



Appeal Decisions

Site visit made on 29 June 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Appeal A Ref: APP/W4705/W/19/3242831

**Legrams Commercial Centre, Legrams Lane, Bradford, West Yorkshire
BD7 1NH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CTIL & TEF, c/o WHP against the decision of City of Bradford Metropolitan District Council.
 - The application Ref: 19/02524/FUL, dated 10 June 2019, was refused by notice dated 7 August 2019.
 - The development proposed is an upgrade to the existing rooftop telecommunications apparatus. Existing 6No antennas to be removed and replaced with proposed 6No antennas and ancillary works.
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Appeal B Ref: APP/W4705/Y/19/3242833

**Legrams Commercial Centre, Legrams Lane, Bradford, West Yorkshire
BD7 1NH**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by CTIL & TEF, c/o WHP against the decision of City of Bradford Metropolitan District Council.
 - The application Ref: 19/02523/LBC, dated 10 June 2019, was refused by notice dated 7 August 2019.
 - The works proposed are an upgrade to the existing rooftop telecommunications apparatus. Existing 6No antennas to be removed and replaced with proposed 6No antennas and ancillary works.
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Decisions

1. **Appeal A** – the appeal is dismissed.
2. **Appeal B** – the appeal is dismissed.

Procedural Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have therefore dealt with both appeals together in my reasoning.
4. The address of the appeal site is stated in the application form as Legrams Commercial Centre, but is stated in the appeal forms and the Council's decision notices as 32 Legrams Lane. From the evidence before me, they refer to the same building. I have used the address as stated in the application form in the banner headings above and hereafter will refer to the appeal building as Legrams Commercial Centre.

Main Issue

5. The main issue in both appeals is whether the proposed development and works would preserve the Grade II listed building, Legrams Commercial Centre, or any features of special architectural or historic interest that it possesses.

Reasons

Special interest and significance

6. The appeal building is located on the southern side of Legrams Lane within an urban, semi-industrial area on the outskirts of Bradford. Built as Legrams Mill in 1873, it was designed by locally prominent architects Lockwood and Mawson and is Grade II listed. The impressive front range facing onto Legrams Lane was originally a spinning mill. It comprises a long, four and a half storey elevation set back from the highway which is flanked by projecting staircase towers and lower wings. The staircase towers each possess paired round arched openings to each floor and an open belvedere stage above the eaves cornice level with a shallow pyramidal roof. The building is constructed of sandstone 'brick' with ashlar dressings and a stone slate roof.
7. The size, scale and architectural grandeur of the building, particularly the staircase towers, combined with the topography of the surrounding land, cause it to be a highly prominent landmark structure in short and long range views along Legrams Lane and from neighbouring streets.
8. The National Planning Policy Framework (the Framework) requires that the significance of a heritage asset should be established, to a level of detail proportionate to the asset's importance. Whilst the appellants contend that the proposal has been drawn up having regard to the need for good design and with an appreciation of the character of the building's context, no description of the significance of Legrams Commercial Centre has been provided. On this basis, the scheme fails to fully comply with the requirements of Paragraph 189 of the Framework.
9. From the evidence available to me, I consider that the significance of the listed building to be largely derived from its historical associative value with the architects Lockwood and Mawson, along with its historical illustrative value and aesthetic designed value as a 19th century textile mill and an important component of the area's industrial heritage.
10. The strong imposing nature and pleasing symmetry of the main block fronting onto Legrams Lane, in conjunction with the architects' characteristic incorporation of Italianate detail and striking staircase towers, make notable contributions to the building's historical and aesthetic values and thus its special interest and significance.

The appeal proposal

11. The proposal is the upgrade of the existing telecommunications installation with new equipment to facilitate the rollout of 5G coverage and significantly improve connectivity within the area. The development and works comprise the installation of six, vertical, pole-mounted antennae fixed to the corner outer faces of the open belvedere stages of the staircase towers. Four antennae would be located on the western tower (tower 1) and two antennae would be located on the eastern tower (tower 2). Additional ancillary works include the

installation of a cable tray and associated cabling. The proposal also involves the removal of six existing antennae contained within a chimney shroud located at the centre of the ridge of the roof.

The effect of the appeal proposal

12. There is a lack of detail provided in relation to the form, dimensions, projection, fixing and finish of the proposed antennae and the form, dimensions and route of the proposed cable tray and associated cabling. In addition, there appear to be discrepancies between the roof plan and elevation drawings¹ in relation to the location of the existing and proposed cable tray. These limit a full and accurate assessment of the proposal's impact on the heritage asset.
13. From the information submitted, the fixing of six large poles to carry the antennae onto the ashlar stone of the towers would cause permanent damage to the historic fabric of the building. In addition, the highly conspicuous positions of the antennae and their awkward projection out from the face of the stone would detrimentally alter the architectural form, symmetry and historic integrity of the towers, particularly tower 1. Ultimately, the antennae would appear as highly discordant modern additions on this heritage asset and would adversely diminish its identified special interest and significance.
14. Whilst trees and streetlamps may afford partial screening of the building in some specific views when travelling east, the prominence of the towers in the townscape, with only the sky as the visual backdrop, would cause the antennae to be readily visible and incongruous features in short and long range views from surrounding public routes.
15. Turning to the ancillary works, although some elements, such as the cable tray, may not be visible, this is far from clear from the information submitted. It is highly likely that the extensive associated cabling to each antennae would be unduly obtrusive and would jar against the simplicity of the towers. This would contribute to the harmful impact of the proposal on the building as a whole.
16. I acknowledge the appellants' intention to wrap the antennae to 'match the brickwork.' However, the example image provided² imparts no confidence that this approach would be successful in concealing the antennae against the building and mitigating their harmful impact. In any event, this approach would not overcome the fundamental objection to the proposed positions of the antennae.
17. I am mindful that the building is an existing site for telecommunications apparatus, which facilitates sharing between multiple operators, and that a sequential test has been carried out by the appellants for this proposed upgrade. In these respects, the proposal is compliant with the Framework. I also note the technical constraints of the apparatus which, the appellants assert, mean that the proposal is the only viable solution and that there is no scope to alter it if the required coverage is to be achieved and maintained.
18. However, I do not consider that it has been adequately demonstrated that potentially alternative positions for the antennae on the building that would have a less harmful impact have been sufficiently or robustly explored. Furthermore, although not wholly in line with the approach advocated within

¹ Drawing Refs: 200 Rev A, 201 Rev C, 300 Rev A and 301 Rev C.

² Image on Drawing Ref: 201 Rev C.

the Framework, no assessment of any alternative sites or options has been undertaken. Therefore, even if the appellants are correct in the assertion that a freestanding pole would be worse in terms of its impact on the character and appearance of the area, in the absence of any details of such a proposal, I cannot evaluate its effects in comparison to the proposal before me now.

19. I recognise that there are a number of other existing telecommunication antennae and dishes located on the building. However, of those located in the open towers, they are relatively small and are positioned back from the face of the stone and so not comparable to the proposal before me. Furthermore, I do not know the exact circumstances that led to these permissions being granted but, in my judgement, they only serve to illustrate quite clearly why additional telecommunications in these locations on the building would be wholly unwelcome. In any case, I have considered the appeals on their own merits and reached my own conclusion.
20. Drawing these points together, the proposed development and works would fail to preserve the Grade II listed building, Legrams Commercial Centre, or any features of special architectural or historic interest that it possesses. This would be contrary to the requirements of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). As such, the proposal would harm the significance of this designated heritage asset.

Public benefits and conclusion

21. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have clear and convincing justification.
22. With reference to Paragraphs 195 and 196 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the relatively localised and limited extent of the proposed development and works, I find the harm to the listed building to be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 196 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the building.
23. I am aware that the Framework places a high priority on the provision of advanced, high quality and reliable communications infrastructure and considers them essential for economic growth and social well-being. I have also had regard to the proposal's compliance with other Government documents such as 'Planning for Growth'.
24. The proposal would provide an improved digital telecommunication service and mobile broadband within the locale through the upgrade of the existing site. In addition, it would facilitate site sharing between multiple operators from a single installation. The proposal would therefore offer considerable benefits to local consumers including residents, visitors and businesses in an area, where the appellants contend, suffers from poor access to digital services. It would also involve the removal of six existing antennae with some resultant visual enhancement of the building and no net gain in the number of antennae. These public benefits carry moderate weight in favour of the appeals.

25. However, for the reasons set out above, I am not persuaded that the proposed development and works are necessary to secure the optimum viable use of the building and I am not certain that the same public benefits could not be achieved by a less harmful scheme. Although I give moderate weight to the identified public benefits, these are not sufficient to outweigh the considerable importance and weight given to the identified harm to the significance of this designated heritage asset.
26. Taking the above into account and in the absence of sufficient public benefits that would outweigh the harm found, I conclude that, on balance, the proposed development and works would fail to preserve the Grade II listed building, Legrams Commercial Centre, or any features of special architectural or historic interest that it possesses. This would fail to satisfy the requirements of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
27. The proposal would also conflict with Policies EN3, DS1 and DS3 of the Bradford Core Strategy Development Plan Document 2017, insofar as they require development proposals to conserve and where appropriate, enhance the heritage significance of Bradford's heritage assets, particularly the mills; contribute to achieving good design and high quality places; and create a strong sense of place and be appropriate to their context. As a result, the proposal would not be in accordance with the development plan.

Other Matters

28. I note that the appellants initiated pre-application requests for feedback with the Council and key stakeholders along with further consultation with local Ward Councillors, but no comments were received. I am also aware that no objections by any third parties to the proposal were submitted to the Council. Be that as it may, the absence of any informal pre-application advice or the lack of objections when an application is submitted do not corroborate the acceptability of a scheme. Therefore, these matters do not lead me away from my conclusion on the main issue.
29. I accept that the proposed development would be compliant with the guidelines published by the International Commission on Non-Ionising Radiation Protection and I am cognisant that the Council raised no concerns regarding the impact of the proposal on the living conditions of nearby residents. However, these matters weigh neutrally and do not amount to considerations in support of the appeals.

Conclusion – both appeals

30. For the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

F Cullen

INSPECTOR