

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134816/TEL/2022

Date registered valid: 30 August 2022

Proposal: Installation of 20 metre high street pole and associated cabinets.

Address: Piccadilly Gardens, Parker Street, Manchester, M1 1AF

Ward(s): Piccadilly Ward

Applicant: CK Hutchinson Networks (UK) Ltd 450 Longwater Avenue, Green Park, Reading, RG2 6GF

Agent (if any): Mr Ben Gilpin Gateley Hamer 1A Station Court, Station Road, Guiseley, LS20 8EY

Case officer: Gerry
Tel: 0161 234 Reilly
Email: gerry.reilly@manchester.gov.uk 4163

Recommendation: Refuse

Date of recommendation: 6 October 2022

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 6 September 2022 Expired: 27 September 2022

Neighbour notifications

Printed: 6 September 2022 Expired: 27 September 2022

Site notice

Posted: 6 September 2022 Expired: 27 September 2022

Press advert

Published: 13 September 2022 Expired: 4 October 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

This application relates to the central pavement area on of Piccadilly Bus Station on Parker Street, which is occupied by street furniture mainly consisting of bus shelters and sign and lamp posts. The site is within an area of the City Centre that is characterised by a variety of uses including shops, restaurants, offices, with Piccadilly Gardens and Piccadilly bus and tram interchange adjacent to the site.

The submitted application seeks prior approval for the Installation of 20 metre high street pole and associated cabinets.

The proposal has been advertised in the press, as development affecting a Conservation Area (the development will be visible from the Stevenson Square Conservation Area on the other side of Piccadilly Gardens) and Affecting a Listed Building (the pole will be be visible in context with the following Grade Grade II listed buildings:

O 10 Mosley Street and Cobden House, 12 Mosley Street to the north-west and;
O The Portland (Thistle Manchester) Hotel, 3 - 9 Portland Street and The Grand Hotel, I Aytoun Street.to the north-east).

Description of area

Description of development

Consultations & Notification Responses

Local residents -None received

Highway Services - have made the following comments

Both the monopole and associated antennas and cabinets appear to be placed centrally on the adopted footway. This City Centre location is subject to significant footfall and we consider that the width of the footway is insufficient to allow us to support this application.

This location has existing street furniture and is close to the crossing point. Highways have concerns that during installation and for ongoing maintenance requirements, there would be significant disruption caused to Parker Street. A temporary partial road closure would be required (through a temporary TRO) to facilitate these works which is likely to generate traffic and congestion issues.

Environmental Health - have recommended a condition to control noise.

Issues

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 development can be assessed, under this legislation as:

(c)in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—

(ii)20 metres above ground level on article 2(3) land or land which is on a highway;

The proposal is for a 20.0m VALMONT PHASE 8 STREET POLE MOUNTED ON NEW ROOT FOUNDATION hence prior approval is required.

National Planning Policy Framework (July 2021) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services

and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

The Framework has been related to the proposed development, with particular emphasis given to the following:

Section 10 Supporting high quality communications infrastructure - The following paragraphs are considered to be relevant:

i. Paragraph 114 - States that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

ii. Paragraph 115 - 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.

iii. Paragraph 117 - States that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

(a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and

(b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

(c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

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.

Policy SP1 identifies the City Council's Core Development Principles and states that 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

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy EN1 relates to design principles and strategic character areas and states that all development in Manchester will be expected to follow the seven principles of urban design listed below:

- Character: a place with its own identity
- Continuity and enclosure: a place where public and private places are clearly distinguished
- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand
- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

Policy DM 1 states that 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 and 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.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved policy DC17 relates to telecommunications and states that the council should be satisfied that the development has been sited and designed to minimise its impact on residential amenity and in environmentally sensitive areas.

Siting/design -

The applicant does not appear to have carried out an adequate sequential test to the provision of new and upgraded telecoms equipment. Therefore, it has not been possible to assess if there is an alternative suitable location. The proposals are unacceptable by virtue of the fact that there is no adequate sequential test.

Having assessed the proposal, it is considered that the development would give rise to a harmful impact to the visual amenity of the area.

There are no similar developments in the City Centre. Furthermore, the proposed monopole would be seen in context with the Grade II listed 10 Mosley Street; Cobden House, 12 Mosley Street; Portland (Thistle Manchester) Hotel, 3 - 9 Portland Street and the The Grand, 1 Aytoun Street.

The proposed location is within the large open area which acts as the Piccadilly Gardens Bus Station and it is considered that the monopole would be seen as an imposing/strident feature against that backdrop. The monopole is 20 metres high. The proposal is a very tall structure that is mainly seen against a backdrop of buildings, where the monopole might appear imposing. As such, it is considered that the proposed installation would dominate this location and the development, by reason of its height, siting and appearance, would be unduly harmful to the character and visual amenity of the streetscene and the visual amenity of nearby residential properties (there are residential properties at the The Grand, 1 Aytoun Street). , as well as impacting on the visual appeal of the street scene,

The Council is mindful of the benefits that such developments bring, but in this case, it is not considered that this outweighs the visual harm that this proposal will cause in this particular location.

The street scene would also become highly cluttered with such a structure and the City Council actively works with applicants to locate equipment such as this on the roofs of properties to minimise clutter in the street scene and locate it in less visually intrusive locations.

Highway safety - have made the following comments

Both the monopole and associated antennas and cabinets appear to be placed centrally on the adopted footway. This City Centre location is subject to significant footfall and we consider that the width of the footway is insufficient to allow us to support this application.

This location has existing street furniture and is close to the crossing point. Highways have concerns that during installation and for ongoing maintenance requirements, there would be significant disruption caused to Parker Street. A temporary partial road closure would be required (through a temporary TRO) to facilitate these works which is likely to generate traffic and congestion issues.

Health and safety - 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. A declaration of conformity with ICNIRP Public Exposure Guidelines has been submitted with the application and meets

guidelines in terms of health aspects that a local planning authority does not need to give further consideration to health aspects given an ICNIRP has been submitted.

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

The agent has been advised that if the proposals are not withdrawn they will be refused. In this case, the proposals have not been withdrawn and therefore the proposals have been determined in a timely manner.

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

- 1) The proposed 20 metre high monopole, by virtue of its siting, scale and appearance, would form a visually intrusive and dominant feature within the street scene in this important location in the city centre together with having an unduly harmful impact on the setting of nearby listed buildings which would amount to less than substantial harm and there would not be the required public benefits to outweigh this. The proposal would also add to the street clutter in the locality to the detriment of visual amenity. In addition, there is insufficient footway width to accommodate the proposal which would be detrimental to pedestrian safety. As such, the proposal is contrary to policies CC9, EN1, EN3, DM1 and SP1 of the Manchester Core Strategy (2012), saved policies E3.3 and DC17.1 of the Unitary Development Plan for the City of Manchester (1995), The Guide to Development in Manchester (SPD) (2007), the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Pedestrians Society

First And Second Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit E, 35 - 36 Piccadilly Plaza, Manchester, M1 4AJ
35 - 36 Piccadilly Plaza, Manchester, M1 4AJ
Ask Italian, Ground Floor Unit B, 1 Piccadilly Gardens, Manchester, M1 1RG
BYRON, Ground Floor Unit A, 1 Piccadilly Gardens, Manchester, M1 1RG
Forrest Media Ltd, City Screen, Piccadilly Plaza, Manchester, M1 4BT
4 Portland Street, Manchester, M1 4GS
Piccadilly Bus Station, Piccadilly, Manchester, M1 4AJ
Fifth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit 8, City Tower, Piccadilly Plaza, Manchester, M1 4AJ
Sixth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
35 Piccadilly Plaza, Manchester, M1 4AJ
Second Floor, 4 Portland Street, Manchester, M1 4GS
BARBURRITO, Ground Floor Unit D1 To D2, 1 Piccadilly Gardens, Manchester, M1 1RG
Piccadilly Bus Station, Oldham Street, Manchester, M1 1JQ
Unit G1, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit G2 And G3, 1 Piccadilly Gardens, Manchester, M1 1RG
Third Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
SHORYU, Ground Floor Units C2 To C3, 1 Piccadilly Gardens, Manchester, M1 1RG
Ground Floor Unit F, 1 Piccadilly Gardens, Manchester, M1 1RG
Ground Floor Unit E, 1 Piccadilly Gardens, Manchester, M1 1RG
Fourth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
PIZZAEXPRESS, Ground Floor Units C1 And D3, 1 Piccadilly Gardens, Manchester, M1 1RG
37 Piccadilly Plaza, Manchester, M1 4AJ
38 Piccadilly Plaza, Manchester, M1 4AJ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL