



Appeal Decision

Site visit made on 14 May 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th May 2024

Appeal Ref: APP/P4225/W/23/3326368

Telecommunications site, Land off Dell Road, Manchester OL12 6BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cornerstone against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref is 22/01511/TELE.
 - The development proposed is the removal and replacement of the existing 17 metre high column, 6 no. antennas, equipment cabin and electric meter cabinet, with an upgraded 20 metre high column, 12 no. upgraded antennas and 4 no. equipment cabinets, the installation of 4 no. transmission dishes, and ancillary development thereto, including the installation of 2 no. GPS modules and compound fencing.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the removal and replacement of the existing 17 metre high column, 6 no. antennas, equipment cabin and electric meter cabinet, with an upgraded 20 metre high column, 12 no. upgraded antennas and 4 no. equipment cabinets, the installation of 4 no. transmission dishes, and ancillary development thereto, including the installation of 2 no. GPS modules and compound fencing at Telecommunications site, Land of Dell Road, Manchester OL12 6BZ in accordance with the application 22/01511/TELE and the details submitted with it including plan nos 100 Rev A, 201 Rev B and 301 Rev B.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions.
3. The provisions of the GPDO require the local authority to assess proposed development solely based on its siting and appearance, taking account of any representations received. My determination of this appeal has been made on the same basis.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. Therefore, I have had regard to the policies of the Rochdale Core

Strategy (CS) only in so far as they are factors relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

6. The site is in an urban location within Jape Business Park. The Business Park adjoins a residential area comprising buildings that are predominantly two storeys in height, with three storey buildings on Turnpike Close directly adjoining. The wider surrounding area has a mix of uses and large, dense wooded areas which, in part, are within a nature reserve.
7. The existing monopole is sited close to one of the buildings within the Business Park. At 17 metres in height with a large headframe, the existing equipment is highly visible in views from within the Business Park and from nearby residential properties. However, due to the sloping topography, the density of buildings and the trees within the surrounding area, longer range views of the equipment are limited.
8. The equipment cabinets, palisade fence and lower section of the column would, in most views, be seen against the backdrop of the adjoining industrial building. The proposed installation would be of a greater height than the existing and sited in broadly the same position. It would have a larger column width with a more bulky and distinct headframe design. As with the existing installation, most of the column and headframe would protrude above the height of the nearby buildings and would be considerably taller than the surrounding street furniture.
9. The marginally greater height and bulkier headframe of the proposal would increase its prominence and visibility when compared to the existing. Nonetheless, the existence of the telecommunications installation and the length of time the site has been used for such purposes means the effects of the proposal would be less pronounced than if no existing equipment was present. This would ensure that, even with its greater scale, it would not appear as an alien or unexpected feature in the street scene, nor would it increase its prominence to an extent where visual harm would arise.
10. I acknowledge that the proposed equipment would be sited very close to residential properties, but no closer than the existing. Furthermore, given the overall height of the equipment, the bulkier headframe would be above the eyeline of the occupiers of such properties and, therefore, would not be oppressive or intrusive in views. Accordingly, the proposal would not unacceptably harm outlook, and appropriate living conditions of the occupants would be retained.
11. For the above reasons, I conclude that the siting and appearance of the proposal would not harm the character or appearance of the area. Insofar as they are relevant to siting and appearance, the proposal would accord with CS Policies P1, P3, and DM1 which require, amongst other things, that development demonstrates a high-quality design. It also accords with the National Planning Policy Framework, which is supportive of the expansion of

electronic communications networks, including next generation mobile technology (such as 5G) and the use of existing sites.

Other Matters

12. The proposal is not a new mast and base station, but a replacement, and I have found the siting and appearance to be acceptable. As such, it is not necessary for me to consider alternative sites as suggested by the Council and interested parties.
13. Concern has been expressed about the potential effects of the proposed installation on health. The appellant, however, has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. For this reason, the potential effect on health is not a determining issue in this case.

Conditions

14. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
15. The Council have suggested the imposition of a condition that specifies the colour of the monopole. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. In any event, I do not consider such an additional condition to be necessary to make the development acceptable. It is specified in the submitted documentation that the proposed equipment would be grey which I find to be acceptable. Furthermore, the Council have not raised an objection to such a colour.

Conclusion

16. For the reasons given above, the appeal should be allowed, and prior approval should be granted.

Elaine Moulton

INSPECTOR