

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00137/TELE	Rosalind Gralton	22 March 2023

Address: Milnrow Road Street Works, Milnrow Road, Rochdale OL16 1SS

Proposal: Prior notification for proposed 20m monopole including associated equipment cabinets

PUB LICIT Y	Weekly list expired?	Y	Site notice expired?	N/A
	Neighbour letters expired?	N	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	REFUSE
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CHECKED AND SIGNED OFF BY: LA

DATE: 27.04.23

SITE

The site relates to a footway located north off Milnrow Road, adjacent to the triangular area of public realm, at the junction between Oldham Road, Milnrow Road and Drake Street. The site is located within Rochdale Town Centre.

The site is located within the Rochdale Town Centre Conservation Area and 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 submitted application seeks prior approval for the installation of a new 20m monopole with additional equipment cabinets. The applicant's supporting statement states that the street pole and cabinets are required as being necessary for effective service coverage, business needs and to provide 5G coverage to the area.

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
P3	Improving design of new development
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
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Emerging Policy

Places for Everyone (Not yet adopted)

JP-P2 Heritage

RELEVANT SITE HISTORY

11/D55016 – Determination of Prior Approval for the replacement and relocation of an existing KX100+ Telephone Kiosk for a K6 Model Telephone Kiosk

CONSULTATION RESPONSES

Conservation Officer

The Council's Conservation Officer was consulted and a summary of their comments is provided below:

'The proposed development is located on the corner of Oldham and Milnrow Roads, on a pedestrian walkway. It is located within a Conservation Area and impacts the setting of the Grade II listed Newbold Buildings and non-designated heritage asset Former Co-op shop 7-11 Oldham Street. I note that this application is not accompanied by a Heritage Statement.'

Impact on Designated Heritage Assets:

Rochdale Town Centre Conservation Area:

The proposal for a 20 metre high 5G telecommunications pole with associated cabinets negatively impacts the character of the conservation area. It detracts from the setting of designated and non-designated heritage assets, the appearance of the general area, and impedes pedestrian access. These impacts should be seen as substantial harm to the designated conservation area under NPPF paragraph 200; neither clear nor convincing justification has been provided..

Newbold Buildings (Grade II):

The proposal for a 20 metre high 5G telecommunications pole and associated cabinets negatively impacts the setting of the listed building by impeding its view from established sightlines at street level. Likewise, the proposed development would result in loss of character of the heritage asset by negatively developing the setting of the listed building. This development is not in keeping with the listed building's present surroundings, nor with the architecture or materials of the building itself. This impact is considered to be substantial harm under NPPF paragraph 200; neither clear nor convincing justification has been provided.

Impact on Non-Designated Heritage Assets:

Former Co-op shop, 7-11 Oldham Street

The proposal for a 20 metre high 5G telecommunications pole and associated cabinets negatively impacts the setting of the non-designated heritage asset. The proposal of the named non-designated heritage asset does not conserve or enhance its setting, and thereby negatively impacts the asset's historical significance. This impact is substantially harmful, as it obscures the view of the above described architectural features from established sightlines at street level. The proposed development does not conserve, enhance, or promote the non-designated asset under Rochdale Core Strategy policy P2 or GMCA's draft Places for Everyone Plan policy JP-P2.

Conclusions:

The proposed development incurs substantial harm to the designated Conservation Area, listed building, and non-designated heritage asset; this harm is neither acknowledged by the applicant, nor is it provided with any justification. This application is recommended for refusal. '

Highways

The Council's Highways Engineer was consulted and comments provided below:

'Highways have some concerns regarding the positioning of the telecoms equipment and its impact on the strategic highway network.

The Milnrow Road -Oldham Road- Drake Street link is part of the inner town centre ring road and has high strategic value in the overall highway network and town centre viability. The construction and future maintenance of the proposed telecoms equipment is bound to have a detrimental impact on the free flow of traffic in this strategic link and therefore we are unlikely to support this application for this reason.'

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 submitted application seeks prior approval for the installation of a new 20m monopole including 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.

Heritage

When making a decision on a planning application for development that affects a listed building or its setting, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The 1990 Act also requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This duty goes beyond just decisions on permissions and applies to the exercise by the local authority in all of its functions under the planning acts.

NPPF paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

NPPF paragraph 201 states '*Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.'*

Rochdale CS policy P2 seeks to protect the Borough's heritage by conserving, enhancing and promoting key heritage assets, which include listed buildings and conservation areas.

The application is located within the Rochdale Town Centre Conservation Area. Additionally, Grade II listed Newbold Buildings are located approximately 70m south east of the site. North of the site are non-designated heritage assets 7-11 Oldham Street. The applicant has not submitted a heritage statement as part of their application.

The case officer concurs with the conclusions the Conservation Officer has come to, that the proposed 20m high 5G telecommunications pole with associated cabinets would fail to preserve or enhance the character of the Rochdale Town Centre Conservation Area, and would detract from the setting of designated and non-designated heritage assets. These impacts are classed as harm under NPPF paragraph 200; clear nor has convincing justification been provided. Additionally, the proposal would result in harm to the setting of the adjacent Listed Buildings, and would be contrary to Paragraphs 200, 201 of the NPPF. No substantial public benefits have been put forward that would outweigh the harm to the identified heritage assets 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.

The proposed mast would introduce a 20m structure on located on the footway of Milnrow Road. The proposal would be highly visible at the prominent junction of Drake Street, Milnrow Road and Oldham Road, with the Metrolink located approximately 30m to the west. In terms of impact on visual amenity and the character and appearance of the area, the proposed mast would tower 10m above the nearest structure, including adjacent lamp posts, and would exceed double the height of the existing two storey terraced properties located on Oldham Road directly north of the site. The proposed mast would therefore appear distinctly out of scale, as demonstrated by '265 Proposed Site Elevation'.

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 surrounding context.

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 Jet Black (RAL Colour 9005), to assimilate with adjacent street poles within the street scene. This however would fail to adequately disguise the height or mass of the installation of equipment at the site, given the highly visible location, the siting at a busy footway adjacent to two storey properties, and direct views of the mast from the prominent location.

In other matters it is noted that it is appropriate to assess the proposed siting in respect of highway safety. The Council's Highways Engineers have raised concerns regarding the positioning of the telecoms equipment and its impact on the strategic highway network stating *'The Milnrow Road -Oldham Road- Drake Street link is part of the inner town centre ring road and has high strategic value in the overall highway network and town centre viability. The construction and future maintenance of the proposed telecoms equipment is bound to have a detrimental impact on the free flow of traffic in this strategic link and therefore we are unlikely to support this application for this reason.'*

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'*.

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.

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

No further information has been provided to conclude that the 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.

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 of designated and non-designated heritage assets, 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 reason:

1. The proposed installation, by virtue of its height, siting and appearance, would represent an incongruous and dominant feature of the street scene in a prominent town centre 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 the street scene and visual amenity generally 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 dominant and intrusive feature, which would draw attention away from Rochdale Town Centre Conservation Area, adjacent Non-Designated Heritage Assets and Newbold Building (Grade II listed). As such, the proposal would result in substantial harm to the identified designated heritage assets. This harm has not been adequately justified or mitigated. No substantial public benefits

have been put forwards to outweigh this harm. The development would therefore be an incongruous and harmful feature which would detract from the setting of the Conservation Area, adjacent heritage Assets and listed building. It would neither preserve the character and appearance of the Conservation Area nor the setting of Newbold Building's and would conflict with the requirements of Policy P2 and DM1 of the Rochdale Core Strategy, the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. The proposed siting and size of the mast with a wraparound cabinet on the footway of Milnrow Road would result in the detrimental impact on the free flow of traffic in this strategic link and therefore does not accord with policies T2 and DM1 of the Core Strategy and the National Planning Policy Framework.

Notes for Applicant:

INFORMATIVE:

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

- 265 PROPOSED SITE ELEVATION - Dwg No
ROD21986_ROD185_89724_OL0439_GA_REV_A
- 215 PROPOSED SITE PLAN - Dwg No
ROD21986_ROD185_89724_OL0439_GA_REV_AA Rev A
- 002 SITE LOCATION PLAN - Dwg No
ROD21986_ROD185_89724_OL0439_GA_REV_A Rev A
- 5G SITE SPECIFIC SUPPLEMENTARY INFORMATION AND PLANNING
JUSTIFICATION STATEMENT PREPARED BY DOT SURVEYING
- Copy of the Developers Notice and letter served on the owner(s) of the site
- ICNIRP Compliance Certificate.

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.