

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00422/FUL

CASE OFFICER

Michael Atkinson-Smith

DETERMINATION DATE 18.07.2024 **EXT OF TIME**

Address: Pavement O/S, 24 Middleton Gardens, Middleton M24 4DF

Proposal: Installation of a multifunctional communication Hub including defibrillator and advertisement display

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

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?	N

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

RECOMMENDATION	GRANT STC
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CHECKED AND SIGNED OFF BY: RG

DATE: 18 July 2024

SITE

The application lies on the north side of Middleton gardens within the public realm immediately to the front of Nos. 24 - 26 Middleton Gardens, which are currently occupied by Betfred and Halifax Bank respectively. The immediate setting is characterised by contemporary commercial buildings. Middleton Gardens were redesigned in the 2010s with new paving laid and public art installations laid out in the wider area as part of these works.

PROPOSAL

Planning permission is sought for the installation of a 'communication hub' branded as the 'Digital 86" Smart City Unit'. The proposed unit would stand at 2.6m in height and 1.3m wide, occupying a site area of approximately 0.5m² and would include 13.5mm thick anti-vandal toughened safety laminated glass on all glazed surfaces.

The supporting information states that one side of the unit would include a 32" touch screen, hands free phone functionality alongside a traditional telephone handset, induction and USB charger and defibrillator. The opposite side of the unit would include an 86" LCD screen, commonly referred to as a 6 sheet display, designed to show commercial and community information in a series of static images.

The hub unit would be installed so that the advertising screen faces east, with the communications equipment and defibrillator facing west.

This application sits along an associated application for Advertisement Consent ref. 24/00423/ADV which is to be determined concurrently with this application.

RELEVANT PLANNING POLICY & LEGISLATION

Legislation

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

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Sub-Regional Policy

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant to the determination of this application:

Places for People

JP-P1: Sustainable Places

Connected Places

JP-C1: An Integrated Network

JP-C2: Digital Connectivity

Greener Places

JP-G8: A Net Enhancement of Biodiversity and Geodiversity

Adopted Rochdale Core Strategy (CS):

SO1 E1	To delivery a more prosperous economy Establishing thriving town, district and local centres
SO3 P1 P2 P3	To improve design, image and quality of place Improving Image Protecting and enhancing character, landscape and heritage Improving design of new development
SO4 G7	Promoting a green environment Increasing the value of biodiversity and geodiversity
SO5 T2	Improving accessibility and delivering sustainable transport Improving accessibility
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
G/S/1	Hierarchy and Role of Centres
S/3	Primary Shopping Areas
BE/17	Development affecting conservation areas

RELEVANT SITE HISTORY

N/A

CONSULTATION RESPONSES

Conservation Officer - The application site lies on the northern side of Middleton Gardens, adjacent to a number of modern retail units. It lies within the Middleton Town Centre Conservation Area. Middleton Gardens were redesigned in the 2010s with new paving laid as part of these works. The area is relatively free of street clutter. Given this and the context of modern buildings adjacent to the site, it is considered that the proposal would not result in any material harm to the character and appearance of the Conservation Area.

Greater Manchester Police – Design for Security - No comments received to date

Highways & Engineering – Objection on the basis of the public highway being used for advertisements.

Public Protection (Noise/Odours) - This section has no objections to the proposals

Transport for Greater Manchester –

- It is observed that all locations are within pedestrianised areas of public realm.
- All locations are set back a sufficient distance from the highway.

- The positioning of the apparatus does not impair pedestrian movements or sightline visibility at any of the locations.
- Any works in the adopted footway will need to be carried out in accordance with the Local Authority.
- Service vehicles associated with the installation and maintenance of the apparatus will need to park appropriately and safely.

Urban Design Officer - No standalone comments are required as the Urban Design Officer is acting as Planning Officer in respect of this application.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, a site notice was displayed in the vicinity and a notice was advertised in the local press. No representations have been received.

ANALYSIS

Principle of Development – Digital Connectivity

Adopted Rochdale Core Strategy policy E1 sets out general support for development which will promote the viability and vitality of the borough's town centres.

Paragraph 114 of the NPPF states that *“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social-wellbeing. Planning policies and decisions should support the expansion of electronic communication networks, including next generation mobile technology and full fibre broadband connections.”*

Policy JP-C2 of the adopted Places for Everyone joint development plan seeks to facilitate the provision of free, secure, high speed public Wi-Fi connections, particularly in the most frequented areas to ensure that everyone in the city region has access to high quality digital infrastructure so they can fully participate in society and the economy.

The proposed communication hub would provide free public internet access and other communication services in a busy central part of Middleton Town Centre. On this basis, the principle of development is considered to be acceptable in accordance with adopted Places for Everyone joint development plan policy JP-C2, policy E1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Heritage and Street Scene Impacts

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that in the exercise of planning functions with respect to any land or building within a conservation area, special attention shall be paid to the desirability of enhancing the character and appearance of that area.

The Council's Conservation Officer notes that the application site lies on the northern side of Middleton Gardens, adjacent to a number of modern retail units. Middleton Gardens were redesigned in the 2010s with new paving laid as part of these works and the area is relatively free of street clutter. Given this and the context of modern buildings adjacent to the site, the Conservation Officer notes that the proposal would not result in any material harm to the character and appearance of the Conservation Area.

The lack of street clutter, combined with a relatively typical level of existing shopfront signage and miscellaneous advertisements would allow the proposal to fit within the townscape with limited obtrusion. It is noted that an existing permission (22/00449/FUL) for a BT communications hub lies in relatively close proximity to the site. The proposed development would sit in alignment with the permitted hub, both of which would sit closely with the building line. Any views of these would not be of particular significance and would either result in screening of the other advertisement in longer views, or be seen closely against the contemporary commercial backdrop with reasonable spacing and little other street clutter. As such it is not considered that any undue harm to the street scene of Middleton Gardens would result.

On this basis, the proposed development complies with adopted Places for Everyone joint development plan policies JP-P1 & JP-P2, policies DM1, P2 and P3 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Highways Impacts

Consultation has been undertaken with the Highways Authority in determining the acceptability of the proposal, who have raised a firm objection against the 'communication hubs' on the basis that the primary purpose of them is to provide advertising on the public highway, whereas the primary purpose of the highway is to facilitate the safe and expeditious movement of people. Additional concerns by the Highways Authority in relation to the ease and expense of temporarily or permanently re-located such facilities are also noted.

The National Planning Policy Framework makes clear at paragraph 115 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. No unacceptable impacts on highway safety have been identified. It is noted that the wide pedestrianised pace of Middleton Gardens would retain sufficient space for unobstructed pedestrian mobility and the proposed hub would in line the previously approved BT communications hub previously granted planning permission under reference no. 22/00469/FUL.

In light of the above, it is therefore considered that the highways impacts of the proposal would be acceptable and the application would accord in this regard with adopted Places for Everyone Plan policies JP-P1 & JP-C1, policies DM1 & T2 of the adopted Rochdale Core Strategy and the National Planning Policy framework.

Designing out Crime

Located within a busy town centre location that suffers disproportionately from antisocial behaviour, the proposed hub unit has the potential to become a target for misuse or anti-social activities. However, no comments have been received from Greater Manchester Police and it is noted that this matter has been satisfactorily addressed in the submitted Unit Management Plan. On this basis, it is considered that the potential impacts of crime and anti-social behaviour that may be associated with the unit are not considered to be so severe as to warrant a refusal of planning permission. The proposed development would therefore accord with adopted Places for Everyone joint development plan policy JP-P1, adopted Rochdale Core Strategy policies DM1 & P3 and the National Planning Policy Framework.

Impact on Surrounding Occupiers

No Noise Impact Assessment has been submitted with the application. However it is noted that there are no noise sensitive receptors in the area. The Council's Public Protection Officer has not raised any objection to the proposed development.

On this basis, the application is considered to accord with adopted Places for Everyone joint development plan policy JP-P1, policies DM1 & G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans and supporting documents:-
 - Hub Detail – New Sites
 - Site Plan and Images
 - Power of the Public Screen
 - Hub Unit Appendix D
 - Unit Management Plan
 - Community Channel – Examples of Campaigns
 - NHS England / OHCA Charities Advisory Committee / Letter of Community Heartbeat Trust Charity Letter of Support
 - Defibrillator Product Specification

and the development shall be carried out in accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Places for Everyone joint development plan, the adopted Rochdale Core Strat Core Strategy, the saved Unitary Development Plan and the National Planning Policy Framework.

3. Notwithstanding any details submitted as part of the application, the proposed street hub should not be utilised until the existing street surface is made good, with materials and finish to match the existing surface.

Reason: In the interests of amenity and in compliance with adopted Places for Everyone joint development plan policy JP-C1, policies DM1, P3 & T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. The intensity of the illuminance of the digital sign shall be set to a maximum brightness of 300Cd/m² from dusk until dawn and to a maximum brightness of 2,500Cd/m² at all other times. Furthermore,;
 - Any change in advertisement display shall be instantaneous ;
 - The displays shall not display any moving, or apparently moving, images; and

- The advertisements displayed on each panel shall not change more frequently than once every 10 seconds.

Reason: In the interest of the amenities of the occupiers of nearby premises in accordance with policy JP-P1 of the adopted Places for Everyone joint development plan, policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.