

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00192/TELE	Claire Ringwood	18 th April 2023

Address: Land Rear Of Crown Gardens Rochdale

Proposal: Prior notification in relation to upgrade works to include the installation of additional antennas, revised headframe arrangements and associated ancillary development

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/A
	Neighbour comments received?	Y

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

RECOMMENDATION	Prior Approval Not Required
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CHECKED AND SIGNED OFF BY: RG

DATE: 19 April 2023

SITE

The application relates to the site of an existing telecommunications mast to the rear of Crown Gardens, Percy Street and Newton Street. The site currently contains a 15m mast and associated antennas (with an overall height of 17.5m) and associated equipment and it is enclosed by metal fencing. There are a number of semi-mature trees adjacent to the site as well as domestic shrubs/hedges. The predominant character of the surrounding area is residential.

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 18 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.'

The submitted application seeks the upgrade of the existing base station by installing additional antennas and relocating or removing other existing dishes and antennas along with revising the existing headframe arrangements. The overall height of the tower will increase from approximately 17.5m to 20m and works include the internal upgrade of the existing equipment cabinet. The submitted Supporting Statement notes the requirement is primarily driven by the need to deploy updated coverage and capacity principally across 3G and 4G services.

RELEVANT PLANNING POLICY

Legislation

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

National Guidance

National Planning Policy Framework (NPPF)

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
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RELEVANT SITE HISTORY

01/D39060 – Determination of Prior Approval for proposal to upgrade existing telecommunications cabin – Granted.

19/00309/TELE – Prior notification for the installation of a 25m CMF1 tower on a new bespoke base to replace existing tower with associated works – Prior Approval not required 09/05/2019.

20/00589/TELE - Prior notification for the installation of a 20m CMF1 tower on new bespoke concrete base to replace existing tower with associated works. Prior Approval not required 22/07/2020.

CONSULTATION RESPONSES

Highways And Engineering

Telecoms use has been long established on this site which is not within the adopted highway network, therefore we do not expect any detrimental highways impact if the development were to be approved.

Access to the site is along a narrow access and the site is close to residential properties therefore the erection of the equipment may be difficult, therefore the submission of a Construction Method Statement for approval may be beneficial.

Highways raise no objection to this application.

Environmental Health - Noise/Odours

No comments received to date.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a site notice was posted. Two letters of representation have been received with regards to:

1. The mast is a large structure situated close to family homes;
2. Last year works were undertaken on the existing mast with its size and amount of antenna increased with a negative impact on the area; *[Officer Note: see relevant planning history above for other works that did not require prior approval.]*
3. Is there any point in opposing the application or are Orange such a big company that Rochdale Council won't dare to reject their proposed application; *[Officer Note: Prior Approval applications need to be determined as per national legislation and Local Planning Authorities are restricted in what they can assess when determining these types of applications, in regards to a telecommunications application, Local Planning Authorities can only assess the siting and appearance of the telecommunication installation.]*
4. Local people have not been consulted; *[Officer Note: Adjoining properties were notified and site notices displayed in nearby streets.]*
5. There are already many redundant wooden masts and wires from 50 years ago, no-one is owning up to them and present danger to local people. *[Officer Note: it is not clear what danger is being referred to however, officers can only assess the proposal submitted with the application.]*

An objection has also been received from Cllr Daalat Ali on behalf of local residents.

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;

(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 alteration or replacement of electronic equipment on an existing tower would be development permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 16, Class A. However, under paragraph A.3 of Part 16, the applicant is required to apply to the Local Planning Authority for a determination as to whether the prior approval of the Council will be required as to the siting and appearance of the development.

The applicant has provided a certificate which confirms that the proposed installation would be in full compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidance.

Paragraph 115 of the NPPF requires installations to be kept to a minimum and the use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged.

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 P3 requires all new developments, including associated landscaping, regardless of location in the borough, to adhere to high standards of design.

In terms of visual amenity it is noted that the site already contains a 17.5m mast and associated equipment and as such it is accepted that this now comprises part of the character and visual amenity of the area. In 2019 it was determined that prior

approval was not required for the installation of a 25m high mast, where it was considered, on balance, that the proposed siting and appearance was acceptable. In 2020 it was also determined that prior approval was not required for the installation of a 20m high mast.

In consideration of the current application the total height of the proposed mast is 20m, which is 5m less than the 2019 proposal and the same height as the 2020 proposal. The existing lattice style tower will remain although the bulk of apparatus to the top of the mast is proposed to increase from that which is existing although it is considered less bulky than the proposal in the 2020 application.

In increasing the height of the mast from 17.5m to 20m and increasing the bulk of mast apparatus, the visual prominence of the mast would certainly be increased. Nonetheless, given that the height of the mast would be less than that proposed in 2019 (by 5m) and the mast/tower construction would also retain the current lattice style, it is considered that from distance, the views of the mast would not be materially more harmful than that which has already been accepted. For the adjacent properties it is recognised that the increased mass of apparatus would be more prominent but balancing this alongside the reduced height from the 2019 application, the transparent mast construction, on balance, this impact is considered acceptable.

Further to the above it is considered that whilst the proposed 20m mast will appear as a more prominent feature than the existing mast. Given the presence of this existing mast and the 2019 and 2020 proposals (which allowed for a 25m high mast and a 20m mast respectively), as well as the benefits of re-using an existing site, the proposed siting and appearance of the development is, on balance, considered to be acceptable and in this regard the application accords with policies P1, P3 and DM1 of the adopted Core Strategy and policy in the NPPF.

In other matters it is noted that it is appropriate to assess the proposed siting in respect of highway safety. Given the location, it is considered that the development would not cause undue harm to highway safety. Highways have recommended a Construction Method Statement be submitted as the site is along a narrow access and close to residential properties however, this was not required for the previous two applications and the site is enclosed by fencing and construction would be within the site itself and there is parking available close by. In this instance a Construction Method Statement is not considered necessary as it would not satisfy the 6 tests set out in the NPPF for the inclusion of such a condition.

RECOMMENDATION

PRIOR APPROVAL NOT REQUIRED

Notes for Applicant:

INFORMATIVE:

For the avoidance of doubt, this Decision Notice relates to the following drawings:

Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 002 Site Location Plan

Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 100 Existing Site Plan

Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 150 Proposed Site Plan

Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 200 Existing Site Elevation A

Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 250 Proposed Site Elevation A

Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 300 Cabin/Internal Room Layout
Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 310 Antenna Headframe & Supporting Structure Plan
Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 320 Existing Antenna Schedule
Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 325 Existing Antenna Line Configuration
Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 330 Proposed H3G Antenna Schedule 1 of 2
Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 331 Proposed EE Antenna Schedule 2 of 2
Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 335 Proposed Antenna Line Configuration
Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 400 Equipment Schedule & Support Structure Details
Drawing No: 1214275 _ROD083_15356_OL0289_M003 Issue C – 401 Power & Transmission Schedule