

APPLICATION NUMBER: 23/00138/TELE

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00138/TELE	Rosalind Gralton	22 March 2023

Address: Kilworth Street Street Works Kilworth Street Rochdale OL11 3PJ

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

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
	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: 02.04.23

SITE

The site relates to a footway located off Kilworth Street, adjacent to the junction with New Barn Lane and A58 Manchester Road. Trees are located to the rear of the site, however these closest to the site are not protected.

The site is not located within a conservation area or is on Article 2(3) land.

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 street pole and cabinets is 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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RELEVANT SITE HISTORY

None

CONSULTATION RESPONSES

Highways And Engineering

The consultation response from the Highways' Engineer is copied below:

'The proposed telecoms equipment is to be situated on a busy signalised junction which does cause some consideration

Having considered the exact position of the equipment in relation to the signal equipment it is set back far enough not interfere with visibility or safe operation of the signal heads.

The equipment is also set back from both Manchester Road and Kilworth Street so may not interfere with any future junction improvements.

Although the site is not an ideal location for the siting of telecoms equipment we do not feel that an objection on road safety concerns would be sustainable.'

Env Health - Noise/Odours

No comments received to date

REPRESENTATIONS

The application was publicised by way of neighbour notification. No responses 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 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.

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 Kilworth Street. The proposal would be highly visible at the prominent junction of New Barn Lane and Manchester Road, a key access road into Rochdale from Middleton and the M62. 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 public house, situated directly to the south east 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 grey, where it is predominantly viewed set against the sky. 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 adjacent residential development.

In other matters it is noted that it is appropriate to assess the proposed siting in respect of highway safety. However through consultations with the Council's Highway Service no concerns have been raised in this regard.

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 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, massing, siting and appearance, would represent an incongruous feature of the street scene in an area adjacent to a prominent junction, and residential properties. 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 character of the site and be contrary to policies P1, P3 and DM1 of the adopted Rochdale 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 ROD21980_ROD187_95393_OL0437_GA_REV_A
- 215 PROPOSED SITE PLAN - Dwg No ROD21980_ROD187_95393_OL0437_GA_REV_A Rev A
- 002 SITE LOCATION PLAN - Dwg No ROD21980_ROD187_95393_OL0437_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.

Report Author Rosalind Gralton