

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135907/TEL/2023

Date registered valid: 6 January 2023

Proposal: Prior Approval for erection of 18m telecommunications pole and additional equipment cabinets.

Address: Monsall Road Street Works , Monsall Road, Manchester , M40 8AY

Ward(s): Harpurhey 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: 21.02.2023

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 Monsall, which lies north-east of Manchester city centre between Oldham Road and Rochdale Road, two gateway routes into the city. The area is mainly residential, with some office and light-industrial uses on its peripheries. It is serviced by a Metrolink tram stop. It lies within the Northern Gateway Regeneration area and hence development here is a priority for the council.

The site relates to a section of pavement adjacent to Monsall Road. There is a carpark and office building on the site side of the road, with more offices directly opposite. The site is bounded by a railway line to the south-east.

Description of development

The development relates to the installation of 1no telecommunications mast and associated equipment cabinets. The mast would be 18m tall and would require three 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. No representations were received as a result of this publicity.

Network Rail - no objection to principle of the development. However, interface required between Network Rail and applicant. Informative requested to this effect.

Highways - Objection, a clearance of 2m to any adjacent street furniture and the edge of carriageway is required.

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.

Unitary Development Plan

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.

DC22.1 In considering development proposals, the Council will have regard to the effect on existing pedestrian routes and will not normally allow development which would result in unacceptable inconvenience to local pedestrian movement.

Issues

Highway clearance

The proposed development, by virtue of its siting, scale and massing, would create an obstruction on the adopted highway.

Highways Services have objected to the development, on the grounds that there must be at least 2m of clearance between any street furniture and the edge of the carriageway.

As the proposed development does not meet this requirement, it would create an unsuitable pedestrian environment which is unacceptable.

Whilst it is noted that the boundary treatment for the adjacent site is set away from the footway, this cannot be relied upon to provide movement in the long term should this situation change.

Visual amenity

Two cabinets have been previously installed on the pavement, adjacent to the proposed development site. There is no evidence of any permissions in relation to these cabinets including any relevant approval from the Local Highway Authority.

The installation of the mast and 3no additional cabinets at this location would create a degree of visual clutter in the street scene.

The boundary of the adjacent development is set back from the adopted footway. This provides a degree of spaciousness in area which leave the existing cabinets and the proposed installation exposed within the street scene.

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 development, as a result of its position in the footway, would narrow the width of the footway which would leave insufficient space for the safe movements of pedestrians. This would have an unduly harmful impact on pedestrian safety. In addition, the equipment would also be highly visible in the street scene due to the position of the adjacent boundary treatment. There are also other cabinets in the street scene which, together with the proposal, would result in visual clutter. The proposal is therefore contrary to the provision of policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC17 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Network Rail

SAPPHIRE GARAGE LIMITED, 1 - 3 Monsall Road, Manchester, M40 8FZ
Keuhne And Nagel Drinks Ltd, Monsall Road, Manchester, M40 8PA
Building 4 First Floor, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Third Floor Office 7, Wilsons Park, Monsall Road, Manchester, M40 8WN
Wilsons Park, Monsall Road, Manchester, M40 8WN
Travis Perkins Trading Ltd, Holt Street, Manchester, M40 5AX
Building 1 Suite 1A Office 10, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 1A Office 8, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Third Floor Office 9, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Third Floor Office 1, Wilsons Park, Monsall Road, Manchester, M40 8WN
Unit 4, Stanley House, 7 Monsall Road, Manchester, M40 8WW
Unit 9A, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 5 Unit 5E, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 First Floor Room L, Wilsons Park, Monsall Road, Manchester, M40 8WN
Unit 9B, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Second Floor F And G, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 10 Unit H, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 10 Unit F, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 4A Office 8, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 4A Office 1, Wilsons Park, Monsall Road, Manchester, M40 8WN
Unit 3, Stanley House, 7 Monsall Road, Manchester, M40 8WW
Building 4 Unit 4D, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Ground Floor Room M, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Second Floor Rooms H To K And M And N, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 E Second Floor, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 1A Office 7, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 1A Office 6, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 First Floor Office B, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 4A Office 5, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Third Floor Office 8, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Third Floor Office 2, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 5 Unit 5B, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 First Floor Room M, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 Ground Floor Room E, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 Ground Floor Room J, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 4A Office 4, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Third Floor Office 5, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 3, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 Ground Floor Room G, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 Ground Floor Room B, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 Ground Floor Room K, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Second Floor, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Second Floor A, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Ground Floor Room N, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Fourth Floor, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Ground Floor Room C, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 10 Unit G, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 10 Unit A, Wilsons Park, Monsall Road, Manchester, M40 8WN

Building 1 Suite 1A Office 5, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 4A Office 2, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 1A Office 2, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 1A Office 1, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 1A Office 4, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 1A Office 3, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 1A Staff Room, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 1A Office 9, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 First Floor Room F, Wilson Park, Monsall Road, Manchester, M40 8WN
Building 4 Security Office, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 First Floor Office A, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 4A Office 7, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 First Floor Office C, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 4A Office 6, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Third Floor Office 3, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Third Floor Office 4, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Suite 4A Office 3, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Third Floor Office 6, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Third Floor Office 10, Wilsons Park, Monsall Road, Manchester, M40 8WN
First Floor, Stanley House, 7 Monsall Road, Manchester, M40 8FY
Building 5 Unit 5D, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 5 Unit 5A, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 Ground Floor Room N, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 Ground Floor Room L, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Second Floor C, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Ground Floor Room L, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 First Floor Rooms B To G And M To S And Tearoom, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Ground Floor Room D, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Ground Floor Room B, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 10 Unit E, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 First Floor Rooms J And K, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 First Floor Room C, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 Ground Floor Room M, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 First Floor Rms H-L And T, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Ground Floor Rooms E F G H, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 10 Units C1 And C2, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 10 Unit B, Wilsons Park, Monsall Road, Manchester, M40 8WN
Stanley House, 7 Monsall Road, Manchester, M40 8WW
Building 5 Unit 5C, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 First Floor Room B, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 Ground Floor Room C, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Third Floor Rooms L To S, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Third Floor Rooms A To K And T To Y, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Ground Floor Room K, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 Ground Floor Room D, Wilsons Park, Monsall Road, Manchester, M40 8WN
Unit 2, Stanley House, 7 Monsall Road, Manchester, M40 8WW
Building 4 Unit 4, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 Ground Floor Room O, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 First Floor Room H, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 First Floor Rooms D-E, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 2 Ground Floor Room H, Wilsons Park, Monsall Road, Manchester, M40 8WN
Building 1 Ground Floor Room A, Wilsons Park, Monsall Road, Manchester, M40 8WN

Building 10 Unit D, Wilsons Park, Monsall Road, Manchester, M40 8WN

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

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRAL