

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 135908/TEL/2023

**Date registered valid:** 6 January 2023

**Proposal:** Prior Approval application for the installation of a 15m high telecommunications mast together with associated equipment cabinet

**Address:** Junction Of Cranmer Road And Fog Lane, Manchester, M20 6AW

**Ward(s):** Didsbury East Ward

**Applicant:** Gallivan CK Hutchison Networks (UK) Ltd

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

**Case officer:** Adam Mitchell  
Tel: 0161 234 4165  
Email: adam.mitchell@manchester.gov.uk

**Recommendation:** REFUSAL

**Date of recommendation:** 23.02.2023

## **Application details**

**Type of application:** Telecommunication Application

**Development type:** Minor Other

**Date of site visit:** 26 January 2023

### **Standard consultations:**

Printed: 18 January 2023 Expired: 8 February 2023

### **Neighbour notifications**

Printed: 18 January 2023 Expired: 8 February 2023

### **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:** Not applicable

**Tree Preservation Order:** Not applicable

## **Description of area**

The application site currently forms part of the public footway on the junction of Cranmer Road and Fog Lane. The application site is situated adjacent to the south western corner of no.15 Fog Lane's curtilage. The remainder of the area is residential in nature with predominantly two storey semi detached dwellings located to the north and south along Cranmer Road and Fog Lane.

## **Description of development**

The applicant is seeking prior approval consent to erect a 15metre high telecommunications mast, along with a number of associated equipment cabinets.

## **Consultations & Notification Responses**

Councillor Andrew Simcock opposed the application.

Local Residents- 116 letters have been received (1 in support of the proposal and 115 letters against), the comments are summarised as follows:

- The unreliability of mobile phone providers in this area is terrible, especially within the Fog Lane region of Didsbury.
- The junction between Beaver Road and Fog Lane is a particular blackspot, where calls will drop, as is the side of Wilmslow Road through Didsbury Village, between the Fishmonger and Co-op.
- Welcomed a joined up approach to the provision of essential infrastructure that is fit for purpose in the 21<sup>st</sup> Century.
- Physical appearance of the mast is overbearing and incongruous for the residential street. The mast will tower out the houses along Cranmer Road and Fog Lane and is therefore not an appropriate development for a residential area.
- Stability of the mast is a concern to local residents who already have to deal with vibrations to properties caused by passing lorries and trucks.
- The mast would have a seriously negative effect on the visual characteristics of the area. The mast will be an incongruous and eyesore feature within this street.
- This location is situated ½ mile away from the applicant's targeted site at the edge of the coverage gap. This suboptimal location would therefore have a limited impact on the problem that is intended to solve and would be far more effective in a location which is closer to the coverage gap.
- Other areas have been discounted due to being 'residential areas' why has this Fog Lane and Cranmer Road not been taken into account for this category?
- Commercial sites are in abundance within the local vicinity that would be a more suitable location for a telecoms application.
- The mast is out of character for the area and the siting does not fit within a wholly residential area.
- Masts and their pollution cause adverse health affects to the surrounding residents.

Highways Services- Had no objections to the proposal and produced the following comments:

- Both the mast and associated antennas and cabinets appear to be placed at the back of the adopted footway. 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.
- It is understood that the proposals would require a minimal level of routine servicing/maintenance which would require maintenance vehicles to be parked nearby taking into consideration the surrounding parking 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 Applications and Network Resilience teams via Email [highwaylicences@manchester.gov.uk](mailto:highwaylicences@manchester.gov.uk)

## Policy

**The National Planning Policy Framework July 2021 (NPPF)** – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise.

The National Planning Policy Framework is a material consideration in planning decisions. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. 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.

Section 10 (Supporting high quality communications), is of relevance. Paragraph 115 states the following:

*“The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. 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.”*

Paragraph 134 , in Section 12 (Achieving well-designed places), states that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.”*

**Core Strategy Development Plan Document** – The Core Strategy Development Plan Document 2012 -2027 ("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.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – 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 and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, of which the following are considered most relevant:

- 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.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.

- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

**Saved UDP Policy 17 (Telecommunications)** – Policy DC17.1 states that the Council will normally approve applications for telecommunications development 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 area. Wherever possible, the Council will expect the potential of existing buildings and masts, including the sharing of such facilities to be explored

## **Issues**

### **Principle of Proposal**

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.

A principal theme running through the NPPF is the commitment to ensuring sustainable economic growth. This includes the advancement of infrastructure and the use of smarter technologies. Notwithstanding this prevailing policy and Government support for telecommunication installations, 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 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.

### **Siting and Appearance**

Following assessment of the proposal and the proposed siting of the telecoms mast and associated cabinets it is considered that the development would give rise to harmful impact to the visual amenity of the area. The proposed site is situated at the corner of Cranmer Road and Fog Lane adjacent to no.15 Fog Lane and properties along the eastern side of Cranmer Road.

The proposed mast at 15 metres would be taller than the existing furniture in the area and would dwarf the modest semi-detached dwellings situated to the north of the application site along Cranmer Road and would be visible from various vantage points because this section of the pavement is wide and generally open at the corner. By reason of the mast's height, siting and appearance it would stand out as a dominant, conspicuous feature within the streetscene

and this would be harmful to the visual amenity of the area and in particular occupiers associated with the facing properties along Fog Lane and Cranmer Road.

It is considered that this scheme is unacceptable in this instance as the proposal would create a significant and harmful impact within the overall character of the local area in terms of visual amenity and appearance. The overall height and width of the mast at 15 metres, would dominate the existing street furniture such as existing street light columns, and would dwarf nearby residential properties and would appear as a dominant feature in the streetscene.

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 the streetscene and detrimental to the character and appearance of the surrounding area and the visual amenity of neighbouring residential occupiers.

For these reasons, the proposed installation would be contrary to guidance with 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.

### **Pedestrian and Highway Safety**

It is not considered that the proposal would have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed within the vicinity of the site.

### **Access**

As the proposed equipment would be sited at the back of the public footpath, pedestrian and vehicular access would not be impeded.

### **Other matters**

Concerns have been raised through objection letters to the ICNIRP certificate issued alongside the application and in particular impacts on residential properties within the local vicinity. In this instance as the proposals have been found to be unacceptable due to the harm identified and described above the applicant has not been offered an opportunity to comment on the concerns raised. It is noted that the supporting ICNIRP has been supplied and is indicated as conforming to ICNIRP guidance and therefore is in accordance with the NPPF.

### **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:** REFUSAL

**Article 35 Declaration****Reasons for recommendation to refuse**

- 1) The City Council is not satisfied that this development has been sited and designed to minimise the impact upon visual amenity. The proposed telecommunication installation by reason of its height, siting and appearance, would be unduly harmful to the character and visual amenity of the streetscene and nearby residential properties. The proposed telecommunications equipment would therefore be 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

4 Cranmer Road, Manchester, M20 6AW  
2B Essex Avenue, Manchester, M20 6AN  
82 Fog Lane, Manchester, M20 6AG  
17 Fog Lane, Manchester, M20 6AY  
11 Fog Lane, Manchester, M20 6AX  
9 Cranmer Road, Manchester, M20 6AW  
22 Cranmer Road, Manchester, M20 6AW  
19 Cranmer Road, Manchester, M20 6AW  
54 Fog Lane, Manchester, M20 6AL  
50 Fog Lane, Manchester, M20 6AL  
48 Fog Lane, Manchester, M20 6AL  
44 Fog Lane, Manchester, M20 6AL  
7 Cranmer Road, Manchester, M20 6AW  
3 Cranmer Road, Manchester, M20 6AW  
23 Cranmer Road, Manchester, M20 6AW  
15 Cranmer Road, Manchester, M20 6AW  
11 Cranmer Road, Manchester, M20 6AW  
42 Fog Lane, Manchester, M20 6AL  
40 Fog Lane, Manchester, M20 6AL  
38 Fog Lane, Manchester, M20 6AL  
36 Fog Lane, Manchester, M20 6AL  
30 Fog Lane, Manchester, M20 6AL  
28 Fog Lane, Manchester, M20 6AL  
14 Cranmer Road, Manchester, M20 6AW  
15 Fog Lane, Manchester, M20 6AY  
52 Fog Lane, Manchester, M20 6AL  
21 Cranmer Road, Manchester, M20 6AW  
34 Fog Lane, Manchester, M20 6AL  
3 Sussex Avenue, Manchester, M20 6AQ  
46 Fog Lane, Manchester, M20 6AL  
80 Fog Lane, Manchester, M20 6AG  
Flat 3, 19 Fog Lane, Manchester, M20 6AY  
13 Fog Lane, Manchester, M20 6AX  
Flat 3, 3 Sussex Avenue, Manchester, M20 6AQ  
Flat 1, 3 Sussex Avenue, Manchester, M20 6AQ  
2A Essex Avenue, Manchester, M20 6AN  
8 Cranmer Road, Manchester, M20 6AW  
5 Cranmer Road, Manchester, M20 6AW  
24 Cranmer Road, Manchester, M20 6AW  
20 Cranmer Road, Manchester, M20 6AW  
2 Cranmer Road, Manchester, M20 6AW  
18 Cranmer Road, Manchester, M20 6AW  
17 Cranmer Road, Manchester, M20 6AW  
16 Cranmer Road, Manchester, M20 6AW  
13 Cranmer Road, Manchester, M20 6AW  
12 Cranmer Road, Manchester, M20 6AW  
10 Cranmer Road, Manchester, M20 6AW  
1 Cranmer Road, Manchester, M20 6AW  
32 Fog Lane, Manchester, M20 6AL  
Flat 4, 19 Fog Lane, Manchester, M20 6AY

Flat 2, 19 Fog Lane, Manchester, M20 6AY  
Flat 1, 19 Fog Lane, Manchester, M20 6AY  
Flat 4, 1 Sussex Avenue, Manchester, M20 6AQ  
Flat 3, 1 Sussex Avenue, Manchester, M20 6AQ  
Flat 2, 3 Sussex Avenue, Manchester, M20 6AQ  
Flat 2, 1 Sussex Avenue, Manchester, M20 6AQ  
Flat 1, 1 Sussex Avenue, Manchester, M20 6AQ

## **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  
Area Team Boundary - Name: SOUTH AREA