

APPLICATION NUMBER: 23/00776/TELE

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00776/TELE	Claire Ringwood	6 th September 2023

Address: Land To The Front Of Rochdale Leisure Centre, Entwisle Road,
Rochdale, OL16 2HZ

Proposal: Prior notification of proposed telecommunications installation: 15.0m
Phase 9 slimline Monopole and associated ancillary works

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	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/A
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: RK

DATE: 07/09/2023

SITE

The application site is land to the front of Rochdale Leisure Centre fronting Entwisle Road and the rear of properties on Ramsay Place to the north. The River Roch is to the south and west, and the rear of dwellings on Nile Street to the east. There is an avenue of trees along the frontage of the site.

The site is located within the Defined Urban Area and within an SSSI Impact Risk Zone.

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 18 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 a new 15m high Phase 9 slimline monopole (painted grey RAL 7035) and associated works. The proposal would be located between two trees which form an avenue of trees to the front of the leisure centre. The application includes 2 cabinets (painted grey RAL 7035) and a G-100876 cabinet (painted grey RAL 7035). The proposal and cabinets would be set back from Entwisle Road by a minimum of approximately 4.3m. The submitted Site Specific Supplementary Information states that *'the cabinets are permitted development without Prior Approval and do not form part of the proposal from a planning consideration perspective.'*

The Site Specific Supplementary Information also states a pre-application consultation was undertaken with no response from the LPA. There are no records of any pre-application enquiry being submitted to the local planning authority at Rochdale Borough Council.

The applicant's Supplementary Information states the proposed design is *'extremely discreet'* and is *'adjacent to existing street furniture such as streetlamps, fencing, road signs, cabinets and bollards that share similar vertical columns to the mast'* and continues *'the design of the proposed equipment is considered to be the least visually intrusive option available.'*

The Site Specific Supplementary Information advises *'the proposal is required due to acute capacity issues and will facilitate significantly improved 5G in areas that have started to gain this service and newly introduce it to areas that have not gained this level of connectivity yet.'* It continues *'it should be noted that the alternative option that could accommodate two operators would be a more traditional 'greenfield' mast, with an open headframe and more bulky design, which would be inappropriate in a*

street scene location. This is no such location in this cell search area where a greenfield mast could be housed and thus site sharing is not a viable proposition.'

PLANS AND DOCUMENTS SUBMITTED

Drawing No: ROD23792_M001 Rev A – 002 Site Location Plan
Drawing No: ROD23792_M001 Rev A – 100 Existing Site Plan
Drawing No: ROD23792_M001 Rev A – 150 Existing Elevation A
Drawing No: ROD23792_M001 Rev A – 210 Proposed Site Plan
Drawing No: ROD23792_M001 Rev A – 260 Proposed Elevation
Site Specific Supplementary Information
Declaration of conformity with ICNIRP Public Exposure Guidelines
Developer Notice

Received by the local planning authority on 18th July 2023.

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
P1	Improving image
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
G/R/1	Physical Regeneration

East Central Rochdale Area Framework SPD

RELEVANT SITE HISTORY

10/D52940 - Outline Application (Including Scale, Access And Layout) For The Demolition Of Central Leisure Centre And Depot Building And Erection Of A New Leisure Centre With Associated Car Parking. Approved 12/05/2010.

10/D53615 - Reserved Matters Application For The Appearance And Landscaping Of Central Leisure Centre. Approved 12/10/2010.

10/D54013 - Application For Minor Material Amendments To Planning Permission D52940 In Regard To The Relocation Of The Car Park Away From Entwisle Road And The Erection Of A Sub-Station Building Separate To The Switch Room And Bin Store. Approved 16/03/2011.

12/D55211 - Use Of Land To The Rear Of Central Leisure Centre As A Car Park. Approved 13/03/2012.

12/55659/DOC - Submission of details to comply with conditions 3, 4 and 5 on planning permission 12/D55211. Discharged 31/01/2013.

21/00577/PRA56 - Prior notification for the installation of 3 No. 221.68kwp Solar PV Systems on the pitched roofs of the building. Prior Approval Not Required 30/07/2021.

21/01444/FUL - Installation of two air source heat pumps and two water source heat pumps including plant room and 3m high acoustic fence. Approved 14/01/2022.

CONSULTATION RESPONSES

Highways

The site of the proposed telecoms equipment is not within the adopted highway therefore it should have no impact on highway rights in that location. Presumably the applicant has the permission of the landowner to erect the telecoms equipment on their land.

Highways raise no objection to this application but would remind the applicant that any future works within the adopted highway will need the permission of the Council as Highway Authority.

Environmental Health – Noise/Odours

No response received at the time of writing.

Tree Officer

No response received at the time of writing.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a site notice was posted. No letters of representation have been 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 slimline monopole including three 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 applications 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 requires 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 content of these policies align 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 slimline monopole would introduce a 15m structure located on a wide footway to the front of Rochdale Leisure Centre. The proposal would be 3m higher than the leisure centre building and would be located between two trees that form an

avenue of trees to the leisure centre frontage and which currently measure approximately 6m in height. The proposal would be highly visible given the relatively open nature of the site. Although the proposal has been sited between two trees to reduce its prominence, there are seating areas along the frontage of the Leisure Centre and the avenue of trees intentionally designed, and delivered (under the permission of the leisure centre), as public open space, creating softening to the building and improving the streetscene. The proposal would be positioned directly in front of seating benches and within very close proximity to one tree. Officers consider the proposal would be detrimental to the appearance of this public open space and harmful to the appearance of the landscaped area, adding undesirable hard clutter to a space that arguably would benefit from more softening at ground level. This is also compounded by the proposed pole not being central between the two trees.

It is acknowledged that there is other street furniture within close proximity to the proposed site however, these are generally lampposts on the opposite side of Entwisle Road with the remaining furniture being bollards which are all significantly lower in height.

Ultimately, at the location proposed, and at a height of 15m, the slimline monopole, although less bulky than a traditional mast, fails to adequately disguise the height of the installation given the highly visible and prominent location. The proposal is therefore considered visually prominent within the otherwise low form of the surrounding area and would be unduly harmful to the open character and appearance of the immediate area that has been intentionally designed as a public open space. The proposal is therefore considered detrimental to the appearance of the area and harmful to the appearance of the landscaped area by introducing undesirable hard clutter in the centre of a public open space which is contrary to the requirements of Policies P1 and P3 of the adopted Core Strategy and the National Planning Policy Framework.

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."

As assessed above, the proposed 15m monopole would be detrimental to the character and appearance of the immediate area and the public open space within which it would be located. However, the closest neighbouring properties are to the north and east of the site on Ramsay Place and Nile Street and the proposal would be to the rear of these properties and on opposite sides of the roads. The proposed 15m monopole will be visible however, given the distances between the residential properties, the proposal is not considered to have a significantly detrimental impact on residential amenity in terms of overshadowing, overlooking and disturbance although the visual appearance from the rear of properties would change.

The applicant has provided a certificate which confirms that the proposed installation would be in full compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidance.

Highways

It is noted that it is appropriate to assess the proposed siting in respect of highway safety. Given the location, it is considered that the development would not cause undue harm to highway safety. Highways have advised the proposal is not within the adopted highway and is set well back from Entwisle Road. The applicant would need the permission of the landowner prior to installing the equipment.

Trees

An avenue of trees are planted to the front of the leisure centre which were part of the original reserved matters application approved in 2010. The proposed development would be located between two trees closest to the north-east corner of the site. No tree information has been provided but it is assumed that these trees have some sort of tree pit design to provide sufficient soil volume and potentially incorporate root barriers to avoid root conflict with the adjacent hard surfacing. The main concern relates to the pole which appears very close to one tree. Without further information it is not possible to establish how far the roots might have spread since planting (which would be around 13 years ago). The installation of the proposed pole may impact the tree roots and would be amongst the canopy of the tree as it grows. The tree, depending on its species, could ultimately be taller than the pole (assuming sufficient soil volume is provided for the tree to achieve its optimum size) and there is the potential that the tree would need pruning or that the pole would interfere with the tree's natural growth.

Due to the lack of information submitted with the application the submission has failed to demonstrate a lack of harm to the root system of the adjacent trees which are considered of high amenity value and failed to demonstrate a sustainable future relationship with the trees without the need to prune.

The proposal therefore does not comply with Policies DM1 and P2 of the Rochdale Core Strategy and the NPPF.

Site Selection

The submitted Site Specific Supplementary Information states *'the site is required to provide 5G coverage for Cignal Infrastructure UK Limited (UK) Ltd in order to improve coverage in the OL16 area of Rochdale. The cell search areas for 5G are extremely constrained with a typical cell radius of approximately 250m meaning that it would not be feasible to site the column outside of this locale.'*

The Site Specific Supplementary Information details the cell search area with discounted locations shown on an aerial map, although this is normally shown within a circle covering the cell radius. This information states *'as with all 5G cells this is an extremely constrained cell search area...The Designated Search Area covers this densely packed residential area. There is no scope to pull the mast outside of this area and give the cell 5G coverage.'* The assessment sets out various reasons which discount the possibility of siting the telecommunications at 8 other alternative sites, with 5 of the sites physically constrained i.e. footways that lack the necessary width to accommodate the size and dimensions of the telecom equipment, two are rooftop and a further in close proximity to overhead power lines.

No further information has been provided to conclusively determine that the application site, and the alternative sites are the only viable sites to fulfil the needs of the operator within this undefined search area. All the areas identified are public areas with no other less prominent locations selected. Under Appeal ref. APP/P4225/W/20/3259908 (application ref: 20/00389/TELE), 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 (such as car parks which are close by), 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.

RECOMMENDATION

Prior approval REQUIRED and REFUSED for the following reason(s):

1. By virtue of its height and siting, the proposed 15m slimline monopole would be visually prominent within the otherwise low form of the surrounding area and would be unduly harmful to the open character and appearance of the immediate area that has been intentionally designed to provide a public open space. Furthermore, no thorough justified information in relation to alternative 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 the street scene and visual amenity and be contrary to policies P1, P3 and DM1 of the adopted Rochdale Core Strategy, and the National Planning Policy Framework.
2. The application has failed to demonstrate a lack of harm to the root system of the adjacent trees which are considered of high amenity value and failed to demonstrate a sustainable future relationship with the trees without the need to prune. The proposal is therefore contrary to Policies DM1 and P2 of the Rochdale Core Strategy and the NPPF.

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:

INFORMATIVE:

For the avoidance of doubt, this decision relates to the following plans/documents:

Drawing No: ROD23792_M001 Rev A – 002 Site Location Plan
Drawing No: ROD23792_M001 Rev A – 100 Existing Site Plan
Drawing No: ROD23792_M001 Rev A – 150 Existing Elevation A
Drawing No: ROD23792_M001 Rev A – 210 Proposed Site Plan
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