

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



APPEAL BY MBNL (EE / 3UK and ESN – Emergency Services Network)

APPEAL SITE: Sheriff Street, Rochdale, OL12 6QR

STATEMENT OF THE LOCAL PLANNING AUTHORITY

LPA REFERENCE: 24/00062/TELE

PINS REFERENCE: APP/P4225/W/24/3346812

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 24/00062/TELE 'Prior notification for a proposed 20m high telecommunications installation and associated works'. It was refused by notice dated 24th May 2024 for the following reason:

"The site sits adjacent to the Grade I listed St Edmunds Church, the St Edmunds Church Conservation Area, Falinge Park (Registered Park and Garden, Grade II listed) and the separately Grade II listed gates into Falinge Park. The proposed 20 metre high monopole by reason of its significant scale, siting and appearance, would fail to sit sympathetically with, and respond positively to, the Grade I listed St Edmunds Church and its setting. The proposal would fail to safeguard the significance of the Church and would result in less than substantial harm to its significance, and the significance of the surrounding Grade II listed heritage assets. By reason of its siting and scale, the proposed monopole would also give rise to an unacceptable impact to the character and appearance of the area and would comprise a wholly inappropriate addition to the townscape generally and would undermine the aspirations of the adopted Lower Falinge SPD and the Masterplan area at this gateway location. In addition, the proposals would set a dominant and incongruous feature in a prominent location relative to the outlook of dwellings on Sheriff Street, in addition to giving rise to unacceptable impacts on the outlook of future residential development on land to the east of Sheriff Street. The assessment of alternative sites for the proposed development does not provide a defined area of search and therefore 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, and the public benefits of the proposal are not considered to outweigh the less than substantial harm identified. On this basis the application is contrary to Policies P1, P2, P3, and DM1 of the adopted Rochdale Core Strategy, Policies JP-S2, JP-P1, JP-P2 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 comprises a parcel of pavement to the east of Sheriff Street, just south of the roundabout, and south of the junction with Jane Street. The site has recently changed with former housing blocks (Exbury, Waverley, Yarwell, Abbeydale, Zadburch) demolished to the east. Falinge Park, a Registered Park and Garden is north-west, including Grade II listed entrance gates.
- 2.2 St Edmunds Church Falinge Conservation Area is located to the west of the site, with the boundary of this just behind 49-61 Sheriff Street. 12 and 14, 11 and 13 Edmund Street are included within the Conservation Area and are visible from Sheriff Street and are included within its setting.
- 2.3 The conservation area comprises of two storey residential properties, with St Edmund's Church (Grade I listed) at its centre.

- 2.4 The site lies within the Defined Urban Area.

3. Planning History

- 3.1 There is no planning history applicable for the appeal site itself.
- 3.2 Approximately 30m south of the appeal site, a similar development was proposed and dismissed at appeal. The application and the accompanying appeal are material considerations:

21/01378/TELE - Installation of a 20m high monopole supporting 12 no. antenna and 2 dishes, including ancillary cabinets - Land Off Sheriff Street, Shawclough, Rochdale, Greater Manchester, OL12 6QS – Refused 16/11/2021 – Appeal Dismissed 23/11/2022 - APP/P4225/W/22/3295575

- 3.3 The similarities with the dismissed appeal are described and explained within the delegated report (notably pages 7-9) and are not repeated in this Statement of Case.

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 appellant's grounds for appeal are that the proposal is in accordance with the relevant national and development plan policies and is not be detrimental to the character or amenity of the area. Notwithstanding this position, the appellant also considers there are public benefits comprising enhanced communications network, which they consider are substantial. The appellant considers too that they have satisfied the sequential approach in the NPPF.
- 5.3 The Council's Conservation Officer was consulted on the appeal. The full comments are provided in Appendix A.
- 5.4 The appellant states the location is essential to maintain and improve existing telecommunications infrastructure and cell coverage, in an area where this would not appear too unusual. At paragraph 3.9 the appellant queries if the proposed installation is adjacent to the Grade I listed St Edmunds Church given the distance and intervening houses between the church and the proposed site. The LPA refers to the Conservation Officer's consultation response on this appeal, as well as the previously, and similarly located application which was dismissed at appeal, where the inspector stated "*the fundamental presence of such an unduly incongruous feature within the townscape, so near to a Grade I listed building, would be sufficient for it to result in a degree of harm to the asset's wider setting and thus its significance.*" It is therefore can be reasonable to consider the appeal site is 'adjacent' to the Grade I listed building, or within a proximity to which less than substantial harm would be caused.
- 5.5 In relation to the St Edmunds Conservation Area , the Inspector concluded '*Given the site's location in very close proximity to one of the main routes into and out of the SECA, it reasonably follows that the identified harmful effects of the proposal would also detrimentally affect how the SECA is experienced and would undermine the ability to appreciate its significance.*' This highlights the prominence of the location at the entrance to, and within the setting of, multiple heritage assets. The appellants submission also, as highlighted from the Council's Conservation Officer's response, gives minimal regard to the appellants own heritage statement submitted during the course of the application. It is noted no assessment of heritage policies contained within the NPPF accompanies their assessment.
- 5.6 The LPA's position in regards to the harmful impact the proposed mast will have to the heritage assets is set out in details within the officer's delegated report. The LPA

remains of the view that the harm is not outweighed by the public benefits. In summary, whilst the LPA does not dispute the proposal will maintain cell coverage and provide for future technologies, and would provide social and economic benefits, it maintains its position that the benefits would not outweigh the less than substantial harm to the setting of the Grade I listed Church, and the setting of the SECA. In the previous inspector's report they stated *'Nevertheless, at 20m in height, the monopole would be markedly taller than other manmade features within the immediately surrounding area. Its vertical projection above the adjacent garages, houses, street signs and street lights would cause it to be an unduly prominent feature in the townscape.'* This has not changed, and the site would still appear incongruous with the streetscene and surrounding landscape.

- 5.7 The applicant's grounds of appeal is structured by commenting on individual policies and reflecting on each wording within this. In all other respects, the LPA is content to rely on the officer delegated report to support the refusal reasons.
- 5.8 As the LPA has also determined that the proposed siting of the mast would result in harm to the character and appearance of the area, NPPF requires an assessment of whether there are any other less harmful options available.
- 5.9 The appellant's statement provides 10no. 'discounted options' and accompanying locations shown on a map. However, the search area is not defined, rather the 10no. sites are identified. As such, the extent of the relevant area is unknown, and consequently there may be other sites / locations within the area that have not be considered by the appellant.
- 5.10 Of the 10no. discounted sites, no. 10 relates to College Bank (also known as the Seven Sisters). The appellant has discounted this site for the reason that *"...all the towers are being demolished so there is no scope to relocate onto an adjacent block"*. There is no permission in place for the demolition of the buildings, and the LPA has no knowledge of future demolition plans.
- 5.11 The reasons provided for discounting other sites include heritage and highway safety reasons. Whilst it is recognised that there may be some limitations, the reasons provided are brief and not supported by further evidence or detail to demonstrate why they would be more harmful than the appeal site. As such the LPA stands by its position that the assessment of alternative sites is inconclusive and therefore that the appeal site has not been demonstrated to be the most suitable in terms of siting and appearance.

Procedural matters

- 5.12 At paragraph 2.1 of the grounds of appeal the appellant states that written pre-application requests for feedback with the LPA and key stakeholders were requested and not received. No formal pre-application enquiry was submitted to the LPA. An email sent to highways@rochdale.gov.uk was received and the LPA provided a response via email on 18th January 2024, advising the developer of the serious concerns raised in relation to the siting and appearance, highways concerns raised and the impact on the adjacent Lower Falinge Masterplan area and the impact on adjacent Heritage Assets. Evidence of this is attached in Appendix B. The response also detailed the recent dismissed appeal, which the appellant has not acknowledged in their statement.

- 5.13 The grounds of appeal state at paragraph 1.7 '*...the Rochdale Borough Council Planning Site has no accessible information regarding the Case Officer's Report and there are no comments listed from statutory consultees or third parties*'. The case officer provided the applicant's agent with an update including consultation responses on 20th February 2024. The delegated report is available to view on Public Access on the Council's website.

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:

- 002 SITE LOCATION PLAN - 1708862_ROD165_95986_OL0519_M001 Rev A
- 003 ACCESS PLAN - 1708862_ROD165_95986_OL0519_M001 – Rev A
- 004 LEASE DEMISE & SITE LOCATION PLAN - 1708862_ROD165_95986_OL0519_M001 Rev A
- 005 CHERRY PICKER & CRANE LOCATION PLAN - 1708862_ROD165_95986_OL0519_M001 - Rev A
- 006 SERVICES PLAN - 1708862_ROD165_95986_OL0519_M001 Rev A
- 100 EXISTING SITE PLAN - 1708862_ROD165_95986_OL0519_M001 Rev A
- 150 EXISTING ELEVATION 1708862_ROD165_95986_OL0519_M001 Rev A
- 215 MAX CONFIGURATION SITE PLAN - 1708862_ROD165_95986_OL0519_M001 Rev A
- 265 MAX CONFIGURATION ELEVATION - 1708862_ROD165_95986_OL0519_M001 Rev A

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 black prior to installation and shall be retained and maintained as such.

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.

Appendix A: Conservation Officer Response to appeal documents and submission

CONSERVATION CONSULTATION RESPONSE

Conservation Officer	Catherine Fenghour
Date	23 August 2024
Application Reference	24/00062/TELE
Address	Sheriff Street, Rochdale, OL12 6QR
Proposal	Prior notification for a proposed 20m high telecommunications installation and associated works

Heritage Assets Impacted

Designated Heritage Assets	☒	- St Edmund’s Church (grade I) - St Edmund’s Church Conservation Area - Falinge Park (grade II) - Gates to Falinge Park (grade II)
Non-Designated Heritage Assets	☐	-

Summary

Significance Assessment

Reasons for refusal

The application was refused for the following reason:

“The site sits adjacent to the Grade I listed St Edmunds Church, the St Edmunds Church Conservation Area, Falinge Park (Registered Park and Garden, Grade II listed) and the separately Grade II listed gates into Falinge Park. The proposed 20 metre high monopole by reason of its significant scale, siting and appearance, would fail to sit sympathetically with, and respond positively to, the Grade I listed St Edmunds Church and its setting. The proposal would fail to safeguard the significance of the Church and would result in less than substantial harm to its

significance, and the significance of the surrounding Grade II listed heritage assets. By reason of its siting and scale, the proposed monopole would also give rise to an unacceptable impact to the character and appearance of the area and would comprise a wholly inappropriate addition to the townscape generally and would undermine the aspirations of the adopted Lower Falinge SPD and the Masterplan area at this gateway location. In addition, the proposals would set a dominant and incongruous feature in a prominent location relative to the outlook of dwellings on Sheriff Street, in addition to giving rise to unacceptable impacts on the outlook of future residential development on land to the east of Sheriff Street. The assessment of alternative sites for the proposed development does not provide a defined area of search and therefore 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, and the public benefits of the proposal are not considered to outweigh the less than substantial harm identified. On this basis the application is contrary to Policies P1, P2, P3, and DM1 of the adopted Rochdale Core Strategy, Policies JP-S2, JP-P1, JP-P2 and JP-C2 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework."

Comments on appellant's statement of case

The appellant's statement of case does not include an addendum to the heritage statement and does not appear to have been produced by a heritage professional. The appellant's assertion that the reasoning for refusal is tenuous, is particularly surprising given the recent appeal history (APPP ... REFERS) and the conclusions reached by their own heritage consultant.

The Inspector in the previous case, slightly further to the south along Sheriff Street concluded that *"the fundamental presence of such an unduly incongruous feature within the townscape, so near to a Grade I listed building, would be sufficient for it to result in a degree of harm to the asset's wider setting and thus its significance."* In respect of the Conservation Area, the Inspector stated: *'Given the site's location in very close proximity to one of the main routes into and out of the SECA, it reasonably follows that the identified harmful effects of the proposal would also detrimentally affect how the SECA is experienced and would undermine the ability to appreciate its significance.'*

The appellant's statement also appears to pay scant regard to the conclusions reached by their own heritage consultant, who also acknowledges that there would be a slight impact on the heritage assets. The heritage consultant has not used the assessment set out within the NPPF, when assessing the impact (i.e. substantial or less than substantial). Nevertheless, a slight impact would correlate to less than substantial harm and the provisions of NPPF paragraph 208 apply.

It is important to note that the currently proposed location would make the mast more prominent on the approaches to the grade II registered Park and the grade II listed gates. The mast would also still be a feature in views of the tower of the grade I listed St Edmund's Church, as well as in the panoramic view identified by the inspector from the roundabout at the junction of Sheriff Street and Falinge Road.

Given the above, I have no further comments to make on my consultation response. The appeal proposal would read as an incongruous and harmful feature within the setting of the identified designated heritage assets (detailed above). The proposed monopole would result in less than substantial harm to the significance of these designated heritage assets. This is a matter which carries considerable weight in the planning balance.

Appendix B: LPA response to applicant's pre-application enquiry email.

From: Ryan Killeen (He/Him)

Sent: 18 January 2024 15:58

To: g.derose@whptelecoms.com

Subject: RE: FAO Highways Department Developers Notice: MBNL NTQ 95986 Sheriff Street, Rochdale, Greater Manchester, OL12 6QR

Afternoon Guy,

In respect of the proposals put forward, serious concerns are raised in respect of the siting and appearance of the proposed mast.

The Local Highways Authority has raised concerns in respect of pedestrian safety given the site falls close to a crossing which is the primary crossing used by school children, and would obscure sight lines of both road users and pedestrians.

The site is also immediately adjacent to the Lower Falinge masterplan area which is currently being built out in phases. The proposals are likely to include dwellings fronting onto Sheriff Street and the siting of a mast at this location would have an unacceptable prejudicial impact which would not be supported.

The proposed installation would be considered to be bulky, dominant and a wholly inappropriate addition to the street scene, sitting uncomfortably due to its disparate scale, appearance and unshielded siting which does not benefit from any screening, manmade or natural. The installation would subsequently appear as an unduly conspicuous and detrimentally discordant feature which is wholly at odds with the type and scale of surrounding street furniture and development and would not assimilate well into its surroundings.

The siting of the proposals falls adjacent to the St Edmunds Conservation Area, which includes the Grade I listed St Edmunds Church. Whilst not viewed in conjunction with St Edmunds Church, it would be read in panoramic views of the Church's tower from nearby vantage points, harmfully impacting views and adversely altering the ability to appreciate this nationally important building's significance. It reasonably follows therefore that the harmful effects of the proposals would also apply to how the Conservation Area is experienced given the boundary of it sits to the opposite side of Sheriff Street.

The Council have a high degree of confidence in this assessment with a similar proposal within 50m of the siting of your proposals being refused and successfully defended at appeal (APP/P4225/W/22/3295575) and as such I would strongly advise that you do not proceed with an application for Prior Approval.

Kind regards,

Ryan

Ryan Killeen (He/Him)

Principal Planning Officer (Growth)

Economy



 01706 925964

 ryan.killeen@rochdale.gov.uk

Rochdale Borough Council

Floor 3, Number One Riverside

Smith Street, Rochdale, OL16 1XU

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For news, events and social media updates go to www.rochdale.gov.uk/newsandevents

Please consider the environment before printing this email.

From: Guy De Rose <g.derose@whptelecoms.com>

Sent: 16 January 2024 16:45

To: Highways <Highways@Rochdale.Gov.UK>

Subject: FAO Highways Department Developers Notice: MBNL NTQ 95986 Sheriff Street, Rochdale, Greater Manchester, OL12 6QR

:CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

Please find attached the developers notice for the following site: **MBNL NTQ 95986 Sheriff Street, Rochdale, Greater Manchester, OL12 6QR**

Kind regards



Guy de Rose

WHP Telecoms Ltd, 401 Faraday Street, Birchwood Park, Warrington, Cheshire, WA3 6GA

☎ Switchboard: 01925 424100 ☎ Direct: [01925 424100](tel:01925424100)

✉ g.derose@whptelecoms.com 🌐 www.whptelecoms.com



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