

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132552/TEL/2021

Date registered valid: 20 December 2021

Proposal: Notification of Prior Approval for the installation of 3 no. antennas and associated cabinets with 5 antennas being raised following the removal of 2 existing cabinets at existing telecommunications rooftop installation

Address: Apex House , 2 Devonshire Street North, Manchester, M12 6JQ

Ward(s): Ardwick Ward

Applicant: Cellnex Cellnex Town Planning Team, 4th Floor, 2 Blagrove Street, Reading, RG1 1AZ

Agent (if any): Mr Tiernan Walsh WHP Telecoms The Belfry, 54A Main Street, Newcastle, BT33 0AE

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 3 February 2022

Application details

Type of application: Telecommunication Application

Development type: Notifications

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 6 January 2022 Expired: 27 January 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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

This application is for prior approval determination for telecommunications upgrades proposed at an existing mobile base station, operated by Cellnex, a radio site infrastructure provider. The existing equipment is located on the roof of Apex House, a building which lies approximately one mile to the South-east of Manchester City Centre. Immediately south of the building on which the base station is housed is a large Stagecoach factory with other office buildings and civic buildings to the north of the site and directly adjacent. To the west of the site along Hyde Road is The Arden School of Theatre and The Manchester College (Nicholls Campus) with Nicholls Community Football Centre directly behind them directly facing the building.

The existing rooftop base station is shared by multiple telecommunications operators for siting their telecoms apparatus. The rooftop is accessed via an internal staircase that leads to the plant room on the rooftop where the base station can be accessed via the plant room doors and fixed external ladders are used to reach the highest parts of the rooftop base station. The applicants state that the existing installation is currently failing to meet customer demand and the operator's license obligations for the area and the applicant states that the equipment requires the necessary upgrades to address this market failure.

The proposed development involves the removal of some equipment, and replacement with new equipment, as follows:

To be removed:

- o 1No. BTS Cabinet
- o 1No. IMB Cabinet
- o 1No. GPS Module
- o Other Ancillary Apparatus

To be installed:

- o 1No. UHF GPS Module
- o 3No. Air Antenna
- o 5No. Existing Antennas to be raised
- o 1No. AIRI Cabinet
- o Replacement Support Poles and Steelwork
- o All other ancillary apparatus

The proposed equipment upgrades, and support apparatus will be made from materials that are in keeping with those that already exist on the rooftop with the same palette of colours also being retained.

At present the building is approximately 22.3 metres high and the rooftop plant room is 3.5 metres high (25.8 metres above ground level) with 1.15 metre high safety fencing on top (26.95 metres above ground level). The plant room and safety fencing are unaffected by this proposal. Above the plant room there are currently antennas and associated support structures, to a height of approximately 3.2 metres above the plant room (29 metres above ground level) and it is proposed to raise these by approximately 1.25 metres to 4.45 metres (30.25 metres above ground level).

Consultations & Notification Responses

Local residents/adjoining occupiers - No comments received.

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:

- The existing building is between 15 and 30 metres high and the height of the equipment, taken by itself, would be 7.95 metres and therefore would be less than 8 metres.
- There would be no more than 5 antenna systems on the building (whilst there would be 8 antennas, in total, on the building, the legislation describes an antenna system as a set of antennas installed on a building and does not therefore restrict permitted development rights to 5 individual antennas)
- The building is not listed.

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 E3.3 relates to sites along radial routes, which includes Hyde Road, and seeks to ensure that all new development, along these routes, is of the highest quality.

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 - This is an existing base station and the proposal constitutes some changes that increases the height of the equipment, but which does not increase the footprint of the existing installation. The applicant has not considered other sites as they are seeking to upgrade an existing installation, to minimise new sites and help avoid the unnecessary proliferation of new radio masts and sites for them, and is utilising the existing site in line with NPPF guidelines.

Appearance -Overall the proposal represents a 1.25 metre increase in height at a point which is approximately 30 metres above ground level and it is considered that the scale of the apparatus, when installed, will look similar in proportion, to the existing building, as the existing apparatus. The antennas are similar to the existing electronic communications apparatus and it is considered that it will therefore be seen in the context of this apparatus and will not appear as an incongruous addition to the building or look out of place within the wider area. Indeed, at a height of 30 metres, and set away from the roof edge, most passers-by are unlikely to see the apparatus in their line of vision.

Residential amenity - There are no residential properties, in close proximity to the site, with the nearest properties being over 300 metres away and with no line of sight to the rooftop. Also, the site lies in an area which is mostly commercial and where there are not considered to be any significantly sensitive locations. It is not therefore considered that the works would have a harmful visual impact upon the locality, or the amenity of any occupiers of residential properties in the wider area. and it is considered that the proposed location is therefore acceptable in principle.

Highways - All works are on an existing rooftop with no obvious line of sight, for oncoming traffic and it is not considered that the proposal would have any impact upon highway users.

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: Approve

Article 35 Declaration

Officers have worked with the agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application. In this case the proposal was considered to be in accordance with City Council policy and no amendments were sought.

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

1) The City Council is satisfied that this development has been sited and designed to minimise the impact on residential amenity and the visual amenity of the surrounding area. The proposal is also suitably sited to ensure there is no detriment to highway and pedestrian safety. Accordingly, the proposal complies with Section 10 of the National Planning Policy Framework, policies SP1 (Spatial Principles) and DM1 (Development Management) of the Core Strategy for the City of Manchester and saved policy DC17.1 (Telecommunications) of the Unitary Development Plan for the City of Manchester.

Consent is hereby granted in accordance with the following drawings and documents:

Declaration of Conformity with ICNIRP Public Exposure Guidelines dated 15 November 2021 (ref:1999/519/EC)

Planning Statement dated December 2021 (Project Reference: 238825)

Site location plan numbered 87249-02-100-MD002 rev 2

Drawings numbered 87249-02-100-MD004 rev 4, 87249-02-101-MD004 rev 4, 87249-02-150-MD004 rev 4, 87249-02-110-MD004 rev 4, 87249-02-111-MD004 rev 4, 87249-02-160-MD004 rev 4 and 87249-02-161-MD004 rev 4

All stamped as received by the City Council as Local Planning Authority on 20 December 2021.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy, saved policy DC17.1 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Manchester College Of Arts And Technology, Hyde Road, Manchester, M12 6BA
Nicholls Sixth Form Centre, Ford Street, Manchester, M12 6BA
Ground Floor To Fifth Floor, Apex House, Devonshire Street North, Manchester, M12 6JQ
Apex House, Devonshire Street North, Manchester, M12 6JQ
5 Universal Square, Devonshire Street North, Manchester, M12 6JH
Stagecoach Manchester Bus Depot, Hyde Road, Manchester, M12 6JS

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - North Manchester PD Restriction - Class B1(c) 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) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH2