

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134893/TEL/2022

Date registered valid: 7 September 2022

Proposal: Prior Approval for the installation of 15 metre high telecommunication mast with wrapround cabinet at base and associated ancillary works.

Address: Pavement Adjacent to Garage, Lightbowne Road, Manchester, M40 5EF

Ward(s): Moston Ward

Applicant: CK Hutchison Networks (UK) Ltd, Great Brighams Mead, Vastern Road, Reading, RG1 8DJ

Agent (if any): Ryan Marshall, WHP Telecoms Limited, 1A Station Court, Station Road, Guiseley, Leeds, LS20 8EY

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

Recommendation: Refuse

Date of recommendation: 10 October 2022

Application details

Type of application: Telecommunication Application

Development type: Minor Other

Standard consultations:

Printed: 12 September 2022 Expired: 3 October 2022

Neighbour notifications

Printed: 12 September 2022 Expired: 3 October 2022

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 and surroundings

The application site relates to an area of public footway situated to the western side of Lightbowne Road.

The proposed pavement area lies immediately adjacent to a tyre fitting garage and hand car wash, separated from the site by Palisade fencing.

In terms of the site's immediate surrounding the site lies opposite an area of green open space with formal tree planting, beyond which is an estate of two storey dwellinghouses. To the rear of the adjacent garage is Moston Vale – a designated area open space for recreational use.



The wider area is largely residential in character.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of development

Prior Approval is sought for the installation of 15 metre high telecommunication mast with wraparound cabinet at base and associated ancillary works.

The proposed equipment which includes the mast, wrap around cabinet at is based and 3 further equipment cabinets is proposed to be sited to the back of pavement, leaving a residual gap of 1.9 metre between the equipment and kerb line.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Highway Services - Both the monopole and associated antennas and cabinets appear to be placed towards the back of the adopted footway. Plans show an insufficient clearance from the edge of the footway, a 2 metre clearance should be retained.

Planning History

None.

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'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 also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 – 'Spatial Principles' refers to the key spatial principles which will guide the strategic development of Manchester 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. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 – ‘Development Management’ states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is also considered relevant:

Saved 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.

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 115 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’.

Issues

Principle

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.

Given background Government planning guidance, a principal theme running through the National Planning Policy Framework is the commitment to ensuring sustainable economic growth. This includes the advancement of infrastructure and the use of smarter technologies.

Notwithstanding the prevailing policy and Government support for telecommunication installations coupled, it is considered that in this case, the siting of the proposed installation

would be unduly harmful to pedestrian access along the host public footway which 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 location of the proposed installation would not be appropriate as set out below.

Siting

Whilst the National Planning Policy Framework advocates the use of high-quality communications infrastructure, it is not considered that proposed site has been selected to maintain a sufficient width of pavement along the public footway.

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 to pedestrian access as a consequence of the proposed siting of the installation is considered to outweigh these factors in this case.

Policy DM1 and SP1 of the Manchester Core Strategy as well as saved policy DC17.1 of the UDP seek to protect the amenity of residents and minimise the impacts to residents in terms of accessibility.

In this case, the proposed installation would leave a gap of 1.9 metres to the residual footway. It is believed that this gap would be insufficient for pedestrians to satisfactorily navigate the footway, particularly if using a wheelchair or pushchair, or where pedestrians from different directions need to pass each other. This is more likely given the proximity of a nearby bus stop located a short distance to the south. This in turn may require the need in some instances to enter the highway, jeopardising highway safety.

As underlined by their consultation response Highway Services normally require a 2 metre pavement width to be retained. This is considered the minimum width of pavement to counter concerns surrounding pedestrian accessibility. The residual pavement width on this occasion falls below this threshold.

On balance, it is considered that the proposed telecommunication installation has been inappropriately sited to maintain a satisfactory level of pedestrian access and is therefore contrary to the aforementioned policy.

Impact on Health and Safety

The role of the planning system however is not to duplicate existing controls under other legislation and is not the place to determine health safeguards. It is the Government's 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.

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 this development has been sited to allow satisfactory pedestrian access along the host footway. The proposed telecommunication mast and associated cabinets would reduce the width of the footway to 1.9 metres which is considered unacceptable, with the potential to impede access for pedestrians, including the users of wheelchairs and pushchairs. 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

3 Wellwood Drive, Manchester, M40 9BN
NORTH MANCHESTER C A M H S, Unit C The Bridge, Madison Place, Northampton Road, Manchester, M40 5BP
Unit E, Madison Place, Northampton Road, Manchester, M40 5AG
No1 Hand Car Wash, Lightbowne Road, Manchester, M40 5LP
3 Brinston Walk, Manchester, M40 5WS
45 Ellisland Walk, Manchester, M40 5LS
39 Ellisland Walk, Manchester, M40 5LS
33 Ellisland Walk, Manchester, M40 5LS
29 Ellisland Walk, Manchester, M40 5LS
23 Ellisland Walk, Manchester, M40 5LS
17 Ellisland Walk, Manchester, M40 5LS
11 Ellisland Walk, Manchester, M40 5LS
21 Walderton Avenue, Manchester, M40 9BU
19 Brinston Walk, Manchester, M40 5WS
13 Brinston Walk, Manchester, M40 5WS
9 Brinston Walk, Manchester, M40 5WS
7 Brinston Walk, Manchester, M40 5WS
5 Brinston Walk, Manchester, M40 5WS
1 Brinston Walk, Manchester, M40 5WS
5 Wellwood Drive, Manchester, M40 9BN
1 Wellwood Drive, Manchester, M40 9BN
47 Ellisland Walk, Manchester, M40 5LS
43 Ellisland Walk, Manchester, M40 5LS
41 Ellisland Walk, Manchester, M40 5LS
37 Ellisland Walk, Manchester, M40 5LS
35 Ellisland Walk, Manchester, M40 5LS
31 Ellisland Walk, Manchester, M40 5LS
27 Ellisland Walk, Manchester, M40 5LS
25 Ellisland Walk, Manchester, M40 5LS
21 Ellisland Walk, Manchester, M40 5LS
19 Ellisland Walk, Manchester, M40 5LS
15 Ellisland Walk, Manchester, M40 5LS
25 Walderton Avenue, Manchester, M40 9BU
23 Walderton Avenue, Manchester, M40 9BU
23 Brinston Walk, Manchester, M40 5WS
21 Brinston Walk, Manchester, M40 5WS
17 Brinston Walk, Manchester, M40 5WS
15 Brinston Walk, Manchester, M40 5WS
11 Brinston Walk, Manchester, M40 5WS

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
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: NORTH AREA