

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00775/TELE	Aimee Bovaird	5 September 2023

Address: Windermere Road, Top Of Hebers, Middleton M24 5WD

Proposal: Prior notification of proposed telecommunications installation: 15.0m Phase 9 slimline Monopole and associated ancillary works

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	Prior approval REQUIRED and REFUSED
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CHECKED AND SIGNED OFF BY:Mandy Lewis

DATE:08/09/2023

SITE

The application relates to an area of land at the junction of Windermere Road and Burnside Crescent. Directly to the north of the site is an area of grassland and surrounding the site is residential properties. The site will have visibility from all directions.

This site is within the Defined Urban Area.

PROPOSAL

Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows 'Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of-

- a. *the installation, alteration or replacement of any electronic communications apparatus;*
- b. *the use of land in an emergency for a period not exceeding 6 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or*
- c. *development ancillary to radio equipment housing.*

Before beginning the development described in paragraph A.2(3) of the above Order, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

Paragraph 8 of A.3 (Prior Approval) states that the development must not begin before the occurrence of one of the following –

- a) *the receipt by the applicant from the local planning authority of a written notice of their determination that prior approval is not required;*
- b) *where the local planning authority gives the applicant written notice that prior approval is required -*
 - i. *the giving of that approval to the applicant, in writing, within a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5);*
 - ii. *the expiry of a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5) without the local planning authority notifying the applicant, in writing, that such approval is given or refused; or*
 - iii. *the expiry of a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5) without the local planning authority notifying the applicant, in writing, of their determination as to whether such prior approval is required.'*

The applications seeks prior approval for the installation of a 15.0m phase 9 slimline monopole and associated ancillary works.

The applicant's supporting statement states that the location has been identified as being necessary for effective service coverage, meeting specific technical and operational requirements.

RELEVANT PLANNING POLICY

National Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

National Planning Policy Framework (NPPF) – July 2021

Adopted Rochdale Core Strategy (CS):

SO3	Improving design, image and quality of place
P1	Improving Image
P3	Improving design of new development
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

RELEVANT SITE HISTORY

None.

CONSULTATION RESPONSES

Env Health - Noise/Odours

No comments received to date.

Highways And Engineering

The following comments were received:

'The proposed telecoms equipment would be situated in the adopted verge between the footway and carriageway of Windermere Road, therefore would not obstruct pedestrian movements.

Although the equipment is directly on the junction of Windermere Road and Burnside Crescent the traffic levels are relatively low therefore an objection on this basis may not be sustainable.

As the traffic levels are low we would not expect that the future servicing of the site would be an issue especially as there is existing telecoms equipment at this location.

Highways raise no objection to this application but would remind the applicant that any future works within the adopted highway will need the permission of the Council as Highway Authority.'

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a notice was posted in the vicinity of the site. One objection has been received and it raises a couple of matters set out below.

- The objection questions if the mast being installed is for the new houses in the area. Supporting information provided states the development is to improve coverage and capacity in relation to 5G services.

- The objection does not want any trees to be taken down as they provide privacy for residents. No trees are proposed to be removed.
- The objection raises questions if residential properties will go down in value and will residents be compensated. The value of a property is a matter of private interest which can only attract the most minor of weight in the overall planning balance.

The objection asked what the noise level of the telecommunication development will be. There is no evidence that the mast and associated equipment would generate any level of noise which would have an adverse effect on residential living conditions.

ANALYSIS

Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if –

- (a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;
- (b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;
- (c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—
 - (i) 30 metres above ground level on unprotected land; or
 - (ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or
- (d) in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of—
 - (i) 30 metres above ground level on unprotected land; or
 - (ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or
- (e) in the case of the alteration or replacement of a mast—
 - (i) the mast is on any land which is, or is within, a site of special scientific interest; and
 - (ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third.

The erection of a 15m high telecommunications street pole together with associated equipment cabinets would be development permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 16, Class A.

The application is therefore for a determination whether the prior approval of the Council will be required as to the siting and appearance of the installation, as required under paragraph A.3 of the Order.

RECOMMENDATION

Siting and appearance

Paragraph 115 of the NPPF requires installations to be kept to a minimum and encourages the reuse of existing electronic communications infrastructure such as existing masts, buildings and other structures. Where new sites are required such as for new 5G networks, equipment should be sympathetically designed and camouflaged where appropriate.

The adopted Rochdale Core Strategy does not contain any policies specific to telecommunications application given that the NPPF contains a clear expression of Government policy that advanced, high quality communications infrastructure is essential for sustainable economic growth and in this respect there is encouragement to local planning authorities to support the expansion of electronic communication networks, including telecommunications. However Policy DM1 states that proposals should be compatible with surrounding land uses and not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

In addition, Policy P1 of the adopted Core Strategy will require high quality design in all new developments and Policy P3 requires all new developments, regardless of location in the borough, to adhere to high standards of design, and enhance the boroughs identity and sense of place by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general. The contents of these policies aligns with the contents of Paragraph 130 of the NPPF which states that planning decision should ensure that new development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping and is sympathetic to local character and history, including the surrounding built environment and landscape setting.

When considering the visual impact, the site is located at the junction of Windermere Road and Burnside Crescent, within approximately 20m of dwellings on Windermere Road. The residential properties are 8 m in height and the proposed development will be 15m in height and would, due to the significantly higher nature of the proposed equipment it would fail to integrate into its surroundings.

It is also considered that the siting or colour treatment of the pole would not adequately disguise the height or mass of the installation of equipment at the site, which is exacerbated due to the uncovered headframe promoting a degree of visual intrigue, appearing as an alien feature within context. The visual harm of the development would be compounded through the proliferation of cabinets at street level in an unshielded location.

Regarding highway safety the Council Highways Service raises no issues.

Ultimately, the proposal would present as an incongruous feature set prominently above the surrounding landscape. The irregularity of the form in the context of this residential area would be unduly harmful to the character and appearance of the immediate area, contrary to the requirements of Policies P1 and P3 of the adopted Core Strategy and the National Planning Policy Framework. The Council notes that the application has been submitted under Paragraph A.3 – Prior Approval, and as such the LPA is limited to considering whether prior approval is required for matters only in relation to the siting or appearance of the development. However, for the reasons listed above, the proposed siting and appearance of the development is not accepted and it is considered that the proposal would result in undue harm.

Site selection

The application sets out the need for an expansion of infrastructure as necessary for business development and meeting specific technical and operational requirements.

The application includes a Site Specific Supplementary Information, which details the site selection process providing details of alternative sites considered for development. No details have been provided in respect of the cell search area, or of the cell centre and other existing sites in the surrounding area, which would be useful in demonstrating the suitability of the site.

Eight alternative sites have been put forward which typically relate to sites within 500m of the application site. Each site has been discounted due to various reasons relating to planning or physical constraints.

No further information has been provided to conclude that the eight sites in this assessment, plus the application site, are the only viable sites to fulfil the needs of the operator within this undefined area.

Under Appeal ref. APP/P4225/W/20/3259908, the Inspector stated that the evidence provided in a directly comparable assessment was “*less than compelling*,” and that the applicant had failed to “*robustly demonstrate that a satisfactory level of coverage could not be achieved in another location where a 20m mast would not have such an adverse visual impact*.” As this application demonstrates similar shortcomings in its assessment of alternative sites, it would not possible to definitively conclude that there are no more suitable sites reasonably available that would result in a lesser degree of visual harm.

Conclusion

The proposed 15m monopole and associated ancillary works would result in social and economic benefits through the improvements to local communications networks. Despite this, the proposal would result in significant material harm to the character and appearance of the surrounding area and taken as a whole, would fail to comply with the requirements of paragraphs 115 to 117 of the NPPF and this harm would outweigh any benefit which would be secure to the local communications network. As such Prior approval for the siting and appearance is therefore required and the application is refused.

RECOMMENDATION

Prior approval **required** and **refused** for the following reason:

1. By virtue of its height, siting and appearance, the proposed development would constitute a significantly incongruous and dominant feature within the street scene, amplified by the siting of additional unsightly equipment cabins in a prominent, unshielded location. The proposal would result in unacceptable harm to the street scene and visual amenity generally. On this basis the application is contrary to Policies P1, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Notes for Applicant:

For the avoidance of doubt, this decision relates to the following list of plans:

Site Location Plan ROD23708_M001
Existing Site Plan ROD23708_M001
Existing Elevation A ROD23708_M001
Proposed Site Plan ROD23708_M001
Proposed Elevation ROD23708_M001

Report Author Aimee Bovaird