

Planning

Growth & Development

Delegated officer report for planning application

Application no.	134802/TEL/2022
Date registered valid:	26 August 2022
Proposal:	Prior approval application for the installation of a 17m high Telecommunications mast together with associated equipment cabinets
Address:	Grass Verge At Parrs Wood Road To The North-east Of Junction With Tuscan Road, Manchester, M20 5QS
Ward(s):	Didsbury East Ward
Applicant:	CK Hutchinson (UK) Ltd, 450 Longwater Avenue, Green Park, Reading, RG2 6GF
Agent (if any):	Mr James Dodd, Clarke Telecom, Unit E Madison Place, Northampton Road, Manchester, M40 5AG
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	14 October 2022



Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 13 September 2022

Standard consultations:

Printed: 5 September 2022

Expired: 26 September 2022

Neighbour notifications

Printed: 5 September 2022

Expired: 26 September 2022

Site notice

Posted: 13 September 2022

Expired: 4 October 2022

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

This application relates to the grass verge on the northern side of Parrs Wood Road, opposite nos. 583 to 591 Parrs Wood Road. This section of the verge is home to three trees (two mature and one more recent planting).

The area is predominantly residential though this part adjoins a mature landscape strip that runs to the south of Millgate Fields.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is seeking prior approval consent to erect a 17 metre high telecommunications mast, along with a number of associated equipment cabins.

Consultations & Notification Responses

Local Residents – 52 letters have been received (3 in support of the proposal and 49 against), the comments are summarised as follows:

- Didsbury needs better signals. But the tower need to blend in with the surroundings.
- The provision of greater telecommunications capacity in our area is a necessity for modern life. In many parts of the country these sorts of developments were opposed and rejected based on the 'ugly' and 'imposing' nature of them and these very same areas are also those now demanding action is taken to improve phone service and internet service in the

area. Refusing a scheme for a 5G mast now will only create further problems in years to come when residents cannot access the 5G network.

- Given the urban and built up area of this part of the Borough, combined with the necessary height of the mast, there is no perfect place for it and therefore it will impose on some people no matter where it goes.
- The proposed development is gigantic and ugly and has no place in an unspoilt section of the street. It will not fit into the area.
- The mast would sit in stark contrast to its surrounding, it would be completely out of proportion to nearby houses, trees, lampposts and telegraph poles.
- This is a street lined with mature trees, woodland and greenery. A mast of this nature, with the many accompanying equipment boxes, is simply not in keeping with the surroundings..
- Insufficient justification has been provided for the location as to why the proposed location is considered "the best location for 5G coverage" by the applicant. The majority of the planning application simply argues generally for the provision of 5G networks across the UK. This is not disputed as the majority of the public will support better connection and coverage in general however limited to no justification has been provided as to how / why the specific location is considered the best and how alternative site locations were identified, investigated and then discounted.
- Insufficient evidence and information has been provided with the application as to how alternative sites were considered, investigated and discounted apart from a simple 30 - 50 word statement for the reason the proposed site has not been chosen. Residential roofing was considered a potential site location for the 5G mast which is impractical and is not considered to be an adequate alternative site considered. In addition, 6 alternative locations were located along residential footpaths which, again, is not considered to be a realistic alternative site location when the applicant would know that the mast and associated infrastructure require adequate spacing and a residential footpath would simply not have the space.
- The target coverage area as stated by the Operator has not been provided nor has the proposed search area limitations. Therefore, no assessment can be undertaken as to whether the applicant has sufficiently investigated alternative sites. No justification has been given as to whether existing infrastructure is available nor whether existing infrastructure was considered as required by paragraphs 24 - 27 of The Code of Practice and policy DC 17.1. A lack of evidence has been submitted to discount the availability of alternative locations.
- Given the height of the mast and the size and extent of the associated grey boxes at the bottom, no reasonable person could claim, as the application does, that "the installation will assimilate with the existing streetscene".
- This ugly structure is outside people's houses and will not fit in to the green surroundings. This is a good looking lane which will be ruined with this ugly mast. They will have to cut a tree down and remove the lovely green grass to accommodate it.
- Insufficient assessment has been undertaken of the proposed site location for flood risk. In addition, the Core Strategy states that "In line with the risk-based sequential approach contained within PPS25, development should be directed away from sites at the greatest risk of flooding, and towards sites with little or no risk of flooding; this should take account of all sources of flooding identified in the Manchester-Salford-Trafford Strategic Flood Risk Assessment (SFRA). It is considered the proposed Site location does not align with Policy EN14 concerning Flood Risk.
- Vehicular access and obstruction has also not been considered sufficiently in the application. The Millgate Lane / Tuscan Road and Parrs Wood Road junction provides access for dog walkers, access to Old Bedians Rugby Club and residents. When exiting and entering Millgate Lane from Parrs Wood Road it is considered that the access will be obstructed by the associated 5G mast equipment. Cars park along the eastern side of Parrs Wood Road. The obstruction will be evident by a simple in person site inspection and google earth street view search.

- The applicant has relied upon the natural features stated in paragraph 39 to affirm that the visual impact of the mast will be minimised. Properties at the junction of Parrs Wood Road and Millgate Lane will face directly the 5G mast and associated infrastructure with a direct line of sight from the properties windows to the proposed mast. and infrastructure.
- Manchester Core Strategy DPD (Adopted July 2012) Policy SO1 relates to spatial principles and states inter alia that development in all parts of the City should 'Make a positive contribution to neighbourhoods of choice including making a positive contribution to the health, safety and well-being of residents'. The proposals are considered to not meet the requirement for a positive contribution to the health, safety and well being of residents.
- There is concerns about the health risks associated with the mast.
- There are football pitches and fields within 50 yards of this location so why can't it be located there out of sight of residents.

Ward Councillors – The three ward councillors have objected to the proposal on the following grounds:

- The mast is planned to be located immediately adjacent to the River Mersey flood channel. It literally could not be any closer. In each of the last two years the channel has been opened and residents advised to evacuate. It feels like a very strange place to position such a mast.
- For half a mile or more to the south and west the mast will serve virtually a handful of properties so how effective would that be?
- The application would see the removal of trees and attractive undergrowth.
- Mobile phone reception in this area is already good.
- a number of residents have raised concerns about the appearance and stability of the mast which may affect their residential amenity and safety.
- A better location could be found for this- there are two tall buildings in the vicinity which haven't been mentioned as alternative options in the submitted literature.
- It would involve destroying trees and plants which are both carbon sinks and a habitat for wildlife. The City has called a Climate Emergency, so we should be looking at the impact of all developments through the lens of our journey towards carbon zero by 2038 at the latest. It's crucial that wherever possible we do not develop on green sites when there are brownfield sites available.

Highway Services – Given that the unit will be on the grass verge Highway Services have no objections to the proposal.

Flood Risk Management Team (FRMT) – FRMT object to the proposal because it has not presented adequate assessment to support the development as appropriate for its classification, vulnerability and Flood Zone location.

In line with EA advice, the precise location of the proposed infrastructure should be clarified to the LPA, and the vulnerability classification should be determined. No definitive comment can be made due to the lack of this information.

FRMT note that the EA have requested the LPA to determine the vulnerability classification following discussion with the developer – please confirm if this is to be handled solely by the planning department or if you require assistance from the LLFA. FRMT note, according to SFRA data available to them, the indication of Flood Zone 3b in the vicinity of the site. If the proposal falls within Flood Zone 3b this may have implications, dependent on the determined vulnerability classification. Therefore, FRMT would recommend that once the LPA has received detailed location information, that the LPA reconsults the LLFA to determine if Flood Zone 3b implications should be queried with the EA as part of the ongoing consultation with them.

Environment Agency (EA) – The EA advise that application has failed to align sufficiently with the requirements of the National Planning Policy Framework (NPPF), In particular paragraph 167 which states that applications situated within Flood Zones 2/3 should be supported by a site-specific Flood Risk Assessment (FRA). The only exception this NPPF ruling on FRAs is some forms of development (detailed within NPPF paragraph 168, footnote 56) for which this development does not meet the criteria. The absence of an FRA as a part 134802/TEL/2022 is, in practice, sufficient to advise objection to application.

Further to the above, whilst it is clear the development would have a very small overall footprint (<100m²), it does not meet the criteria to be designated as ‘minor development’ and can in fact be classified as a ‘non-major’ form of development. In association with the non-major designation the guidance of the flood risk practice guidance is clear that unless previously allocated under local plan the development should as be subject to the sequential test (led by LPA not EA) and further to this, where relevant, the exception test (assessed jointly). Application of the exception test is dependent upon Flood Zone designation and development vulnerability classification and established via Table 2 of the PPG. Application / evidence of application of the sequential and exception test(s), as applicable, should be provided for within an FRA. Confirmation of development vulnerability classification should determined by the LPA following discussion with the applicant. I would note that the proposed development could meet the definition of ‘essential infrastructure’ if deemed critical to remain operational during a time of flood. Vulnerability classification should be stated within the FRA.

If the development (non-major) is within Flood Zone 2/3 and designated ‘essential infrastructure’ this would be deemed to meet the EA’s risk-bar threshold and warrant assessment of the FRA by our flood risk team. If the development (non-major) is deemed to be wholly or partially within Flood Zone 3, with exception of ‘minor development’ regardless vulnerability classification then this would be deemed to meet the EA’s risk bar threshold and warrant assessment of any subsequent FRA by our flood risk team.

Policies

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.

- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques.

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 the 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 – The proposed site is situated adjacent to a maturely landscaped strip that separates this predominantly residential area from Millgate Fields to the east. It is considered that this provides an attractive backdrop to Parrs Wood Road.

The proposed mast at 17 metres high would dwarf the modest semi-detached dwellings on the opposite side of Parrs Wood Road and it is believed that it would appear as a dominant, intrusive and conspicuous feature in the street-scene. In turn, this would be harmful to the visual amenity of the area and in particular, occupiers associated with the facing properties on Parrs Wood Road.

It is believed that the proposed telecommunication installation would have a harmful impact to the visual appearance of the area. Against the backdrop of this maturely landscaped strip it is considered that the proposed mast would be particularly noticeable and would dominate existing street furniture, detracting from the attractive, green and open character seen along the western side of Parrs Wood Road in this location.

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 street-scene 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 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.

Access – As the proposed equipment would be sited on a grass verge adjacent to Parrs Wood Road, pedestrian and vehicular access would not be impeded.

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.

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 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 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

566 Parrs Wood Road, Manchester, M20 5QT
574 Parrs Wood Road, Manchester, M20 5QT
587 Parrs Wood Road, Manchester, M20 5QS
581 Parrs Wood Road, Manchester, M20 5QS
579 Parrs Wood Road, Manchester, M20 5QS
37 Tuscan Road, Manchester, M20 5GS
33 Tuscan Road, Manchester, M20 5GS
101 Broad Oak Lane, Didsbury, Manchester, M20 5GA
Flat 1A, Willow Bank Court, 570 Parrs Wood Road, Manchester, M20 5QT
38A Tuscan Road, Manchester, M20 5GS
Willow Bank Court, 570 Parrs Wood Road, Manchester, M20 5QT
Flat 2, 585 Parrs Wood Road, Manchester, M20 5QS
12 Glenlea Drive, Manchester, M20 5QJ
9 Tuscan Road, Manchester, M20 5GS
6 Tuscan Road, Manchester, M20 5GS
41 Tuscan Road, Manchester, M20 5GS
39 Tuscan Road, Manchester, M20 5GS
36 Tuscan Road, Manchester, M20 5GS
32 Tuscan Road, Manchester, M20 5GS
3 Tuscan Road, Manchester, M20 5GS
10 Tuscan Road, Manchester, M20 5GS
Flat 9, Willow Bank Court, 570 Parrs Wood Road, Manchester, M20 5QT
591 Parrs Wood Road, Manchester, M20 5QS
583 Parrs Wood Road, Manchester, M20 5QS
577 Parrs Wood Road, Manchester, M20 5QS
571 Parrs Wood Road, Manchester, M20 5QS
565 Parrs Wood Road, Manchester, M20 5QS
Flat 1, 585 Parrs Wood Road, Manchester, M20 5QS
14 Glenlea Drive, Manchester, M20 5QJ
13 Glenlea Drive, Manchester, M20 5QJ
10 Glenlea Drive, Manchester, M20 5QJ
8 Tuscan Road, Manchester, M20 5GS
7 Tuscan Road, Manchester, M20 5GS
5 Tuscan Road, Manchester, M20 5GS
43 Tuscan Road, Manchester, M20 5GS
42 Tuscan Road, Manchester, M20 5GS
40 Tuscan Road, Manchester, M20 5GS
4 Tuscan Road, Manchester, M20 5GS
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15 Tuscan Road, Manchester, M20 5GS
14 Tuscan Road, Manchester, M20 5GS
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11 Tuscan Road, Manchester, M20 5GS
1 Tuscan Road, Manchester, M20 5GS
Flat 5, Willow Bank Court, 570 Parrs Wood Road, Manchester, M20 5QT
Flat 8, Willow Bank Court, 570 Parrs Wood Road, Manchester, M20 5QT
Flat 7, Willow Bank Court, 570 Parrs Wood Road, Manchester, M20 5QT
Flat 6, Willow Bank Court, 570 Parrs Wood Road, Manchester, M20 5QT
Flat 4, Willow Bank Court, 570 Parrs Wood Road, Manchester, M20 5QT
Flat 3, Willow Bank Court, 570 Parrs Wood Road, Manchester, M20 5QT
Flat 2, Willow Bank Court, 570 Parrs Wood Road, Manchester, M20 5QT
Flat 1, Willow Bank Court, 570 Parrs Wood Road, Manchester, M20 5QT
578 Parrs Wood Road, Manchester, M20 5QT
576 Parrs Wood Road, Manchester, M20 5QT
572 Parrs Wood Road, Manchester, M20 5QT
Flat 10, Willow Bank Court, 570 Parrs Wood Road, Manchester, M20 5QT
589 Parrs Wood Road, Manchester, M20 5QS
575 Parrs Wood Road, Manchester, M20 5QS
573 Parrs Wood Road, Manchester, M20 5QS
569 Parrs Wood Road, Manchester, M20 5QS
567 Parrs Wood Road, Manchester, M20 5QS

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
Flood Zones Type 2 (low to medium risk) -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH AREA