APPLICATION NUMBER: 22/00392/TELE

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/00392/TELE	Michael Doyle	17 May 2022

Address: Land On North East Of The Klondike, Chichester Street, Milnrow, OL16 2AU

Proposal: Prior notification for the installation of a new 20m high lattice tower to support antenna, associated radio-equipment housing and ancillary development thereto.

PUBLICITY	**Weekly list expired?**	N/A	**Site notice expired?**	Y
	Neighbour letters expired?	Y	**Press Notice expired?**	N/A

DELEGATION	**Significant departure from local plan?**	N/A	**Contrary to national policy?**	N/A
	Applicant a Council Member or officer?	N/A	**Contrary to previous decision?**	N/A
	Major with 10 or more objections and recommending approval?	N/A	**Called in or Planning Panel objection?**	N/A

COMMENTS	**Planning Panel comments received?**	N/A
	Neighbour comments received?	N

EIA	**Screening opinion completed and saved to Onbase?**	N/A

CONDITIONS	**Pre-commencement conditions proposed?**	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	**REFUSE**

CHECKED AND SIGNED OFF BY: EH **DATE: 17 May 2022**

SITE

The application site is located within land currently utilised as a container yard off Chichester Street. The existing use does not benefit from planning permission and has been subject to previous enforcement action.

The land uses immediately to the south and west are industrial in nature. An area of open space is in situ immediately north of the site. Residential dwellings are in situ approximately 40m to the north. It is noted that the topography of the site is such that the land rises from the application site to the north towards the residential properties. Belfield Lane is in situ to the east, beyond which lies a railway line and further residential properties. An existing telecommunications mast is located within reasonably close proximity to the south east.

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 subparagraph (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 subparagraph (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 20m lattice tower mast; 6no Antennas; 1no GPS Modules; 2no 300mm Transmission Dishes; 18no. Remote Radio Units RRUs; together with 3no. equipment cabinets, 1no meter cabinet and ancillary development thereto including a 2.4m palisade fence with 1m wide access gate. The new equipment would be sited within the container yard off Chichester Street, adjacent to an area of open space which fronts onto residential properties (at a distance of approximately 40m).

The applicant's supporting statement states that the location has been identified as being necessary for business development, meeting specific technical and operational requirements.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – July 2021

National Planning Practice Guidance (NPPG)

Legislation

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**
P3	Improving design of new development
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

RELEVANT SITE HISTORY

No relevant site history.

CONSULTATION RESPONSES

Env Health - Noise/Odours
This section has no objections to the proposals.

Highways And Engineering
The application site is remote from the highways network and this development would have no detrimental impact on highway capacity or road safety. The site is within an existing service yard so access to it for servicing would 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 and a notice was posted in the vicinity of the site. 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) 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 pole up to 20m in height away from the highway to support electronic communications transmission apparatus with associated cabinets and fencing 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 decisions 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 application site is a small section of land within land which currently is in an unauthorised use as a container site. Access to the site is from the end of Chichester Street, which itself supports no through traffic. The site is bound by a 2.6m perimeter wall, beyond which lies an area of open space to the north. This area of open space is free of built form, has a verdant character and is subsequently considered a valuable component in the overall character of the area. Industrial uses are in situ to the west and south. Belfield Lane is in situ to the east, beyond which lies a railway line and residential properties. The nearest public vantage points are from the area of open space to the north. An access point to this area of open space is in situ on Belfield Lane. The closest residential properties are sited approximately 40m to the north, beyond the open space on Eclipse Close and Burchall Field. Residential properties are also in situ beyond the railway line to the east. It is not considered that the mast would be clearly visible from public vantage points along Belfield Lane due to the steep verges which line the road and the presence of tall, mature vegetation lining the road.

The erection of a 20m mast with exposed antennae and dishes would undoubtedly be visually dominant within the context of the site, with an absence of any built form within the immediate vicinity of the mast, other than an (unauthorised) 2.6m perimeter wall (which the mast would rise 17.4m above), in addition to the mast being set forward of the treeline when viewed from the north. Whilst it is noted that trees would assist in screening the development when viewed from properties on Newbold Hall Drive to the east, this would be to little effect for six months of the year when the trees are not in leaf.

It is noted that an existing Network Rail mast (which is unsuitable for sharing due to NR restrictions) is in situ to the south of the site. This mast is considered to be in a

less prominent position as it is located further from the open space, immediately adjacent to a thick band of mature trees. However, it is considered that the addition of a 20m mast at this location would result in a proliferation, to the detriment of visual amenity.

There are trees in the landscape within the vicinity of the mast, however, these are set further back and so the mast would tower above the treeline. The design and appearance of the mast would also contrast with the trees as it would comprise a discernibly modern, and conspicuous feature. In longer range views of the mast, from residential properties to the north along Eclipse Close and Burchall Field, and the east along Newbold Hall Drive, the disparate scale of the mast would become apparent relative to the generally open nature of the landscape in these views. It is, however, accepted that the siting of the installation would adequately disguise the ancillary equipment which would be hidden from public view.

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

Ultimately, the proposal would present as an incongruous feature set prominently above the surrounding landscape. The irregularity of the form in the context of the residential areas to the north and east 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. 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.

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 details have been submitted in relation to the existing coverage and as such the locational requirement of the development cannot be determined.

The application includes 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.

10 alternative sites have been put forward which typically relate to sites within 500m of
the application site. Each site has been discounted due to various reasons relating to planning or physical constraints.

No further information has been provided to conclude that the 10 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 be 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. Despite this, the proposal would result in significant material harm to the character and appearance of the surrounding area 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

1. By virtue of its height, siting and appearance, the proposed 20 metre high mast would constitute a significantly incongruous and dominant feature within the street scene, in a prominent, unshielded location. The proposal would result in unacceptable harm to the street scene and visual amenity generally. 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. On this basis the application is contrary to Policies P1, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Notes for Applicant:

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

100 – Rev A – Location Plan
201 – Rev A - Proposed Site Plan
301 – Rev A – Proposed Site Elevation

Report Author Michael Doyle

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