

Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended)

Refusal of Listed Building Consent

Applicant

Cellnex UK Ltd
Crawley Court
Winchester
SO21 2QA

Agent (if used)

Sam Wismayer
WHP Telecoms Limited
1A Station Court
Station Road
Guiseley
Leeds
LS20 8EY

Part 1 – Particulars of the application/development

Proposal: Listed Building Consent for installation of additional telecoms equipment on rooftop

Location: Rooftop At Clayton House , 59 Piccadilly , Manchester , M1 2AQ

Date of application: 9 November 2022

Application number: 134402/LO/2022

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **refused** in accordance with the application and plans submitted for the reason(s) listed below.

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.

Reason(s) for decision

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 chimney. 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.

Date: 17 January 2023

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision refers only to that required under the Planning (Listed Buildings & Conservation Areas) Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse consent or approval for the proposed development, or to grant consent or approval subject to conditions, they may appeal to the Secretary of State in accordance with sections 20 and 21 of the Act within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. If consent is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of section 27 of the Act.

4. In certain circumstances, a claim may be made against the local planning authority for compensation, where consent is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 27 of the Act..