

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134007/TEL/2022

Date registered valid: 8 June 2022

Proposal: Prior Approval for the installation of a 25-metre-high Lattice Tower supporting 12no Antennas; 2no GPS Modules; 5no 300mm Transmission Dishes; 36no. Remote Radio Units RRUs; together with 6no. equipment cabinets, 1no meter cabinet and ancillary development thereto including a 2.1m palisade fence with 1m wide access gate

Address: Cheetham Hill Car Park, Lower Car Park, Pimblett Street / Park Place, Manchester, M3 1FS

Ward(s): Cheetham Ward

Applicant: Cornerstone C/o Agent

Agent (if any): Mr Jamaal Hafiz Clarke Telecom Unit 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: 20 July 2022

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit: 7 July 2022

Standard consultations:

Printed: 16 June 2022 Expired: 7 July 2022

Neighbour notifications

Printed: 16 June 2022 Expired: 7 July 2022

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a small, surface level car park enclosed by a combination of brick wall and Palisade fencing, with vehicular access gained from Pimblett Street. The car park comprises two levels with ramped access to the upper level. The site in this case relates to the lower car park level.



The site is bounded by the gable ends of commercial parades to the north and east and a further surface level car park to the south - separated from the site by Palisade fencing. To the south-east are two and three storey light industrial/office/warehouse premises. Further to the east, on the opposite side of Cheetham Hill Road is the Green Quarter – characterised by high-rise, high density residential apartments. To the west, on the opposite side of Pimblett Street are low rise industrial/warehouse premises.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The site is situated within the Strangeways employment area, largely characterised by low rise cash and carry, storage, distribution and manufacturing premises. A short distance to the south is in the inner city ring road and city centre.

To the east, on the opposite side of Cheetham Hill Road the area becomes more residential, comprising high rise/high density apartments.

To the north is HMP Strangeways, dominated by the tall, highly visible ventilation tower.

Description of development

Prior Approval is sought for the installation of a 25-metre-high lattice telecommunication tower supporting 12no Antennas; 2no GPS Modules; 5no 300mm Transmission Dishes; 36no. Remote Radio Units RRUs; together with 6no. equipment cabinets, 1no meter cabinet and ancillary development thereto including a 2.1m palisade fence with 1m wide access gate.

The mast is situated to the rear of the lower level car park, adjacent to its eastern perimeter.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Highway Services - All the telecommunication equipment will be placed on private land on the Lower Car Park of Cheetham Hill Car Park and will not overhang the adopted highway.

The existing on-site car parking provision will be affected by the proposals resulting in the loss of a number of parking spaces. Clarification is sought to confirm the number of spaces that will be lost and what number will remain available. The applicant should provide verification that the necessary vehicle manoeuvres can be undertaken to access/egress the remaining spaces.

Highways recommends continual monitoring and management of parking demands in order to ensure there is no adverse impact generated from the loss of car park spaces on the highway network.

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'.

Section 12 relates to achieving well-designed places.

Paragraph 134 goes on to state that:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'.

Great Ducie Street Strategic Regeneration Framework (2018)

The application site falls within zone 6 'Park Place' for the framework. Development plots in this area are suitable for commercial and residential development with associated public realm.

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 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 as set out below.

Siting and Appearance

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 minimise visual impact intrusion in the local area nor would its siting and appearance contribute positively to this evolving neighbourhood of the city centre where the vision is to achieve high quality residential and commercial led developments with associated public realm.

At 25 metres high, the proposed tower would be significantly noticeable in the local area, with the visual impact exacerbated by the bulkiness of the supporting lattice structure and the top heavy appearance formed by the attached array of antennas, dishes and ancillary equipment.

The immediate area is relatively low-rise in character, with buildings generally ranging from 1-3 storeys in scale. The proposed installation would dwarf the current adjoining buildings and appear as a dominant, visually intrusive feature, which would appear out of place. The industrial, utilitarian appearance of the mast would jar with the local vernacular and which in time is also likely to prejudice the future regenerative aspirations of the area, due to the city centre fringe location of the site.

There is further concern that the mast would be highly visible from the main north/south arterial route of Cheetham Hill Road and the high-rise residential apartments to the east that would

overlook the mast. It is believed that in turn, the height and appearance the mast would undermine the character and appearance of the area, negatively affecting the outlook for neighbouring occupiers.

In addition, as detailed above, the area is embarking on significant change as outlined in the Great Ducie Street Framework area and site is identified for redevelopment for a tall building. The proposed lattice tower would not contribute positively towards the long term vision of realising the sites development and would have a negative impact on the setting and visual amenity of this new neighbourhood when seen against adjacent developments.

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 and long regeneration of the area 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 this location and significantly harm the visual amenity of neighbouring occupiers and appear as dominant visual feature in the locality to the detriment of local character and undermine the regeneration aspirations for this neighbourhood of the city centre.

Access

The proposed equipment has also been sited towards the rear of the site and is on private land. Pedestrian or vehicular access will not be impeded.

Impact to Parking

4 car parking spaces will be lost as a consequence of the proposed installation. It is not considered that there would be any detrimental impact to circulation within the car park for the residual spaces.

Given the car park appears to be vastly under utilised and the availability of on-street parking in the area, it is not considered that the loss of spaces would be harmfully noticeable or lead to increased demand for spaces in the area. On this basis, the impact to the highway is considered satisfactory.

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 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 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 the proposed installation has been sited and designed to minimise the impact upon visual amenity or taken account of the changing character of this regeneration area. The proposed telecommunication installation by reason of its siting, height, appearance and its relationship with the immediate and emerging context, would form a highly intrusive feature, which would be harmful to the visual amenity together with failing to contribute positively to the evolving character of this neighbourhood of the city centre. As such, the proposed installation is 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) and the Great Ducie Street Strategic Regeneration Framework (2018).

Appendix 1 – List of consultees & neighbours notified

Highway Services

First Floor, 51 Pimblett Street, Manchester, M3 1FU
Garage, 51 Pimblett Street, Manchester, M3 1FU
Ground Floor, 51 Pimblett Street, Manchester, M3 1FU
Edward Holt House, Pimblett Street, Manchester, M3 1FU
51 Pimblett Street, Manchester, M3 1FU
Basement, 3 Cowburn Street, Manchester, M3 1FS
27A Park Street, Manchester, M3 1EU
First Floor, 3 Cowburn Street, Manchester, M3 1FS
24 Park Street, Manchester, M3 1ET
27 Park Street, Manchester, M3 1EU
25 Park Street, Manchester, M3 1EU
Basement, 25 Park Street, Manchester, M3 1EU
Ground Floor, 3 Cowburn Street, Manchester, M3 1FS
12 Park Street, Manchester, M3 1ES
29 Park Street, Manchester, M3 1EU

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
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CENTRL