

## DELEGATED DECISION CHECKLIST AND REPORT

**APPLICATION NO.**

24/00414/FUL

**CASE OFFICER**

Michael Atkinson-Smith

**DETERMINATION DATE** 18.07.2024 **EXT OF TIME**

**Address:** Pavement Opposite 8-10 South Parade Rochdale OL16 1LR

**Proposal:** Installation of a multifunctional communication Hub including defibrillator and advertisement display

|           |                            |   |                       |   |
|-----------|----------------------------|---|-----------------------|---|
| PUBLICITY | Weekly list expired?       | Y | Site notice expired?  | Y |
|           | Neighbour letters expired? | Y | Press Notice expired? | Y |

|            |                                                             |   |                                        |   |
|------------|-------------------------------------------------------------|---|----------------------------------------|---|
| 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 |
|-----|--------------------------------------------------|-----|

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

|                |        |
|----------------|--------|
| RECOMMENDATION | REFUSE |
|----------------|--------|

CHECKED AND SIGNED OFF BY: RG

DATE: 18 July 2024

## **SITE**

The application site lies within the Rochdale Town Centre Conservation Area and is within the setting of a number of listed buildings including the former Union Bank of Manchester at 5 South Parade (grade II), the former Wellington Hotel at 1 Drake Street/2 Smith Street (grade II), the former Oldham Joint Stock Bank (now HSBC) (grade II), the former Royds Bank (also known as the former Manchester and Salford Bank) at 21 The Butts (grade II) and Rochdale Bridge (grade II). The site is also within the setting of several non-designated heritage assets including 7 South Parade, 1 & 3 King Street, 1 Packer Street and 1-3 South Parade.

The public realm in the area has recently been upgraded and restored as part of the RTP1 award winning (2016) 'Revealing the Roch' project, with further improvements made to the highway of South Parade together with significant enhancements to shopfronts and building frontages lining the south side of South Parade as part of the Rochdale Heritage Action programme.

A range of existing street furniture exists in the immediate area, including defensive architecture such as bollards, decorative planters, litter bins, lighting columns and a taxi shelter. The closest street based advertisement display is a non-illuminated six sheet board located on the pavement outside 3 South Parade.

## **PROPOSAL**

Planning permission is sought for the installation of a 'communication hub' branded as the 'Digital 86" Smart City Unit'. The proposed unit would stand at 2.6m in height and 1.3m wide, occupying a site area of approximately 0.5m<sup>2</sup> and would include 13.5mm thick anti-vandal toughened safety laminated glass on all glazed surfaces.

The supporting information states that one side of the unit would include a 32" touch screen, hands free phone functionality alongside a traditional telephone handset, induction and USB charger and defibrillator. The opposite side of the unit would include an 86" LCD screen, commonly referred to as a six sheet display, designed to show commercial and community information in a series of static images.

The hub unit would be installed on the paved area between South Parade and the Butts on the site of Rochdale Market, directly across the carriageway from the post office at nos. 9-10 South Parade and a presently unoccupied commercial unit at no. 8 South Parade that has recently secured planning permission for use as a takeaway / restaurant.

The hub unit would be installed so that the advertising screen faces west, with the communications equipment and defibrillator facing east.

This application sits along an associated application for Advertisement Consent ref. 24/00415/ADV which is to be determined concurrently with this application.

## **RELEVANT PLANNING POLICY & LEGISLATION**

### **Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

### **National Guidance**

National Planning Policy Framework (NPPF)

## Sub-Regional Policy

### Places for Everyone Joint Development Plan (PfE)

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 following policies are relevant to the determination of this application:

#### **Places for People**

JP-P1: Sustainable Places

JP-P2 Heritage

#### **Connected Places**

JP-C1: An Integrated Network

JP-C2: Digital Connectivity

#### **Greener Places**

JP-G8: A Net Enhancement of Biodiversity and Geodiversity

### Adopted Rochdale Core Strategy (CS):

|                              |                                                                                                                                                                              |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SO1</b><br>E1             | <b>To delivery a more prosperous economy</b><br>Establishing thriving town, district and local centres                                                                       |
| <b>SO3</b><br>P1<br>P2<br>P3 | <b>To improve design, image and quality of place</b><br>Improving Image<br>Protecting and enhancing character, landscape and heritage<br>Improving design of new development |
| <b>SO4</b><br>G7             | <b>Promoting a green environment</b><br>Increasing the value of biodiversity and geodiversity                                                                                |
| <b>SO5</b><br>T2             | <b>Improving accessibility and delivering sustainable transport</b><br>Improving accessibility                                                                               |
| DM1                          | General development requirements                                                                                                                                             |

### Unitary Development Plan (UDP):

|       |                                          |
|-------|------------------------------------------|
| G/D/1 | Defined Urban Area                       |
| G/S/1 | Hierarchy and Role of Centres            |
| BE/17 | Development affecting conservation areas |

## **RELEVANT SITE HISTORY**

N/A

## **CONSULTATION RESPONSES**

Bridges and Structures Team - No comments received to date.

Conservation Officer - [Summary]: Less than substantial harm identified to the significance of the Rochdale Town Centre Conservation Area and the setting of

nearby listed buildings, particularly in light of the recent adoption of the Rochdale Town Centre Conservation Area Management Plan which includes an action to reduce street clutter.

Greater Manchester Police - Design for Security - No comments received to date.

Greater Manchester Ecology Unit - No comments received to date

Highways & Engineering – Objection the basis of the public highway being used for advertisements.

Public Protection (Noise / Odours) - This section has no objections to the proposals.

Transport for Greater Manchester –

- It is observed that all locations are within pedestrianised areas of public realm.
- All locations are set back a sufficient distance from the highway.
- The positioning of the apparatus does not impair pedestrian movements or sightline visibility at any of the locations.
- Any works in the adopted footway will need to be carried out in accordance with the Local Authority.
- Service vehicles associated with the installation and maintenance of the apparatus will need to park appropriately and safely.

Transport for Greater Manchester (Metrolink) - The proposed developments are sufficiently remote or sufficiently set back from the tramway that we have no comments to make from a Metrolink perspective in respect of the abovementioned applications.

Urban Design Officer - No standalone comments are required as the Urban Design Officer is acting as Planning Officer in respect of this application.

## **REPRESENTATIONS**

Letters of notification were sent to surrounding neighbours, a site notice was displayed in the vicinity and a notice was advertised in the local press. One objection has been received. This raised concerns over the domination of obstacles in the areas and the impacts of this on those with visual and mobility impairments.

## **ANALYSIS**

### **Principle of Development – Digital Connectivity**

Adopted Rochdale Core Strategy policy E1 sets out general support for development which will promote the viability and vitality of the borough's town centres and identifies Rochdale town centre as the borough's principle town centre.

Paragraph 114 of the NPPF states that *“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social-wellbeing. Planning policies and decisions should support the expansion of electronic communication networks, including next generation mobile technology and full fibre broadband connections.”*

Policy JP-C2 of the adopted Places for Everyone joint development plan seeks to facilitate the provision of free, secure, high speed public Wi-Fi connections,

particularly in the most frequented areas to ensure that everyone in the city region has access to high quality digital infrastructure so they can fully participate in society and the economy.

The proposed communication hub would provide free public internet and other communication services in a busy central part of Rochdale Town Centre. On this basis, the principle of development is considered to be acceptable in accordance with adopted Places for Everyone joint development plan policy JP-C2, policy E1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

### **Heritage and Street Scene Impacts**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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. Section 72 of the same Act requires that in the exercise of planning functions with respect to any land or building within a conservation area, special attention shall be paid to the desirability of enhancing the character and appearance of that area.

A Heritage Statement has been submitted in support of the application in accordance NPPF paragraph 200. It notes especially the characteristic stone built architecture of the area reflective of Rochdale's development as Lancashire's principle woollen town and notes the impact of the River Roch that traverses through the town centre, which contributes to the area's open character. It also states the area surrounding the application site already exhibits high levels of advertising imagery as a 'characteristic feature' of the established retail core. It is noted, however, that none of the street-based advertisements in the immediately surrounding area take the form of large LCD screens.

The Rochdale Town Centre Conservation Area Appraisal (adopted 2011), provides the following statement of significance:

*'Pevsner wrote that the area in Rochdale around the church and town hall was completely different from all English towns (1969 p373). Rochdale's fame "...is entirely connected with liberalism...and social progress" (Pevsner, N 1969 p373). Sense of space and openness not typical of industrial areas. In 1837 there were only three churches in Rochdale.'*

An update to the 2011 conservation area appraisal undertaken over the course of 2022-2023, and adopted in June 2024, specifically references the 2011 version's analysis of the character and significance of the Rochdale Town Centre Conservation Area for consistency. The sense of openness within the Rochdale Town Centre Conservation Area remains an important element of its significance, with any intervention undermining this sense of openness considered harmful.

Paragraph 205 of the NPPF states *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

Paragraph 208 of the NPPF 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.'*

In addition, paragraph 209 of the NPPF states *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

Paragraph 135 of the NPPF is notably important in respect of this application insofar as it relates design functionality, aesthetics, placemaking and sympathy to local character & history, including the surrounding buildings and wider townscape setting.

Policy P2 of the Core Strategy acknowledges that enhancing and protecting the Borough's unique character can lead to improvements in quality of life and can also help to bolster the visitor economy and inward investment. It states that the Council will protect and enhance the boroughs character, the distinctiveness of its town centres, housing areas and countryside and the qualities of its landscape. Saved UDP policy BE/17 is also relevant to development that affects a conservation area

The proposed site of the communication hub is largely free from significant street clutter, with the main exception being bollards and planters demarcating the highway and the area of public open space. The absence of street clutter in this particular location is a deliberate design choice to allow the flexible use of the space for markets and special events. The Council's Conservation Officer notes that introduction of a new freestanding internally illuminated advertising structure in this location has the potential to undermine the largely clutter free appearance of the area and as a consequence result in less than substantial harm to the significance of the Conservation Area and the setting of nearby listed buildings. This is particularly the case, given the recent adoption of the Rochdale Town Centre Conservation Area Management Plan which includes a specific action to reduce street clutter within the wider Rochdale Town Centre Conservation Area, notably in respect of the public highway and around transport infrastructure.

Particular concern is raised in relation to the visual impact of the large digital display screen when viewed in the context of the surrounding attractive built form and the sense of expansiveness afforded by the layout of the area which takes its form from the traditional passage of the river. The siting of the advertising screen is considered to be particularly harmful given that it would stand out and be highly visible from far along The Esplanade, thus dominating views towards the town centre from across the newly laid Rochdale Town Hall Square and representing an incongruous feature in the setting of the Grade I listed Rochdale Town Hall.

The application states that the site lies within the primary retail core, but the site lies outside of the Primary and Secondary Shopping Areas and does not have the character of a contemporary retail area such as found at the Rochdale Riverside shopping precinct. The proposal sits within an area whereby its sense of place has been established through the dominance of current and previous civic function buildings and those which provide a rich heritage language to the character and appearance of the area. Moreover, recent interventions to improve the building frontages of the South Parade shopfronts have helped to frame the traditional core of Rochdale Town Centre by actively reducing the amount and dominance of advertisements and excessive shopfront signage within the area.

Of note in respect of this application is that in 2022 six BT 'communication hubs', primarily comprising advertising displays on two sides, were approved by the LPA

within Rochdale Town Centre. The closest such installation (22/00447/FUL) was refused planning permission on the basis of the heritage harm and its cumulative impact.

Whilst a standalone application for advertisement consent, ref. 24/00415/ADV has been submitted alongside this application for planning permission, it is clear that the various functions of the structure and the resulting impacts cannot be disaggregated when assessing the proposals. An additional identical unit is proposed some 75m away on Smith Street, and it is noted that a traditional six sheet non-digital advertisement board stands some 45m away on the opposite side of South Parade. Cumulatively these advertisements would be considered to be unduly harmful to the open character and appearance of Rochdale Town Centre in this wider location.

The less than substantial harm identified needs to be balanced against the public benefits of the proposal, which in this case include the provision of a public communications equipment and defibrillator. The presence of any existing defibrillators and the proximity of other nearby existing or proposed communication hub sites are material considerations as part of this assessment.

In respect of the proposed communications equipment, the benefit of publically accessible high quality communications infrastructure is not disputed, especially given the potential future removal of the existing BT phone kiosk outside No. 5 South Parade and the recent de-commissioning of the BT phone kiosk adjacent located within the Memorial Gardens which lead on from Town Hall Square which has taken place during the course of this planning application.

However, as previously noted the planning application ref. 22/00447/FUL and associated application for Advertisement Consent ref. 22/00448/ADV which sought to replace the telephone kiosk outside No. 5 South Parade were refused on the grounds of heritage harm, illumination and over-proliferation of advertisements within the immediate area.

To preserve and enhance the character and appearance of the Rochdale Town Centre Conservation Area in this particular location, a rationalisation of street furniture and installations is required to comply with Action 6 of the recently adopted Conservation Area Management Plan which notes that it would be beneficial to work with Highways and Transport for Greater Manchester teams to declutter the area, especially surrounding The Butts. To permit the proposed hub, which would predominantly be viewed as a large digital advertising screen, would undermine one of the primary actions of the Management Plan to the detriment of the Rochdale Town Centre Conservation Area. As a result, it is considered that the public benefit of providing additional telecommunications infrastructure is outweighed in this particular instance by the harm to the significance of the Rochdale Town Centre Conservation Area which relates to its sense of space and openness.

In relation to the public benefit of the hub including a defibrillator, the closest 24 hour publically accessible defibrillator unit lies approximately 55m way in a direct sightline from the proposed site on the external wall of the Regal Moon public house. A further wall mounted defibrillator lies some 120m away around the corner on Packer Street, outside the KoKo nightclub. Given the known proximity of publically accessible defibrillator devices in the immediate area, it is not considered that the provision of a defibrillator as part of the communications hub outweighs the harm to the character and appearance of the Rochdale Town Centre Conservation Area that would result from the proposal, notably in respect of the large LCD advertising screen.

In light of the above assessment, it is considered that the public benefits of the proposal do not outweigh the harm to the significance of the Rochdale Town Centre Conservation Area which results predominantly from its sense of space and openness, along with the less than substantial harm to the setting of the numerous surrounding listed buildings and non-designated heritage assets. The proposed development would fail to comply with adopted Places for Everyone joint development plan policies JP-P1 & JP-P2, policies DM1, P2 and P3 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

### **Highways Impacts**

The proposed hub would be sited amongst a line of bollards and planters that act as defensive architecture surrounding a multifunctional outdoor public space which is used to host markets and special events. The space is already constrained on market days and in respect of other temporary events. It is noted that the proposed placement of the hub would result in the retention of the roadside pedestrian route that is kept unobstructed on market and event days, but would protrude beyond the planters into the usable area of the temporary market and events space.

Consultation has been undertaken with the Highways Authority in determining the acceptability of the proposal, who have raised a firm objection against the 'communication hubs' on the basis that the primary purpose of them is to provide advertising on the public highway, whereas the primary purpose of the highway is to facilitate the safe and expeditious movement of people. Additional concerns by the Highways Authority in relation to the ease and expense of temporarily or permanently re-located such facilities are also noted.

However, despite the clear issues that may arise as a result of the proposed installation as described above, the National Planning Policy Framework makes clear at paragraph 115 that 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. No unacceptable impacts on highway safety have been identified, and given the siting of the hub broadly within a line of existing planters that would stand outside of the primary peripheral pedestrian route to the side of the market square, it is not considered that the siting of the hub would be so detrimental to pedestrian movement as to warrant a refusal of planning permission. It is noted that no objections have been received from Transport for Greater Manchester or Metrolink.

On this basis, it is therefore not considered that a standalone refusal on highways matters alone can be substantiated and the application therefore would therefore result in insufficient conflict with adopted Places for Everyone Plan policies JP-P1 & JP-C1, policies DM1 & T2 of the adopted Rochdale Core Strategy and the National Planning Policy framework to warrant a refusal of planning permission on highways grounds alone.

### **Designing out Crime**

Located within a part of the town centre's nightlife district that suffers from a disproportionately high incidence of crime and anti-social behaviour, the proposed hub unit has the potential to become a target for misuse or anti-social activities. However, no comments have been received from Greater Manchester Police and it is noted that this matter has been satisfactorily addressed in the submitted Unit Management Plan. On this basis, it is considered that the potential impacts of crime and anti-social behaviour that may be associated with the unit are not considered to

be so severe as to warrant a refusal of planning permission. The proposed development would therefore accord with adopted Places for Everyone joint development plan policy JP-P1, adopted Rochdale Core Strategy policies DM1 & P3 and the National Planning Policy Framework.

### **Impact on the Natural Environment**

The proposed installation would be located in close proximity to the entrance of the River Roch culvert that runs underneath part of Rochdale Town Centre before re-emerging just downstream of the proposed site. No ecological assessment has been submitted as part of the application but it is known that bats commute and roost under the medieval bridge structures that conceal the river. The large proposed advertisement screen that would make up one side of the installation is illuminated and would face directly towards the relevant area. Of notable concern is that the advertisement screen would affect the commuting activities of bats, which are a protected species under the Wildlife and Countryside Act 1981. Whilst other light sources are present in the area the proposed LCD screen would be in very close proximity and angled in such a way that could potentially have more of a direct impact.

No consultation response has been received from the Greater Manchester Ecology Unit to date but officers consider the application to have potential harmful impact on bats as a protected species. In the absence of any ecological assessment that robustly demonstrates that the proposed siting of hub and its internally illuminated advertisement screen would not give rise to an unacceptable level of disturbance to bats, it cannot therefore be concluded that the development would comply with adopted Places for Everyone joint development plan policy JP-G8, policy G7 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Wildlife and Countryside Act 1981. Had the application been acceptable in other regards, further work may have been undertaken to assess this harm and consider alternative orientation or placement of the structure to address any potential issues.

### **Impact on Surrounding Occupiers**

No Noise Impact Assessment has been submitted with the application. Whilst it is noted that the use of the hub for verbal telecommunication activity would likely be limited, potential exists for it to be used during late evening hours which could cause disturbance to surrounding residential occupiers. However, it is noted that such occupiers would be somewhat limited within the immediately surrounding area and in any case would unlikely to be any worse on a consistent basis than the standard use of mobile telecommunication devices within an established nightlife area within a busy town centre. The Council's Public Protection Officer has not raised any objection to the proposed development.

On this basis, the application is considered to accord with adopted Places for Everyone joint development plan policy JP-P1, policies DM1 & G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

### **Conclusion**

There are no in-principle issues with the siting of such a communications hub within the town centre. However, less than substantial harm to the significance of the Rochdale Town Centre Conservation Area has been identified as a result of the siting and illumination of the predominant visual feature of the unit, with insufficient public benefits being robustly demonstrated to outweigh this harm.

## **RECOMMENDATION:**

### **REFUSE PLANNING PERMISSION for the following reasons:**

1. The proposed development, by reason of its siting, design and illumination, would fail to respond positively to the unique character of the townscape within the Rochdale Town Centre Conservation Area. This harm would be exacerbated due to the cumulative impact which would occur from the siting of two such prominent features within close proximity to each other. The proposal would fail to safeguard the significance of the Rochdale Town Centre Conservation Area, which partly results from its sense of space and openness, and would cause harm to the setting of several listed buildings and non-designated heritage assets. The resultant less than substantial harm to the Rochdale Town Centre Conservation Area is not justified, mitigated, or outweighed by public benefit. On this basis, the proposed development would fail to comply with adopted Places for Everyone joint development plan policies JP-P1 & JP-P2, policies DM1, P2 and P3 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
2. Insufficient information has been provided within the application to demonstrate that the proposed siting of hub and its internally illuminated LCD advertisement screen would not give rise to an unacceptable level of disturbance to bats that use the adjacent mouth of the River Roch medieval bridge structures for commuting and accessing their roosts. It cannot therefore be concluded that the development would comply with adopted Places for Everyone joint development plan policy JP-G8, policy G7 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the obligations set out under the Wildlife and Countryside Act 1981 in relation to protected species.

### **Procedure Statement**

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

### **Notes for Applicant:**

#### **INFORMATIVES:**

1. For the avoidance of doubt, this decision relates to the following plans and supporting documents:
  - Hub Detail – New Sites
  - Site Plan and Images
  - Power of the Public Screen
  - Hub Unit Appendix D
  - Unit Management Plan
  - Community Channel – Examples of Campaigns
  - NHS England / OHCA Charities Advisory Committee / Letter of Community Heartbeat Trust Charity Letter of Support
  - Defibrillator Product Specification