

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134930/TEL/2022

Date registered valid: 12 September 2022

Proposal: Prior approval for the installation of a 20m high Telecommunications monopole and associated equipment cabinets

Address: Pavement to the east Of the Co-Op Car Park, Rink Street, Manchester,

Ward(s): Withington Ward

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

Agent (if any): Mr Michal Laskowski, Clarke Telecom Ltd Unite E Madison Place, Northampton Road, Manchester, M40 5AG

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

Recommendation: Refuse

Date of recommendation: 1 November 2022

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 21 October 2022

Standard consultations:

Printed: 15 September 2022 Expired: 6 October 2022

Neighbour notifications

Printed: 6 October 2022 Expired: 27 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 is situated on a section of public footway to the western side of Rink Street.



The proposed installation is situated adjacent to a surface level car park associated with a nearby retail convenience store occupied by The Co-operative. Opposite the proposed installation, the site faces the gable walls of two storey, end terraced dwellinghouses along Bowers Street and Meredith Street.

With the exception of a cluster of shops and amenities situated a short distance to the west along Mauldeth Road, the immediate 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 a 20 metre high telecommunications monopole with a wraparound cabinet at its base and 3 further equipment cabinets situated alongside the main installation.

The proposed installation is situated at the back of the pavement on Rink Street and following installation would leave a pavement width of approximately 1.7 metres.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Highway Services - It is considered that the width of the footway is insufficient to allow us to support this application. An unobstructed clearance of 2m (at a minimum) to any adjacent street furniture, and the edge of carriageway, should be retained to cater for pedestrians and wheelchair/buggy users.

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 approximately 1.7 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 heavy pedestrian footfall associated with the nearby retail convenience store. 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 1.7 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

113 Mauldeth Road, Manchester, M14 6SR
4 Bowers Street, Manchester, M14 6SU
Flat At, Brewers Arms, 149 - 151 Ladybarn Lane, Manchester, M14 6RQ
2 Park View, Withington, Manchester, M14 6SY
7 Meredith Street, Manchester, M14 6ST
2 Bowers Street, Manchester, M14 6SU
4 Meredith Street, Manchester, M14 6ST
10 Meredith Street, Manchester, M14 6ST
97 Mauldeth Road, Manchester, M14 6SR
Unit 2 Rear Of 111, Mauldeth Road, Manchester, M14 6SR
1 Bowers Street, Manchester, M14 6SU
1 Meredith Street, Manchester, M14 6ST
33 Rufus Street, Manchester, M14 6TQ
27 Rufus Street, Manchester, M14 6TQ
35 Rufus Street, Manchester, M14 6TQ
31 Rufus Street, Manchester, M14 6TQ
29 Rufus Street, Manchester, M14 6TQ
93 - 95 Mauldeth Road, Manchester, M14 6SR
4 Park View, Withington, Manchester, M14 6SY
Ladybarn Social Club, 13 Green Street, Manchester, M14 6TL
113A Mauldeth Road, Manchester, M14 6SR
115 Mauldeth Road, Manchester, M14 6SR
8 Meredith Street, Manchester, M14 6ST
101 - 103 Mauldeth Road, Manchester, M14 6SR
9 Bowers Street, Manchester, M14 6SU
12 Bowers Street, Manchester, M14 6SU
3 Bowers Street, Manchester, M14 6SU
11 Bowers Street, Manchester, M14 6SU
Unit 1 Rear Of 111, Mauldeth Road, Manchester, M14 6SR
Flat 19A, Rowan Court, 9 Green Street, Manchester, M14 6TN
7 Green Street, Manchester, M14 6TX
Flat 2, White Swan Court, 13C Green Street, Manchester, M14 6TL
Flat 16, Rowan Court, 9 Green Street, Manchester, M14 6TN
6 Bowers Street, Manchester, M14 6SU
9 Meredith Street, Manchester, M14 6ST
5 Meredith Street, Manchester, M14 6ST
Flat 42, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 41, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 35, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 29, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 27, Rowan Court, 9 Green Street, Manchester, M14 6TN
11 Meredith Street, Manchester, M14 6ST
117 Mauldeth Road, Manchester, M14 6SR
First Floor, 115 Mauldeth Road, Manchester, M14 6SR
155 Ladybarn Lane, Manchester, M14 6RQ
2 Meredith Street, Manchester, M14 6ST
Flat 8, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 45, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 44, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 43, Rowan Court, 9 Green Street, Manchester, M14 6TN

Flat 36, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 31, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 5, White Swan Court, 13C Green Street, Manchester, M14 6TL
Flat 7, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 18, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 12, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 5, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 40, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 38, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 30, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 24, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 11, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 12, White Swan Court, 13C Green Street, Manchester, M14 6TL
Flat 1, White Swan Court, 13C Green Street, Manchester, M14 6TL
157 Ladybarn Lane, Manchester, M14 6RQ
161 Ladybarn Lane, Manchester, M14 6RQ
13 Bowers Street, Manchester, M14 6SU
Flat 9, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 46, Rowan Court, 9 Green Street, Manchester, M14 6TN
3 Meredith Street, Manchester, M14 6ST
99 Mauldeth Road, Manchester, M14 6SR
Flat 6, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 4, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 37, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 26, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 22, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 17, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 3, White Swan Court, 13C Green Street, Manchester, M14 6TL
119 Mauldeth Road, Manchester, M14 6SR
Flat 11, White Swan Court, 13C Green Street, Manchester, M14 6TL
Flat 8, White Swan Court, 13C Green Street, Manchester, M14 6TL
153 Ladybarn Lane, Manchester, M14 6RQ
Flat 28, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 20, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 10, Rowan Court, 9 Green Street, Manchester, M14 6TN
7 Bowers Street, Manchester, M14 6SU
111 Mauldeth Road, Manchester, M14 6SR
Flat 33, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 21, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 19, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 15, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 1, Rowan Court, 9 Green Street, Manchester, M14 6TN
10 Bowers Street, Manchester, M14 6SU
5 Bowers Street, Manchester, M14 6SU
8 Bowers Street, Manchester, M14 6SU
12 Meredith Street, Manchester, M14 6ST
6 Meredith Street, Manchester, M14 6ST
5 Green Street, Manchester, M14 6TX
Flat 7, White Swan Court, 13C Green Street, Manchester, M14 6TL
Flat 6, White Swan Court, 13C Green Street, Manchester, M14 6TL
Flat 10, White Swan Court, 13C Green Street, Manchester, M14 6TL
Flat 9, White Swan Court, 13C Green Street, Manchester, M14 6TL
Flat 4, White Swan Court, 13C Green Street, Manchester, M14 6TL
Co Operative Retail Services Ltd, 105 - 109 Mauldeth Road, Manchester, M14 6SR

Ground Floor, 115 Mauldeth Road, Manchester, M14 6SR
159 Ladybarn Lane, Manchester, M14 6RQ
Flat At, 13 Green Street, Manchester, M14 6TL
Brewers Arms, 149 - 151 Ladybarn Lane, Manchester, M14 6RQ
163 Ladybarn Lane, Manchester, M14 6RQ
Flat 3, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 32, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 25, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 23, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 39, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 2, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 14, Rowan Court, 9 Green Street, Manchester, M14 6TN
Flat 34, Rowan Court, 9 Green Street, Manchester, M14 6TN
14 Meredith Street, Manchester, M14 6ST
18 Meredith Street, Manchester, M14 6ST
16 Meredith Street, Manchester, M14 6ST
20 Meredith Street, Manchester, M14 6ST
27 Meredith Street, Manchester, M14 6ST
17 Meredith Street, Manchester, M14 6ST
29 Meredith Street, Manchester, M14 6ST
25 Meredith Street, Manchester, M14 6ST
23 Meredith Street, Manchester, M14 6ST
21 Meredith Street, Manchester, M14 6ST
13 Meredith Street, Manchester, M14 6ST
19 Meredith Street, Manchester, M14 6ST
15 Meredith Street, Manchester, M14 6ST
30 Bowers Street, Manchester, M14 6SU
28 Bowers Street, Manchester, M14 6SU
26 Bowers Street, Manchester, M14 6SU
24 Bowers Street, Manchester, M14 6SU
22 Bowers Street, Manchester, M14 6SU
20 Bowers Street, Manchester, M14 6SU
18 Bowers Street, Manchester, M14 6SU
16 Bowers Street, Manchester, M14 6SU
14 Bowers Street, Manchester, M14 6SU
25 Bowers Street, Manchester, M14 6SU
21 Bowers Street, Manchester, M14 6SU
15 Bowers Street, Manchester, M14 6SU
23 Bowers Street, Manchester, M14 6SU
17 Bowers Street, Manchester, M14 6SU
29 Bowers Street, Manchester, M14 6SU
27 Bowers Street, Manchester, M14 6SU
19 Bowers Street, Manchester, M14 6SU
20 Park View, Withington, Manchester, M14 6SY
12 Park View, Withington, Manchester, M14 6SY
6 Park View, Withington, Manchester, M14 6SY
18 Park View, Withington, Manchester, M14 6SY
16 Park View, Withington, Manchester, M14 6SY
14 Park View, Withington, Manchester, M14 6SY
10 Park View, Withington, Manchester, M14 6SY
8 Park View, Withington, Manchester, M14 6SY
22 Park View, Withington, Manchester, M14 6SY
13A Green Street, Manchester, M14 6TL
19 Green Street, Manchester, M14 6TL

17 Green Street, Manchester, M14 6TL
15 Green Street, Manchester, M14 6TL
21 Green Street, Manchester, M14 6TL
13B Green Street, Manchester, M14 6TL

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) -
Area Team Boundary - Name: SOUTH AREA