

APPLICATION NUMBER: 23/01390/TELE

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER
23/01390/TELE	Rosalind Gralton

DETERMINATION DATE 12.02.2024 **EXT OF TIME** 28.03.2024

Address: Tower 17M From Brown Hill Farm, Rooley Moor Road 17M From Rooley Moor Road Rooley Moor Road Rochdale Rochdale OL12 6BN

Proposal: Prior notification for removal of 5 no stacked antennas and 1 no 0.6m dish and installation of 2 no antennas plus ancillary equipment

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
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	APPROVE SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: LA

DATE: 25.03.24

SITE

The site relates to an existing 17m high tower at the site of Brown Hill Farm, located on the western side of Rooley Moor Road, Rochdale.

The site is located within the Catley Lane Head Conservation Area and the Green Belt. It is not adjacent to or within the setting of any Listed Buildings.

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 removal of 5 no stacked antennas and 1 no 0.6m dish and installation of 2 no antennas plus ancillary equipment

The applicant's supporting statement states that street pole and cabinets is required as being necessary for expanding coverage in the local and wider area.

RELEVANT PLANNING POLICY

The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO3	Improving design, image and quality of place
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

RELEVANT SITE HISTORY

91/D26181 - Single Storey Building And Surrounding Security Fencing – Grant subject to conditions 18/04/1991

CONSULTATION RESPONSES

Conservation Officer

'The proposal is for replacement equipment on an existing telecommunications tower. The proposed change appears minor in nature and would not materially affect the appearance of the tower.

It would preserve the character and appearance of the Conservation Area. It would have a neutral impact on the significance of this heritage asset, as well as the non-designated heritage asset, Brown Hill Farm.

No objections'

Highways And Engineering

No objections.

Env Health - Noise/Odours

No comments received to date

REPRESENTATIONS

The application was publicised by way of neighbour notification and site notice. 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 removal of 5 no stacked antennas and 1 no 0.6m dish and installation of 2 no antennas plus ancillary equipment would be development permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 16, Class A.

The application is therefore for a determination whether the prior approval of the Council will be required as to the siting and appearance of the installation, as required under paragraph A.3 of the Order.

Siting and Appearance

Paragraph 119 of the National Planning Policy Framework states:

'The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate'.

Further to this, paragraph 121 of the NPPF requires that:

'Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and*
- b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or*
- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.*

Policy E2 of the Rochdale Core Strategy states that the Council will promote the delivery of infrastructure, such as information and communications technology with a focus on supporting economic development in growth areas. The NPPF contains a clear expression of Government policy that advanced, high quality communications infrastructure is essential for sustainable economic growth and in this respect there is encouragement to local planning authorities to support the expansion of electronic communication networks, including telecommunications.

Policy 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 terms of impact on visual amenity and the character and appearance of the area, the proposed alterations are minor, and would not result in a development out of scale or keeping with the surrounding of the existing mast.

As a result, the proposed alterations to the antennae are considered to be acceptable in respect of the impact on the visual amenities and character & appearance of the area. Given the above, it is considered the proposal is in compliance with Policies P1 and, P3, of the adopted Core Strategy and the National Planning Policy Framework.

Heritage

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

The NPPF states that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. This is largely reflected within Policies DM1 and P3 of the Council's adopted Core Strategy, which requires development proposals to demonstrate high quality design.

The NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

The Council's Conservation Officer was consulted on the application and concluded the proposal would result in a neutral impact to the conservation area and adjacent

non-designated heritage asset. The proposals are minor and would not materially alter the appearance of the tower.

As such, the proposals are in compliance with policy P2 and DM1 of the Rochdale Core Strategy.

Highways Safety

In other matters it is noted the Council's Highways Officers were consulted. The proposed alterations would not affect the tower's relationship with the highway and no objections were raised. Therefore the proposal accords with policies T2 and DM1 of the Core Strategy and the National Planning Policy Framework.

RECOMMENDATION: Approve subject to conditions

1. The development shall be carried out in accordance with the following:

LOCATION PLAN RA00117-00-004-ML00 REV 1
SITE PLAN PROPOSED – RA00117-30-100-MD005- REV 5
EQUIPMENT LAYOUT PROPOSED – RA00117-30-101-MD005 REV 5
ELEVATION PROPOSED – RA00117-30-150-MD005- REV 5
ELEVATION PROPOSED – RA00117-30-151-MD005-REV 5

Reason: In the interest of visual amenity and in compliance with Policy P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

2. The new antennae shall be coloured to match the existing tower.

Reason: In the interest of visual amenity and in compliance with Policy P3 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Report Author Rosalind Gralton