

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01267/TELE	Jake Powell	16/11/2022

Address: Hamer Lane Street Works, Rochdale, OL16 2LU

Proposal: Prior notification for the installation of a new 18m telecoms street pole and associated 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: AT

DATE: 22.11.2022

SITE

The application site relates to the land on the eastern side of the junction of Halifax Road and Hamer Lane.

The immediate vicinity is characterised by a mix of uses. To the east of the site is a parcel of land which currently facilitates an advertising hoarding, which is also sited next to a pair of two storey dwellinghouses, one of which appears to have been converted into a retail and servicing unit which sells car parts. To the west of the proposed development, on the far side of Hamer Lane is a petrol station with an associated shop in addition to a pharmacy. To the north of the site, there is a strip of approximately 4 terrace dwellinghouses. On the west side of this terrace, at ground floor level is a unit within retail and service use, and on the eastern side of the terrace is another pharmacy.

The site lies within 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.

The submitted application seeks prior approval for the installation of an 18m high telecommunications pole, and the installation of three adjoining equipment cabinets at the base of the pole. A GPS module will be attached to the top of the pole.

The applicant's supporting statement notes that the location has been identified as a new mast at this location will 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) – July 2021

Adopted Rochdale Core Strategy (CS):

SO3	Improving design, image and quality of place
P1	Improving image
P3	Improving design of new development
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

No relevant planning history.

CONSULTATION RESPONSES

Highways Engineer

We do have some concerns regarding the position of the pole and cabinets which appear to be in a central position within the footway.

The position of the equipment restricts the available space for pedestrians, is close to the carriageway so may attract collisions with large vehicles that over-run the footway and restrict future maintenance responsibilities for the Council as Highway Authority. The position of the equipment would also hinder any future junction improvements the Council may have for this location.

These concerns could be addressed by the re-positioning of the equipment to the rear of the footway. If the application can accommodate this request we would raise no objection to this application.

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) 25 metres above ground level on unprotected land; or (ii) 20 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 mast, excluding any antenna, would when altered or replaced— (i) exceed the greater of the height of the existing mast or a height of— (aa) 25 metres above ground level on unprotected land; or (bb) 20 metres above ground level on article 2(3) land or land which is on a highway; or (ii) together with any antenna support structures on the mast, exceed the width of the existing mast and any antenna support structures on it by more than one third, at any given height.

The erection of a 18m 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 8 metres. The closest neighbouring structure, which was originally a pair of dwellinghouses also measures approximately 8 metres in height.

The position of the proposed development would result in it typically being viewed in association with the closest street furniture and structures. Due to the disparate scale of the proposed monopole relative to adjacent street furniture and closest properties, it is considered that the proposed development would fail to integrate into its surroundings.

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

Residential Amenity

Paragraph 130 of the National Planning Policy Framework advises that planning decisions should always seek to secure a high standard of amenity for existing and future users. 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."

The proposed telecommunications pole would be located directly opposite a terrace of four dwellinghouses. Whilst properties of this terrace facilitate other uses, some are still in residential use. The proposed telecommunications would be sited approximately 25 metres away, and directly viewable from the front windows of these residential properties.

As assessed above, the proposed 18m high telecommunications pole would form an incongruous and unsightly addition to the street scene as result of its height, scale and appearance. While the proposal will be visible from adjacent properties, given the distance from the properties' front windows, it will not directly harm neighbouring amenity, and therefore would be acceptable in relation to residential amenity.

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.

The application includes a Site Specific Supplementary Information, which details the site selection process providing details of 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 locations within highly residential areas, in addition to unsuitable pavements, visibility splay issues and unsuitable grass verges.

No further information has been provided to conclusively determine that the application site, and the 6 alternative sites are the only viable sites to fulfil the needs of the operator within this undefined search 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 18m mast would not have such an adverse visual impact.” As this application demonstrates similar shortcomings in its assessment of alternative sites due to its imprecise nature, 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.

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. The wording of which includes *‘In all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority’*

The position of the equipment within the footway restricts the available space for pedestrians, including wheelchair users and those with pushchairs. The other concerns of the Highway Authority are noted but are not considered sufficient to justify refusal of the application.

As such it is considered that, by reason of its siting, the proposed telecommunications would restrict the free flow of pedestrians on this area of pavement, in conflict with policies T2 and DM1 of the Rochdale Core Strategy as well as the National Planning Policy Framework.

Other Considerations

No concerns are had in respect of the proposed development unduly overshadowing, or being overbearing towards, surrounding occupiers and would not result in a loss of privacy or have any unacceptable noise disturbance impacts. 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 18 metre high monopole 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 Rochdale Core Strategy, and the National Planning Policy Framework.
2. By reason of its siting, the proposed development would restrict the free flow of pedestrians on the pavement, including wheelchair and pushchair users, in conflict with policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Report Author Jake Powell