



Appeal Decision

Site visit made on 10 July 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/W4223/W/24/3336871

Land to South of Roscoe Street Car Park, Rhodes Bank, Oldham OL1 1EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL (EE UK Ltd & Hutchison UK Ltd) against the decision of Oldham Metropolitan Borough Council.
 - The application Ref is TEL/351889/23.
 - The development proposed is for a NTQ telecommunications installation, including proposed 20m High Valmont climbable monopole on 5.2 x 5.2 x 1.4m deep concrete base with config 2 circular headframe for 6No. antennas apertures at 30°/170°/280° & 4No. 600mm diameter dishes. BOB's, MHA's and active routers to be fixed to headframe behind antennas and associated ancillary works.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the proposed NTQ telecommunications installation, including proposed 20m High Valmont climbable monopole on 5.2 x 5.2 x 1.4m deep concrete base with config 2 circular headframe for 6No. antennas apertures at 30°/170°/280° & 4No. 600mm diameter dishes. BOB's, MHA's and active routers to be fixed to headframe behind antennas and associated ancillary works at land to South of Roscoe Street Car Park, Rhodes Bank, Oldham OL1 1EA, in accordance with application ref TEL/351889/23 and the details submitted with it, that include Master Drawing Nos 1712593_OLM159_34557_M001 Issue A, including those titled, 002 Site Location Plan; 003 Access Plan; 004 Lease Demise; 005 Cherry Picker & Crane Location; 006 Services Plan; 215 Proposed Max Configuration Site Plan; and, 265 Proposed Max Configuration Elevation A.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis. Therefore, I have only had regard to the policies of the development plan, as referred to by the Council, and the National Planning Policy Framework (the Framework)

(December 2023), insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issues

3. The main issues are the effect of the siting and appearance of the proposed telecommunications installation on the character and appearance of the host site and surrounding area, including whether or not the proposal would prevent the holistic redevelopment of the site and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

4. The appeal site is within an urban city centre location close to Oldham Way/A62, a busy dual carriageway on the edge of the city centre. Along the A62 and on land near to the appeal site, there are numerous visibly prominent vertical structures, including tall lampposts along the highway and within nearby public car parks, and at the traffic and pedestrian crossing lights at the junction of the A62 and Prince Street.
5. The proposed telecommunications installation would be within an overgrown grassed area of land situated adjacent to an open surfaced public car park to one side and undeveloped waste ground to the south and south-west sides. There are some trees and other vegetation close to the proposed siting of the installation, within the waste ground area at the corner of the A62 and Prince Street. At the time of my visit, this vegetation provides dense screening of the appeal site and surface car park beyond, when viewed from the A62.
6. The proposed installation at a height of approximately 20 metres, would be taller than the nearby vegetation. Although, due to the proliferent presence of tall structures in the surrounding area, including the aforementioned street furniture and carpark lampposts, and also the tall buildings on the edge of the built form of the city centre, the proposed installation would not appear incongruous in its setting or out of context. Thereby, the siting and appearance of the proposed installation would not be harmful to the character and appearance of the host site or the surrounding area.
7. While the appeal site is within an area referred to as the Rhodes Bank strategic site, which is earmarked for redevelopment, I have not been provided with any substantive evidence of proposals for such redevelopment, including details of the master planning for the Green Shoots Centre development. Thereby, it has not been demonstrated by the Council why the proposed installation would restrict or prevent such redevelopment, causing harm by reason of its siting and appearance. The proposed installation would occupy only a small portion of the wider strategic site and is located close to nearby public highways and thereby, I consider based on the evidence before me, it would unlikely jeopardise the holistic redevelopment of such site.
8. Additionally, the proposed telecommunication facility is required to replace an existing telecommunications installation at the Oldham Chronicle building, whereby the operators have been given notice to quit. Therefore, as demonstrated by the appellants, the proposal would provide a suitable alternative site within the area of search for the shared telecommunication facility that would support 5G capability and capacity in the area and

telecommunications for the emergency services. The enhanced network coverage and communication speeds proposed by the installation would consequently provide economic support and benefits to the occupiers of the future earmarked business developments within the wider strategic site.

9. Accordingly, for the above reasons, I find the installation would not be contrary to the provisions of Policy 4 of the Oldham Local Development Framework (OLDF), 9 November 2011, which amongst other matters, sets out that the Council will promote and enhance the needs of the local economy.
10. Additionally, Section 10 of the National Planning Policy Framework which is supportive of advanced, high quality and reliable communications infrastructure, sets out that such is essential for economic growth and social well-being. It also sets out that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). On balance, having regard to the evidence before me and other material considerations, I consider the proposal would not jeopardise the strategic and sustainable regeneration site.
11. In view of the above, the siting and appearance of the proposed installation would not be harmful to the character and appearance of the host site and surrounding area. Hence, the installation would not conflict with Policies, 9 and 20 of the OLDF, which amongst other things, require development to not have a significant adverse impact on the visual amenity of the surrounding area and that it follows design principles in ways that reflect the character and distinctiveness of local areas, respectively. Also, there would be no conflict with Policy 4 of the OLDF as the proposal would, in line with this policy, help to support the development of a range of low carbon industries that contribute towards sustainable regeneration and prosperity across the borough.

Conditions

12. The GDPO 2015 does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

C Billings

INSPECTOR