

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00357/TELE	Claire Ringwood	16 th May 2023

Address: Land At Gale Primary Sub-Station, Whitworth Road, Rochdale, OL12 6ER

Proposal: The installation of a 20m high lattice tower supporting 12 antennas on a headframe; 2 GPS modules; 4 300mm transmission dishes; 36 Ericsson radio systems; together with 6 equipment cabinets, 1 meter cabinet and ancillary development thereto including erection of 2.1m high palisade fencing and a 1.6 high metre gate

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?	Y

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: 26 May 2023

SITE

The site is located on private land owned by Electricity North West Limited and where a large, brick electricity sub-station is situated. The site is on Whitworth Road to the south of a dismantled railway and opposite Tesco Express and a hand car wash. The closest residential properties are located on Bowlers Walk to the east and south-east. To the north and north-west there are residential properties.

The site is located within the Defined Urban Area.

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 20m high lattice tower supporting 12 antennas on a headframe, 2 GPD modules, 4 300mm transmission dishes, 36 Ericsson radio systems, together with 6 equipment cabinets, 1 meter cabinet and ancillary development including 2.1m palisade fencing and a 1.6m gate.

The applicant's supporting statement advises *'due to all the technologies that will be available at this location, 2G, 3G, 4G and 5G, 12 antennas need to be installed on brackets at the top of the lattice tower which is required to support the antennas and are needed to both support VM02 and Vodafone from one installation.'* An additional radio base station is also required for VM02 and Vodafone service as an existing site cannot be upgraded due to the site provider serving a notice to quit which requires the operators to vacate the site and its equipment be decommissioned.

In regards to the appearance, the report has stated the lattice style design is proposed due to its see through nature which allows light to be able to pass between the supporting arms and tower legs reducing visual impact.

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
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. The submitted documents refers to a pre-application enquiry being submitted however, no records can be found of this.

CONSULTATION RESPONSES

Electricity North West

We have been provided with the attached notice of application, drawings and covering letter by Clarke Telecom Limited in relation to a proposed telecommunication installation at the above address.

The developers/applicant notice concerns **land owned** by Electricity North West Limited (ENWL) and primary sub-station located on its land. ENWL is not a joint applicant and does not support the application.

The substation currently sited on the land provides critical infrastructure in the distribution of electricity to both the surrounding area and also for the larger ENWL distribution network.

The developer/ applicant has repeatedly been advised by ENWL that their client's proposed telecom site has been identified as proposing a **'burden'** under the Telecoms Code and has therefore been refused, on operational grounds, by ENWL, acting as a statutory undertaker.

Operational requirements and any expansion plans in order to comply with ENWL's licence obligations and any future 'Net Zero' commitments must remain unfettered.

Shared vehicular Site access with a Telecom Operator[s] is not acceptable at this Site and the land is required to be kept available for ENWL's own electricity distribution use and purposes at all times and without any operational interruption.

It is also noted that the proposed installation consists of a large 20m high lattice tower very close to the A671, Whitworth Road in a largely residential area and will likely dominate the street scene and landscape.

Highways

The proposed telecoms site is directly adjacent to an electricity sub-station on Whitworth Road which is a classified road (A671) so the main issue from a Highways perspective is how the site would be serviced. From the supplemental information submitted it appears that the site will require a very low servicing with an Engineer supposedly visiting the site only once a year which if correct would be acceptable.

As the site is on a classified road and close to the entrance to the car wash and supermarket we would ask that the applicant submits a Construction Method Statement for approval to ensure that there no detrimental impact on the safe operation of the highway network during the construction period.

Subject to the requested condition being applied Highways would raise no objection to this application.

Ecology

There are unlikely to be any significant ecological issues associated with this development.

Protected Species

Given the nature of the site, bare ground with ephemeral and early successional vegetation (based on streetview); nature of the development a telecommunication mast covering a few square meters and lack of any suitable habitat nearby for any such species to rest (other than potentially badger in the cutting adjacent to the site), I am satisfied that no further information or measures are required.

Nesting Birds

Scattered scrub appears to be present and a tree overhangs the site. The risks of nesting birds being present however are very low. I therefore recommend an informative along the following lines.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of a few square meters of very low ecological value habitat and likely have no implications for wildlife. No mitigation is therefore required. Enhancement could be provided through provision of native shrub planting but this is only a suggestion. Any such details if required can be dealt with via condition.

Environmental Health – Noise/Odours

No response received at the time of writing.

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a site notice was posted. 4 letters of representation have been received with regards to:

1. The tower would be visible from neighbouring properties and would be an eyesore if permission was granted;
2. Overshadowing;
3. Overlooking;

4. It would be against the public interest of the immediate neighbourhood if this were erected;
5. The land at Gale Primary Sub-Station and rear gardens of Bowlers Walk are a feeding area for bats and birds;
6. Negative health benefits to residents due to radiofrequency waves;
7. Directly behind a home for cared for children;
8. Will it interfere with a resident's pacemaker?
9. All neighbours should have received a letter; *Officer Note: Closest neighbouring properties were notified by letter along with a site notice displayed at the site.*
10. Devalue properties and hamper ability to sell in the future; *Officer Note: this issue is not a material planning consideration and cannot be taken into account in the determining of the application.*
11. If permission is granted, a compensation package should be offered by the company seeking the planning permission to those visibly affected to mitigate against future financial losses; *Officer Note: this issue is not a material planning consideration and cannot be taken into account in the determining of the application.*

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 for the installation of a new 20m lattice tower including apparatus and 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.

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 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 mast would introduce a 20m high structure located close to the footway with Whitworth Road. Although set behind a 1.6m high brick wall the proposal would introduce a 2.1m high palisade fence (not shown on the submitted Proposed Site Plan Elevation – Drawing No: 301 Rev A) and would be highly visible in this relatively open section of Whitworth Road. In terms of impact on visual amenity and the character and appearance of the area, the proposed mast would tower 12.2m above the lamp post directly to the front of the site and 14.5m above the adjacent sub-station. The proposed mast would therefore appear distinctly out of scale, as demonstrated by Drawing No: 301 Rev A – Proposed Site Plan, where the existing lamp post and sub-station are visible. Seven cabinets are also proposed although these are only shown on the Proposed Site Plan (Drawing No: 201 Rev A) and are not shown in elevation. The height of these cabinets is not known.

The existing street furniture, including adjacent trees 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 the monolithic stature of the proposal which will be noticeably out of scale with the surrounding context.

The submitted Supporting Information states the proposed height at 20m is the minimum required in order to provide equivalent coverage to the target coverage area and 5G new radio technologies operate in higher frequency bands than older technologies and therefore it requires a higher structure to achieve the same

coverage footprint. The Supporting Information continues that the design of the lattice tower with its see through nature allows light to pass between reducing the visual impact.

Ultimately, at a height of 20m the lattice tower fails to adequately disguise the height and bulk of the installation given the highly visible and prominent location. The proposal is therefore considered visually dominant within the otherwise low form of the surrounding area and 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.

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 20m lattice tower would form an incongruous and unsightly addition to the street scene as a result of its height, scale and appearance. However, the closest residential properties are located on Bowlers Walk, which are at a lower level than the application site and there is a distance of approximately 30m from the application site to the boundary of the nearest property at Bowlers Walk. Given this distance the proposal is not considered to have a significantly detrimental impact on residential amenity in terms of overshadowing, overlooking and disturbance.

Concerns have been raised in relation to the impact of the proposal on the local residents, the existing health condition of a neighbouring resident and the location of children close by. 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.

Other matters

Site Selection

The submitted Supporting Information states *'there is a specific requirement for a new installation at this location to provide 2G, 3G, 4G and new 5G coverage and capacity...and that Cornerstone requires new 5G to be installed on their network in this cell area due to the existing site at Fieldhouse Business Park, Fieldhouse Road...cannot be upgraded due to the site provider serving notice to quit which requires the operators to vacate the site and its equipment be decommissioned. Therefore, a new replacement site for VM02 and Vodafone is therefore needed to provide this operator with the latest 2G, 3G, 4G and 5G technologies.'*

The Supplementary Information details the site selection process providing details of alternative sites considered for development. The assessment sets out various reasons which discount the possibility of siting the telecommunications at each of the

alternative sites, with some sites physically constrained i.e. a lack of available space, with other sites discounted due to being outside the operators search area.

No further information has been provided to conclusively determine that the application site, and the 7 alternative sites (3 of which are outside the operators search area) are the only viable sites to fulfil the needs of the operator within this undefined search area. 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, 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.

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 recommended a Construction Method Statement be submitted as the site is on a classified road and close to the entrance to the car wash and supermarket. Had the prior approval been acceptable in all other regards this matter could have been addressed by way of a condition to ensure that there is no detrimental impact on the safe operation of the highway network during the construction period.

Ecology

Concerns have been raised in respect of birds and bats that occupy Gale Primary Sub-Station and the rear gardens of Bowlers Walk. The Council's Ecologist raised no objection to the proposal subject to an informative relating to nesting birds.

Land ownership

The land on which the application relates is owned by Electricity North West who have objected to the proposal. Had the application been acceptable in all other regards the applicant would still have required the consent of the land owner before the installation of any equipment.

RECOMMENDATION

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

1. By virtue of its height, siting and appearance, the proposed 20 metre high lattice tower, apparatus and equipment cabinets would constitute a significantly incongruous and visually dominant feature in the street scene. 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.

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: 100 Rev A – Site Location Maps
- Drawing No: 201 Rev A – Proposed Site Plan
- Drawing No: 301 Rev A – Proposed Site Elevation
- Covering letter
- Supplementary Information
- Declaration of conformity with ICNIRP Public Exposure Guidelines
- Developer Notice
- Letters to Councillors and MP
- Letters to owners of the land to which the application relates
- 5G Mast & Health Fact Sheet
- 5G – The Next Mobile Generation (Department for Digital, Culture, Media & Sport)
- 5G, EMF Exposure and Safety Booklet
- 5G Mobile Technology: A Guide (HM Government)
- Collaborating for digital connectivity (Departure for Digital, Culture, Media & Sport and Ministry of Housing, Communities & Local Government)
- The importance of local authority collaboration to deliver mobile connectivity by Cornerstone
- Cornerstone Community Information Sheet – Safety Guidelines on electromagnetic fields from antennas
- Cornerstone Community Information Sheet – Planning for a better network
- Cornerstone Community Information Sheet – Health Summary
- Mobile Connectivity and 5G infrastructure – Planning (Department for Digital, Culture Media & Sport)
- General Background Information for Telecommunications Development by Cornerstone
- Cornerstone – Health and Mobile Phone Base Stations
- Local Authority Toolkit 5G & Health by Mobile UK
- The public benefit of mobile connectivity by Cornerstone
- Radio Planning and Propagation (v.4 November 2019) by Cornerstone