

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01477/TELE	Majid Mir	06/01/2023

Address: Land At Harbour Lane North, Rochdale , OL16 3LQ

Proposal: Prior notification for the installation of a new H3G 20m telecoms street pole with associated equipment cabinets and ancillary works

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: JC DATE: 12/01/2023

SITE

The application relates to the pavement serving Harbour Lane North. The site is located within the mixed employment zone as identified in policy EC/3 of the saved UDP policies. The surrounding area is mixed use, with modest residential dwellings and large modern retail and industrial premises. Adjacent to the site on the south of the applicant site is Holyroyd Machine Tools and Precision Components, a large industrial unit. Along the boundary between Holyroyd is a low level timber fence and combination of trees and foliage. To the west of the applicant site is Harbour Lane North and Elizabeth Way. The roads are separated by a retaining wall. Elizabeth Way is a key route into the centre of Rochdale from the M62 motorway junction off Milnrow/Shaw. To north of the site, on the opposite side of Harbour Lane North is a car park. The car park is set on slightly higher ground. Further north of the car is Bridge Street and predominantly residential properties. To the east is a number of residential and commercial properties.

Approximately 29m west of the applicant site, along the pavement, there was a similar telecommunications application (Appeal Ref: APP/P4225/W/20/3259908 & Application ref no: 20/00389/TELE - Installation of a 20m high slim-line column supporting 6 no. antennas, 2 no transmission dishes, 2 no equipment cabinets and ancillary development thereto including a GPS module and 3 no. Remote Radio Units (RRUs)).

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 prior approval for the installation of a 20m high telecommunications monopole and associated equipment cabinets and ancillary works. This would include a wraparound cabinet at the base of the monopole, 3 ancillary equipment cabinets and a GPS module attached to the top of the monopole. The monopole and the ancillary equipment will be painted in RAL 7035 colour (light grey colour).

The applicant's supporting report notes that the location has been identified as a new mast at this location as existing mast sites are not capable of supporting additional equipment compliment to extend coverage reach across the target area and prospective 'in-fill' mast sites are extremely limited. Furthermore, the proposed

location of a new mast is considered by the applicant to assimilate well into the immediate street scene and not be detrimental.

According to the applicant, the proposed site option is considered the best available compromise between extending 5G service across the target 'coverage hole' with the selected street works pole height and associated antenna and ground-based cabinets restricted to the minimum height which is capable of providing the required essential coverage.

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
G9	Reducing the impact of pollution, contamination and land instability
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
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RELEVANT SITE HISTORY

No relevant planning history.

CONSULTATION RESPONSES

Highways Engineer

The proposed equipment is to be located adjacent to a lightly trafficked road within a footway which has a low number of pedestrians. The equipment is to be site to the rear of the footway so will not obstruct pedestrian movements.

In conclusion we raise no objection to this application and request no specific planning conditions.

Environmental Health – Noise/Odours

No response received.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a site notice was posted. 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) 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 20m high pole mast on the pavement 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 trees with an approximate maximum height of 12 metres. It is noted that there are a number of trees that appear to be substantially shorter. The structures in close vicinity to the applicant site consist of the low level boundary treatment, part single storey part two storey industrial unit of Holyroyd and the two storey residential and commercial properties. Further to this, it is noted that the ground level drops away from Bridge Street, and therefore it is set on lower ground than both Bridge Street and Elizabeth Way. The car park to the north is set on slightly higher ground.

The position of the proposed development would result in it typically being viewed in association with the closest street furniture and structures. The prominent street furniture along this area of Harbour Lane North is the lighting columns. These are uniform in size, height and appearance and they are appropriate in scale to the surrounding built environment. However, in contrast, the monopole would be more than twice the height and considerably bulkier than the lighting columns. Furthermore, the monopole would be at least twice the height of most nearby buildings and trees. Due to this disparate scale of the proposed monopole relative to adjacent street furniture, trees and structures, it is considered that the proposed development would fail to integrate into its surroundings.

The proposed development would be approximately 29m east of a previous application that was refused (Appeal Ref: APP/P4225/W/20/3259908 & Application ref no: 20/00389/TELE). The proposed development would be located further away from Elizabeth Way, but owing to the height it would still be clearly visible from the elevated positions along Elizabeth Way and Bridge Street. As such it would still retain the prominence and would still appear visually obtrusive. The siting of the proposed development when viewing it from Harbour Lane North would not be any less prominent than this previous application.

The colour specified for the proposed monopole is RAL 7035 colour (light grey). Although the colour would be similar to the surrounding lighting columns, this would not disguise the height or massing of the proposal. It is not considered that any other colour would adequately reduce the visual harm.

The visual harm of the proposal would be amplified by the direct sightlines available along parts of Elizabethan Way/Rochdale Road, Harbour Lane North, Bridge Street and Nall Street.

Ultimately, the proposal would be an incongruous feature set prominently above the surrounding street furniture, trees and structures. 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, 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.

Amenity

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 185 of the NPPF also states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

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.' Policy G9 states that we will reduce all forms of pollution, contamination and land instability in the borough, by requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

Given the distance of the proposed development away from residential properties, it is considered the proposed development would not have a significantly detrimental impact on the residential amenity of neighbouring properties. Additionally, it is not considered that the proposal would lead to an unacceptable level of disturbance for occupiers of neighbouring properties.

As such it is considered that the proposal would not unduly impact on the amenity of neighbouring properties and users, and therefore would accord with policies DM1 and G9 of the Core Strategy, the SPD 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, community needs and meeting specific technical and operational requirements.

The application includes a Site Specific Supplementary Information, which includes a target search area and provides details of the site selection process providing details of four 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, such as areas of pavement being too narrow, proximity to residential properties, or visibility splay issues. The discounted sites are all located on the highway. In regards to the target search area a map has been provided a coverage map with a 'nominal point'.

No further information has been provided to conclusively determine that the application site, and the four alternative sites are the only viable sites to fulfil the needs of the operator within this undefined search area. The Inspector for appeal ref. APP/P4225/W/20/3259908, stated that the evidence provided in a directly comparable assessment was 'less 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. The Inspector also added that 'while some footways are too narrow to host the equipment, there is little to explain why other wider verges and footways in less prominent locations in the area are unsuitable. Although a small number of service yards and car parks were discounted, taking into account the mixed uses in the area, it is not clear that there are no other such alternative sites. Even if all such locations were considered and discounted on the grounds of unreasonable constraints on existing businesses, substantive evidence in this regard in the form of correspondence from landowners or operators has not been provided.' 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. Policy T2 states that 'in all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority.'

From the submitted plans it would appear that the equipment will be positioned to the rear of a wide section of footway and therefore should not interfere with pedestrian movements. Additionally, the highways department raised no objections to the proposed development.

As such it is considered that the proposal would have an acceptable impact on highway safety, and would be in compliance with policies T2 and DM1 of the Rochdale Core Strategy as well as the National Planning Policy Framework.

Other Considerations

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 information was sent to the local planning authority for comment prior to submission, however no further details have been given.

Recommendation

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

1. By reason of its height, siting and appearance, the proposed 20 metre high telecommunications pole 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, appearing as an incongruous addition to the streetscene, in conflict with policies P1, P3 and

DM1 of the adopted 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.

This decision relates to the following list of plans:

- 002 Site Location Plan. Drawing no:
ROD24761_ROD182_88777_OL0537_GA_REV_A. Issue: A
- 215 Proposed Site Plan. Drawing no:
ROD24761_ROD182_88777_OL0537_GA_REV_A. Issue: A
- 265 Proposed Site Elevation. Drawing no:
ROD24761_ROD182_88777_OL0537_GA_REV_A. Issue: A

Report Author Majid Mir