

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134235/FO/2022

Date registered valid: 15 August 2022

Proposal: Removal and replacement of 6no antennas and additional 6no. antennas mounted on new support poles, the installation of 2no. transmission dishes, 2no cabinets together with ancillary development thereto

Address: York House, 20 York Street, Manchester, M2 3BB

Ward(s): Deansgate 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: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 3 October 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 24 August 2022 Expired: 14 September 2022

Neighbour notifications

Printed: 24 August 2022 Expired: 14 September 2022

Site notice

Posted: Expired:

Press advert

Published: 30 August 2022 Expired: 20 September 2022

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: Upper King Street (Extension) Conservation Area 1985

Description of Site and Area

The application site relates to York House which lies within the Upper King Street Conservation Area. The building is 11 storeys in height and is understood that it was built in 1973 and designed by Leach Rhodes & Walker. The building is of concrete construction and its elevations comprise a cream tiled frame, with inset glazing and brown brick. The windows are vertically proportioned and together with the articulated frame give the building its vertical emphasis.

The building is not listed, it is however located within the 'Upper King Street Conservation Area' and within close proximity to a number of Listed Buildings. Nearby Listed Buildings include Grade II* Listed Royal Bank of Scotland, Grade II Listed Colwyn Chambers, Grade II* Listed Estate Exchange, Grade II Listed 49, Spring Gardens and Grade II* Listed Portico Library and The Public House.

Description of Development

The submitted application seeks planning permission for the removal and replacement of 6no antennas and additional 6no. antennas mounted on new support poles, the installation of 2no. transmission dishes, 2no cabinets together with ancillary development thereto.

Consultation and Notification responses

Local residents were notified, and a site notice was posted for 21 days however no responses were received.

Environmental Health – recommendation of an acoustic condition

Policy

The main issue for consideration relates to the impact of the proposals on the identified heritage assets in regard to preserving and, where possible, enhancing identified assets. The main policies that relate to the proposal are Section 16 (Conserving and enhancing the Historic Environment) of the revised National Planning Policy Framework (NPPF) (2019), and Policies DM1 (Development Management), EN3 (Heritage), EN1 (Design Principles and Strategic Character Areas), CC9 (Design and Heritage) and SP1 (Spatial Principles) of the Adopted Core Strategy for the City of Manchester (2012), and saved policies DC18.1 (Conservation Areas), DC19.1 (Listed Buildings) and DC17 (Telecommunications) of the Unitary Development Plan for Manchester (1995).

The revised NPPF (2019) Section 16 (Conserving and enhancing the Historic Environment) paragraph 199 highlights that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the revised NPPF highlights 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.

Core Strategy policy CC9 (Design and Heritage) states that development in Manchester City Centre should preserve or enhance the heritage assets that have been identified. Developers must recognise the specific design challenges that must be overcome to ensure complementary of function and form.

Core Strategy policy EN 3 (Heritage) states that the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods. New developments must be designed so as to support the Council in preserving, or where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance.

Core Strategy policy SP1 (Spatial Principles) states that development in all parts of the city should protect and enhance the built and natural environment.

Core Strategy policy DM 1 (Development Management) states that development should have regard to appropriate siting, layout, scale, form, massing, materials and detail; impact on 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; and effects on amenity.

Saved UDP policy DC18.1 (Conservation Areas) states that the Council will give particularly careful consideration to development proposals within Conservation Area. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering; the relationship of new structures to neighbouring buildings and spaces; and the effect of major changes to the appearance of existing buildings.

Saved UDP policy 19.1 (Listed Buildings) states that 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 settings by; not permitting any external or internal alterations or addition to a listed building where, in its opinion, there would be an adverse effect

on its architectural or historic character; and seek to preserve and enhance the setting of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features.

DC17 (Telecommunications) 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.

Legislation

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act") provides that "in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting. Members should consider whether there is justification for overriding the presumption in favour of preservation.

Section 72 of the Listed Building Act provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Issues

Impact on Visual Amenity on Heritage Assets

The building is not listed however it located within the Upper King Street Conservation Area and visible within the setting of a number of listed buildings. A heritage statement has been submitted which provides an assessment of the impact of the development on the Conservation Area as well as surrounding listed buildings.

It is considered that utilising an existing established radio base station installation is preferable to pursuing a second base station within the immediate vicinity, as it would reduce the visual impact therefore preserving the character and appearance of the surrounding area. The proposed installation would involve the removal of 6 no. antennas and therefore the total amount of antennas would not increase. The new installations would be slightly bulkier than the existing however it is not considered that the proposals would have a significant or adverse impact on the visual amenity of the building or surrounding area.

The proposal would result in a minor change to the existing appearance of the building and therefore would cause less than substantial harm to the significance of the Conservation Area and Listed buildings.

The submitted information states that the proposed upgrade will improve capacity on the 2G, 3G and 4G networks for two Mobile Network Operators and will also introduce 5G coverage for both operators to this busy city centre area of Manchester. It is therefore considered that the public benefits of the proposal to increase connectivity in the area would outweigh the less than substantial harm to the significance of the Upper King Street Conservation Area and nearby listed buildings.

Noise

The surrounding area is largely commercial and made up of offices and other commercial uses. It is not considered that the proposal would give rise to any significant issues in terms of noise however a condition will be added to ensure the installation will be selected or acoustically treated so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location

Consideration of Alternative Sites

Policy DC17 states that 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. As the proposal is the upgrade of an existing site which is considered to be preferable to a new installation and there consideration of alternatives is not required in this instance.

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.

Compliance with ICNIRP legislation - 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. Further advice on health issues was previously provided in PPG8 which has now been replaced with the National Planning Policy Framework and the weight that this can be given to applications for telecom equipment.

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 development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Received by the City Council as Local Planning Authority on 01 July 2022:

Documents referenced:

- General Background Information for Telecommunications Development
- Site Specific Supplementary Information
- Health and Mobile Phone Base Stations document
- ICNIRP declaration & clarification statement
- General Background Information for Telecommunications Development
- Health and Mobile Phone Base Stations document
- ICNIRP declaration and clarification statement
- Cornerstone Radio Planning and Propagation V6
- DCMS MHCLG Collaborating for Digital Connectivity Letter
- Cornerstone - Local Authority Engagement Brochure - Sept 2020 (002)
- Digital Public Benefit Brochure updated
- MobileUK Health Fact Sheet V1
- Planning for a better network v6
- Matt Warman MP Letter to LPA Chiefs 2021
- Cornerstone Radio Planning and Propagation V6
- Health summary v19
- 5G Services v8

Received by the City Council as Local Planning Authority on 15 August 2022:

- Drawings referenced: 100 Rev A, 200 Rev B, 201 Rev F, 300 Rev C abnd 301 Rev E
- Heritage Statement ref. CTIL_12596529

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Saved UDP policy DC26 policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

46 Fountain Street, Manchester, M2 2BE
Fifth Floor, 55 Spring Gardens, Manchester, M2 2BY
Eighth Floor, 55 Spring Gardens, Manchester, M2 2BY
First Floor, 55 Spring Gardens, Manchester, M2 2BY
Seventh Floor, York House, 20 York Street, Manchester, M2 3BB
Sixth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
38 Mosley Street, Manchester, M2 3AZ
57 Spring Gardens, Manchester, M2 2BY
Fifth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Eighth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2AN
Seventh Floor, Barnett House, 53 Fountain Street, Manchester, M2 2AN
Fourth Floor, 55 Spring Gardens, Manchester, M2 2BY
First Floor, 57 Spring Gardens, Manchester, M2 2BY
Third Floor, 55 Spring Gardens, Manchester, M2 2BY
Third Floor, 57 Spring Gardens, Manchester, M2 2BY
Second Floor, 57 Spring Gardens, Manchester, M2 2BY
Fourth Floor, York House, 20 York Street, Manchester, M2 3BB
Second Floor, York House, 20 York Street, Manchester, M2 3BB
Eighth Floor, York House, 20 York Street, Manchester, M2 3BB
Seventh Floor, 55 Spring Gardens, Manchester, M2 2BY
REGUS MANAGEMENT UK LTD, Ground Floor, Barnett House, 53 Fountain Street, Manchester, M2 2AN
Ground Floor, York House, 20 York Street, Manchester, M2 3BB
Third Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Sixth Floor, Fountain House, 83 Fountain Street, Manchester, M2 2EE
42 - 44 Fountain Street, Manchester, M2 2AE
Ground Floor, 57 Spring Gardens, Manchester, M2 2BY
Tenth Floor, York House, 20 York Street, Manchester, M2 3BB
Fourth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
First Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
50 Fountain Street, Manchester, M2 2AS
Sixth Floor, York House, 20 York Street, Manchester, M2 3BB
Third Floor, York House, 20 York Street, Manchester, M2 3BB
Second Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Sixth Floor, 55 Spring Gardens, Manchester, M2 2BY
Fourth Floor, 50 Fountain Street, Manchester, M2 2AS
Second Floor, 55 Spring Gardens, Manchester, M2 2BY
Ground Floor, 55 Spring Gardens, Manchester, M2 2BY
TOKIO MARINE KILN SERVICES LTD, Ninth Floor, York House, 20 York Street, Manchester, M2 3BB
First Floor, York House, 20 York Street, Manchester, M2 3BB
Fifth Floor, York House, 20 York Street, Manchester, M2 3BB

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 - Upper King Street (Extension) Conservation Area 1985
Area Team Boundary - Name: CENTRAL