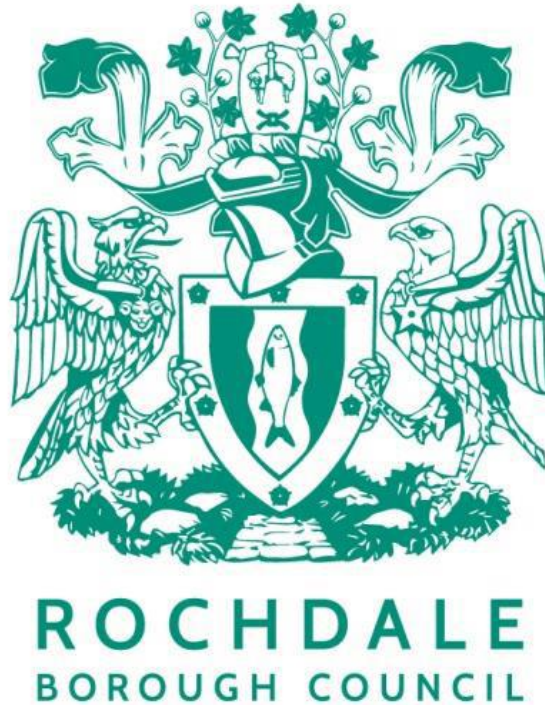


ROCHDALE BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78



APPEAL BY Cornerstone

APPEAL SITE: Existing telecommunications mast, Jape Business Park,
Dell Road, Rochdale

STATEMENT OF THE LOCAL PLANNING AUTHORITY

LPA REFERENCE: 22/01511/TELE

PINS REFERENCE: APP/P4225/W/23/3326368

1. INTRODUCTION AND BACKGROUND

- 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 22/01511/TELE **'Prior notification of the removal and replacement of existing 17m high column, antennas and equipment cabinets with the installation of a 20m high column, 12 upgraded antennas, 4no transmission dishes and equipment cabinets and ancillary works thereto including 2no GPS modules and compound fencing'** which was refused by notice dated 24th January 2023
- 1.2 The application was refused by notice dated 24th January 2023 for the following reason:
- 1 *The proposed installation, by virtue of its height, massing, siting and appearance, would represent an incongruous feature of the street scene in an area adjacent to residential properties. 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 character of the site and be contrary to policies P1, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.*

2. SITE DESCRIPTION

- 2.1 The site relates to an existing mast sited at Jape Business Park, Dell Road. The existing mast is located behind a residential estate, characterised by properties including three storey townhouses/ flats. The industrial site the mast is within is surrounded by residential properties on all sides.
- 2.2 The entire site is located within the Defined Urban Area (Policy Designation G/D/1) and benefits from no other policy designations.

3. RELEVANT PLANNING HISTORY

- 3.1 Looking to planning history, the mast gained permission in 2004 (REF: 04/D44105), with replacement mast approved in 2014 (REF: 14/00803/TELE). The residential estate was approved in 2006 (REF: 06/D47830).

4. POLICY BACKGROUND

- 4.1 The relevant parts of the Development Plan are the adopted Rochdale Core Strategy which was adopted on the 19th October 2016; and the Rochdale Unitary Development Plan 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 RCS.
- 4.2 The relevant policies contained within the adopted Rochdale Core Strategy are:

SO3 Improving design, image and quality of place

P1 Improving Image

P3 Improving design of new development

DM1 General Development requirements

4.3 The relevant Saved UDP policies are:

G/D/1 Defined Urban Area

4.4 The National Planning Policy Framework (NPPF) is also a material consideration in respect of the appeal. It is noted the NPPF has been updated since the submission of this appeal. The Council's Statement of Case refers to the updated paragraph numbers rather than superseded ones.

5. GROUND OF APPEAL AND THE CASE FOR THE LOCAL PLANNING AUTHORITY

5.1 The purpose of this statement is to address the matters raised within the appellant's grounds of appeal and accompanying documentation.

6.1 The appellant's grounds for appeal are that the proposal would not have any unacceptable visual amenity impact over and above that of the existing mast, and would not be unduly visible from residential properties.

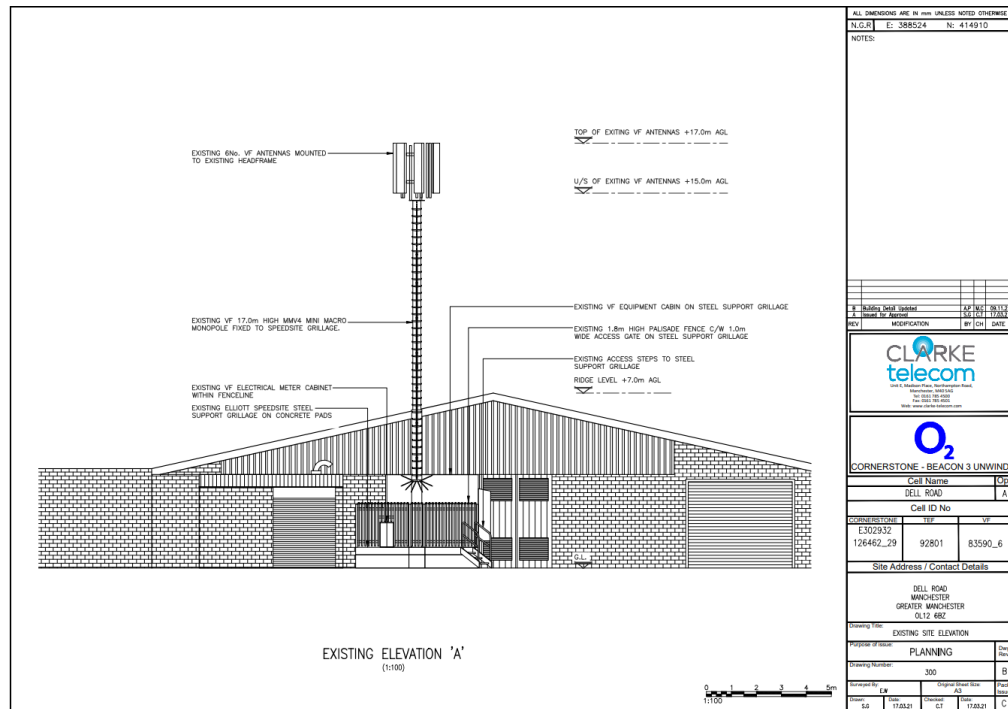
6.2 The appellant states the works proposed to the mast would fall only 0.87m over the permitted development threshold in relation to width of the antennas. The proposed mast on their own basis would increase the width by two thirds, and the height by 3m, from 17m to 20m. While on the face of it, this increase could be considered minor, in the context of the existing mast, and the proximity of adjacent dwellings, the proposed mast would undoubtedly appear much larger and dominant within the streetscene, visibly over and above that of the existing mast.

6.3 Images 1 and 2 below show photos of the existing mast, and the elevation drawings of the proposed mast side-by-side, showing the clear increase in scale and width of the mast. When viewed from a pedestrian level, the increase in scale results in an imposing appearance. It is noted in the appellant's statement of case paragraph 1.14, that the increase in antennae width is required in order to provide 5G coverage. No alternative designs have been explored or presented to the Council which would show the current design is the least harmful option, or that the applicant has sought to provide a high quality appearance. The proposal will degrade the quality of the area and in doing so is contrary to Paragraph 119 of the NPPF and Policies P1, P3 and DM1 of the Core Strategy.



Image 1: Site photograph of existing mast in context of low level industrial buildings and three storey residential townhouses.

Existing



Proposed

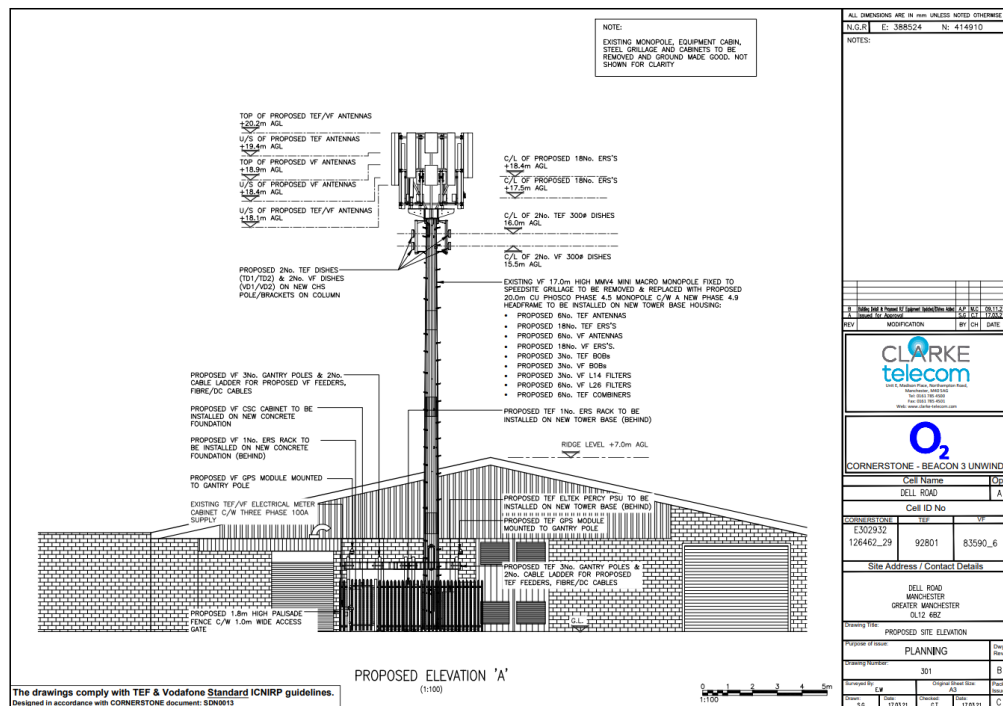


Image 2: Existing and proposed elevation drawings, as submitted by the applicant. The proposed elevation drawing is much larger, with a more complex antennae, and wider showing a substantial change to the existing mast.

- 6.4 While the LPA acknowledges Paragraph 119 of the NPPF in regards to utilising existing sites for masts; and thereby replacing them, it is not “sympathetically designed or camouflaged” as also required by the NPPF. As such this does not preclude the conclusion that the current proposal is not acceptable for the reason that it will harm the character and appearance of the area. No possible alternative designs have been presented to the Council, nor that the mast would remain visible from adjacent neighbouring properties, and the increase in its size would have an unacceptable impact upon the visual amenity experienced by occupants.
- 6.5 Policy DM1 of the Core Strategy requires all development proposals to demonstrate that they are of high quality design, that they enhance the quality of the area and are compatible with the surrounding land uses. In this case the mast is sited in a low level industrial setting, adjacent to three storey residential dwellinghouses. By reason of the siting, the appearance of the existing mast would be detrimentally affected by the increase in size, and will appear incongruous with its location when viewed by pedestrians along Turnpike Close to the south of the property, and when viewed along Dell Road. Similarly, Policy P3 requires new development to improve the enhance the borough’s identity and sense of place by respecting context where it is positive, and having regard to scale, density, massing and height.
- 6.6 It is noted in Appeal Decision ‘APP/P4225/W/22/3297226’ (Rochdale MBC) the Inspector clearly states at paragraph 22 *‘The appellant has made reference to various social and economic benefits of the proposal. However, as consideration of this proposal is restricted to matters of siting and appearance, I have not taken these into account’*. The Council in relation to reason for refusal 1, considered in Section 6 of this statement of case, would ask the Inspector should apply the same view to this application. The proposed public benefits put forward would not outweigh the additional visual harm proposed as a result of the development.
- 6.7 The LPA acknowledges that more broadly the need for 5G coverage carries weight in the planning balance, and the proposed replacement mast would provide 5G coverage where more equipment is required than previous technologies to provide coverage and capacity. However, no alternative sites were presented, in preferable locations away from direct visual siting of neighbouring residential properties, such as those located on Turnpike Close.

7.0 OTHER MATTERS

- 7.1 At section 1.32 of the appellant’s statements, it is noted two aspects of the Officer’s report which reference both the impact the proposal has on a designated heritage asset, and that submitted alternatives were not provided by the applicant. The Council does not dispute the finding the proposal does not impact any designated heritage assets, and confirm this has been referenced in error. For clarity, no heritage assets are impacted by the proposals and this did not contribute to the reason for refusal. However, regardless of this error, while the LPA agrees and recognises the reuse of existing sites, the assessment we are presented is the difference between what is already on site and the proposed mast, which would be markedly larger, and within close proximity of multiple residential dwellings. In light of this, no alternative sites for a larger mast were provided which would support that the proposed mast

would have a lesser impact than upon the application site, or be sited more appropriately than the proposal site.

- 7.2 At section 2.25 of the appellant's statement, they refer to the Council's own digital strategy, and that there is no mention of this within the Council's assessment. While the Council recognises the importance of digital enhancement for the residents of the borough as set out within the Digital Strategy, planning policies exist alongside these to ensure that enhancement of digital technology is carried out in a considered and sustainable way, in appropriate locations only. Therefore, for the purpose of clarity, it is not considered the Council's digital strategy is being disregarded.

8.0 Conclusion

- 8.1 In light of the above, the LPA respectfully request that the appeal be dismissed on the basis that the harm to the character and appearance of the area is not outweighed by the benefits of installing the proposed mast.

- 8.2 Should the Inspector be minded to grant planning permission for the development the following condition is requested:

1. The proposed replacement mast should be coloured to match the existing mast 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.