



---

# Appeal Decision

Site visit made on 7 November 2023

**by Elaine Moulton BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 January 2024**

---

**Appeal Ref: APP/P4225/W/23/3318125**

**Belfield Lawn, Belfield Mill Lane, Rochdale OL16 2UB**

- 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 Cornerstone against the decision of Rochdale Metropolitan Borough Council.
  - The application Ref 22/00266/FUL, dated 18 February 2022, was refused by notice dated 9 September 2022.
  - The development proposed is the removal of the existing 20m pole supporting 3no. antennas. The installation of new replacement 20m monopole supporting 12no. new antennas, 3no. transmission dishes and 36no. RRU's behind the antennas. Installation of 2no. cabinets within compound on new concrete base, together with additional ancillary development thereto, including 2no. GPS modules.
- 

## Decision

1. The appeal is allowed and planning permission is granted for the removal of the existing 20m pole supporting 3no. antennas. The installation of new replacement 20m monopole supporting 12no. new antennas, 3no. transmission dishes and 36no. RRU's behind the antennas. Installation of 2no. cabinets within compound on new concrete base, together with additional ancillary development thereto, including 2no. GPS modules at Belfield Lawn, Rochdale OL16 2UB in accordance with the terms of the application, Ref 22/00266/FUL, dated 18 February 2022, subject to the conditions set out in the attached Schedule.

## Preliminary Matters

2. The appeal site is within 50m of the Rochdale Canal Site of Special Scientific Interest (SSSI) and the Rochdale Canal Special Area for Conservation (SAC). Such designations are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended. Although not forming part of the Council's reason for refusal, it is incumbent upon me as a competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the SAC. It is therefore necessary to address this matter as a main issue. The appellant has been invited to submit additional comments and I am satisfied that they are not prejudiced in this regard.
3. The Government published a revised National Planning Policy Framework (the Framework) on 20 December 2023. However, as the parts of the Framework most relevant to this appeal have not significantly changed there is no requirement for me to seek further submissions. I am satisfied no party would be prejudiced by determining the appeal accordingly. Where reference is made in this decision to paragraph numbers, they are taken from the latest version of the Framework.

## **Main Issues**

4. The main issues are the effect of the proposal on:

- The setting of Belfield Bridge, a Grade II listed building, and the significance of the Rochdale Canal, a non-designated heritage asset; and
- The integrity of the Rochdale Canal SSSI and SAC.

## **Reasons**

### *Designated and non-designated heritage assets*

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to have special regard to the desirability of preserving the setting of a listed building.
6. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. At paragraph 209, the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
7. The appeal site is close to the Grade II listed Belfield Bridge (the Bridge), dating between 1794 and 1804, by engineer William Jessop. It is constructed from roughly coursed stone with round copings to the parapet walls, above a stone band. It has a skew elliptical arch and is described in the Historic England listing as one of the earlier skew bridges. The special interest and significance of the Bridge is derived from its intact historic fabric and its spatial relationship to the Rochdale Canal (the Canal) which it crosses, and which is a non-designated heritage asset. The significance of the Canal is derived from its historical importance as a cargo route.
8. The Bridge is experienced from close quarters on Belfield Mill Lane and when crossing it, and from the Canal and its tow path to which it has a visual and functional relationship. The tow path that passes under the Bridge and for a short distance either side form part of its immediate setting. The appeal site is on land within an open car park of the Sacred Heart Football Club that adjoins the tow path, some distance from the Bridge, and forms part of the wider setting of the listed structure.
9. The site contains an existing monopole and associated cabinets, all enclosed within a palisade fence. The land between the site and the tow path, which is at a lower level, is well treed.
10. The existing monopole is visible in views from the wider area, including from Rochdale Bypass and from Belfield Mill Lane when approaching the Bridge from the west. However, on my site visit, when the trees had largely lost their leaves, I observed that the existing monopole was barely visible in views from the bridge and from the Canal tow path. Due to this lack of visibility, the appeal site does not materially affect the way that the Bridge or the Canal is experienced.

11. Whilst the proposed monopole would be the same height and would be sited in the same position as the existing, it would have a much greater column width and a more bulky and distinct headframe design. Nonetheless, like the existing equipment, it would for the most part be screened in views from the Bridge and the Canal by the trees. Even in winter, views would be filtered by an intervening network of dense tree branches. Consequently, the way in which the listed building would be experienced, and its significance, would not be harmed by the siting or appearance of the proposed monopole and the associated cabinets. In addition, for the same reasons, the proposed development would have a neutral impact on the significance of the Canal.
12. I therefore conclude that the proposed development would not detract from the setting of Belfield Bridge or the significance of the Canal. As such it would accord with Policies P1, P2, P3, and DM1 of the Rochdale Adopted Core Strategy (CS) which require, amongst other things, that development demonstrates a high-quality design and protects heritage. It would also satisfy the requirements of Section 66(1) Act and Section 16 of the Framework which are concerned with heritage assets.

#### *Rochdale Canal SSSI and SAC*

13. The SSSI and SAC contains important habitats for submerged aquatic plants and emergent vegetation, including extensive colonies of the nationally scarce floating water plantain. Locally, the Canal contains the most significant stands of Water Violet in Greater Manchester. The nine species of pondweeds found in the Canal represent a balanced community that reflects the quality of the water.
14. The Council's Principal Ecologist considers that there would be a low possibility that the Canal watercourse would be polluted during the construction phase of the development due to the established tree belt acting as a sufficient buffer. Whilst Natural England agrees with this conclusion it indicates that it is good practice to perform a completed Habitats Regulations Assessment to formulate these methods. There is not, therefore, full agreement between these parties that the proposed development would not give rise to a likely significant effect to the SSSI and SAC.
15. Due to its proximity, there is a hydrological connection between the appeal site and the Rochdale Canal. The appeal proposal is unlikely to result in any additional surface water run-off once in situ, given that it is located within a car park and replaces an existing installation. However, the discharge of polluted surface water drainage during the construction phase of the development, when the ground is disturbed, has the potential to affect the conservation status of the qualifying features of the SSSI and SAC. I cannot, therefore, rule out, beyond all reasonable scientific doubt, the possibility that there would be a significant effect on their integrity during construction. As such, it is necessary for me, as the competent authority, to conduct an appropriate assessment in relation to the effect of granting permission on the integrity of the Habitat Site.
16. Both the Council and Natural England agree that a Construction Environmental Management Plan (CEMP) would be required to set out methods to mitigate any impacts on the natural environment. A condition requiring a CEMP would secure the management of surface water during construction. I am satisfied, based on the evidence before me, that such a condition would provide the necessary

mitigation to ensure that the proposal would not harm the integrity of the Rochdale Canal SSSI and SAC.

17. Accordingly, having regard to the views of Natural England, and subject to the imposition of the condition referred to above, on which I place weight, I am satisfied that the development would not cause harm to the ecological value of the Rochdale Canal SSSI and SAC.
18. In conclusion, the proposal would not harm the integrity of the Rochdale Canal SSSI and SAC, subject to conditions. It therefore accords with paragraph 175 of the Framework.

### **Conditions**

19. The Council has suggested several conditions which I have considered against the Framework and Planning Practice Guidance. As a result, I have made some amendments to the wording for clarity.
20. In addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached conditions specifying that the development is carried out in accordance with approved plans.
21. As set out above, a condition which requires Construction Environmental Management Plan is necessary to ensure that the construction process is suitably controlled to minimise its effects on the SSSI and SAC. This is a pre-commencement condition to ensure that appropriate controls are in place before development commences.
22. To ensure that the development assimilates into the environment, I have considered it necessary to attach a condition requiring that it is of a colour that matches that of the existing installation. However, given the differences in appearance, I do not consider that it is appropriate to require that the proposed installation matches the existing in respect of its form, type, size and texture.

### **Conclusion**

23. For the reasons given above I conclude that the appeal should be allowed.

*Elaine Moulton*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing Number 100 Revision C Site Location Maps  
Drawing Number 201 Revision B Proposed Site Plan  
Drawing Number 301 Revision B Proposed Site Elevation
- 3) No development shall take place (including any site clearance or preparation works) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, this shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of 'biodiversity protection zones'.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (which may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Details of responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to throughout the construction period.  
The development shall not be carried out otherwise than in accordance with the approved CEMP during the construction period.
- 4) The colour of the monopole and cabinets hereby permitted shall match the existing installation.