

APPLICATION NUMBER: 23/00159/TELE

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00159/TELE	Aimee Bovaird	15 March 2023

Address: Hamer Lane Street Works Hamer Lane Rochdale OL16 2LU

Proposal: Prior notification for the installation of a 5G, 15m high telecommunications street pole together with associated equipment cabinets.

PUBLICITY	Weekly list expired?	N/A	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/A
	Neighbour comments received?	

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/A

RECOMMENDATION	Prior approval is required and refused
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CHECKED AND SIGNED OFF BY: LA

DATE: 03.04.23

SITE

The application relates to an area of land at the junction of Hammer Land and Halifax Road. To the East of the site is residential properties, south of the site is a petrol station with an associated shop, and west of the site is a mix of commercial and 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 15m high telecommunications street pole together with associated equipment cabinets.

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
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

RELEVANT SITE HISTORY

22/01267/TELE - Prior notification for the installation of a new 18m telecoms street pole and associated ancillary works – Refused.

CONSULTATION RESPONSES

Highways And Engineering

Response as follows:

"There has been a similar application for this site and this application shows the same positioning of the proposed telecoms equipment therefore our comments on the previous application remain unchanged.

The site has some existing telecoms equipment to the rear of the footway so a precedent may already have been set for this location, however we do have some concerns regarding the position of the pole and cabinets which appear to be in a central position within the footway.

The position of the equipment restricts the available space for pedestrians, is close to the carriageway so may attract collisions with large vehicles that over-run the footway and restrict future maintenance responsibilities for the Council as Highway Authority. The position of the equipment would also hinder any future junction improvements the Council may have for this location.

These concerns could be addressed by the re-positioning of the equipment to the rear of the footway. If the application can accommodate this request we would raise no objection to this application."

Env Health - Noise/Odours

No comments received to date

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a notice was posted in the vicinity of the site. No representations have been received.

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.

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.

Considering the visual impact, the site is located at the junction of Hamer Lane and Halifax Road. In the immediate area of the site there are residential properties and street lights both measuring 8m in height. The proposed would be in a prominent location and not be obscured as the pole will be 15m in height and would fail to integrate into its surroundings.

The Spatial Strategy Key Diagram (Figure 6 of the adopted Core Strategy) displays A58 as a Strategic Corridor in the borough, this links directly to Rochdale town centre and will be visually prominent for all passers-by. The proposed development would be visually prominent from the Hamer Lane A58 as it is not shielded in any form.

It is also not considered that the siting or colour treatment of the pole would 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, this is also proposed in the middle of the footpath and this will impact the user experience of the site.

Highways

Paragraph 111 of the NPPF states '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.'

Policy T2 of the Rochdale Core Strategy relates to Improving Accessibility. The wording of which includes *'In all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority'*

The location of the proposed development will restrict access for pedestrians, including wheelchair users and those with pushchairs.

Highways have been consulted and have raised concerns over the location of the pole and cabinets.

As such it is considered that, by reason of its siting, the proposed telecommunications would restrict the free flow of pedestrians on this area of pavement, in conflict with policies T2 and DM1 of the Rochdale Core Strategy as well as the National Planning Policy Framework.

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 and cannot resist the development altogether given the permitted development rights conferred on the code network operators. 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.

Six 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 six 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.

RECOMMENDATION

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

1. By virtue of its height, siting and appearance, the proposed 16 metre high monopole 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.
2. By reason of its siting, the proposed development would restrict the free flow of pedestrians on the pavement, including wheelchair and pushchair users, in conflict with policies T2 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 related to the following list of plans:

Drawing Register/ Location/ Site and Elevations -
ROD21252_ROD179_88542_OL0419_GA_REV B

Report Author Aimee Bovaird