close, Manchester, M40 0AB
23 Marleyer Close, Manchester, M40 0AB
11 Marleyer Close, Manchester, M40 0AB

34 Dean Brook Close, Manchester, M40 0AZ
28 Dean Brook Close, Manchester, M40 0AZ
22 Dean Brook Close, Manchester, M40 0AZ
12 Dean Brook Close, Manchester, M40 0AZ
6 Dean Brook Close, Manchester, M40 0AZ
57 Marleyer Close, Manchester, M40 0AB
53 Marleyer Close, Manchester, M40 0AB
39 Marleyer Close, Manchester, M40 0AB
37 Marleyer Close, Manchester, M40 0AB
33 Marleyer Close, Manchester, M40 0AB
29 Marleyer Close, Manchester, M40 0AB
12 Marleyer Close, Manchester, M40 0AB
10 Marleyer Close, Manchester, M40 0AB
6 Marleyer Close, Manchester, M40 0AB
25 Marleyer Close, Manchester, M40 0AB
19 Marleyer Close, Manchester, M40 0AB
174 St Mary's Road, Manchester, M40 0AQ
30 Dean Brook Close, Manchester, M40 0AZ
24 Dean Brook Close, Manchester, M40 0AZ
20 Dean Brook Close, Manchester, M40 0AZ
94 St Mary's Road, Manchester, M40 0AG
146 St Mary's Road, Manchester, M40 0AQ
144 St Mary's Road, Manchester, M40 0AQ
14 Dean Brook Close, Manchester, M40 0AZ
10 Dean Brook Close, Manchester, M40 0AZ
4 Dean Brook Close, Manchester, M40 0AZ
9 Dean Brook Close, Manchester, M40 0AZ
3 Dean Brook Close, Manchester, M40 0AZ

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 -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA