
Appeal Decision

Site visit made on 12 October 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2021

Appeal Ref: APP/A2280/W/21/3267052

Land at Borstal TA Centre, Borstal Road, Rochester ME1 3BG

- 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 (General Permitted Development) (England) Order 2015.
 - The appeal is made by Telefonica UK Ltd on behalf of Cornerstone against the decision of The Medway Council.
 - The application Ref MC/20/1142, dated 15 May 2020, was refused by notice dated 17 July 2020.
 - The development proposed is the installation of a 15 metre monopole, accommodating 6 no. antennas, the installation of 2 no. microwave dishes, the installation of 2 no. equipment cabinets, along with ancillary works; also removal of 3 no. antennas (top of antennas 12 metres above ground level) and 3 no. ground-based equipment cabinets.
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Decision

1. The appeal is dismissed.

Main Issue

2. The proposal is permitted development under Part 16 Class A of the 2015 Order but prior approval is required for its siting and appearance under paragraph A.3(3). The main issue is therefore the effect of the proposal on Fort Clarence, a scheduled ancient monument and Grade II listed building, No 85 St Margaret's Street, a Grade II listed building, and the Watts Avenue and Roebuck Road Conservation Area (CA), in each case as a result of its location within their setting.

Reasons

3. The proposal is for a new telecommunications base station within the Borstal TA Centre to replace an existing installation attached to a building on the site. The base station would comprise a freestanding 15 m high 'street furniture' style monopole with six antennas and two microwave dishes together with two ground level equipment cabinets. The selected design is the simplest suitable for the site and the height is the minimum necessary to avoid interference and provide the required operational performance.
4. There is no dispute that 4G coverage in the area needs to be improved and 5G services developed, also that mobile connectivity and telecommunication infrastructure brings substantial benefits to local residents, businesses, visitors and those using the transport network. The existing installation at the TA Centre cannot be upgraded to meet the necessary requirements and the nature

of the cell network is that the replacement facility needs to be in the immediate locality to serve the North Borstal area.

5. The appeal site within the TA Centre has some obvious benefits. Being within a large army base there is no public access and hence no immediate impact on a residential area or public highway. Continuing use of the same site would avoid any disruption to the wider base station network. The topography of the area is helpful as the TA Centre sits above the valley of the River Medway to the west and occupies high ground which drops down towards Rochester to the North. Finally, the TA Centre benefits from significant tree cover around its boundaries and in the area generally, and this would help screen the monopole installation.
6. However, the site selected within the TA Centre lies on top of a grass knoll near its northern corner in close proximity to Fort Clarence, a scheduled ancient monument and Grade II listed building. Just beyond lies No 85 on the eastern side of St Margaret's Street, a Grade II listed building, and these together with areas of open space and woodland to the west comprise the beginning of the Watts Avenue and Roebuck Road CA which runs down St Margaret's Street. The impact of the proposal on these designated heritage assets therefore needs careful assessment.
7. The appellant does not provide a heritage statement as required by paragraph 194 of the National Planning Policy Framework (NPPF), nor an accurate plan or elevation showing the relationship of the proposed monopole to Fort Clarence, the heritage asset most affected. These are serious omissions. However, from the limited information available it would appear the monopole would be less than 25 m from Fort Clarence, certainly 40 m closer than the existing lower antennas, and would rise well above it in height as demonstrated by the appellant's panoramic photos. The Council estimate it would be at least 3 m higher, but in the absence of an accurate survey this is speculative and may not take into account the grass knoll. The monopole would certainly rise 5 m above nearby trees as the appellant states these are up to 10 m high.
8. Fort Clarence, both a scheduled ancient monument and listed building, forms part of the extensive anti-Napoleonic defences around the Medway towns. Its role was to defend Rochester from a landward attack and dominate the river. Completed in 1812, the fort comprised a line of fortified ditches and ramparts with strongpoints along its length of which the imposing Fort Clarence tower remains the central feature. Three storeys high over a basement, of brick with limestone detailing including corner turrets, gun embrasures and an impressive front elevation, the building has been converted into high quality apartments and retains its landmark status in the area. The use of the tower for defence was short lived and it was subsequently used as a military hospital and prison.
9. Contrary to the claims of the appellant, the monopole with its antennas would be clearly visible rising well above the trees alongside Fort Clarence tower from nearby public viewpoints. Using the adjacent 8 m high flagpole as a guide, the 15 m high monopole and Fort Clarence would be seen together from the public open spaces alongside Borstal Road, juxtaposed alongside its west flank when viewed from the Gun Tower Mews/St Margarets Street corner, and perhaps with its east flank when viewed from Gun Tower Mews. This would be apparent in summer, even more so in winter when the trees are bare, and the proposed goose grey colour would only reduce the visual impact in some weathers. The

monopole would also be seen when approaching along St Margaret's Street and Borstal Road, from part of the CA and in longer distance views, although from further afield the slim monopole would be less noticeable alongside the massive building.

10. Fort Clarence was purposely built as a large, imposing structure on high ground to dominate the area and to deter against attack, together with the other forts around Medway a sign of strength and authority. Its size, height and landmark status in its surroundings thus make a strong contribution to its significance and understanding as a heritage asset. This would be unduly harmed by the visual intrusion of a taller monopole structure nearby which would undermine its dominance of the area and represent a jarring modern feature to those seeking to appreciate the fort and its historic role.
11. The appellant sets out in Figure 2 a series of alternative sites in the area which are discounted for various reasons, some because there is a precedent for an installation on the existing site which is said to make them less preferable, one only on balance. However, these comparisons are flawed by the absence of a detailed analysis of the impact of the appeal proposal on nearby heritage assets. The appellant also claims that the appeal site is the only available space in the TA Centre for operational reasons but this is not backed up by any evidence and seems unlikely given its extensive size.
12. For these reasons the proposal would significantly harm Fort Clarence, a scheduled ancient monument and Grade II listed building, to a lesser extent the Watts Avenue and Roebuck Road CA and marginally No 85 St Margaret's Street, a Grade II listed building, in each case as a result of its location within their setting. This would conflict with Policies BNE18 and BNE12 of the Medway Local Plan 2003 which preclude development which would adversely affect the setting of a listed building and require that special attention is paid to the preservation and enhancement of the character and appearance of CAs. It would also conflict with the statutory duties to have special regard to the desirability of preserving the setting of a listed building and preserving or enhancing the character or appearance of a CA.

Conclusion

13. The strong policy support for advanced and high-quality communications set out in NPPF paragraphs 114-118 is fully recognised. The numerous technical and locational requirements that limit the availability of sites for a replacement installation in this case are also appreciated, together with the need for it to project above nearby features to avoid interference from 'clutter' and to meet ICNIRP guidelines. However, paragraph 117 states that applications for such development (including prior approval) should be supported by the necessary evidence to justify it. Detailed heritage evidence to support the selection of the site in relation to nearby assets is lacking in this case. Whilst, in terms of NPPF paragraph 202, the harm would be less than substantial, the public benefits of improved communications do not outweigh the harm given the potential for more suitable alternative sites.
14. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR