

APPLICATION NUMBER: 23/00386/TELE

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00386/TELE	Aimee Bovaird	30 May 2023

Address: Stakehill Industrial Estate Finlan Road Middleton M24 2SJ

Proposal: Prior notification for the installation of a 5G 15m high telecommunications street pole together with associated equipment cabinets

PUBLICITY	Weekly list expired?	n/a	Site notice expired?	n
	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/a

RECOMMENDATION	PRIOR APPROVAL REQUIRED AND GRANTED
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CHECKED AND SIGNED OFF BY: LA

DATE:02.06.23

SITE

The application relates to an area of land on Finlan Road. To the North of the site is a small area of trees and industrial warehouses. Surrounding the rest of the site is also industrial warehouses. It is located beside Stake industrial estate.

The site is in a Primary Employment Zone and 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 applicant seeks prior approval for the installation of a 5G 15m high telecommunications street pole together with associated equipment cabinets.

RELEVANT PLANNING POLICY

National Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

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

RELEVANT SITE HISTORY

CONSULTATION RESPONSES

Env Health - Noise/Odours

No comments received to date

Highways And Engineering

The following comments were received:

'The proposed telecoms site is on a section of Finlan Road which has a low footfall and the proposed equipment will be sited to the rear of the footway, therefore not expect too much interruption with pedestrian movements

There are no waiting restrictions on this section of Finlan Road and the site is not close to any busy road junctions therefore servicing of the equipment should not be an issue.

Highways raise no objection to this application and request no specific planning conditions.'

REPRESENTATIONS

Letters of notification were sent to all surrounding properties. No representations 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 15m high telecommunications street pole together with 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.

Siting and appearance

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.

In addition, 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 site is located on Finlan Road, this provides access to Stakehill Industrial Park. There are no residential properties in the immediate area. There is no public car parks or spaces along this road, only associated parking within the industrial estate.

It is not considered that the siting or colour treatment of the pole would adequately disguise the height or mass of the installation of equipment at the site, which is exacerbated due to the uncovered headframe promoting a degree of visual intrigue, appearing as an alien feature within context. The visual harm of the development would be compounded through the proliferation of cabinets at street level in an unshielded location. It will be located at the rear of the footpath and the Highways Department has said this will not cause too much disruption. On balance as this is located in an Industrial Park it is not considered to have a negative effect on the surrounding character of the area.

The only street furniture in the area is street lights that are 8 m in height and the surrounding trees are 10m in height, the top of the pole will tower above this.

When looking at the proposed development it will be in the context of the industrial park the development will not appear as intrusive due to the surrounding area. Further up Finlan Road there is a couple of adverts which are also considered prominent.

The development would be most prominent walking up Finlan road, it would be viewed with the backdrop of the industrial park associated advertisements and other street furniture. However, this would be limited to those who would either work there or are delivering goods.

Due to the distance, the design and the height of the proposal, the existing neighbouring uses and the existing street furniture, it is considered that the proposal would not be harmful to the character and appearance of the area.

In light of the above, it is considered that the siting and design of the proposals is acceptable and compliant with the requirements of the NPPF.

As the proposal is not in close proximity to any residential properties it is not considered to have a detrimental impact on the residential amenity of neighbouring properties. Due to the proposal being in an industrial area it is considered that the proposal would not 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.

Highways

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 Highways department has been consulted and raised no objections to the proposal.

It is considered, by reason of siting the proposal is compliant with policies T2 and DM1 of the Rochdale Core Strategy as well as the National Planning Policy Framework.

RECOMMENDATION

PRIOR APPROVAL REQUIRED AND GRANTED

1. The development shall be carried out in accordance with the following:

Location Plan - ROD21936_ROD189_30376_M1377_GA_REV_A
Proposed Site Plan – ROD21936_ROD189_30376_M1377_GA_REV_A
Proposed Site Elevation - ROD21936_ROD189_30376_M1377_GA_REV_A

Reason: In the interest of visual amenity and in compliance with Policy P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

2. The monopole and antennae hereby permitted shall be colour treated Light Grey (RAL 7035) and the equipment cabinet colour treated Green (RAL 6005) prior to installation,

Reason: In the interest of visual amenity and in compliance with Policy P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Report Author Aimee Bovaird