

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00635/TELE	Hamish Rigg	13/08/2024

Address: Grass verge adjacent to access road, Well l' Th' Ln' Lower Place, Rochdale, OL11 6JW

Proposal: Prior notification for a proposed 20m high Orion pole installation ground-based equipment to accommodate 6 no antennas, 3 no RRUs and 2 no 0.3 dishes along with 2 no equipment cabinets.

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	n/a	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: RK

DATE: 23/08/2024

SITE

This application relates to a grass verge on Well I' Th' Lane, set to the south of the junction with Wellfield Street. It is immediately adjacent to the roadside and directly opposite nos. 1-3 Well I'Th' Lane which form part of a larger residential estate to the north and east. The site isn't bound by any other buildings to the south or west. However, it falls on the northern edge of an area of land associated with Iceland Supermarket which lies directly to the south. Approx 30m north-west of the site is the River Roch.

The site is located on the southern fringes of Rochdale in its inner suburbs. The wider area is typically urban in nature, comprising a mixed-use, including linear terraced housing, commercial and industrial units, public amenities, and vacant brownfield sites. Well I' Th' Lane is a main thoroughfare from Rochdale Bypass (A664) to the town centre. It merges to become Milkstone Road which is a significant commercial street, and therefore the site is located at a key gateway to the town centre.

PROPOSAL

The application seeks prior notification for a proposed 20m high Orion pole installation together with ground-based equipment to accommodate 6 no antennas, 3 no remote radio units, and 2 no 0.3 dishes along with 2 no equipment cabinets, and concrete paving slabs.

RELEVANT PLANNING POLICY

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

Part 16, Class A:

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.

National Guidance

National Planning Policy Framework (NPPF) – July 2021

National Planning Practice Guidance (NPPG)

Places for Everyone Joint Development Plan

Places for Everyone is a joint development plan for 9 boroughs within Greater Manchester over the period up to 2037, and follows the Greater Manchester Spatial

Framework (GMSF), which was dropped following the decision of Stockport Council to drop out of GMSF in December 2020.

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024.

The relevant Policies in the plan are:

JP-P1	Sustainable Places
JP-P2	Heritage
JP-C2	Digital Connectivity

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
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

Rochdale Station Area SPD (September 2021).

RELEVANT SITE HISTORY

CONSULTATION RESPONSES

Heritage 13/08/2024:

A heritage statement is required.

The proposal would result in some harm to the significance of nearby non-designated heritage assets. This harm should be a material consideration when assessing the proposal's siting and appearance.

Highways 29/07/2024:

No objections

Canal and Rivers Trust 22/07/2024:

No comments

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a site notice was posted in the vicinity of the site. No objections were raised.

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.

A.4 sets out that “development ancillary to radio equipment housing” means the construction installation, alteration or replacement of structures, equipment or means of access which are ancillary to and reasonably required for the purposes of the radio equipment housing, and except on any land which is, or is within, a site of special scientific interest includes—

- (a) security equipment;
- (b) perimeter walls and fences; and
- (c) handrails, steps and ramps;

The erection of a 20m Orion Pole to support electronic communications transmission apparatus with associated cabinets and perimeter fence 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

The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received.

Policies P1, P2, P3 and DM1 of the Core Strategy are material considerations as they relate to issues of siting and appearance. In addition, Policies JP-P1 and JP-P2 of the recently adopted Places for Everyone Joint Development Plan (PfE) are relevant given their aspirations to achieve high quality places and to conserve, sustain and enhance heritage assets and their settings. PfE Policy JP-C2 emphasises the ambition for Greater Manchester to become a digitally connected city region, however does explicitly set out that this should not come at the expense of townscape quality. The National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications. Paragraph 139 of the Framework is explicit in that development which is not well-designed should be refused.

The proposed Orion pole would be a substantial structure in a prominent location which would appear as a highly conspicuous and unattractive feature. It would rise well above the ridge height of nearby houses, existing street furniture and vegetation, which would only serve to highlight the disparate scale and dominance of the pole. This would be exacerbated by the lack of immediately adjacent physical features or vegetation to screen the pole, therefore making it particularly exposed to views from multiple directions. Furthermore, as the pole would be elevated above the land to the south and south-west its overall scale and dominance is further exaggerated.

It is noted that trees along the River Roch to the west of the site would partially screen lower parts of the pole from when viewed eastwards along Milkstone Road. However, given the separation distance of 30m from said trees, their mitigating impact would be minimal.

Whilst street furniture is plentiful within the vicinity of the site, by reason of its excessive height, and bulky form of the associated ground equipment, the pole would fail to integrate with its surroundings and would remain a visually prominent and harmful feature.

The adjacent site to the southwest comprises an Iceland food store and its associated access and parking, with the land to the rear of the store comprising previously developed land which is surfaced and in a deteriorating state. The overall site is considered to detract from the character and appearance at present, however owing to its lowered siting relative to Well I'th Lane and low form, the site offers little as a backdrop to the proposed mast other than the mature vegetation which lines its boundary.

The proposed pole also falls within the boundary for the Rochdale Station Area SPD (September 2021). The aforementioned land to the south of the site which currently holds Iceland Supermarket and car park, together with both undeveloped sites either side of Greenfield Lane, have been identified as a 'long term development opportunity'. This land is included in the SPD's 'Canalside Focus Area' for which the key development proposals include the provision of residential development that maximises the benefits of the canal feature. The SPD states that there is a focus on enhancing the area as a desirable place to live through a high quality approach to public realm design and utilising as part of the developments, quality boundary treatments, attractive street furniture, quality surface materials etc. in accordance with design guidance. Well-designed public realm can create a 'sense of place', and enhance new and existing buildings as well as identifying key gateways and corridors which can encourage further investment.

As such, it is reasonably expected that the currently underused land adjacent to the site will come forward and be developed for residential uses in the future for residential use. The proposed monopole, and its prominent siting at the entrance to the adjacent site would therefore likely undermine any approach to delivering a well-designed and transformative residential development at this location and would directly contradict the SPD's aspirations to create a well-designed public realm which would help enhance the local area and encourage further investment. In addition, being positioned immediately adjacent to the highway, the proposed pole could potentially prejudice accessibility to any future sites, which may discourage or prevent wider development opportunities.

The incongruity of the proposed mast may present challenges in respect of the marketability of future residential development where units facing east along Well I'Th' Lane could be presented with an entirely unshielded view of the mast at close proximity. Given the brownfield nature of the site, and the general viability challenges faced by schemes across the borough, the installation of a mast at this location could ultimately undermine the deliverability of a transformative scheme on this site.

Notwithstanding, the application has failed to have regard to any potential prejudicial impacts which may arise from the proposed development on a site which has clear aspirations to be developed in the near future.

Heritage impact

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. Paragraph 206 states that any harm to, or loss of, the significance of a designated or non-designated heritage asset should require clear and convincing justification. As such, Paragraph 200 states that an applicant is required to describe the significance of any heritage assets affected, including any contribution made by their setting. PfE Policy JP-P2 seeks to positively conserve, sustain and enhance our historic environment and heritage assets and their settings; Setting out a clear vision that recognises and embeds the role of heritage in place-making and ensuring that the heritage significance of a site or area is considered in accordance with national planning policy. Similarly, Policy P2 of the Core Strategy promotes the protection and enhancement of key heritage assets and their visual amenity.

The proposed site is opposite The Horse and Jockey public house, which is an original feature of the area's 19th Century industrial past. It is seen in the context of the adjacent terraced houses which similarly reflect the area's industrial heritage. The pub retains

many of its historical architectural features, and together with its communal, meets the criteria of a non-designated heritage asset.

Furthermore, Rochdale Canal runs to the northwest of the site. As an important part of Rochdale's engineering heritage, the Rochdale Canal and its associated structures are non-designated heritage assets and are identified within CS policy P2 as key heritage assets that are proposed to be conserved, enhanced and promoted. From the canal bridge to the north of the site, vestiges of this former industrial landscape remain, including mill buildings and the chimney at Green Mill off Queensway.

No heritage statement has been provided as part of this application, and therefore it is considered that the heritage impact of this proposal has not been properly addressed. Undoubtedly there would be visual impact on the setting of the NDHAs, most notably the Horse and Jockey, which would ultimately detract from their significance. This would result in less than substantial harm to the significance of these assets through inappropriate development within their setting, which amounts to a material planning consideration. Without a heritage statement to clearly establish the significance of the NDHAs, or the scale of the harm towards them, justification for the development cannot be established.

Site selection

The application provides Supplementary Information (United Living & Cornerstone) which includes a site selection process providing details of alternative sites considered for development. Eight alternative sites have been submitted as considerations in this assessment, with reasons relating to planning or physical constraints which discount the sites for development.

However, no further information has been provided to conclude that the eight sites in this assessment, plus the application site, are the only viable sites to fulfil the needs of the operator within this undefined area. The application states that "the site has to be able to provide the coverage required and is assessed by the Radio Planner to ensure the site will work with the existing network". However, 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.

For example, approximately 250m south of the site selection area is an industrial site with several warehouse units which would ostensibly be a sequentially preferable location (subject to appropriate details), yet it has not been considered as part of the assessment. Without further information relating to why or how the site selection area was chosen, relating to operational use, it is not possible to fully justify the application site.

The robustness of this assessment raises further doubt where it is considered that several other sites, which are likely to be sequentially preferable over the application site (subject to appropriate details), are discounted without sufficient reasoning. For example, site D6, adjacent to Greenfield Land, is discounted on the basis that a mast at this site "would have to be substantially taller to meet ICNIRP (International Commission on Non-Ionizing Radiation Protection) requirements". The assessment provides no details of how much higher the mast would need to be, nor the impact that this could potentially have, and therefore cannot reasonably discount D6 as a potential site.

Furthermore, the assessment discounts several sites based on 'technical difficulties' such as a lack of space or existing physical restraints. Sites where it is not possible to build a mast do not provide a reasonable comparison and therefore do not offer justification for the chosen site.

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 [mast] would not have such an adverse visual impact.*" As this application demonstrates similar shortcomings in its assessment of alternative sites, 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, harm to the amenity of nearby occupiers.

Conclusion

Within the context of paragraph 208 of the Framework, whilst it is acknowledged that the proposal would result in social and economic benefits through the improvements to local communications networks, it is not considered that the application suitably demonstrates that it would not be possible to achieve the desired coverage at a site which would be less harmful to the visual amenity of the area and the significance of nearby non-designated heritage assets, and would not prejudice any future residential developments as allocated in the Rochdale Station Area SPD. Ultimately it would fail to comply with the requirements of paragraphs 119 to 121 of the NPPF. Prior approval for the siting and appearance is therefore required and the application is refused.

RECOMMENDATION

REFUSE

1. By reason of its significant scale, siting and appearance, the proposed monopole would give rise to an unacceptable impact to the character and appearance of the area and would comprise a wholly inappropriate addition to the townscape generally. The visual harm arising from the proposal would also result in less than substantial harm to the significance of The Horse and Jockey Pub and the Rochdale Canal, both of which are recognised as Non-Designated Heritage Assets. Owing to its close proximity to the Iceland site on Well I'th Lane the proposed may give rise to prejudicial impacts to future development and therefore severely undermine the aspirations of the adopted Rochdale Station Area Supplementary Planning Document. In the absence of a comprehensive assessment of alternative sites for the proposed development it is not possible to definitively conclude that there are no more suitable sites reasonably available that would result in a lesser degree of visual harm, and the public benefits of the proposal are not considered to outweigh the less than substantial harm identified. On this basis the application is contrary to Policies P1, P2, P3 and DM1 of the adopted Rochdale Core Strategy, Policies JP-P1, JP-P2 and JP-C2 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Notes for Applicant:

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

- Location plan: 100
- Proposed site plan: 201
- Proposed site elevation: 301
- Supplementary information (Cornerstone, 03/07/2024)