

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01485/TELE	Rosalind Gralton	4 January 2023

Address: Heights Lane S.W. Rochdale OL12 0AQ

Proposal: Prior notification for the installation of a new 20m monopole tower to support 6 antennas, associated radio-equipment housing and ancillary development thereto

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?	N

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 REFUSED
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CHECKED AND SIGNED OFF BY: L.Ashworth

DATE: 12/01/23

SITE

The application relates to the footway on the south eastern side of Heights Lane, located adjacent to Cronkeyshaw Common, north of Brownhill View and south of Casson Gate.

The area to the north of the site is characterised by residential development, to the east and west by the Greenspace Corridor and Grade II Listed Falinge Park located to the west. The site is located 100m from the Physical Regeneration area outlined for Inner Rochdale.

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.

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 submitted application seeks prior approval for the installation of a new 20m monopole tower to support 6 antennas, associated radio-equipment housing and ancillary development thereto. The new equipment would be sited adjacent to the footway on the grass of Cronkeyshaw Common, with a proposed retaining wall (1m high) to shield the cabinet and equipment.

The applicant's supporting statement states that the location has been identified as necessary for improving network and business development, 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 Guidance

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
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Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
G/3	Protection of existing recreational open space
G/8	Greenspace Corridors

RELEVANT SITE HISTORY

None

CONSULTATION RESPONSES

Highways

The proposed site for the telecoms equipment is within Cronkeyshaw Common which is common land owned and administered by the Council and is not part of the adopted highway and not part of the grass verge as described in the application.

As the equipment is remote from the highway it causes no obstruction to highway users therefore Highways raise no concern on this issue. Heights Lane is not seen as a well trafficked route therefore it would not appear that maintenance of the proposed equipment would be an issue.

Highways raise no objection to this application subject to the Council as landowner consenting to the equipment being erected on common land which is within their ownership.

Conservation

The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require a local planning authority to assess proposals for the installation of telecommunications equipment solely on the basis of their siting and appearance.

The application site lies to the east of Heights Lane on open area of land, known locally as Cronkeyshaw Common. Across the road, is Falinge Park a registered Park Garden (grade II). The Park and Garden contains, the façade of Falinge Hall, and associated ancillary buildings, listed at grade II in 2001.

Falinge Hall was built by James Royd in the late C18. The Hall and grounds, were presented to the Corporation by Alderman Samuel Turner in 1902 to create a public park. By this time, the Hall had already fallen into a dilapidated condition. The Hall was partially demolished in the 1950s, leaving the façade, pavilion wings and some outbuildings. These structures are still present today and are listed at grade II for their special architectural and historic interest.

Falinge Park opened to the public in 1906, and was extended in 1911 to the extent seen today. The boundaries of the park are marked with a low stone wall, with mature landscaping. In many places the original railings have been lost, although some have subsequently been replaced. The closest entrance to the Park in relation to the application site is to the north along Park Lane. This pedestrian access is marked by stone gate piers and a cast iron entrance gate. As with elsewhere along the Heights Lane boundary to the site, mature landscaping marks the entrance to the Park.

The proximity to this registered park and garden and the siting directly opposite, mean that it would be viewed within the setting of this heritage asset. The impact on a designated heritage asset is a material consideration when assessing the siting and appearance of a proposed telecommunications mast.

The supporting information acknowledges the proximity of Falinge Park, but does not include a heritage statement. Nor does it include any assessment of the impact of the proposals on the significance of this designated heritage asset. In the absence of a heritage statement, it does not appear that the applicant has adequately considered the significance of the designated heritage asset or how it would be impacted by the proposal. The requirements of NPPF paragraph 194 have not been met.

At 20m tall, the proposed mast would be markedly taller than any other manmade structures within along this part of Heights Lane. Its vertical projection, combined with the associated equipment and boundary treatments, and its isolated position on an area of open space would make it a prominent and intrusive feature within the wider setting of the Registered Park and Garden. It would detract from the Park's verdant and historic boundary along Heights Lane. As a result, it would be an intrusive and harmful feature, which would cause less than substantial harm to the significance of the designated heritage asset.

NPPF paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. NPPF paragraph 200 states that any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset. This harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use (paragraph 202).

In this case, it is not considered that the identified harm has been clearly or convincingly justified. In accordance with NPPF paragraph 202, this harm needs to be weighed against any identified public benefits.

REPRESENTATIONS

Letters of notification were sent to surrounding properties. No letters 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 20m pole does not exceed the thresholds above, therefore 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 Design

Heritage

Paragraph 195 of the National Planning Policy Framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

Paragraph 197 goes on to state that in determining applications, local planning authorities should take account of (inter alia) the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

Policy P2 of the adopted Core Strategy also seeks to conserve, enhance and promote key heritage assets and utilise heritage assets positively and intelligently to strengthen identity and image, in addition to requiring new development to integrate successfully with the key natural features of the borough.

The site sits in an area of residential and open character, adjacent to Grade II registered Falinge Park, and located centrally within the Greenspace corridor between Cronkeyshaw Common and Falinge Park. The proposed site has minimal street furniture, and while to the west of the site is characterised by verdant trees and the historic boundary wall around Falinge Park, the site is largely devoid of any clutter or furniture within the streetscene. Additionally, as the site is located on a hill, the topography is varied, and when viewed from the south, the proposed mast would appear much larger than 20m.

The entry for Falinge Park states:

'Falinge Park lies in a heavily developed residential area c 1.5km north-west of the centre of Rochdale. The 11ha park is bounded to the west and south by Falinge Road, to the north by the residential properties of Bentmeadows, and to the east by Sheriff Street, with rows of terraced houses and the grounds of Brownhills School. The boundary of the park is marked by a low stone wall. Much of the wall has lost its original railings but these are now being replaced (2000) by decorative railings. The site, which tapers down from its northern boundary, occupies undulating land which falls towards the west and south.'

Specifically, regarding the entrance of the site;

'The main entrance lies to the south of the Hall, at the corner of Falinge Road and Sheriff Street at the southern tip of the site. [...] Three further pedestrian entrances give access to the park: to the north-east of the Hall from Heights Lane; to the east of the Hall from Sheriff Street; and to the north-west of the Hall from Falinge Road. The entrances lead to curving paths between banks and mounds planted with trees or shrubs.'

At 20m tall, the proposed mast would be markedly taller than any other manmade structures within along this part of Heights Lane. Its vertical projection, combined with the associated equipment and boundary treatments, and its isolated position on an area of open space would make it a prominent and intrusive feature within the wider setting of the Registered Park and Garden. It would detract from the Park's verdant and historic boundary along Heights Lane, particularly when viewed from Casson Gate and Cronkeyshaw Common.

As a result, it would be an intrusive and harmful feature, which would cause less than substantial harm to the significance of the designated heritage asset. This harm has not been clearly nor convincingly justified.

Furthermore, this harm would not be outweighed by the benefits of the proposal. In so far as they are relevant, the proposal would be contrary to Policies P1, P2, P3 and DM1 of the RCS. Amongst other things, these policies require a high quality of design in all new developments; seek to protect and enhance the borough's character and heritage;

and seek to improve the design of new development. It would also not comply with the provisions within the Framework which seek to conserve and enhance the historic environment.

Public Benefit

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In assessing this application, whilst the applicant has not provided any specific documentation detailing the potential for harm to the Grade II listed Park, but have provided details of the public benefits which would be derived from the proposed upgrade to the mast in the provision of 5G.

As such, it is not considered the public benefits of the proposed mast would outweigh the less than substantial harm caused to the adjacent Registered Park and Garden. No details have been submitted whereby the harm has been adequately mitigated or justified in this respect. The proposal would therefore fail to comply with the provisions within the Framework which seek to conserve and enhance the desirability of its setting of the Grade II Registered Park and Garden in this instance.

Visual Amenity

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.

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.

In terms of impact on visual amenity and the character and appearance of the area, a mast of 20m in height with an antenna, and associated equipment cabins would undoubtedly be highly prominent and would clearly stand proud of the existing 8m

street lighting columns and adjacent approximate 12m high trees. The mast would tower above the surrounding street furniture and appear distinctly out of scale.

The scale of the immediately adjacent buildings and street furniture would be comparatively short in comparison with the proposed 20m monopole, although it is recognised further south is the existing 18m monopole of which this application seeks to replace (REF: 21/01260/TELE). However, it is considered the existing street furniture and buildings in the area would serve to highlight the disproportionate height and scale of the proposal rather than integrate it into its surroundings and would emphasise the monolithic stature of the proposal would sit conspicuously out of scale in the low level, predominately open, surrounding context.

Appeal references APP/P4225/W/20/3259908 and APP/P4225/W/20/3260406 both included proposals for a 20m monopole in areas displaying similar characteristics; surrounded at the base by low street furniture and on straight roads with extensive views either way. The inspector in both cases considered the difference in scale to result in an unacceptable relationship with the surrounding environment and dismissed each appeal respectively.

It is appreciated that some of the visual harm resulting from the monopole would be mitigated by virtue of the choice to colour the monopole grey, where it is predominantly viewed set against the sky. This however would fail to adequately disguise the height or mass of the installation of equipment at the site, to be mitigated by a 1m high brick wall, currently located against a greenspace corridor and protected open space, which is predominately open within its nature.

In light of the above, the proposed monopole would comprise an incongruous and intrusive addition to Heights Lane, and the proposed retaining wall by reason of scale and design would form an intrusive feature that would appear as a modern intervention within the setting of Falinge Park.

In other matters it is noted that it is appropriate to assess the proposed siting in respect of highway safety. However through consultations with the Council's Highway Service no concerns have been raised in this regard.

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, and would result in less than substantial harm to the setting of the Grade II listed Falinge Park and to the Character of Greenspace Corridor, contrary to the requirements of Policies P1, P2, P3, G5 and G6 of the adopted Core Strategy and the National Planning Policy Framework.

The site specific supporting information sets out the proposed development as necessary for business development and meeting specific technical and operational requirements. Within the site specific supporting information, the site is considered sequentially preferable within the context of paragraph 115 of the NPPF. A full assessment of the site selection process has been carried out towards the end of this report.

Other Matters – 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, with the operator unable to upgrade the existing site on Falinge Road. No information

has been provided on the extent of the coverage of the current network. An understanding of the broader network context is helpful to properly appreciate how a proposed mast fits into the network and to then be able to assess what alternatives have been investigated.

The applicant has stated that there are no other viable options which are extremely limited, and a small number of options have been provided and disregarded. However, no detailed information in relation to any other alternative sites/rooftops have been provided as part of this proposal which is limited, this is required under the NPPF.

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. Nine alternative sites have been submitted as considerations in this assessment, with reasons relating to planning, physical or technical constraints which discount the sites are for development.

No further information has been provided to conclude that the nine 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.

Highways

The proposed mast and equipment is set back from the highway, and does not affect the highway as it causes no obstruction to users, and the Highways Officer raises no concern on this issue. Heights Lane is not a well trafficked route, and therefore it is not considered maintenance of the proposed equipment would be an issue.

Highways raise no objection to this application subject to the Council as landowner consenting to the equipment being erected on common land which is within their ownership. As such, it is considered the proposal would comply with Policies T2 and DM1 of the Core Strategy and the National Planning Policy Framework.

Conclusion

The proposed 20m monopole and ancillary cabinets would result in social and economic benefits through the improvements to local communications networks, however it is not considered that the application suitably demonstrates that it would not be possible to locate the proposed development at a site which would be less harmful to the significance and setting of the Grade II Listed Falinge Park, and to the character and appearance of the area generally, and taken as a whole, would fail to comply with the requirements of paragraphs 115 to 117 of the NPPF. Prior approval for the siting and appearance is therefore required and the application is refused.

RECOMMENDATION

REFUSE for the following reasons:

- 1) The proposed installation, by virtue of its height, siting and appearance, would represent an incongruous and intrusive feature of the street scene in a greenspace corridor. Furthermore, no thorough justified information in relation to alternative ground or rooftop based sites has been provided as part of this proposal, required under paragraph 117 of the National Planning Policy Framework. The development would therefore result in unacceptable harm to character of the site and be contrary to policies P1, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
- 2) The height of the mast, combined with its position would result in a incongruous and intrusive feature, which would detract from views of Falinge Park from the east. As such, this would result in less than substantial harm to the setting of the Grade II Registered Falinge Park, a designated heritage asset. This harm has not been adequately justified or mitigated. No public benefits have been put forwards that would outweigh this harm. The development would therefore be an incongruous and harmful feature which would detract from the setting of the Park, and would conflict with the requirements of Policy P2 and DM1 of the Rochdale Core Strategy and Chapter 16 of the NPPF.

Notes for Applicant:

INFORMATIVE:

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

- Proposed Site Elevation Dwg No 301 Rev C
- Proposed Site Plan Dwg No 201 Rev C
- Site Location Maps Dwg No 100 Rev B
- Cornerstone Industry Site Specific Supplementary Information (England) V.5 – 21.03.2022
- Copy of the Developers Notice and letter served on the owner(s) of the site
- ICNIRP Compliance Certificate.

Article 35 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.