MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	134401/FO/2022
Date registered valid:	9 November 2022
Proposal:	Installation of additional telecoms equipment on rooftop
Address:	Rooftop At Clayton House , 59 Piccadilly , Manchester , M1 2AQ
Ward(s):	Piccadilly Ward
Applicant:	Cellnex UK Ltd
Agent (if any):	Sam Wismayer WHP Telecoms Limited
Case officer:	Emily Booth Tel: 0161 234 4193 Email: emily.booth@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	17 January 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 9 December 2022

Standard consultations:
Printed: 6 December 2022 Expired: 27 December 2022

Neighbour notifications
Printed: 18 November 2022 Expired: 9 December 2022

Site notice
Posted: 25 November 2022 Expired: 16 December 2022

Press advert
Published: 22 November 2022 Expired: 13 December 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: Not applicable

Description of area

This application relates to a property at 59 Piccadilly in Manchester City Centre, which is a Grade II listed former warehouse building, which is within the Stevenson Square Conservation Area and has frontages onto Piccadilly and Back Piccadilly. Piccadilly is a main radial route through the City Centre and provide access between Piccadilly Train Station and the Central shopping area of the City Centre.

The building is six storeys in height and has decorative and significant tall corniced chimneys at the gables that protrude above the rooftop. It is in good condition and has a number of other significant decorative features within the elevations, including lettering carved into the stone elevation. The rear elevation has a more simple appearance and consists of glazed brick.

The existing premises is currently used as offices with a restaurant at ground floor.

The building was first listed on 6th June 1994.

The building makes a highly positive contribution to:

a. The Stevenson Square Conservation Area within which it is prominently located.
b. The settings of a number of nearby Grade II listed buildings. In particular it is noted that this building is in between two other listed buildings.

c. The settings of a number of nearby buildings which, although not listed, could be considered to be 'non-designated heritage assets.

The building has been the subject of historic unsympathetic works, including telecommunications equipment and an unsympathetic ground floor treatment.

The building lies on the periphery of an area of the City Centre known as the Northern Quarter and is within an area which contains a variety of uses including bars, restaurants, commercial, residential, retail and hotel uses.

Relevant planning history

Applications referenced 063047/FO/CITY2/01 and 063048/LO/CITY2/01 were approved in July 2002 and allowed the installation of various item of telecommunications equipment.
Applications referenced 092765/FO/2010/C2 and 092766/LO/2010/C2 were approved in July 2010 and allowed the installation of a 300mm dish antenna to be attached by a 'stand-off bracket' to an existing pole on the rear elevation of the rooftop of Clayton House, along with association cabling to be attached to existing cable tray and equipment to be installed inside an existing equipment cabinet.
Applications referenced 100883/FO/2012/C2 and 100885/LO/2012/C2 were approved in January 2013 and allowed the replacement of 3 no. existing antennae on existing pole mounts, a low noise amplifier, and an equipment cabinet on the existing rooftop frame with 3no. new antennas.
Applications referenced 107900/FO/2015/C2 and 107902/LO/2015/C2 were approved in December 2015 and allowed the installation of 3no. new antennas and ancillary works.
Applications referenced 120868/FO/2018 and 120986/LO/2018 were approved in December 2018 and allowed removal and replacement of 3no. existing antennas and installation of associated equipment.
Applications referenced 125446/FO/2019 and 125495/LO/2019 were approved in January 2020 and allowed replacement of existing rooftop telecommunications equipment.

Description of development

Planning permission is now sought for the following works:

- The removal of the existing wall mounted antennas and associated support structures.
- The installation of 2no. antennas attached to the midway chimney, 2no. antennas located on the front chimney adjacent Grade II Listed 63 Piccadilly and 2no. antennas located on the front chimney adjacent Grade II Listed 57 Piccadilly overlooking Piccadilly. The antennas would be mounted on poles attached to the building fabric.
- The removal and replacement of equipment cabinets at rooftop level.
- The installation of 2no. items of equipment including 2no. bob units to be attached to the side chimney and the side parapet wall.
- The installation of cabling.

The existing air-conditioning units, equipment cabinets and satellite dishes would be retained and reused.

This would constitute an increase from 3no. antennas to 6no. antennas.
An applications for listed building consent has also been submitted for the works referenced: 134402/LO/2022

Consultations & Notification Responses

Environmental Health - Recommended a noise condition.

Highway Services - Made the following comments:

Operatives undertaking servicing / maintenance thereafter will be expected to comply fully with the relevant traffic laws, including any local parking and movement restrictions.

The applicant should be advised that any requirements for licensing, hoarding /scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via email - highwaylicences@manchester.gov.uk

Publicity - The application was advertised as affecting a conservation area and affecting a listed building and a site notice was displayed on site. No responses were received.

Issues

The Adopted Core Strategy for the City of Manchester

Policy EN1 (Design Principles and Strategic Character Areas) advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

Policy EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

Policy CC9 (Design and Heritage) advises that development in Manchester should preserve or enhance the heritage assets affected.

Policy SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment.

Policy DM1 (Development Management) advises that all development should be appropriately sited, scaled, formed, massed and detailed with appropriate layout and materials and should have regard to the character of the surrounding area and effects on built heritage.

The Unitary Development Plan for the City of Manchester

Saved Policy DC17.1 (Telecommunications) advises that equipment will normally be approved 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 areas including Conservation Areas. Wherever possible, the Council will expect the potential of existing buildings and masts, including the sharing of such facilities, to be fully explored before agreeing to additional separate development.

Saved Policy DC18.1 (Conservation Areas) states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering issues including the effect of signs and advertisements.

Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for listed building consent the Council will have regard to the desirability of securing the retention, restoration,

maintenance and continued use of such buildings and to protecting their general setting. The City Council will:

- Not permit any external or internal alteration or addition to a listed building where in its opinion, there would be an adverse effect on its architectural or historic character.

National Policy

Sections 16, 66 and 74 of the Listed Buildings and Conservation Areas Act 1990 requires that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas. Development decisions should, therefore, accord with the requirements of the NPPF and to section 16 (Conserving and Enhancing the Historic Environment).

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development". In order to meet this key planning objective, in this instance, the development should sustain and contribute to the stimulation of a thriving historic environment.

Paragraph 197 states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 194 advises that local planning authorities should require an applicant to submit sufficient information to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 200 advises that any harm to or loss of a designated heritage asset should require clear and convincing justification. Substantial harm or loss should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings should be wholly exceptional.

Paragraph 201 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Section 12 (Achieving Well Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Under these criteria the effect of the proposal on the affected heritage assets has been considered.

The above national policy and legislation set requirements cannot be set to one side and it is particularly noted that this means decision-making regarding the historic environment is a case

of balancing harm against public benefit as is the approach set out in the National Planning Policy Framework (NPPF).

The proposals constitute a large increase to the amount of equipment that would be located on the roof of this listed building.

The 2no. existing antennas fronting Piccadilly have been covered with brick printed screening wrap but are still highly visible due to their location fronting Piccadilly and located on the important tall chimneys that are clearly above the rooftop of this building and the surrounding buildings. They also have very untidy cabling attached to them which makes them more incongruous. These antennas are highly visible from street level and in longer views from further along Portland Street and from the opposite side of Piccadilly. The wide pavements, junction and wide roads allow good views of the chimneys and the equipment installed on them. The antenna within the middle of the rooftop is not visible from street level but could be viewed from surrounding buildings as could the other related equipment that clutters and causes harm to the listed building. As existing the equipment is considered to cause less than substantial harm. The proposals increase the current level of harm caused.

The proposals include the replacement of the existing antennas and the addition of an extra 3no. antennas. The 2no. new antennas adjacent the Grade II Listed 57 Piccadilly would also be moved approximately 3 metres forward towards Piccadilly making them even more prominent than the others.

The antennas would be located on the tall chimneys which are specifically mentioned in the listing description. These chimneys are significant as a feature of the listed building and are constructed of brick and stone and have a prominent stone cornice. They are the tallest part of the roofscape and are attractive and prominent features that are highly visible in long and short-range views. The application does not recognise the significance or the visibility of these chimneys. The Environmental Objective of the National Planning Policy Framework is 'to protect and enhance our natural, built and historic environment.' Increasing the less than substantial harm to these significant features of the listed building would not protect and enhance them or the building as a whole.

A method statement has not been submitted and it is not clear if the existing fixings could be reused and whether any making good works are proposed. New fixings would however been needed for at least 2no. of the antennas causing damage to the listed fabric on which they would be fixed. We could require a method statement for all fixings and the repair of redundant fixings by condition if the application could be approved, but damage should still be avoided in the design.

The proposal would result in less than substantial harm to the significance of this Grade II listed building due to the proposals to replace the 3no. existing antennas with 6no. antennas. The applicant has stated that the public benefit that would justify this harm is in the form of the provision of 5G coverage. However, applications referenced 125446/FO/2019 and 125495/LO/2019 were approved in January 2020 and included 5G coverage provision with less antennas and less prominent antennas so it is unclear why the increase in antennas and the relocation of the antennas is needed now on this Grade II Listed building. It is also clear that no effort has been made to minimise the impact of the equipment.

Insufficient evidence was submitted to fully demonstrate the level of harm that would be caused to the development site; however we have enough information to confirm that this is less than substantial harm. Only one elevation has been submitted when it is necessary to examine all elevations of the building. This information has been requested from the applicant in December, but no further details have been provided. The heritage and design and access statement also failed to assess the proposals fully.

The proposals are also at the entrance to the Conservation Area and for the reasons described above would be prominent and incongruous features also causing harm to the Conservation Area.

Despite this, the information was enough to show that there would be less than substantial harm caused by the proposals as described above and this harm would affect the Grade II Listed building on which the equipment would be located, the adjoined Grade II Listed buildings and the Stevenson Square Conservation Area and was not justified by public benefit.

Pre application advice was not sought from the LPA and may have assisted in resolving the issues.

In view of the above, it is considered that due to the proposals would cause less than substantial harm that has not been justified by public benefit and are contrary to Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 7 and 12 of the National Planning Policy Framework, the Core Strategy for the City of Manchester, in particular Polices SP1, CC9, EN3 and DM1 and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

Residential Amenity

The applicant has also provided evidence of International Commission on Non-Ionizing Radiation Protection (ICNIRP) certification in relation to health and safety for surrounding residents.

The air-conditioning condensers are existing.

Given the above, the works are considered to be in accordance with Section 10 of the National Planning Policy Framework (2018), policy DM1 (Development Management) of the Core Strategy for the City of Manchester and saved policies DC17.1 (Telecommunications), DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.

Other Legislative Requirements
Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 polices 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

Article 35 Declaration

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application. Appropriate conditions have been attached to the decision to ensure an acceptable development.

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

1) The proposals would result in the proliferation of telecommunication equipment on the listed building and within the Stevenson Square conservation area. The antennas would be located in a highly visible location and would form an incongruous feature to the tall, corniced chimneys. This would have an unduly harmful impact on the visual amenity and character of the listed building and conservation area. There would also be a cumulative impact with the additional ancillary equipment and cabling. The proposal would result in less than substantial harm to the significance of the listed building and conservation area with the level of harm caused not being outweighed by the public benefits of the scheme which could be realised in a less harmful way. The proposal is contrary to policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC18 and DC19 of the Unitary Development Plan for the City of Manchester (1995), Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Highway Services
Environmental Health

Advertising Right Opposite 1, Portland Street, Manchester, M1 1RG
Ground Floor, 51 Piccadilly, Manchester, M1 2AP
6 Newton Street, Manchester, M1 2AW
51 Piccadilly, Manchester, M1 2AP
55A Piccadilly, Manchester, M1 2AP
Tesco Express, Unit 2, 1 Portland Street, Manchester, M1 3BE
Costa Coffee, Unit 1, 1 Portland Street, Manchester, M1 3BE
11 Newton Street, Manchester, M1 1HF
1 Newton Street, Manchester, M1 1HW
Ground Floor, 1 Portland Street, Manchester, M1 3BH
British Study Centres, St Margarets Chambers, 5 Newton Street, Manchester, M1 1HL
9 Newton Street, Manchester, M1 1HF
3 Newton Street, Manchester, M1 1HW
7 Newton Street, Manchester, M1 1HF
57 Piccadilly, Manchester, M1 2AP
Gardens Hotel, 55 Piccadilly, Manchester, M1 2AP
59 Piccadilly, Manchester, M1 2AQ
Third Floor, 59 Piccadilly, Manchester, M1 2AQ
Ground Floor, 4 Newton Street, Manchester, M1 2AW
Third Floor Office 20, 69 Piccadilly, Manchester, M1 2BS
Fourth Floor Office 21, 69 Piccadilly, Manchester, M1 2BS
Fourth Floor Castlefields Investments, 1 Portland Street, Manchester, M1 5BH
Second Floor, 1 Portland Street, Manchester, M1 5BH
10 Newton Street, Manchester, M1 2AN
Flat 19, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 10, Kingsley House, 15 Newton Street, Manchester, M1 1HE
67 Piccadilly, Manchester, M1 2BS
Fourth Floor, 59 Piccadilly, Manchester, M1 2AQ
Third Floor Offices 18 And 19, 69 Piccadilly, Manchester, M1 2BS
Fifth Floor, 59 Piccadilly, Manchester, M1 2AQ
Subway, 59A Piccadilly, Manchester, M1 2AG
Third Floor Showrooms 30 To 34, 59 Piccadilly, Manchester, M1 2AQ
Third Floor Store 32, 59 Piccadilly, Manchester, M1 2AQ
First Floor, 59 Piccadilly, Manchester, M1 2AQ
MIKE KELLEHER, First Floor Showroom 7, 59 Piccadilly, Manchester, M1 2AQ
Bundobust, 61 Piccadilly, Manchester, M1 2AG
53 Piccadilly, Manchester, M1 2AP
Basement And Ground Floor, 12 Newton Street, Manchester, M1 2AN
First Floor, 12 Newton Street, Manchester, M1 2AN
Flat 16, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 18, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 15, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 17, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 13, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 20, Kingsley House, 15 Newton Street, Manchester, M1 1HE
36 Back Piccadilly, Manchester, M1 1HP
Second Floor, 4 Newton Street, Manchester, M1 2AW
1 Portland Street, Manchester, M1 3BE

69 - 75 Piccadilly, Manchester, M1 2BS
KAPLAN, Sixth Floor, 1 Portland Street, Manchester, M1 3BE
Piccadilly Tavern, 71 - 75 Piccadilly, Manchester, M1 2BS
Kingsley House, 15 Newton Street, Manchester, M1 1HE
Basement And Ground Floor, 55A Piccadilly, Manchester, M1 2AP
Flat 8, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 12, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 6, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 4, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 2, Kingsley House, 15 Newton Street, Manchester, M1 1HE
63 Piccadilly, Manchester, M1 2AG
Basement, 4 Newton Street, Manchester, M1 2AW
First Floor, 4 Newton Street, Manchester, M1 2AW
Second Floor, 69 - 75 Piccadilly, Manchester, M1 2BT
First Floor Gymnasium, 69 Piccadilly, Manchester, M1 2BS
First Floor, 69 - 75 Piccadilly, Manchester, M1 2BS
Fourth Floor, 69 - 75 Piccadilly, Manchester, M1 2BS
Third Floor Office 17, 69 Piccadilly, Manchester, M1 2BS
Second Floor 12 To 14, 69 Piccadilly, Manchester, M1 2BS
Second Floor Office 11, 69 Piccadilly, Manchester, M1 2BS
Basement And Ground Floor, 6 Newton Street, Manchester, M1 2AW
69 Piccadilly, Manchester, M1 2BS
4 Newton Street, Manchester, M1 2AW
Third Floor, 1 Portland Street, Manchester, M1 3BE
12 Newton Street, Manchester, M1 2AN
Ground Floor, 12 Newton Street, Manchester, M1 2AN
Flat 7, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 11, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 3, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Fourth Floor, 1 Portland Street, Manchester, M1 5BH
Flat 5, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 14, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 9, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Fifth Floor, 1 Portland Street, Manchester, M1 5BH
First Floor, 1 Portland Street, Manchester, M1 5BH
8 - 10 Newton Street, Manchester, M1 2AN
Ground Floor, 8 Newton Street, Manchester, M1 2AN
Basement, 8 - 10 Newton Street, Manchester, M1 2AN
Flat 1, Kingsley House, 15 Newton Street, Manchester, M1 1HE

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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Stevenson Square Conservation Area 1987
Area Team Boundary - Name: CENTRAL