

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00385/TELE	Rosalind Gralton	28 April 2023

Address: Drake Street Rochdale OL16 1PX

Proposal: Prior notification for the installation of a 5G 15m high telecommunications street pole together with associated equipment cabinets

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	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/A
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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: RG

DATE: 05 June 2023

SITE

The site relates to a footpath located on the northern side of Drake Street, between the junction of Vicar's Gate and Church Stile. The plot is sited directly south of an area historically considered Broad Park, however is not designated registered park and garden nor protected existing recreational open space.

The site of the proposed works are not adjacent to or within a conservation area, listed building or registered park and garden.

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 15m high telecommunications street pole together with associated 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

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

Conservation Officer

The Council's Conservation Officer was consulted and their response is copied below:

'The proposed development is located along Drake Street, on a pedestrian walkway bordering the divorced Graveyard, associated with St. Chad's Church. The amended boundary of the Conservation Area will soon be adopted, which will then mean that the proposed development is within the Rochdale Town Centre Conservation Area.

The proposed development will also be visible from Broadfield Park, a Grade II registered Park.

I note that this application is not accompanied by a Heritage Statement, therefore any impact on the heritage assets listed above has not been considered within the context of relevant local and national planning policy.

Impact on Designated Heritage Assets

Rochdale Town Centre Conservation Area, Rochdale Parish Church of St. Chad Character Area:

The proposal for a 15 metre high telecommunications pole and associated cabinets negatively impacts the character of the St. Chad's Character area within the Rochdale Town Centre CA. It detracts from the setting of the heritage asset, the appearance of the general area, and impedes pedestrian access.

The proposed development is also not in keeping with the present surroundings of the Parish Church of St. Chad Character Area (as fully analysed in the [Conservation Area Assessment of Rochdale Town Centre](#)), most notably including the Church of St. Chad. The oldest building fabric of the existing church is believed to be medieval, although the site of the church likely dates from the Anglo-Saxon period.

The telecoms tower would be very visually disruptive; neither the materials nor the structure itself draw on elements of the existing structures or materials surrounding. It is proposed to be significantly higher and far denser than existing street lighting infrastructure or trees in the graveyard. The associated cabinets echo none of the existing street infrastructure in any visually clear way.

These impacts should be seen as substantial harm to the designated conservation area under NPPF paragraph 200; neither clear nor convincing justification has been provided.

Broadfield Park (Grade II Registered Park and Garden):

Broadfield Park is a park of significant local and national prominence. This has been the main, large park within Rochdale Town Centre since its creation in the 1860's. Over time it has annexed various different sections such as Broadfield Slopes, Packer Spout and St. Chad's Gardens and presently occupies a formidable portion of the Town Centre.

The proposal for a 15 metre high telecommunications pole and associated cabinets would negatively impact the setting of the listed garden by impeding established sightlines from the footpaths within the park. Likewise, the proposed development would result in loss of character of the heritage asset by negatively developing its setting. This development is not in keeping with the listed building's present surroundings, mostly trees and ornamental greenery, nor with the established lighting or furniture within the park or its setting. This impact is considered to be substantial harm under NPPF paragraph 200; neither clear nor convincing justification has been provided.

Conclusions

The proposed development incurs substantial harm to the designated Conservation Area, and listed Park; this harm is neither acknowledged by the applicant, nor is it provided with any justification. This application is recommended for refusal.'

Highways And Engineering

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

'The telecoms equipment would be situated to the rear of a wide section of footway and is not close to any busy road junctions, therefore its position raises no highways concerns.

There are on street parking spaces close to the site so servicing of the equipment should not be an issue.

Highways raise no objection to this application and request no specific planning conditions.'

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 15m streetpole 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.

Heritage

When making a decision on a planning application for development that affects a listed building or its setting, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The 1990 Act also requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This duty goes beyond just decisions on permissions and applies to the exercise by the local authority in all of its functions under the planning acts.

NPPF paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

NPPF paragraph 202 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Rochdale CS policy P2 seeks to protect the borough's heritage by conserving, enhancing and promoting key heritage assets, which include listed buildings and conservation areas. Saved UDP policy BE/17 deals with new development affecting Conservation Areas. This states that development proposals will be permitted that preserve or enhance the character or appearance of a conservation area

The proposed development is located along Drake Street, on a pedestrian walkway bordering the divorced Graveyard, associated with St. Chad's Church. The amended boundary of the Conservation Area will soon be adopted, which will then mean that the proposed development is within the Rochdale Town Centre Conservation Area. Additionally, the application site is located less than 100m from Broadfield Park, a Grade II listed Registered Park and Garden.

The application submission does not include a heritage statement. The application fails to meet the requirement of NPPF Paragraph 200.

The proposed tower would directly detract from the setting of the adjacent Rochdale Town Centre Conservation Area, and would be visually disruptive due to its height, mass and materials. The materials proposed would not be sympathetic to the adjacent heritage assets and its siting across from the Graveyard. Additionally, in relation to the adjacent Broadfield Park; Grade II Listed Registered Park and Garden, *'15 metre high telecommunications pole and associated cabinets would negatively impact the setting of the listed garden by impeding established sightlines from the footpaths within the park. Likewise, the proposed development would result in loss of character of the heritage asset by negatively developing its setting. This development is not in keeping with the listed building's present surroundings, mostly trees and ornamental greenery, nor with the established lighting or furniture within the park or its setting'*

The case officer concurs with the findings of the Conservation Officer, and agrees the proposal would conflict with the requirements of the 1990 Act. The proposal would result in harm to the identified designated heritage assets. This harm has not been adequately justified or mitigated. No public benefits have been put forwards to outweigh this harm. The proposed siting and appearance of the mast are considered to be unacceptable due to the impact on the nearby designated heritage assets.

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 streetpole would introduce a 15m structure located on the footway of Drake Street, just west of the junction with Church Stile. The application site is located less than 100m from Broadfield Park, a Grade II listed Registered Park and Garden. The proposal would be highly visible given the greenspace to the north of the site and the busy footway and highway of Drake Street directly adjacent to the application site.

In terms of impact on visual amenity and the character and appearance of the area, the proposed mast would tower 5m above the nearest structures and trees, including adjacent lamp posts. The proposed mast would therefore appear distinctly out of scale.

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 how 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. Six 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.

Conclusion

The proposed 15m streetpole 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 height of the mast, combined with its position would result in a dominant and intrusive feature, which would draw attention away from Grade II Registered Park and Garden Broadfield Park and the Rochdale Town Centre Conservation Area. As such, the proposal would result in substantial harm to the identified designated heritage assets. This harm has not been adequately justified or mitigated. No public benefits have been put forwards to outweigh this harm. The development would therefore be an incongruous and harmful feature which would detract from the setting of the Listed Park and Conservation Area. It would neither preserve the character and appearance of the Conservation Area nor the setting of the park, and would conflict with the requirements of Policy P2 and DM1 of the Rochdale Core Strategy, the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. 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
ROD25642_ROD190_30446_OL0512_GA_REV_
- 215 PROPOSED SITE PLAN - Dwg No
ROD25642_ROD190_30446_OL0512_GA_REV_A
- 002 SITE LOCATION PLAN - Dwg No
ROD25642_ROD190_30446_OL0512_GA_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.