



Appeal Decision

Site visit made on 21 February 2023

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Appeal Ref: APP/J2373/W/22/3303501

Open Space Holy Trinity Church, Bond Street, Blackpool, FY4 1EX

- 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 Net on behalf of Cornerstone against the decision of Blackpool Council.
 - The application Ref 22/0102, dated 9 February 2022, was refused by notice dated 28 April 2022.
 - The development proposed is described as 'The installation of 3 No. antennas and associated development thereto'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the proposal relates to a listed building, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. There is no listed building consent appeal before me and as a consequence this appeal relates only to the planning merits of the case. It does not consider any works which would require listed building consent, but not planning permission.
4. The policies in the Blackpool Local Plan 2001-2016 referred to on the decision notice have been superseded by the adoption of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies in February 2023. The Council confirms that Policies DM17 and DM26 of the new Plan are relevant to the reason for refusal. The appellant has had the opportunity to comment on these and I have considered the newly adopted policies in my decision.

Main Issue

5. The main issue is whether the proposal would preserve the grade II listed building Church of the Holy Trinity, Dean Street (Ref: 1072008) and any of the features of special architectural or historic interest that it possesses.

Reasons

6. The impressive church dates to 1878 and is built in a free decorated gothic style of yellow stone with red stone dressings and a slate roof. The high nave and chancel are under one steep roof with transepts made up of two gables and a notable tall north west tower. The commanding tower is some 25 metres high and is constructed in five stages with light angle buttresses and triplets of
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two light belfry louvres, a battlemented parapet, and a canted stair turret to the third stage, with a pyramidal roof of red tiles.

7. Whilst it has seen some later alterations and additions (including three existing antennas which are considered below) the church remains an imposing and grand structure with much pleasing detail, decorative features and some considerable charm. The church's commanding scale, highly decorative architectural composition and distinctive lofty tower attest to its longstanding function as a place of worship and landmark building in the area.
8. I therefore find that the significance of the listed building, insofar as relating to this appeal, is primarily associated with the form and historic fabric of the church, and its architectural features including the intricate architectural design and decoration of the tower.

The effect of the proposal on the listed building

9. There are three existing antennas on the building which are located alongside the belfry louvres in the tower and are long and slim in design. These were permitted in 2011 but I note that permission has been granted for the replacement of these with new equipment of a similar design.
10. The appeal scheme is intended to respond to the reason for refusal for a previous proposal and seeks the installation of a further three antennas to the north, east and south elevations of the tower where there are currently none (to ensure 360 degree coverage). The proposed antennas would be mounted on steel supports fixed to the tower buttress at the corners. They would be smaller than the existing/approved antennas, measuring 710 x 400 x 19 mm.
11. Section 10 of the National Planning Policy Framework (the Framework) seeks to support high quality communications. Paragraph 115 states that the number of radio and electronic communications masts, and the 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. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
12. The proposed antennas would be located at a high level some 18 metres above ground level. Whilst they would not directly obscure any of the tower's architectural features, they would be located close to the belfry louvres and the existing antennas there. Although they would not break the skyline the proposed antennas and their brackets would project from the face of the tower to which they would be attached. As a result of their protrusion they would be clearly seen in profile. As such, even given their distance from street level they would be appreciated as prominent and clunky bolted on modern features.
13. I appreciate that the proposed antennas would be colour coded in situ by specialist artists to blend in with the tower. The existing antennas have also been coloured to match the stonework. As a result of their elongated design and sections of relatively even flat surfaces, I saw at my visit that those existing antennas are somewhat camouflaged as a result. That said, I also observed that they remain plainly visible and are still appreciated as obvious

and modern attachments to the building. Whilst the merits of that existing development are not before me for consideration, I am not convinced that the existing antennas have become intrinsic to the host building and the street scene as suggested by the appellant.

14. The proposed antennas are of an alternative more compact design with less surface area and would stand proud of the tower's stonework. I share the Council's concern as to the practicalities of replicating the pattern of the brickwork reliably on them. Thus, whilst I appreciate the creative nature of the proposed camouflaging, I am not persuaded that the proposed antennas would be disguised to any great extent as a result of this measure.
15. Furthermore, the proposed antennas would be seen alongside the existing antennas on the tower and would be located close to them. In combination they would result in an excessive number of antennas there which would cumulatively appear as an unduly dominant and incongruous concentration of unsympathetic modern features directly abutting the characteristic belfry louvres of the tower.
16. Taking all these factors into account, I consider that the proposal would introduce further unacceptably modern and obvious additions to the building that would stand out as unwelcome and jarring features. In combination with the existing/approved antennas there they would seriously detract from the traditional materials and fine architectural features of the tower. This being so, they would erode the prestige and stature of the historic landmark church and undermine its traditional form and character, thus diminishing its authenticity and impairing its historic legibility.
17. I therefore conclude on the main issue that the proposal would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the balance of this appeal.
18. The Framework advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I consider that the harm in this case, although serious, would be less than substantial in the terms meant by the Framework. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
19. I understand that the proposed antennas are needed to improve existing 4G coverage and to provide 5G coverage in what is a high traffic area. Demand for the site has increased due to the pandemic and the expansion of homeworking as well as online schooling. Mobile phone technology has evolved and customer led demands have increased. The appeal site is a busy densely populated mixed use area close to the seafront where the current signal levels do not provide adequate coverage. The upgrades to the site would also future proof the quality of the network and provide 5G technology.
20. As a licensed code operator, the appellant has a legal obligation to ensure its service can be provided throughout the country as it contributes to socioeconomic development. The appellant refers to (amongst other things), the Government's Industrial Strategy, the Digital Nations Ministers, the Online Nation 2021 Report, and the government's general commitment to the review

- of permitted development rights, all of which support the provision of 5G and recognise its contribution to economic growth.
21. Improved and enhanced coverage would support existing business and help to attract new business to the area thereby improving economic prosperity. The proposal would enable people to stay in touch improving social wellbeing and work life balance, as well as providing the potential to reduce the need to travel with knock on benefits in terms of sustainability and carbon emissions. These are public benefits of the proposal.
 22. The proposal has been worked up with the church architect and has the support of the church which will receive a rental income. The appellant argues that this will be reinvested to ensure the building remains in a good state of repair and that the church endures as a community facility. These are also public benefits.
 23. The appellant is the UK's leading mobile infrastructure services company, and seeks to promote shared infrastructure and the consolidation of base stations. In this case, in looking to upgrade the church as an existing site in the first instance, a sequential approach has been taken in line with the advice in the Framework. The location of the equipment internally within the building has been ruled out due to a lack of space.
 24. I appreciate that the appeal building is part of a network of sites and that the search area for additional equipment is limited to the area immediately around it. The number of sites required is affected by call and data volumes as well as topography. The appellant argues that there are no additional sites in the area that could be upgraded, and in order to provide the same level of coverage that would be achieved by the appeal scheme, the alternative would be to install at least two new ground based masts in the area. Opportunities for these are limited by the narrow pavements, dropped kerbs, and high pedestrian flows. Whilst a section of wider pavement close to the church has been considered for a new mast, since it would introduce a tall structure in front of the listed building, it has been discounted.
 25. I have seen no evidence to demonstrate that there are necessarily suitable alternative sites within the vicinity of the appeal building, and accept that the possibility of providing locations for ground based masts is limited by the factors outlined by the appellant. This counts in favour of the appeal scheme. However, based on the evidence before me I am not persuaded that street level masts can be ruled out entirely and this tempers the weight to be afforded to this public benefit of the proposal.
 26. Bringing matters together, for the reasons set out above I have found that the proposal would fail to preserve the special interest of the listed building, and I give this harm considerable importance and weight. Thus, even taking all the factors considered above into account, I find that the public benefits arising from the proposal would not outweigh the harm to the significance of the designated heritage asset I have identified.
 27. For these reasons the proposal would fail to satisfy the requirements of the Act and paragraph 197 of the Framework. That there are no objections from local residents, members of the Blackpool Civic Trust or the local MP does not alter my findings.

28. Whilst I note the appellant's reference to Sections 2 and 4 of the Framework and their view that the Council has not approached the decision in a positive way, for the reasons given, I am not convinced that the proposal represents sustainable development or that it would improve the environmental conditions of the area.
29. The proposal would also be contrary to Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (CS) which sets out that new development is expected to make a positive contribution to the quality of its surrounding environment and development will not be permitted which causes unacceptable effects by reason of visual intrusion. It would also conflict with CS Policy CS8 which concerns heritage and supports proposals which respect and draw inspiration from Blackpool's built, social and cultural heritage (1) and conserve and enhance the significance of designated heritage assets (2).
30. Furthermore, the proposal would fail to support Policy DM17 of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies which requires development to be of a high quality that should enhance and respond to any positive character of the local area, and have regard to (amongst other things) heritage assets and their settings. It would also be at odds with Policy DM26 of that Plan which states that proposals which would cause harm to or loss of a listed building will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

Other Matters

31. The appellant argues that the legislation and guidance in place when the existing antennas at the appeal building were considered were more restrictive, and yet the Council still approved them. Be that as it may, this is not a reason to allow development which I have found to be harmful under current guidance and legislation. Moreover, in contrast to the existing antennas, the appeal proposal falls to be considered in the context of the already approved equipment on the building.
32. The appellant refers to examples of painted antennas elsewhere, including on a church in Norwich. However, I am not aware of the circumstances that led to that particular development and so cannot be sure that they are the same as in the case before me. In any event I note that the design of the antennas cited is not the same as the antennas that are the subject of this appeal. Reference is also made to an appeal decision where similar development was allowed. Nevertheless, I cannot be assured that the circumstances at play in that appeal are the same as in the one before me. That decision relates to equipment hidden within structures on a roof rather than attached to a tower, and concerns a modern office building rather than a historic listed church as is the case in this appeal.
33. In any event, I confirm that I have considered the appeal scheme on its own planning merits and made my own assessment as to its impacts. As such, these examples do not justify the appeal scheme or add any weight in its favour.
34. The appellant indicates that the proposed antennas comply with the guidelines for public exposure to radiation, and I have seen no evidence to the contrary. However, the absence of harm in this regard counts neither for, nor against the proposal.

35. Whilst the appellant's statement refers to the site being located in a conservation area, that is not part of the Council's argument and I have seen no evidence to suggest that this is the case. Besides, given my findings in relation to the effect of the proposal in terms of the listed building, this matter has no bearing on my decision.

Conclusion

36. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR