
Appeal Decision

Site visit made on 12 January 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 15th February 2021

Appeal Ref: APP/P4225/W/20/3259908

Land off Elizabethan Way, Milnrow, Greater Manchester OL16 4DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (Generally Permitted Development) England Order 2015 (as amended).
 - The appeal is made by Clarke Telecom Limited on behalf of Cornerstone and Telefonica UK Ltd against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 20/00389/TELE, dated 30 March 2020, was refused by notice dated 01 June 2020.
 - The development proposed is the installation of a 20m slim-line column supporting 6 no. antennas, 2 no transmission dishes, 2 no equipment cabinets and ancillary development thereto including a GPS module and 3 no. Remote Radio Units (RRUs).
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Decision

1. The appeal is dismissed.

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.
3. The applicant in the application form is Clarke Telecom Ltd, but the appellant in the appeal form is Clarke Telecom Limited together with CTIL and Telefonica Limited. The appellant has confirmed in writing that neither of these is correct and the appellant is Clarke Telecom Limited on behalf of Cornerstone and Telefonica UK Ltd. I have adopted this in the banner heading above.

Planning Policy

4. The principle of development is established by the GPDO 2015. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

6. The equipment would be sited on the footway of Harbour Lane North, immediately adjacent to the low retaining wall and railings at the edge of Elizabethan Way. The appeal site is at the edge of an open area of land enclosed by Elizabethan Way to the west, Bridge Street to the north and east and industrial buildings to the south. There is a car park and underpass close to the traffic-controlled junction of Bridge Street with Elizabethan Way, separated from an area of green space with shrub and tree planting by Harbour Lane North. The surrounding area is in mixed use, with modest residential dwellings and large modern retail and industrial premises. There is an existing 15m slimline monopole over 100m to the south in the footway of the elevated Elizabethan Way flyover. Elizabethan Way is a relatively straight road with lighting columns, barriers, road signage and fringing trees in places.
7. There is little before me to suggest that the mixed use urban area is a particularly sensitive receptor such that it could not accommodate visual change. However, the monopole would be a significantly tall feature in a prominent open location next to a busy road that links the M62 to Rochdale. In this regard, while the equipment cabinets would be discreetly sited at the rear of the footway next to the retaining wall, the height and bulk of the mast would be readily visible in both close and long-range views.
8. The proposal would be seen in the context of the large number of lighting columns along Elizabethan Way, Harbour Lane North and Bridge Street. However, these are uniform in size, height and appearance and they are appropriate in scale to the surrounding built environment. In contrast, the monopole would be more than twice the height and considerably bulkier than the lighting columns. The plethora of street furniture in the area would serve to highlight the disproportionate height and scale of the proposal rather than integrate it into its surroundings. Furthermore, the proposal would be at least twice the height of nearby buildings and trees. Therefore, it would be conspicuously out of scale in the low level surrounding context and the gently undulating topography would not mitigate the significant visual mismatch.
9. The trees on the far sides of Elizabethan Way and Harbour Lane North would not be sufficiently close to the proposal to soften or screen it. As a result, it would be possible to appreciate the monopole in its entirety from locations in the area including travelling along Elizabethan Way. Furthermore, while the lower part of the monopole would be screened by buildings and trees in views from nearby streets, the upper part of the mast would be visible from the more elevated locations in the surrounding area. The greater circumference of the antenna array and the absence of shrouding would render the upper part of the monopole conspicuous and it would emphasize its disproportionate scale. Although it would not be sited on the skyline, the proposal would be visually obtrusive and prominent in views looking across the area to the rolling hills beyond. Therefore, the 20m monopole would be a dominant, overbearing and discordant feature and it would not be assimilated into its surroundings.
10. The proposal would be at a lower ground level than the nearby 15m monopole, such that it would not appear significantly taller than the existing mast when viewed from more distant locations. However, the existing slimline mast, although visible, is not overly prominent in the context of nearby lighting columns and tree canopies that fringe that part of Elizabethan Way. In

contrast, the proposal would be prominently sited in an open location and it would be markedly taller and wider than the existing mast. The acceptability of the existing mast is not a justification for the proposal.

11. Therefore, the siting and appearance of the proposal would result in significant harm to the character and appearance of the area. Although not determinative, it would conflict with Policies P1, P3 and DM1 of the Rochdale Core Strategy Adopted October 2016. These require, among other things, that proposals should achieve high standards of design and avoid adversely affecting residential amenity through visual intrusion.

Other Considerations

12. The Framework states that high quality and reliable communications infrastructure is essential for economic growth and social well-being and it supports the expansion of electronic communications networks, including 5G. Even so, the number of masts and the sites for such should be kept to a minimum and the use of existing masts, buildings and other structures is encouraged.
13. In this case, the existing 15m slimline mast is shared by 2 operators and it provides 2G, 3G and 4G coverage. However, it is not structurally suitable to host the necessary equipment for both operators to rollout 5G services in this location. Therefore, using the existing mast would not be feasible without significant upgrade. The 15m mast would remain in place for use by the other operator, while the proposal would allow the appellant to rollout 5G technology and to provide equivalent coverage and capacity.
14. The provision of equivalent coverage and capacity requires the new equipment to be located close to the existing equipment and the appeal site is the nearest suitable location to the existing radio base station. The evidence, including the Site Specific Supplementary Information, provides details of alternative sites that were considered and discounted. There are no tall buildings in the area and the low rooftops of commercial buildings could not support the weight of the equipment. Footways along Rochdale Road and Elizabethan Way are too narrow to safely accommodate the equipment. Several car parks were discounted on grounds that the loss of parking spaces would be detrimental to existing businesses and would result in unacceptable parking pressure on surrounding streets.
15. I have no reason to dispute that mast sharing and the use of buildings are not viable alternatives in this location. However, the evidence is less compelling in relation to the absence of alternative greenfield or brownfield sites. In this regard, while some footways are too narrow to host the equipment, there is little to explain why other wider verges and footways in less prominent locations in the area are unsuitable. Although a small number of service yards and car parks were discounted, taking into account the mixed uses in the area, it is not clear that there are no other such alternative sites. Even if all such locations were considered and discounted on the grounds of unreasonable constraints on existing businesses, substantive evidence in this regard in the form of correspondence from landowners or operators has not been provided.
16. My visit coincided with the Covid-19 lockdown, at which time there was no shortage of available parking in the Bridge Street car park or neighbouring streets. Consequently, while the demand for parking would be likely to be

higher during normal working patterns, it was not obvious to me that the area is under such significant parking pressure that the loss of 2-3 parking spaces would be detrimental to the safe operation of the highway. I accept that the parking provision for the nearby supermarket may already be below the level set out in the Council's parking standards. Nevertheless, there is little substantive evidence such as a parking survey or correspondence from the Council's highway department to confirm that the loss of 2-3 spaces in this, or another, local car park would result in unacceptable onstreet parking pressure.

17. Therefore, while the appellant has investigated alternative sites, it has not been robustly demonstrated 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. Therefore, on the basis of the evidence, I cannot be certain that no alternative sites would be available to provide the required coverage. This is a material consideration to which I attach significant weight.
18. My attention has been drawn to a number of publications including the Code of Best Practice on Mobile Network Development in England (2016), the Greater Manchester Digital Strategy 2018-2020 and the Local Industrial Strategy (2019). In this regard, there is no dispute that high quality communications infrastructure is supported both nationally and locally. Furthermore, the ability to communicate electronically and access the internet via mobile devices has undoubtedly been important during the Covid-19 pandemic, although this is not a justification for the proposal.
19. Concerns have been raised by third parties in respect of the potential health effects of the mast. However, the appellant has provided a Declaration of Conformity with ICNIRP Public Exposure Guidelines. Paragraph 116 of the Framework advises that planning authorities should not set health safeguards that differ from the International Commission guidelines. Accordingly, I must give the health concerns very little weight in my assessment.
20. The evidence indicates that pre-application consultation letters were sent to stakeholders, including the Council, on 13 March 2020, but that no responses had been received by 30 March 2020 when the application was submitted. The absence of responses, particularly given the short timescale between the letters and the deadline for responses, does not weigh in favour of the scheme.

Conclusions

21. There would be social and economic benefits arising from the improvement in the communications network, and this is a factor that weighs in favour of the proposal. Conversely, the proposal would result in significant harm to the character and appearance of the area, with consequent conflict with the development plan. Furthermore, the evidence does not make a convincing case that no suitable alternative sites exist, and this weighs against the proposal.
22. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR