



Appeal Decision

Site visit made on 6 December 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 January 2022

Appeal Ref: APP/P4225/W/22/3299881

**Land off Spring Vale, Spring Vale, Stanycliffe, Middleton, Rochdale
M24 2HS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Hutchison 3G (UK) Ltd against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 22/00065/TELE, dated 18 January 2022, was refused by notice dated 14 March 2022.
 - The development proposed is described as the installation of a new 18m monopole tower to support antennae, associated radio-equipment housing and ancillary development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), 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 principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the Rochdale Adopted Core Strategy (2016) (CS) and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are:
 - the effect of the siting and appearance of the proposed installation on the character and appearance of the area, with particular reference to the Middleton Town Centre Conservation Area (the Conservation Area) and Lodge Mill, a non-designated heritage asset, and

- If any harm is identified, whether that harm would be outweighed by the need to site the installation in the location proposed, having regard to the potential availability of alternative sites.

Reasons

Character and appearance

5. The appeal site forms part of the pavement to Spring Vale and is alongside a waste and recycling centre. To the north, just beyond the tree-lined River Irk, are a number of industrial units, with some dwellings further along Spring Vale to the east. In the immediate area, there are a mix of building forms and vertical structures include streetlights, highway signs, and lighting, security cameras and railings associated with the recycling centre. Despite this, the immediate street-scape has a generally uncluttered appearance and the absence of any significant buildings on the recycling centre allows longer range vistas across the appeal site, especially when viewed from the east along Spring Vale.
6. The proposed monopole would be 18m in height, stated to be the minimum height to bring the benefits of 5G in the area. It would be sited at the back edge of the pavement and have a number of associated cabinets at its base.
7. The appeal site is located close to the Conservation Area, the significance of which is largely derived from the industrial heritage of the area, connected with the silk and cotton industry. Within the Conservation Area, Lodge Mill is a relatively early example of a cotton power weaving shed and spinning mill and is identified by the Council as a non-designated heritage asset. The extract of the Conservation Area appraisal provided by the Council clearly sets out the historic significance of Lodge Mill and it is appropriately identified as a non-designated heritage asset, according with the Planning Practice Guidance 'Historic Environment' (2019). Lodge Mill provides historic townscape value to the street scene with key features being its form, scale and appearance. Its industrial character and appearance also greatly contribute towards the significance of the Conservation Area.
8. The proposed drawings show that the monopole would be significantly taller than existing streetlights, signs and the immediately surrounding buildings. In this regard it would be of disparate scale, especially given the absence of built development on the recycling site. It would appear alien and unexpected in such a context and would interrupt the regular rhythm of spacing between the existing streetlights. The column would be greater in thickness than the streetlights and a noticeably different shape and would not result in the proposal appearing compatible.
9. The monopole would also be noticeable in more distant views into and out of the Conservation Area. Most significantly, when approaching from the east along Spring Vale, the monopole would be viewed alongside the conspicuous form and appearance of Lodge Mill which is highly visible against the skyline. The monopole would be of a similar height to the mill and would visually compete with and distract from these important views into the Conservation Area. The appeal proposal would be a modern, dominant, and intrusive intervention within this setting of historic structures. Consequently, it would not blend into the townscape. Rather, as a striking, alien addition it would relate

poorly to this important historic environment and would cause considerable harm to the significance of the Conservation Area.

10. Despite the presence of some trees and vegetation within the surrounding area, their limited height would not be sufficient to screen the proposed monopole. Furthermore, when the trees are not in leaf there would be little screening effect. The proposed grey colour treatment would assist with mitigating some of its visual effect, as it would be predominantly viewed against the sky, but it would not adequately disguise the height or bulk of the installation. This visual appearance would be exacerbated due to the thickness of the column and uncovered headframe promoting a degree of visual intrigue.
11. The proposed installation would not obstruct pedestrians using the pavement and I recognise that it is designed to fit alongside street furniture, including lamp posts, and the cabinets are typical of the control boxes nearby. However, the proposed monopole would be conspicuously out of scale with the immediately surrounding context and have an unacceptable visual relationship with the historic structures lying within the Conservation Area.
12. Therefore, the siting and appearance of the proposed installation would fail to preserve or enhance the character or appearance of the Conservation Area and would unacceptably harm the setting of Lodge Mill. Insofar as they are a material consideration, the proposal would conflict with CS Policies P1, P2, P3 and DM1, which seek to achieve high standards of design, conserve heritage assets and their setting, and minimise impact on visual amenity. It would also conflict with the Framework which seeks to achieve well designed places and to conserve heritage assets in a manner appropriate to their significance.
13. The harm I have identified to the Conservation Area would be less than substantial harm. In terms set out in the Framework at paragraph 202, where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. Additionally, paragraph 199 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 the asset's conservation. Paragraph 200 goes on to state that significance can be harmed or lost through development within its setting, and such harm should have clear and convincing justification.
14. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology.
15. The appellant's rationale explains that the proposed development is necessary as existing connectivity in the area is extremely constrained and does not meet demand. The appellant is of the opinion that the proposal would be beneficial because of the significant improvements enhanced 5G would bring, and access to reliable communications are an integral part of society, both in terms of working and socialising. The proposal would aid in facilitating increased robust, reliable and efficient digital communications for the Rochdale area.
16. I recognise the importance of good, fast, reliable, and cost-effective telecommunications infrastructure. The public benefits have all been given due regard in my assessment and attract moderate weight.

17. However, despite the evidence presented, heritage assets such as Conservation Areas are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. I therefore consider that the public benefits would not be sufficient to outweigh the less than substantial harm that I have identified, and the great weight that should be attached to the asset's conservation.

Alternative sites

18. Paragraph 115 of the Framework states that the number of communications masts and 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. It encourages the use of existing masts, buildings and other structures.
19. The operator is unable to upgrade an existing site nearby, and the appellant has applied a sequential approach and discounted options for site sharing and alternative sites within the demand area. Sites have been discounted, in summary due to the proximity to buried services, overhead power lines, visibility issues and the proximity to residential properties. However, there is very little detail about the cell search area and there is no adequate information to identify exactly where the alternative sites would be. Even if all such locations were considered and discounted on the grounds of unreasonable constraints, substantive evidence in this regard should have been provided. Based on the submitted evidence, I am not convinced that sufficient justification has been provided to support the discounting of these sites.
20. I recognise that the cell search area is constrained and that efforts have been made to keep the monopole away from the front of residential properties. However, it has not been adequately demonstrated why these were the only possible locations within the search area. Therefore, whilst I recognise the need to identify a suitable site within this area, I am not convinced that less visually harmful alternatives have been properly explored.

Conclusion

21. For the reasons given above, I consider that the siting and appearance of the proposal would be unacceptable. I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR