

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01232/TELE	Jake Powell	07/11/2022

Address: Land At The Junction Of Heywood Old Road And Public Right Of Way MidRupp110a, Middleton.

Proposal: Installation of 20m high slim-line monopole, supporting 6 no. antennas, 1 no. wraparound equipment cabinet at the base of the monopole, 2 no. equipment cabinets, 1 no. electric meter cabinets, 1 no. GPS module and ancillary development thereto

PUBLICITY	Weekly list expired?	Y	Site notice expired?	N/A
	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?	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/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: AT

DATE: 09.11.22

SITE

The application site relates to the land on the northern side of Heywood Old Road, on the junction with Bowlee Park, and in close proximity to the private lane which leads to Green Lane End Farm.

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.

The submitted application seeks prior approval for the installation of a 20m high slim-line monopole, supporting 6 no. antennas, in addition to 1 no. wraparound equipment cabinet at the base of the monopole, 2 no. equipment cabinets, 1 no. electric meter cabinets, 1no. GPS module and ancillary development thereto.

The applicant's supporting statement states that the location has been identified as a suitable location to fill the current gap in coverage in this location for the operator. The supporting information goes on to state that the site needs to cover a certain target coverage area as there is currently little to no coverage in the area for this operator and where there is currently coverage, the operator is experiencing capacity issues.

RELEVANT PLANNING POLICY

Legislation

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
P1	Improving image
P3	Improving design of new development

DM1 General development requirements

Unitary Development Plan (UDP):

D/10 Protected Open Land

RELEVANT SITE HISTORY

No relevant planning history.

CONSULTATION RESPONSES

Highways Engineer

No objection, but requests a Construction Method Statement is submitted for approval.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties. No representations were 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) 25 metres above ground level on unprotected land; or (ii) 20 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 mast, excluding any antenna, would when altered or replaced— (i) exceed the greater of the height of the existing mast or a height of— (aa) 25 metres above ground level on unprotected land; or (bb) 20 metres above ground level on article 2(3) land or land which is on a highway; or (ii) together with any antenna support structures on the mast, exceed the width of the existing mast and any antenna support structures on it by more than one third, at any given height.

The erection of a 20m high slim-line monopole on the highway to support electronic communications transmission apparatus with associated cabinet equipment 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

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.

Policy P1 of the Council's adopted Core Strategy seeks to require design which is of a high standard, demonstrating innovation and originality, and maximising the potential for heritage assets to provide a sense of place and image.

Further to this, Policies DM1 and P3 of the Council's adopted Core Strategy require development proposals to adhere to high quality design and enhance the borough's 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. In addition, paragraph 126 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Street furniture within the vicinity of the site comprises street lights with an approximate height of 10 metres, and street trees with a height of approximately 12 metres.

The position of the proposed development would result in it typically being viewed in isolation within an otherwise open space. Due to the disparate scale of the proposed monopole relative to adjacent street furniture and greenery, it is considered that the proposed development would fail to integrate into its surroundings.

Ultimately, the proposal would be an incongruous feature set prominently above the surrounding landscape. Considering the height of the proposed monopole and associated telecommunication devices, it is considered that the proposed development would appear visually dominant within the otherwise low form of the surrounding area, and would be unduly harmful to the character and appearance of the immediate area and the protected open land, contrary to the requirements of Policies P1, P3 and DM1 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.

Residential Amenity

Paragraph 130 of the National Planning Policy Framework advises that planning decisions should always seek to secure a high standard of amenity for existing and future users. Policy DM1 of the adopted Core Strategy requires new development to not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. Further to the above are the considerations of the Councils Supplementary Planning Document (SPD) 'Guidelines and Standards for Residential Development' which states that new developments "should be carefully designed to protect the amenity of the occupants of adjoining properties."

As assessed above, the proposed 20m monopole would form an incongruous and unsightly addition to the street scene as a result of its height, scale and appearance. However, given the distance of the proposed telecommunications away from residential properties, it is considered the proposed development would not have a significantly detrimental impact on the residential amenity of neighbouring properties.

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.

The application includes a Supplementary Information, which details the site selection process providing details of alternative sites considered for development. The assessment sets out various reasons which discount the possibility of siting the telecommunications at each of the alternative sites, with some sites physically constrained i.e. a lack of available space or underground utility infrastructure not being compatible with the proposed installation, with other sites discounted planning reasons such as the highway impact of the installation.

No further information has been provided to conclusively determine that the application site, and the 10 alternative sites are the only viable sites to fulfil the needs of the operator within this undefined search 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 due to its imprecise nature, it would not be possible to definitively conclude that there are no more suitable sites reasonably available that would result in a lesser degree of visual harm.

Highways matters

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 proposed telecoms equipment is on Heywood Old Road within a grass verge on the side of the road with no footway, therefore there should be no interruption to pedestrian movements in that area as a result of the proposed development.

The equipment is set back from the carriageway so it would not interfere with the existing visibility from the access track onto Heywood Old Road.

As the proposed equipment is sited on Heywood Old Road which is a classified road (A6045) and adjacent to existing junctions it is considered appropriate in the event of approval for a Construction Method Statement to be submitted by the applicant and approved by the local planning authority to ensure that the highway network operates safely during the construction period.

With this condition in mind, it is considered that the proposed development would have an acceptable impact on highway safety and congestion and therefore complies with policies T2 and DM1 of the Rochdale Core Strategy as well as the National Planning Policy Framework.

Other Considerations

No concerns are had in respect of the proposed development unduly overshadowing, or being overbearing towards, surrounding occupiers and would not result in a loss of privacy or have any unacceptable noise disturbance impacts. The developer has provided a declaration of compliance with ICNIRP Public Exposure Guidelines, certifying that the development has been designed to accord with the requirements of Radio Frequency public exposure. Whilst not resulting in harm, such considerations are considered to weigh neutrally in the overall balance of the application.

Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community. Paragraph 40 goes on to state Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer.

No formal pre-application advice was sought, although the applicant states that plans were forwarded to the local planning authority for comment prior to submission. The applicant as stated local Councillors for the ward were contacted via email prior to submission of the application.

Recommendation

Prior approval REQUIRED and REFUSED for the following reason(s):

1. By virtue of its height, siting and appearance, the proposed 20 metre high monopole would constitute a significantly incongruous and dominant feature of the street scene, where existing street furniture and tree cover is significantly smaller in scale. Views of the development would be prominent when travelling along Heywood Old Road and from the surrounding area, with the mast and its associated infrastructure significantly compromising the views of the countryside. The development would therefore result in unacceptable harm to the street scene and visual amenity and be contrary to policies P1, P3 and DM1 of the adopted Rochdale Core Strategy, and the National Planning Policy Framework.

INFORMATIVE:

For the avoidance of doubt, this decision relates to the following plans:

ROD24498 Site Location Plan

ROD24498_B35_GA_A Existing site plan

ROD24498_B35_GA_A Existing site elevation

210 PROPOSED H3G SITE PLAN

260 PROPOSED H3G SITE ELEVATION

Report Author Jake Powell