

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129203/TEL/2021

Date registered valid: 25 January 2021

Proposal: Prior Approval for the installation of 12 no roof mounted antennas, 1 no transmission dish, together with associated works

Address: Roof Of 38 Derby Street, Manchester, M8 8HN

Ward(s): Cheetham Ward

Applicant: Cornerstone Telefonica UK Ltd & Vodafone Ltd C/o Agent

Agent (if any): Miss Dianne Perry Clarke Telecom Limited Unit E Madison Place,
Northampton Road, Manchester, M40 5AG

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 2 March 2021

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: 27 January 2021 Expired: 17 February 2021

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: No

Tree Preservation Order: No

The site is located on top of a multi-level commercial building. The roof will be utilised by both operators that is currently being used for telecommunications.

The host property supports the existing Vodafone radio base station comprising 6 no. antennas on wall-mounted support poles, on the Derby Street and Torah Street elevations.

The Proposal

The proposed upgrade of an existing base station consisting of the proposed installation of 9 no Telefonica antennas (top height of masts 28.80m AGL & 26.20m on 4.1m long poles), proposed 3 no Vodafone antennas mounted at a top height of 28.80m AGL & 26.20m AGL on 4.1m long poles, 1 no 300mm transmission dish.

Background

The amendments to the existing rooftop installation will enable enhanced 2G, 3G and 4G coverage and capacity to the surrounding area as well as new 5G services. In addition, due to the design, Vodafone will continue to maintain and enhance its existing 2G, 3G and 4G coverage whilst also providing 5G service provision to the immediate area around the application site.

Prior Approval Legislation

This application is submitted under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) (no.2) Order 2016 and in accordance with the electronic communications code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and no representations were received.

Issues

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policy DC17.1 of the UDP;
- Policies DM1 and SP1 of the Core Strategy;
- Section 10 of the National Planning Policy Framework (NPPF).

Principle

A 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.

This proposal is part of a network improvement program which upgrades the existing site to facilitate additional coverage and capacity requirements, incorporating not only 4G but also 5G technology. Section 5 of the NPPF sets out the Government's general overview regarding supporting high quality communications infrastructure, recognising that advanced, high quality communications infrastructure is essential for sustainable economic growth. In order to keep the number of base stations to a minimum, the use of existing sites is considered to provide the optimum solution and accordingly the proposed site upgrade should be viewed positively. As such, no alternative locations were sought in this instance.

Paragraph 112 in particular states that "Advanced, high quality communications infrastructure is essential for sustainable economic growth and social well-being".

Paragraph 115c advocates a preference to using existing buildings, mast or other structures.

Saved policy DC17.1 of the UDP looks to support telecommunication development, subject to minimising any impact upon the residential amenity and the environment.

Given the above, the proposal complies with the overarching policy framework which outlines a general presumption in favour of telecommunication development. In this case, the proposal seeks to upgrade an existing installation, making use of an existing site which is shared by multiple operators.

Siting and Appearance

Due to the site location which comprises of an installation, it is not believed that the siting of the equipment would be detrimental to visual amenity within the area and from within the street scene despite the increase in size and number of antennas. However, in terms of appearance, it is acknowledged that the equipment is unattractive however, weight has been given to the fact that the mast has been in situ for some time and therefore tolerated and more importantly, the addition of three antennas does not significantly alter the visual appearance of the existing masts and weight has been given in this instance which a reduction in overall mast height the installation of such equipment on the roof of the host building would be otherwise permitted subject to compliance with the legislation outlined below:

Development not permitted

T.1 Development is not permitted by Class T(a) if—

(c) in the case of the installation, alteration or replacement of apparatus on a building, the height of the apparatus (taken by itself) would exceed the height of the existing apparatus or—

(i) 15 metres, where it is installed, or is to be installed, on a building which is 30 metres or more in height; or

(ii) 10 metres in any other case, whichever is the greater;

(d) in the case of the installation, alteration or replacement of apparatus on a building, the highest part of the apparatus when installed, altered or replaced would exceed the height of the highest part of the building.

The proposal has not undergone a sequential test site selection as the policy encourage the upgrade of existing site, therefore minimising its impact upon the local area. The existing installation is to be upgraded to advance coverage in the area.

It is felt that on balance, given the existing equipment, the proposed installation is unlikely to be significantly intrusive or noticeably detectable above and beyond the existing context.

As such, the impact is not considered so significant so as to have an undue impact upon either the appearance of the area or upon visual amenity. In light of the existing context of an existing installation and the concentration of equipment at an existing site to allow site sharing and the coverage demands required, the siting and appearance of the proposal is considered satisfactory.

Conclusion

In selecting the site, the applicant has had regard to national and local planning policies, the site context, potential alternative solutions, visual impact, health and safety considerations as well as operational need. It is considered that the application site and the proposed form of development provide the optimum solution in this instance.

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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations.

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 the visual amenity of the surrounding area. The proposal is also suitably sited to ensure there is no detriment to highway 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. Therefore, consent is hereby granted in accordance with the information accompanying application referenced 129203/TEL/2021, stamped as received by the local planning authority on the 1 March 2021.

Drawings Numbered 200/A, 201/B, 300/A, 301/B, stamped as received on the 26 January 2021 and Site-Specific Supplementary Information, General Background Information for Telecommunications Development and ICNIRP declaration and clarification statement, stamped as received on the 25 January 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

Second Floor And Third Floor, 133A Cheetham Hill Road, Manchester, M8 8LY
133A Cheetham Hill Road, Manchester, M8 8LY
11 Bent Street, Manchester, M8 8NF
46 Derby Street, Manchester, M8 8HN
Second Floor, 37 Derby Street, Manchester, M8 8HW
141 Cheetham Hill Road, Manchester, M8 8LY
48 Derby Street, Manchester, M8 8HN
First Floor, 133A Cheetham Hill Road, Manchester, M8 8LY
First Floor, 46 Derby Street, Manchester, M8 8HN
Ground Floor, 46 Derby Street, Manchester, M8 8HN
Basement, 46 Derby Street, Manchester, M8 8HN
PYRAMID FASHION ACCESSORIES, 23B Derby Street, Manchester, M8 8HW
RED FOX FASHION LTD, 23A Derby Street, Manchester, M8 8HW
Rear, 46 Derby Street, Manchester, M8 8HN
Lower Ground Floor Unit 3, Sartor House, Camberwell Street, Manchester, M8 8HW
Sartor House, Camberwell Street, Manchester, M8 8HW
Lower Ground Floor Unit 4, Sartor House, Camberwell Street, Manchester, M8 8HW
Lower Ground Floor, Sartor House, Camberwell Street, Manchester, M8 8HW
Units A And B, 23 Broughton Street, Manchester, M8 8LZ
Unit D Rear Of 23, Broughton Street, Manchester, M8 8LZ
Unit B Rear Of 23, Broughton Street, Manchester, M8 8LZ
Unit A Rear Of 23, Broughton Street, Manchester, M8 8LZ
Unit C Rear Of 23, Broughton Street, Manchester, M8 8LZ
First Floor, 137 - 139 Cheetham Hill Road, Manchester, M8 8LY
Ground Floor, 137 - 139 Cheetham Hill Road, Manchester, M8 8LY
36 Derby Street, Manchester, M8 8RY
Upper Ground Floor, 37 Derby Street, Manchester, M8 8HW
Lower Ground Floor, 37 Derby Street, Manchester, M8 8HW
Unit E1, 23 Broughton Street, Manchester, M8 8LZ
British Relay Ltd, Woolley Street, Manchester, M8 8WE
Unit 8B, Rear, 46 Derby Street, Manchester, M8 8HN
Unit 14, 11 Bent Street, Manchester, M8 8NF
38F Derby Street, Manchester, M8 8HN
38D Derby Street, Manchester, M8 8HN
MARCH CLOTHING LIMITED, Unit 3, 23 Broughton Street, Manchester, M8 8LZ
Unit 2B, 23 Broughton Street, Manchester, M8 8LZ
Unit 2A, 23 Broughton Street, Manchester, M8 8LZ
23 Broughton Street, Manchester, M8 8LZ
38 Derby Street, Manchester, M8 8HN
27 Derby Street, Manchester, M8 8HW
25 Derby Street, Manchester, M8 8HW
Unit 10, Rear, 46 Derby Street, Manchester, M8 8HN
Unit 9, Rear, 46 Derby Street, Manchester, M8 8HN
Unit 7, Rear, 46 Derby Street, Manchester, M8 8HN
Unit 6, Rear, 46 Derby Street, Manchester, M8 8HN
Unit 9, 11 Bent Street, Manchester, M8 8NF
Unit 16, 11 Bent Street, Manchester, M8 8NF
Unit 10, 11 Bent Street, Manchester, M8 8NF
Unit 5, 23 Broughton Street, Manchester, M8 8LZ
MOYEE FASHION LTD, Unit 4, 23 Broughton Street, Manchester, M8 8LZ

Unit 4A, 23 Broughton Street, Manchester, M8 8LZ
 Unit G, 23 Broughton Street, Manchester, M8 8LZ
 39 Derby Street, Manchester, M8 8HW
 Unit 5, 37 Derby Street, Manchester, M8 8HW
 33 Derby Street, Manchester, M8 8HW
 Unit 7, 23 Broughton Street, Manchester, M8 8LZ
 38H Derby Street, Manchester, M8 8HN
 Unit 8A, Rear, 46 Derby Street, Manchester, M8 8HN
 Units 6 And 7, 11 Bent Street, Manchester, M8 8NF
 Basement Unit 2, 135 Cheetham Hill Road, Manchester, M8 8LY
 Store Rear Of 141, Cheetham Hill Road, Manchester, M8 8LY
 EAGLESFIELD ENTERPRISE LTD, 38C Derby Street, Manchester, M8 8HN
 38A Derby Street, Manchester, M8 8HN
 Unit F, 23 Broughton Street, Manchester, M8 8LZ
 17 Broughton Street, Manchester, M8 8LZ
 Second Floor Unit 5, 135 Cheetham Hill Road, Manchester, M8 8LY
 38G Derby Street, Manchester, M8 8HN
 PORT GROUP UK & EUROPE LIMITED, 15 Broughton Street, Manchester, M8 8LZ
 Unit C, 48 Derby Street, Manchester, M8 8HN
 Unit 6, 23 Broughton Street, Manchester, M8 8LZ
 135 Cheetham Hill Road, Manchester, M8 8LY
 Unit 11, Rear, 46 Derby Street, Manchester, M8 8HN
 Unit 8, 11 Bent Street, Manchester, M8 8NF
 38E Derby Street, Manchester, M8 8HN
 131 Cheetham Hill Road, Manchester, M8 8PY
 Unit E, 23 Broughton Street, Manchester, M8 8LZ
 133 Cheetham Hill Road, Manchester, M8 8LY
 6 Bent Street, Manchester, M8 8NF
 Unit 8, 23 Broughton Street, Manchester, M8 8LZ
 137 - 139 Cheetham Hill Road, Manchester, M8 8LY
 31 Derby Street, Manchester, M8 8HW
 29 Derby Street, Manchester, M8 8HW
 Second Floor, 137 - 139 Cheetham Hill Road, Manchester, M8 8LY
 Unit 7A, Rear, 46 Derby Street, Manchester, M8 8HN
 First Floor, 37 Derby Street, Manchester, M8 8HW
 Unit 5, 11 Bent Street, Manchester, M8 8NF
 Unit 15, 11 Bent Street, Manchester, M8 8NF
 First Floor Unit 4, 135 Cheetham Hill Road, Manchester, M8 8LY
 AGMA (NW) LTD, Units 1 And 3 Ground Floor, 135 Cheetham Hill Road, Manchester, M8 8LY
 19 - 21 Broughton Street, Manchester, M8 8LZ
 38B Derby Street, Manchester, M8 8HN
 Unit B, 48 Derby Street, Manchester, M8 8HN
 Unit A, 48 Derby Street, Manchester, M8 8HN
 145 - 149 Cheetham Hill Road, Manchester, M8 8LY
 36A - 36B Derby Street, Manchester, M8 8HN
 Unit 1, 23 Broughton Street, Manchester, M8 8LZ
 PINK HANDBAGS & PURSES, 23 Derby Street, Manchester, M8 8HW

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

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(c) To C3

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: NORTH1