

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00062/TELE

CASE OFFICER

Rosalind Gralton

DETERMINATION DATE 11.03.2024 EXT OF TIME 24.05.2024

Address: Sheriff Street, Rochdale, OL12 6QR

Proposal: Prior notification for a proposed 20m high telecommunications installation and associated works

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
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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: RK

DATE: 24/05/2024

SITE

The application relates to a parcel of pavement to the east of Sheriff Street, just south of the roundabout, and south of the junction with Jane St. The site has recently changed with former housing blocks (Exbury, Waverley, Yarwell, Abbeydale, Zadburch) demolished to the east. Falinge Park, a Registered Park and Garden is north-west, including Grade II listed entrance gates.

St Edmunds Church Falinge Conservation Area is located to the west, with the boundary of this just behind 49-61 Sheriff Street. 12 and 14, 11 and 13 Edmund Street are included within the Conservation area and are visible from Sheriff Street and are included within it's setting.

The conservation area comprises of two storey residential properties, with St Edmund's Church at its centre.

The existing street furniture along Sheriff Street in the area consists of street lamps and wooden telephone poles, which are approximately 8m tall.

The highway adjacent to the site is used as a school crossing patrol point for pedestrians in term time.

The site is located within the Lower Falinge Supplementary Planning Document masterplan area, along the western boundary along Sheriff Street. Sheriff Street is identified as a primary street within the plan, with the roundabout junction with Falinge Road to be a 'key landscaped route'. The corner of Falinge Road and Sheriff Street is proposed to have 3-5 storey homes in this area, and is identified as a 'architectural moments and landmark corners'.

St Edmunds Church lies to the west of the application site whilst the St Edmunds Church Conservation Area is to the opposite side of Sherriff's Street. The Church sits within a diamond shape plot at the junction of four roads and sits within the St Edmunds Church Conservation Area approximately 100m to the west of the proposed site. The Church is designated at grade I, for its design, architect, rarity, historic interest and decorative qualities. The list description notes that *'the completeness of the scheme and all-encompassing nature of the Masonic symbolism, apparent in both the dimensions of the church and its detailing and embellishment, is unparalleled in an English context.'*

PROPOSAL

Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for '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.*

Paragraph (4) of Part A.3 to the above Order states that, subject to the criteria and conditions set out in Parts A.1 and A.2 of the Order:

‘Before beginning the development described in paragraph A.2(3), 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 Part A.3 states that development shall not be begun 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
- c) 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 20m monopole structure, together with associated cabinets and apparatus for the purpose of the Applicant's electronic communications network. The ancillary data cabinets proposed benefit from permitted development rights. The colour treatment specified for the mast is light grey.

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

For the avoidance of doubt, the telecommunications installation proposed is referred to as a ‘monopole’ within this report.

RELEVANT PLANNING POLICY

Legislation

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)

Sub-Regional

Places for Everyone:

JP-S1 Sustainable Development
JP-P1 Sustainable Places
JP-P2 Heritage
JP-C2 Digital Connectivity
JP-D1 Infrastructure Implementation

Adopted Rochdale Core Strategy (CS):

SO1	Delivering a more prosperous economy
E2	Increasing jobs and prosperity
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
T2	Improving Accessibility
DM1	General development requirements

Saved Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
BE/17	New Development Affecting Conservation Areas

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

Lower Falinge Supplementary Planning Document (September 2021)

RELEVANT SITE HISTORY

21/01378/TELE – Installation of a 20m high monopole supporting 12 no. antenna and 2 dishes, including ancillary cabinets – Refused 16/11/2021. Appeal dismissed – 20th September 2022.

CONSULTATION RESPONSES

Highways And Engineering

Highways have some concerns regarding the installation of telecoms equipment at this location.

Sheriff Street is a busy classified road (B6377) and one of the main links into Rochdale Town Centre so any detrimental impact on its capacity and road safety must be our first consideration.

Maintenance of the equipment would require siting a Cherry Picker on the highway. This arrangement should be avoided and would be detrimental to the safety and capacity of the highway.

The location of the equipment is adjacent to an area outlined for extensive redevelopment. It is most likely any equipment installed would need to be removed and relocated soon after installation to gain proper access to the site for redevelopment.

Telecoms equipment installed at this location would prevent any future highways improvements at an already problematic junction.

For these reasons Highways cannot support this application and recommend its refusal on highway safety grounds and its detrimental impact on highway capacity

Env Health - Noise/Odours

No comments received to date

Conservation And Design

First response: (20/02/2024)

I have reviewed the above telecommunications application. This follows on from a previously dismissed scheme for a 20m high monopole slightly further to the south along Sheriff Street (21/01378/TELE refers). In dismissing the appeal, the Inspector noted that the proposal would have a harmful impact on the significance of both the Conservation Area and the grade I listed St Edmunds Church. In particular they made reference to panoramic views of the tower from the roundabout with Falinge Road.

This application is located slightly further from the Conservation Area, but is still within the same panorama when viewed from the roundabout. Additionally, the new position is closer to the grade II registered Falinge Park and grade II listed gates.

Given the context and the recent history, it is disappointing that the application is not supported by a heritage statement. This is required, so that the impacts of the proposal can be properly assessed.

Nevertheless, given the concerns raised previously by the Inspector, particularly in terms of the views of the grade I listed St Edmunds Church, it is difficult to see how a different conclusion can be reached in this case. The siting and appearance of the proposal would have a harmful effect on the character and appearance of the surrounding area, with particular regard to the settings of nearby designated heritage assets. This harm has not been justified and it has not been demonstrated that it would be outweighed by public benefits. It would not comply with Rochdale CS policy P2 or the aims of NPPF Chapter 16.

Second response: (Following the submission of the Heritage Statement)

A heritage statement has now been provided to accompany the above application. Following the submission of this document, I have the following comments to make:

The proposal is for the installation of a 20m high monopole along Sheriff Street. It follows on from a previously dismissed scheme for a similar monopole to the south along Sheriff Street (21/01378/TELE refers).

Description of location

The application site is located on the eastern side of Sheriff Street in Rochdale. The area is an existing grass verge. The context of the area has changed in recent times, with the demolition of some of the former apartment blocks to the east of the site.

The site lies in close proximity to a number of heritage assets, and as a result has the potential to impact on the setting and significance of these assets.

Affected heritage assets

The site would be in the vicinity of a number of heritage assets:

- *St Edmunds Church is a Grade I listed church, dating from 1870 to 1873. It is constructed of irregularly coursed sandstone with red sandstone banding, ashlar dressings and slate roofs. The Church occupies an imposing position on a diamond shaped plot, where four streets converge. The Church occupies a landmark position within the locality. As a grade I listed building, it is considered to be a designated heritage asset of the highest significance.*
- *St Edmunds Church Conservation Area has at its centre the grade I listed church, and incorporates the surrounding contemporaneous Victorian streets. These streets provide the immediate setting to the St Edmund's Church and make a significant contribution to the special interest and significance of the listed building.*

An important element to the Conservation Area, is the views that the road layout allows towards the Church. The street layout was no doubt intentional as part of the design of the Church and its setting.

- *Falinge Park lies to the north of the application site. At its centre lies the façade and wings of Falinge Park. The Hall built in the late 18th century, fell into disrepair and was partially demolished in the 20th century, leaving the structure as seen today. The Hall and grounds were presented to the Rochdale Corporation in the 1902, and a contribution was made towards the laying out of a public park. The Park was formally opened to the Public in 1906 and extended in 1911/1912 to mark the coronation of King George V. The Park is registered at grade II.*
- *The main entrance to Falinge Park is to the south of the Park, at the junction of Sheriff Street and Falinge Road. The central double gates provides vehicle access and are flanked on either side by pedestrian gates. The gates are cast iron set between sandstone piers, with decorative scrollwork and heraldic cartouches. The Gates are separately listed at grade II.*

Policy

As the application is made for prior approval, the local planning authority is only able to consider the impacts of siting and appearance. NPPF and local plan policies are relevant insofar as they relate to siting and appearance.

NPPF Chapter 16 deals with conserving and enhancing the historic environment. Paragraph 205 states that '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.' This is irrespective of the level of potential harm.

Paragraph 206 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'.

Paragraph 208 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'.

Adopted Places for Everyone Policy JP-P2 relates to heritage. Amongst other matters this states that 'particular consideration will be given to ensure that the significance of key elements of the historic environment which contribute to Greater Manchester's distinctive identity and sense of place are protected from harm'

Rochdale CS policy P2 relates to protecting and enhancing character, landscape and heritage. This policy looks to conserve, enhance and promote key heritage assets, including consideration of their wider setting. Key heritage assets include listed buildings, registered parks and gardens and conservation areas.

Previous reasons for dismissal

In dismissing the previous appeal, the Inspector noted that Sheriff Street and the appeal site contributed to the special interest and significance of both St Edmund's Church and the St Edmund's Church Conservation Area.

They noted that at 20m in height, the proposal would be markedly taller than other manmade features within the immediate surrounding area. Its vertical projection above nearby structures and buildings would cause it to be an unduly prominent feature in the townscape. This visual prominence would be exacerbated by the wraparound cabinet, which would make it considerably bulkier in form and appearance than other vertical features along the street.

The Inspector stated that the proposal would appear as an unduly conspicuous and detrimentally discordant feature, which is wholly at odds with the type and scale of surrounding street furniture and development. They also noted that it would be read in public panoramic views with the Church's tower when observed from the roundabout junction with Falinge Road and in private views from the space around the garages and from the flats on the eastern side of Sheriff Street. They concluded that in these instances, the monopole would harmfully detract from views of the tower, adversely altering the ability to appreciate the building's significance.

They continued to note that 'the fundamental presence of such an unduly incongruous feature within the townscape, so near to a Grade I listed building, would be sufficient for it to result in a degree of harm to the asset's wider setting and thus its significance.' In respect of the Conservation Area, the Inspector stated: 'Given the site's location in very close proximity to one of the main routes into and out of the SECA, it reasonably follows that the identified harmful effects of the proposal would also detrimentally affect how the SECA is experienced and would undermine the ability to appreciate its significance.'

They concluded that 'the harm to the significance of Saint Edmund's and the SECA would be less than substantial but, nevertheless, of considerable weight and importance.'

Assessment of current scheme

As noted above, the current proposal is for a similar 20m high monopole with wraparound and associated cabinets. It would be located over 30m further to the north than the previously dismissed scheme, but would still be on the eastern side of Sheriff Street.

Given that there are no significant changes to the proposed design of the monopole, and as it would still be located on Sheriff Street, the Inspector's comments in relation to it being markedly taller and bulkier than other vertical features still apply. The conclusion that it would appear 'as an unduly conspicuous and detrimentally discordant feature, wholly at odds with the type and scale of surrounding street furniture and development' also still applies.

The revised location has brought the proposal significantly closer to the Grade II registered Falinge Park and its grade II listed entrance gates. This revised location would make it a far more prominent feature on the approaches to the Park and the grade II listed gates. Given its incongruous appearance and prominence in the streetscene, it would result in less than substantial harm to the significance of these designated heritage assets.

The revised location would be slightly further from both the St Edmund's Conservation Area and the grade I listed St Edmund's Church. Nevertheless, in its revised position, the monopole would still be a feature in views of the Church tower, as well as in the panoramic view identified by the inspector from the roundabout at the junction of Sheriff Street and Falinge Road.

The proposal would read as an incongruous and harmful feature within the setting of these designated heritage assets. The proposed monopole would result in less than substantial harm to the significance of these designated heritage assets. This is also acknowledged by the applicants in their heritage statement.

The identified harm to the designated heritage assets carries considerable weight in the planning balance.

REPRESENTATIONS

The application was publicised by press notice and site notice and neighbour notification. No responses were received.

ANALYSIS

Assessment against Permitted Development Legislation

The proposal relates to the installation of a new ground-based mast and associated apparatus and is therefore assessed in relation to Part 16, Class A.1. In this regard, the mast, excluding any antenna, would not exceed a height of 25 metres above ground level on unprotected land and therefore meets the requirements of A.1 (1)(c)(i). With regards A.1 (7) the total ground or base area of the structures (the antenna and supporting infrastructure) would meet the requirement of the legislation.

Siting and Appearance and Design

Paragraph 119 of the NPPF 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.'

Paragraph 121 of the NPPF continues '*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.'*

There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies P1, P2, P3 and DM1 of the Core Strategy are material considerations as they relate to issues of siting, appearance and heritage. In addition, Policies JP-P1 and JP-P2 of the recently adopted Places for Everyone Joint Development Plan (PfE) are relevant given their aspirations to achieve high quality places and to conserve, sustain and enhance heritage assets and their settings. PfE Policy JP-C2 emphasises the ambition for Greater Manchester to become a digitally connected city region, however does explicitly set out that this should not come at the expense of townscape quality. The National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications. Paragraph 139 of the Framework is explicit in that development which is not well-designed should be refused.

It is noted, the proposed monopole is of a very similar design to the refused application 21/01378/TELE, in a very similar area. In terms of impact on visual amenity and the character and appearance of the area, a monopole of 20m in height with an antenna, and multiple associated equipment cabinets would undoubtedly be highly prominent and would clearly stand proud of the existing, slim, 8m high street lighting columns. The monopole would tower above the surrounding street furniture and appear distinctly out of scale. While there is a backdrop of trees, the trees are located on land (included within the Lower Falinge SPD Masterplan Area) where former post-war social housing blocks have recently been demolished, and currently appear sparse in a vast space, and would not provide opaque screening of the monopole from when viewed from Falinge Road looking west.

A monopole 20m in height would have an appreciably greater impact on the visual amenities of the area with it standing considerably taller than adjacent two storey buildings on the opposite side of Sheriff Street. In addition, the street lamps would be significantly lower and slimmer in size which in comparison to the proposed mast compounds its height impact further.

No colour is specified for the monopole on the plans or within the supporting information. However, notwithstanding the colour of the monopole (which could be secured by condition in the instance the application was approved), this would not

disguise or mitigate the impact of the height, scale or massing of the installation. The visual harm of the installation would be amplified by the direct sightlines available along the length of Falinge Road, Sherriff Street and Edmund Street. Drivers joining and turning off residential side streets would pass the installation in its highly prominent position.

The site is included within the Lower Falinge Masterplan Area SPD, which states:

‘Subject to whether the need is identified through future proposals and as part of the planning process, making improvements to Sheriff Street could increase road safety, improve the pedestrian environment and improve movement in the area. This could be done, subject to testing through the planning process, by:

- narrowing Sheriff Street as a traffic calming measure to increase the safety of the environment;*
- creating wider, tree lined pavements and dedicated cycle lanes to enhance the pedestrian environment;*
- locating three storey homes along the length of the street to create a strong frontage; and/or*
- focusing good quality urban design at key gateways with Sheriff Street, Falinge Road and Spotland Road.’*

As a result of the current proposal, the 20m high monopole would most likely be directly on the frontages of the proposed dwellings included in the Lower Falinge Masterplan, looking out onto the primary street of Sheriff Street. While these dwellings (which do not yet benefit from planning permission), for development within the SPD area to date, predominantly comprises 2-3 storey dwellinghouses which could reasonably be expected to continue to Sheriff Street. As per the definitions contained within the Council's Guidelines and Standards for Residential Development SPD, a principle window to a habitable room could reasonably be expected to face directly onto the monopole over the lifetime of this development and would comprise a significantly incongruous feature within the outlook of any residential development to be delivered at this location. As a result, the proposal would disrupt the strong frontage proposed for Sheriff Street, and would disrupt the pattern proposed of focusing good quality urban design at key gateways, such as the junction of Sheriff Street and Falinge Road. The applicant has not investigated any potential prejudicial impact on any future development, which by virtue of the existence of the SPD and inclusion within the Council's SHLAA, has more than a reasonable prospect of coming forward. Furthermore, as elaborated in the Highways element of this report, the proposed siting of telecoms equipment in this location, would prevent highways improvements in this area, which are also proposed within the Lower Falinge Masterplan Area.

Whilst the need for the proposed equipment close to homes and businesses is not disputed, the chosen site is considered to be unsuitable due to its prominence in this highly visual residential location. The impacts of the impact on residential properties would be amplified following the implementation of the Lower Falinge Masterplan Area, where residential frontages would face onto the monopole. The area where the mast would be positioned has low lying buildings, in addition to existing street lamps and street furniture that are only 8m high. Furthermore, there would be a limited element of shielding of the mast, as also referenced above in relation to the sparse tree cover immediately east of the site.

As a result, the proposed location is considered to be unacceptable in respect of the potential impact on the visual amenities and character & appearance of the area,

contrary to Policy P3, and the requirements of Policy P1 to improve the image of the borough's townships.

Heritage Impact

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.

Policy JP-P2 States, among other matters, *'particular consideration will be given to ensure that the significance of key elements of the historic environment which contribute to Greater Manchester's distinctive identity and sense of place are protected from harm'*.

Rochdale CS policy P2 relates to protecting and enhancing character, landscape and heritage. This policy looks to conserve, enhance and promote key heritage assets, including consideration of their wider setting.

NPPF paragraph 206 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 208 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. This is to be read in conjunction with 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 Conservation Officer's consultee response identifies four designated heritage asset within the vicinity of the site including St Edmunds Church (Grade I), St Edmunds Church Conservation Area, Falinge Park (Grade II), and the main entrances gates to Falinge Park, listed separately to the park at Grade II.

St Edmunds Church lies to the west of the application site. The Church is constructed of irregularly coursed sandstone rubble with bands of red sandstone and a slate roof. It was constructed in 1870 -1873 to a design by James Medland and Henry Taylor and was funded by Albert Hudson Royds in memory of his parents. It dominates the entrance gateways into the Conservation Area, including the gateway to the east from Sheriff Street.

Regardless of the harm proposed, 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.’

As drawn upon by the Conservation Officer in their consultee response, a directly comparable case in this area, 21/01378/TELE (APP/P4225/W/22/3295575), was dismissed at appeal in 2022. The proposal dismissed at this appeal, was for a very similar monopole of 20m, located approximately 20m south of the proposal site, on the same side of Sheriff Street. In the inspectors report, the Inspector drew direct reference to the views of the adjacent Grade I listed building by the roundabout junction with Falinge Road, approximately 20m north of the current proposal site.

‘The proposal would not be viewed in conjunction with Saint Edmund’s when travelling north along Sheriff Street. However, it would be read in public panoramic views with the church’s tower when observed from the roundabout junction with Falinge Road and in private views from the space around the garages and from the flats on the eastern side of Sheriff Street. In these instances, the monopole would harmfully detract from views of the tower, adversely altering the ability to appreciate the building’s significance’

As a result of the current proposal, the monopole would be even more visible when read in public panoramic views with the Church’s tower, than the previously refused application. This is in addition to private views from the space around the garages and from the flats on the eastern side of Sheriff Street. As stated by the Inspector, the monopole would adversely alter the ability to appreciate the building’s significance. As a result, this carries great weight in the planning balance.

It is also noted within the Conservation Officer’s consultee response, as shown in the Inspectors report, that *“the fundamental presence of such an unduly incongruous feature within the townscape, so near to a Grade I listed building, would be sufficient for it to result in a degree of harm to the asset’s wider setting and thus its significance.”* In respect of the Conservation Area, the Inspector stated: *‘Given the site’s location in very close proximity to one of the main routes into and out of the SECA, it reasonably follows that the identified harmful effects of the proposal would also detrimentally affect how the SECA is experienced and would undermine the ability to appreciate its significance.’*

The Inspector stated the harm level in this instance was less than substantial, but of considerable weight and importance.

In addition to the comparisons drawn above, the site of the application proposal would be closer to the setting of Falinge Park, a Grade II listed Registered Park and Garden, as well as the Grade II listed gates into the park, which are located approximately 75m to the north of the site, visible from the aforementioned roundabout junction with Falinge Road. The case officer concurs with the findings of the Conservation Officer, which concludes there are no significant changes to the previously refused scheme, and the proposal would still appear *‘as an unduly conspicuous and detrimentally discordant feature, wholly at odds with the type and scale of surrounding street furniture and development’*.

Overall, the development would also give rise to less than substantial harm to the significance of the Grade I listed St Edmunds Church and to the St Edmunds Conservation Area through the addition of an incongruous feature to the designated asset’s setting and the visual competition within the townscape which it would create contrary to Policy P2 of the adopted Core Strategy, PfE Policy JP-P2 and the NPPF. In accordance with paragraph 206 of the framework, any harm to the setting of a designated heritage asset should require clear and convincing justification. Paragraph

208 states that less than substantial harm caused by a development should be weighed against the public benefit.

Supporting documentation does provide details of the public benefits which would be derived from the proposed upgrade to the mast in the provision of 5G. Both the Framework and PfE Policy JP-C2 are clear of the weight which should be afforded to the delivery of high-quality communications, however, in order to attract full weight, it must be concluded that the proposed siting is the most sequentially preferable and that the same, or similar benefits could not be achieved elsewhere.

The site specific supporting information sets out the proposed development as necessary for business development and meeting specific technical and operational requirements. Within the site specific supporting information, the site is considered sequentially preferable within the context of paragraph 119 of the NPPF.

Highway Safety

Paragraph 115 of the NPPF state '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'

Additionally, paragraph 116 of the NPPF states '*Within this context, applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;'*

As part of the assessment of siting of the development, the Council's Highways Officer was consulted. Concerns were raised as a result of the busy operation of Sheriff Street. It was noted concerns as a result of the maintenance equipment requiring a Cherry Picker on the highway, as this would be detrimental to the safety and capacity of the highway. Concerns were also raised as a result of the close proximity of the site to the Lower Falinge Masterplan Area which soon to be redeveloped, and as a result removal and re-installation would be required in order to access the site. Further to this, the proposal would be contrary to the aims of highways improvements at the existing problematic junction. As a result, highways are unable to support the application as a result of highways safety, and the detrimental impact the proposal would have upon highways capacity.

The grass verge the site is proposed upon would be dominated by the associated cabinets of the telecommunications installation. The proposed cabinets would also open out onto the pavement, therefore causing further potential disruption, even in the infrequent instances of maintenance taking place. While this wasn't highlighted in the Highway's consultee response, the proposal would be located closer to a school crossing site, which would add further disruption to pedestrians and traffic particularly in term times.

It is however noted the previous Inspector's assessment of the highways impact, and while in a different location, it is noted the times of servicing would be infrequent. Concerns over installation, construction and servicing would be able to be resolved by condition in the instance the application is approved. This would therefore not substantiate a reason for refusal.

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, with the operator unable to upgrade the existing site as a result of proposed demolition.

It is noted the applicant states the proposed siting is as a result of the wide grass verge to avoid impact on pedestrian flow and safety, as well as the mature tall trees to the rear which provide 'natural screening'.

Ten alternative sites have been put forward and each site has been discounted due to various reasons. Six of these options have been discounted as a result of the impact the proposals would have on designated heritage assets or the setting of designated heritage assets. While the Council is not in a position to provide a site selection exercise for the application (it is noted no pre-application enquiry was submitted prior to this application), the applicant has not provided the defined area of selection. It is noted, an area to the south of the St Edmunds Conservation Area is present which would be closer to the existing mast, and would not be adjacent to any designated heritage asset, has not been considered. The omission of this within the application concludes that the applicant has not put forward a convincing case that provides a full understanding of the scope of the cell search area.

Other Matters

Paragraph 39 of the NPPF states *'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'*

The Council was informed of the submission of this application via email to the Highways department on the 16th January 2024. The Council operate a chargeable pre-application service to which no formal pre-application enquiry was received. Local planning authority officers responded via email on the 18th January stating serious concerns were raised in relation to the siting and appearance of the mast, as well as concerns of highway and pedestrian safety. The applicant was strongly advised not to proceed. No evidence of this communication was included within the submission. During the course of the application, the applicant was advised of the previous refusal and dismissal at appeal, as well as the highways objection to the scheme. An extension of time was agreed in order for a Heritage Statement to be submitted now, in order to avoid the submission of this at any future appeal stage.

A certificate which confirms that the proposed installation would be in full compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidance has been submitted. In relation to this Paragraph 116 of the NPPF stipulates that: *'Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards different from the International Commission guidelines for public exposure'*.

Planning Balance

The proposal, as a result of its siting and appearance, would result in the less than substantial harm upon the significance of 4 designated heritage assets, including a Grade I listed building. As a result of this paragraph 208 of the NPPF is engaged:

‘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.’

The public benefits of the proposal would result in tangible economic and social benefits, and attract considerable weight in the planning balance. However, heritage assets are an irreplaceable resource, and great weight should be placed on the protection of the significance of designated heritage assets, and their settings. This particular instance includes an asset of the highest significance.

While the site selection does provide details of 9 discounted sites, the search area is not sufficiently defined, and as such, concerns are raised to the limitations of this, and that a less harmful site would not be available.

As such, the sensitivity of the site, and the impact the proposal would have on the significance of the heritage assets would attract great weight. The identified harm would not be outweighed by the considerable weight of the public benefits in this instance.

Conclusion

The proposed 20m monopole and associated ancillary works would result in social and economic benefits through the improvements to local communications networks. Despite this, the siting and appearance of the proposal would have a harmful effect on the character and appearance of the surrounding area, with particular regard to the settings and the significance of nearby designated heritage assets, including a Grade I listed building of the highest significance. In so far as they are relevant, the proposal would be contrary to Policies P1, P2, P3 and DM1 of the RCS, and Policies JP-S2, JP-P1, JP-P2 and JP-C2 of PfE. The proposed harm would outweigh the public benefits proposed by the telecommunications infrastructure. Amongst other things, these policies require a high quality of design in all new developments; seek to protect and enhance the borough's character and heritage; and seek to improve the design of new development. It would also not comply with the provisions within the Framework which seek to conserve and enhance the historic environment. As such Prior approval for the siting and appearance is therefore required and the application is refused.

RECOMMENDATION

1. The site sits adjacent to the Grade I listed St Edmunds Church, the St Edmunds Church Conservation Area, Falinge Park (Registered Park and Garden, Grade II listed) and the separately Grade II listed gates into Falinge Park. The proposed 20 metre high monopole by reason of its significant scale, siting and appearance, would fail to sit sympathetically with, and respond positively to, the Grade I listed St Edmunds Church and its setting. The proposal would fail to safeguard the significance of the Church and would result in less than substantial harm to its significance, and the significance of the surrounding

Grade II listed heritage assets. By reason of its siting and scale, the proposed monopole would also give rise to an unacceptable impact to the character and appearance of the area and would comprise a wholly inappropriate addition to the townscape generally and would undermine the aspirations of the adopted Lower Falinge SPD and the Masterplan area at this gateway location. In addition, the proposals would set a dominant and incongruous feature in a prominent location relative to the outlook of dwellings on Sheriff Street, in addition to giving rise to unacceptable impacts on the outlook of future residential development on land to the east of Sheriff Street. The assessment of alternative sites for the proposed development does not provide a defined area of search and therefore it is not possible to definitively conclude that there are no more suitable sites reasonably available that would result in a lesser degree of visual harm, and the public benefits of the proposal are not considered to outweigh the less than substantial harm identified. On this basis the application is contrary to Policies P1, P2, P3, and DM1 of the adopted Rochdale Core Strategy, Policies JP-S2, JP-P1, JP-P2 and JP-C2 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Notes for Applicant:

For the avoidance of doubt, the application relates to the following plans and documents:

- Heritage Statement, commissioned by CEP Telecoms Ltd, April 2024
- Photomontage, received by the Council 16/02/2024
- ICNIRP Certificate
- Site Specific Supplementary Information
- 002 SITE LOCATION PLAN - 1708862_ROD165_95986_OL0519_M001 Rev A
- 003 ACCESS PLAN - 1708862_ROD165_95986_OL0519_M001 – Rev A
- 004 LEASE DEMISE & SITE LOCATION PLAN - 1708862_ROD165_95986_OL0519_M001 Rev A
- 005 CHERRY PICKER & CRANE LOCATION PLAN - 1708862_ROD165_95986_OL0519_M001 – Rev A
- 006 SERVICES PLAN - 1708862_ROD165_95986_OL0519_M001 Rev A
- 100 EXISTING SITE PLAN - 1708862_ROD165_95986_OL0519_M001 – Rev A
- 150 EXISTING ELEVATION - 1708862_ROD165_95986_OL0519_M001 – Rev A
- 215 MAX CONFIGURATION SITE PLAN - 1708862_ROD165_95986_OL0519_M001 – Rev A
- 265 MAX CONFIGURATION ELEVATION - 1708862_ROD165_95986_OL0519_M001 – Rev A