

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00809/TELE	Majid Mir	07/09/2023

Address: On Roof Of Moss Mill Industrial Estate, Woodbine Street East, Rochdale

Proposal: Prior notification for the removal of existing 6 no. antennas to be replaced with 12 no. antennas mounted on new Delta headframe on new 7.5m lattice stub tower mounted on steel grillage, installation of 4 no. 300mm dishes, and ancillary development thereto, including 36 no. Ericsson Radio Systems (ERSs), 2 no. GPS.

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/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	PRIOR APPROVAL REQUIRED AND REFUSED
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CHECKED AND SIGNED OFF BY: RG

DATE: 14 September 2023

SITE

The application relates to a mill building, located off Woodbine Street East in Rochdale. The units within this building are typically utilised for general industrial and storage and distribution uses. The site benefits from shared car parking areas.

The mill is bound to the sides by other industrial uses, and the Rochdale Canal to the rear. The nearest residential dwelling to the building is situated approximately 40m to the south.

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 notification for the removal of existing 6 no. antennas to be replaced with 12 no. antennas mounted on new Delta headframe on new 7.5m lattice stub tower mounted on steel grillage, installation of 4 no. 300mm dishes, and ancillary development thereto, including 36 no. Ericsson Radio Systems (ERSs), 2 no. GPS.

The applicant's supporting statement states that 'as this is an existing rooftop installation and the amendments are relatively minor in nature, this is sequentially the most preferable site for the operators to upgrade their existing service provision to this cell area. As such, no other options have been considered.'

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
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
SO4	Promoting a greener environment
G9	Reducing the impact of pollution, contamination and land instability
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

RELEVANT SITE HISTORY

01/D38399	Installation Of 7 Microwave Dishes, 18 Radio Port Units, 12 Base Station Radios With Ancillary Equipment To Roof Top Of Mill. Decision: Grant Permission subject to condition.
0063/PDN	Notification under the Electronic Communications Code Regulations of the intention to install Electronic Communications Apparatus.
0197/PDN	Installation of telecommunications mast and cabinet.
0224/PDN	Replacement of 5no. existing antennas with 6no. antenna apertures and ancillary development.
0226/PDN	Installation of telecommunication apparatus.
0255/PDN	Removal of 6 No. Antennas and replacement of existing telecommunications apparatus.
22/01210/TELE	Prior notification for the removal of existing steelwork and 6no. Antennas, installation of proposed 3.5m high swan lattice stub tower mounted on steel grillage, installation of 12no Antennas, 36no ERS Units and 4no Dishes onto new delta headframe. Installation of 2no. GPS modules mounted on Antenna support poles and ancillary development thereto. Decision: Prior Approval Not Required.

CONSULTATION RESPONSES

Conservation

Summary

As a result of the increased height and bulk of the new structure, there would be some harm to the significance of the mill as a non-designated heritage asset.

Significance Assessment

The application site is a 19th century mill located along the Rochdale Canal. Moss Mill dates from the late 19th to early 20th century and was depicted as a cotton mill. The main mill building remains along with the six storey tower and early 20th century office buildings. The mill now forms part of the Moss Mill industrial estate.

The mill lies to the south of Rochdale Canal. In its heyday, cotton and woollen mills lined both sides of the canal. Both the surviving mills and the Canal provide important evidence of the borough's industrial heritage. The Canal and mill have been identified as non-designated heritage assets due to their architectural and historic interest. They are also key heritage assets for the purposes of Rochdale CS policy P2.

The proposal is for the replacement of existing telecoms equipment on the top of the six storey tower. The works would comprise the removal of the six existing antennas and the installation of a new 7.5m high tower with 12 antennas.

The existing antennas are prominent features within the local area, given their positioning on the top of the six storey tower. Additionally their positioning and height means that they are relatively intrusive features on the mill building, which detract from its visual appearance.

The proposed replacements would be taller and more numerous than the existing. The increased height and bulk of the structures would increase their prominence both in relation to the host building and the wider streetscene. As a result, they would appear more visually intrusive than the existing structures, resulting in some harm to the significance of the mill as a non-designated heritage asset.

GMEU

Thank you for consultation on the above prior notification application at Moss Mill Industrial Estate.

The building where the existing antenna are located lies within close proximity to the Rochdale Canal Special Area of Conservation (SAC). The application will therefore require a Habitats Regulation Assessment and Natural England should be consulted. The current information does not include sufficient detail to undertake such an assessment, particularly as no mention of the SAC is made in any of the documentation.

We would therefore advise that the prior approval for the application should not be granted at this time

Highways

The site is already an established telecoms site which is remote from the highway network therefore Highways raise no objection to this application and we request no specific planning conditions.

Natural England

Designated Sites

The development site is located close to the European designated site, Rochdale Canal Special Area of Conservation (SAC) which contains Floating water-plantain (*Luronium natans*) as its designated feature. Rochdale Canal also holds a national designation of a Site of Special Scientific Interest (SSSI).

Consultation in relation to a request for prior approval under Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Where Prior Approval is required for proposals falling under Schedule 2, Part 16 of The General Permitted Development Order 2015, development cannot commence until written notice of the approval of the local planning authority has been received. For more information about the prior approval process, see The Planning Portal. Based on the plans submitted, Natural England considers that the siting of the proposed development will not damage or destroy the interest features for which the above designated sites have been notified for.

Regulation 77 Prior Approval

Where a proposal would have a likely significant effect on a European site ("habitats site"), Regulations 75 to 78 of the Habitats Regulations apply, and development must not begin or continue until the developer has received written notice of the approval of the local planning authority in consultation with Natural England.

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Rochdale Canal SAC and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- No direct habitat loss
- No indirect habitat loss or degradation due to:
 - o Minimal and temporary construction footprint
 - o Limited potential for construction related dust
 - o The siting of the proposed development will not damage or destroy the interest features for which the above SSSI has been notified
 - o No related water discharges

We have no comment to make on other prior approval matters included in the consultation.

We recommend that should your authority give its prior approval to the proposed permitted development, the following paragraphs are included on the decision notice as advisory notes to the applicant;

Site of Special Scientific Interest

Should prior approval be given, and before a landowner/code operator commences a permitted development within a Site of Special Scientific Interest (SSSI), they must give written notice to Natural England and await its consent¹. See here for further details.

Should prior approval be given, and before a public body, statutory undertaker or other body commences a permitted development within or might affect a Site of Special Scientific Interest (SSSI), it must give written notice to Natural England and await its assent or, in some cases, its advice. See here for further details.

Protected Species

In addition to the advice in this letter, there may be impacts on protected species and a mitigation licence may be required from Natural England. Further information can be found here <https://www.gov.uk/guidance/wildlife-licences>

If you have any queries relating to the advice in this letter or if you wish to discuss the impacts on designated sites and scope for mitigation with Natural England, we can provide advice through our Discretionary Advice Service.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and site notices were placed in the vicinity of the site. 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 small antenna and small cell systems) on a building is not permitted by Class A(a) if—

- (a) the height of the electronic communications apparatus (taken by itself) would exceed—
 - (i) 15 metres, where it is installed on a building which is 30 metres or more in height; or
 - (ii) 10 metres in any other case;

Complies: The apparatus would measure approximately 7.5 metres in height.

- (b) the highest part of the electronic communications apparatus when installed, altered or replaced would exceed the height of the highest part of the building by more than—
 - (i) 10 metres, in the case of a building which is 30 metres or more in height;
 - (ii) 8 metres, in the case of a building which is more than 15 metres but less than 30 metres in height; or
 - (iii) 6 metres in any other case;

Complies: The height of the building is approximately 21.5 metres and the height of the apparatus when installed would exceed the height of the highest part of the building by 7.5 metres.

- (c) in the case of the installation, alteration or replacement of a mast on a building which is—
 - (i) on article 2(3) land or land which is, or is within, a site of special scientific interest; and
 - (ii) less than 15 metres in height,

the mast would be within 20 metres of the highway (unless the siting remains the same and the dimensions of the altered or replaced mast are no greater);

Complies: The building is not on article 2(3) land or is within a site of specific scientific interest.

- (d) in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is less than 15 metres in height; on a mast located on such a building; or, where the antenna is to be located below a height of 15 metres above ground level, on a building (other than a mast) which is 15 metres or more in height—
 - (i) the antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located;

- ii) in the case of dish antennas, the size of any dish would exceed 0.9 metres or the aggregate size of all the dishes on the building would exceed 4.5 metres, when measured in any dimension;
- (iii) in the case of antennas other than dish antennas, the development would result in the presence on the building of—
 - (aa) more than 3 antenna systems; or
 - (bb) any antenna system operated by more than 3 electronic communications code operators; or
- (iv) the building is a listed building or a scheduled monument;

Complies: The proposed telecommunications would not be sited on a building which is less than 15 metres in height.

(e) in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is 15 metres or more in height, or on a mast located on such a building, where the antenna is located at a height of 15 metres or above, measured from ground level—

- (i) in the case of dish antennas, the size of any dish would exceed 1.3 metres or the aggregate size of all the dishes on the building would exceed 10 metres, when measured in any dimension;
- (ii) in the case of antennas other than dish antennas, the development would be on a building which is less than 30 metres in height and would result in the presence on the building of—
 - (aa) more than 5 antenna systems; or
 - (bb) any antenna system operated by more than 3 electronic communications code operators; or
- (iii) the building is a listed building or a scheduled monument; or

Complies: The proposed telecommunications would not include any dish antennas, and the development would not result in more than 5 antenna systems or any antenna system operated by more than 3 electronic communication code operators. Furthermore, the building is not a listed building or scheduled monument.

(f) in the case of the installation of an antenna on electronic communications apparatus on a building on article 2(3) land—

- (i) the size of any dish antenna to be installed would exceed 0.6 metres or the number of dish antenna which have been installed on the building since 21st August 2013 would exceed 3; or
- (ii) the height of any antenna other than dish antenna to be installed would exceed 3 metres, or the number of such antennas which have been installed on the building since 21st August 2013 would exceed 3.

Complies: The building is not on article 2(3) land.

The installation of the proposed telecommunications 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. 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.

Further to the above, Moss Mill and Rochdale Canal are identified as non-designated heritage asset due to their architectural and historic interest. Policy P2 of the adopted Core Strategy states that the Council will protect the Borough's heritage by conserving, enhancing and promoting key heritage assets, both statutory and non-statutory, including consideration of their wider settings. Paragraph 203 of the NPPF states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

It is noted that the proposed telecommunication devices would be situated well within the application site and 21 metres above ground level on the tower block of Moss Hill Mill. The existing antennas are prominent features within the local area, given their positioning on the top of the six storey tower. Additionally their positioning and height means that they are relatively intrusive features on the mill building, which detract from its visual appearance.

It is noted that application 22/01210/TELE was recently determined as Prior Approval not being required. It is noted this application is similar to the previous application. However, the key difference between the two applications is the height of the tower frame. In the previous application, it was proposed a 3.5m high swan lattice stub

tower would be installed, whereas in this application it is proposed a 7.5m lattice stub tower will be installed. The supporting report states that 'the 12no. antennas will be located on a new 7.5m stub tower which is essential to ensure these antennas as well as other equipment can be safely supported.

The bulk of the headframe at the top of the lattice tower consisting of various telecommunication devices including the antennas and dishes would have width of approximately 4.5m whereas the tower has a width of approximately 7.7m. The proposed headframe would be over half the width of the tower (58% of the width of tower). This would represent a notable bulk but would be the same as the previous application.

The increased height of the proposed lattice tower would represent a notable height difference and amounting to over double the previously proposed tower. The additional height on top of the structure that is clearly visible from distant views would make the proposed telecommunication devices prominent within the Rochdale skyline. Additionally, owing to the siting of the telecommunication devices on top of Moss Hill tower, it will undoubtedly be viewed within the setting of the non-designated heritage asset from various viewpoints. The bulk of the proposed headframe would when compared with the previous approval, would become more prominent owing to the increased height. Furthermore, noting the various telecommunication equipment on top and the sides of Moss Hill tower, the harm to the non-designated heritage asset of the Moss Mill would be exacerbated by the bulk of the headframe on the 7.5m lattice tower.

As a result, it is considered that the proposal would appear visually intrusive, resulting in harm to the significance of the Moss Mill as a non-designated heritage asset. As such the proposal will fail to comply with the policies DM1, P2 and P3 of the Core Strategy and the NPPF.

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 application site is located by a business park and considering the distance of the proposed telecommunication devices from the residential properties, it is considered the proposal would not have a detrimental impact on the residential amenity of neighbouring properties. As such, it is considered that the proposal would not lead to an unacceptable level of disturbance for occupiers of neighbouring properties.

The application site adjoins Rochdale Canal which is designated as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The site is located within an SSSI Buffer Zone. Natural England raised no objection and concluded that the proposed development will not damage or destroy the interest features for which the above designated sites have been notified for and will likely not have a significant effect on the Rochdale Canal SAC. Natural England have requested that if permission is granted that a number of advisories are included with the decision.

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 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.'

Noting that the proposed telecommunications devices are sited, there are no highways concerns, and would be in compliance with policies T2 and DM1 of the Rochdale Core Strategy as well as the National Planning Policy Framework.

RECOMMENDATION

PRIOR APPROVAL REQUIRED AND REFUSED

The height of the proposed tower, combined with its siting would represent a dominant and intrusive feature, which would result in less than substantial harm to the significance of the Non-designated Heritage Asset of Moss Mill. The harm is not justified or mitigated. The proposal is therefore contrary to policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Notes for Applicant:

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

Site Location Maps. Drawing no: 100. Rev: A
Existing Site Plan. Drawing no: 200. Rev: A

Proposed Site Plan. Drawing no: 201. Rev: C
Existing Site Elevation. Drawing no: 300. Rev: A
Proposed Site Elevation. Drawing no: 301. Rev: C