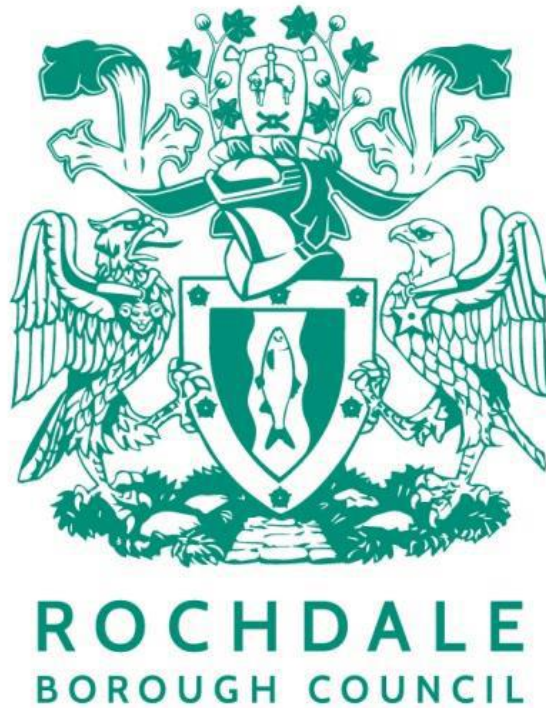


ROCHDALE BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78



APPEAL BY Clarke Telecom on behalf of Cornerstone

APPEAL SITE: Land at Rochdale RUFC, Clubhouse Close, Rochdale, OL11 5LU

STATEMENT OF THE LOCAL PLANNING AUTHORITY

LPA REFERENCE: 25/00155/FUL

PINS REFERENCE: APP/P4225/W/25/3371622

1. Introduction

- 1.1 This appeal is against the Local Planning Authority's (LPA) refusal to issue Planning Permission under Section 72 of the Town and Country Planning Act 1990 under application reference 25/00155/FUL 'Erection of a radio base station comprising the removal of existing 15m monopole supporting 3 no. antennas, 4 no. equipment cabinets, 1 no. electric meter cabinets and timber fence, installation of a new 12m pole with flood lights, 20m lattice tower supporting 6 no. antennas, 2 no. transmission dishes, 4 no. replacement equipment cabinets, 1 no. replacement electric meter cabinet, 2.0m palisade fence and ancillary development there to including Ericson Radio Systems (ERSs) and 1 no. GPS module.'

It was refused by notice dated 9th May 2025 for the following reason:

"The proposed installation, by virtue of its height, massing, siting and appearance, would represent an incongruous feature which would fail to sit sympathetically with the residential area and open character and appearance of the site. In the absence of a comprehensive assessment of alternative sites for the proposed development it is not possible to definitively conclude that there are no more suitable sites reasonably available that would result in a lesser degree of visual harm. The development would therefore result in unacceptable harm to character and appearance of the site and its surroundings and be contrary to policies P1, P3 and DM1 of the adopted Rochdale Core Strategy, Policies JP-P1 and JP-C2 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.."

2. Site Description

- 2.1 The appeal site relates to an area of Rochdale Rugby Club, to the western side of the main pitch. The site is one of three existing masts, located in a linear arrangement, sited within the grounds of the Rugby Club. The topography is flat, and residential properties are located immediately south and to the east of the site.

The site is not within a conservation area however lies to the north of Moorgate Conservation Area. The site is therefore contained within the setting of the Conservation Area.

The wider area is residential, surrounded by two storey residential properties. The site lies within the Defined Urban Area.

3. Planning History

- 3.1 22/01192/FUL - Removal of the existing 15m pole supporting 6no. antennas and installation of a replacement 20m lattice tower supporting 12no. new antennas on a headframe, 4no. transmission dishes and 36no. ERS units behind the antennas. Removal of 5no. equipment cabinets and installation of 4no. replacement cabinets, together with additional ancillary development thereto, including 2no. GPS modules, 2.1m high palisade fencing, relocation of floodlight meter cabinet and floodlights to proposed replacement lattice tower – Refused for the following reason:

The proposed installation, by virtue of its height, siting and appearance, would represent an incongruous and dominant feature of the street scene in a prominent residential location. Furthermore, no thorough justified information in relation to alternative ground or rooftop based sites has been provided as part of this proposal, required under paragraph 117 of the National Planning Policy Framework. The development would therefore result in unacceptable harm to the street scene and visual amenity generally and be contrary to policies P1, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

14/00812/TELE – Determination of prior approval for the replacement of a 15m high dual communications monopole housing 3 antennae and floodlights, including removal and replacement of one equipment cabinet – Grant 21/08/2014

All other permissions relate to the extension or works to the rugby club itself.

4. Policy Background

4.1 For the purposes of the appeal, the relevant parts of the Development Plan are: Places for Everyone Joint Development Plan (PfE) which was adopted on 21st March 2024; the Rochdale Core Strategy (CS) which was adopted on the 19th October 2016; and the Rochdale Unitary Development Plan (UDP) which was adopted on 15th June 2006, specifically the policies contained within saved by a Direction of the Secretary of State, dated 13th May 2009 and retained upon adoption of the CS.

4.2 The relevant PfE policies are:

JP-S1 Sustainable Development
JP-P1 Sustainable Places
JP-P2 Heritage
JP-C2 Digital Connectivity
JP-D1 Infrastructure Implementation

4.3 The relevant policies contained within the adopted Rochdale Core Strategy are:

SO3 Improving design, image and quality of place
P1 Improving Image
P2 Protecting and enhancing character, landscape and heritage
P3 Improving design of new development
DM1 General Development requirements

4.4 The relevant Saved UDP policies are:

G/D/1 Defined Urban Area

4.5 The National Planning Policy Framework (NPPF) is also a material consideration in respect of the appeal.

5. Appellant's Grounds Of Appeal and the Case for the LPA

- 5.1 The purpose of this statement is to address the matters raised within the appellant's grounds of appeal and accompanying documentation. These are broken down into the planning matters and procedural matters that the LPA seeks to address.

Planning matters

- 5.2 The appellants statement of case provides an analysis of the reason for refusal and the officer's delegated report and concludes the site has been carefully considered and designed, and the social and economic benefits of the proposal would outweigh the level of harm to visual amenity of the area. At paragraphs 3.83 - 3.99 the appellant elaborates on the site selection process and the site which was suggested by the planning officer within the delegated report. They conclude that the chosen site remains the most and only suitable site for the proposal; and discount the suggested site by the planning officer due to the distance away from the required area.
- 5.3 With this being said; the appellant refers frequently to the screening of the trees directly south however this would fail to screen the proposal from properties along Broadhalgh Avenue and particularly those from Clubhouse Close.
- 5.4 It is noted the officers report states the proposal would have a neutral impact on the setting of the heritage asset and then later states the proposal would contribute to the character of the area – as highlighted in paragraph 7.1.5 and 7.1.6 of the appellants statement of case. For clarity, this is an oversight; the proposal would result in a neutral impact on the significance of the heritage asset, however the impact on character and visual amenity of the area is still considered to be detrimental. The permanent impact upon the visual amenity of the area would not be outweighed by the harm caused by the proposed development. The proposal would fail to meet the needs of Policy DM1, as it would adversely affect the amenity of residents through visual intrusion.
- 5.2 The LPA's position in regard to the harmful impact the proposed mast will have to the visual amenity of the area and impact on the neighbours located along Broadhalgh Avenue and Clubhouse Close is set out in detail within the officer's delegated report. The LPA remains of the view that the harm is not outweighed by the social and economic benefits of the scheme.
- 5.3 Within the appellants statement of case and application the commentary on the alternative site selection has been expanded. Specifically, Paragraph 3.90 relates to site D6 – sited behind the Rugby Club. The site is discounted due to the required removal of two car parking spaces to accommodate the compound; which would be a minor loss in the context of the 80 available parking spaces inclusive of 6 disabled spaces, as well as other opportunities for informal parking around the site. While assumption that there are underground services may be correct, however the installation would inevitably set to the periphery of the boundary of the club where there would be less chance for such services to exist, and without a proper survey, it would not be appropriate to discount D6 on this basis.
- 5.4 Additionally, site D6 states a greater height would be needed to comply with ICNIRP compliance. Unlike D5 where a specific 30m height is referenced, no details are provided and instead references proximity to the balcony, which is wholly situated to the southern side of the building, to the opposite side of the building. The location of D6 is much more remote, relative to the siting of the appeal proposals, and a mast of a greater scale would

be less visually harmful in this location. In the absence of clear technical requirements for a mast at this location it is not possible to discount D6.

- 5.5 Further to this, whilst D5 has been discounted, the parcel of land set to the east of Clubhouse Close could accommodate an installation c.50-60m north of D5, which would all but resolve any conflict with Policy DM1 in respect of the impact upon no.7 Hands Ln, especially given that the north facing windows on this dwelling are likely to serve non-habitable rooms, or be secondary. An installation 50-60m north of D5 would also be less visually harmful than the appeal proposals.
- 5.6 In all other respects, the LPA is content to rely on the officer delegated report to support the refusal reasons.

6 Conclusion

- 6.1 In light of the above, the LPA respectfully request that the appeal be dismissed.
- 6.2 Should the Inspector determine to allow the appeal, the LPA recommend the following conditions:

1. The development shall be carried out in accordance with the following:

- Supplementary Information form including technical justification
- Site Location Maps - 100 Rev B
- Existing Site Plan - 200 Rev A
- Proposed Site Plan - 201 Rev E
- Existing Site Elevation - 300 Rev A
- Proposed Site Elevation - 301 Rev B
- Copy of the Developers Notice and letter served on the owner(s) of the site
- ICNIRP Compliance Certificate.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

2. The proposed replacement mast should be coloured Gull Gray (RAL 26492), and fencing shall be coloured Fir Green (RAL 6009) prior to installation and shall be retained as such thereafter.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity, and preserve and enhance the heritage asset, in accordance with Policies DM1, P2 and P1 of the Rochdale Core Strategy and the National Planning Policy Framework.

3. The mast hereby approved shall not be brought into use until such time as any redundant apparatus on the existing monopole has been removed (as per Proposed Site Elevation).

Reason: To prevent the over-proliferation of masts and subsequent harm to the street scene in accordance with Policies P3 and DM1 of the adopted Rochdale Core

Strategy, Policy JP-P1 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.