

APPLICATION NUMBER: 24/00229/TELE

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00229/TELE

CASE OFFICER

Aimee Bovaird

DETERMINATION DATE 27.04.2024 EXT OF TIME

Address: Hollin Lane Bus Stop, Hollin Lane, Top Of Hebers Middleton, M24 5LE

Proposal: The installation of 20m high monopole, supporting 6 no. antennas, 3 no. ERS Units and 2 no. Transmission Dishes. Installation of 2 no. Ground based cabinets (Grey) and 2 no. Concrete Bollards and ancillary development required 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/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION

REFUSE

SITE

The site relates to an area of land on Hollin Lane at a bus stop, this is opposite the junction at Langley Lane. The site has high visibility from all directions.

North of the site is residential housing with the closest dwelling approx. 10m from the development, and south of the site is a pub approx. 15 away. This is in a predominately residential area. Directly east of the site is a grassed area and following this are residential houses. Hollin Lane runs adjacent to the site and west of this is a small cluster of shops including a Post Office and sandwich shop.

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 subparagraph (5) without the local planning authority notifying the applicant, in writing, of their determination as to whether such prior approval is required.'*

The application seeks permission for the installation of the installation of 20m high monopole, supporting 6 no. antennas, 3 no. ERS Units and 2 no. Transmission Dishes. Installation of 2 no. Ground based cabinets (Grey) and 2 no. Concrete Bollards and ancillary development required thereto. The proposed development would be sited on the footway.

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 Guidance

National Planning Policy Framework (NPPF)

Places For Everyone

JP-S1 Sustainable Development

JP-D1 Infrastructure Implementation

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
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RELEVANT SITE HISTORY

03/D42418 - Determination Of Prior Approval For The Installation Of A 12.5MT High Telecommunications Monopole With 3 Antenna And Equipment Cabinets – Appeal Allowed

CONSULTATION RESPONSES

Highways And Engineering

No objections

Transport For Greater Manchester

No objections

Env Health - Noise/Odours

No objections

REPRESENTATIONS

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 erection of a pole up to 25m in height on the highway to support electronic communications transmission apparatus with associated street cabinet 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 119 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.

Places For Everyone Policy JP-S1 sets out development should minimise adverse impacts and advantaged in energy will need to be balanced against potential impacts.

When considering visual impact the site is located at the junction of Langley Lane and Hollin Lane, the appearance of a monopole 20m in height and associated equipment cabinets would be highly prominent and stand taller than the exiting street furniture. Due to the height of the proposed development people travelling from Langley Lane to Hollin Lane and people travelling either direction on Hollin Lane will have a clear view of the proposed development. These long range views demonstrate the proposal would fail to integrate into its surroundings. The street furniture consists of street lighting columns at 12m in height and the existing bus stop is 2.5m in height therefore the monopole would appear distinctly out of scale. The visual harm of the development would be compounded through the proliferation of cabinets at street level in an unshielded location.

The area is predominately residential and the closest dwelling is approx. 10m for the proposed monopole and associated cabinets. This dwelling is 7.5m in height and the pub to the south has a chimney 11m in height, therefore the monopole would be significantly taller than all surrounding vertical structures in the street scene.

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.

There are nearby trees however they are set at a short distance behind the proposed development and their location and limited height would be insufficient to screen the

proposed development as it would tower in front of them. This would result in visual harm for the character of the surrounding area.

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, given the highly visible location on a straight cross roads that provides long range views. The proposed concrete bollards would also be visible and not have a positive impact on visual amenity.

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, contrary to the requirements of Policies P1 and P3 of the adopted Core Strategy and the National Planning Policy Framework. This would also be contrary to the relevant policies in Places for Everyone.

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. 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.

Nine alternative sites have been put forward and each site has been discounted due to various reasons. 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. There was no reasoning as to why these sites were the only locations assessed in the cell search area.

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.

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 20m 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 119 to 121 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

Refuse 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. 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.

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 Maps – 100 Rev A
Proposed Site Plan – 201
Proposed Site Elevation 301 Rev A

Report Author Aimee Bovaird