



Appeal Decisions

Site visit made on 6 January 2020

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal A - Ref: APP/B4215/W/19/3239163

Alan Turing Way, Eastlands, Manchester M11 3BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE Ltd & Hutchinson 3G UK Ltd against the decision of Manchester City Council.
 - The application Ref 124179/TEL/2019, dated 9 July 2019, was refused by notice dated 22 August 2019.
 - The development proposed is a replacement 20 metre high telecommunication monopole with 5 no associated equipment cabinets and ancillary equipment.
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Appeal B - Ref: APP/B4215/W/19/3240663

Alan Turing Way, Eastlands, Manchester M11 3BW

- 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 EE Ltd & Hutchinson 3G UK Ltd against the decision of Manchester City Council.
 - The application Ref 124180/FO/2019, dated 8 July 2019, was refused by notice dated 3 October 2019.
 - The development proposed is a 20 metre high telecommunication monopole with 3 no associated equipment cabinets and ancillary equipment.
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Decisions

Appeal A

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a replacement 20 metre high telecommunication monopole with 5 no associated equipment cabinets and ancillary equipment at Alan Turing Way, Eastlands, Manchester M11 3BW in accordance with the terms of the application Ref 124179/TEL/2019, dated 9 July 2019, and the plans submitted with it.

Appeal B

2. The appeal is allowed and planning permission is granted for a 20 metre high telecommunication monopole with 3 no associated equipment cabinets and ancillary equipment at Alan Turing Way, Eastlands, Manchester M11 3BW in accordance with the terms of the application, Ref 124180/FO/2019, dated 8 July 2019, subject to the following 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: 002 Site Location Drawing Issue A; 265 Maximum Configuration Elevation Issue A; 215 Maximum Configuration Site Plan Issue A; 003 Access Plan Issue A and 005 Cherry Picker/Crane Locations Issue A.
- 3) The existing 20 metre high phase 4 monopole telecommunication mast and related cabinets on the western side of Alan Turing Way as identified on Drawing Nos. 150 Existing Elevation A Issue A and 215 Maximum Configuration Site Plan Issue A, shall be removed and the ground reinstated to its former condition within 1 month of the phase 8 telecommunication monopole hereby permitted having been erected.

Procedural Matters and Background

3. The appeals concern two separate 20 metre high phase 8 monopole telecommunication masts. Related works include their associated ground level equipment cabinets. Both masts are intended to replace a single existing 20 metre high phase 4 monopole telecommunication mast in order to upgrade the cell capacity and facilitate 5G coverage. I refer to the different cases as Appeals A and B. I have dealt with each appeal on its individual merits but to avoid duplication I have considered the proposals together in this decision.
4. For Appeal A, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Schedule 2, Part 16, Class A, Paragraph A.3(4) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination of Appeal A has been made on this basis, having had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issues

5. The main issues in both appeals are the effect of the proposals on the character and appearance of the surrounding area and on the outlook for the residents of nearby properties.

Reasons

6. The monopole masts would be located at the back of the pavement on the eastern side of Alan Turing Way, which is a major arterial route of dual carriageway width. The Council has described the area as residential, but I observed that the locality is characterised predominantly by sports stadia and facilities, as well as the transport network and associated infrastructure. Immediately to the east of the two appeal sites is the large complex of the City Football Academy and training pitches. The nearest residential properties are the terraced houses in Prentice Walk, Claybrook Walk and Sledmere Close, to the west of Alan Turing Way.
7. The pavement on the eastern side of Alan Turing Way is wide and has a deep grass verge which is planted with young trees that are likely to increase in

height and coverage as they mature. There are also trees within the central reservation and on the eastern side of the road. Street lights are spaced regularly along both sides of the carriageway and there are tall floodlight columns on the football training pitches. The existing 20 metre mast, which is to be replaced, is located on the western side of Alan Turing Way. A short distance to the north is a busy four-way junction with multitudinous traffic lights, road signs, CCTV tower and bollards. The junction is crossed by a pedestrian bridge, which together with the sports stadia are the largest and most dominant features in the area.

8. Based on the drawings, the respective monopole masts would be sited around 23 metres apart, slightly south of the existing mast on the opposite side of the road. While the proposed monopoles would be higher than the existing street lights and nearby trees, they would be significantly lower than the existing nearby floodlight columns and would retain a slim profile. Given the scale of the sports stadia and the preponderance of vertical structures in the vicinity, the monopoles would not appear incongruous or visually intrusive in the street scene and setting of the Football Academy, individually or cumulatively. Furthermore, given the spaciousness of the pavement and verge, they would not result in undue clutter or obstruction. Each mast would also be accompanied by its own ground based cabinets that are permitted development. Therefore, although the cabinets are related to the proposed masts, the visual effect of these has only a limited bearing on the main issue, and in any event, for the same reasons as above would not be unacceptably intrusive pieces of street furniture.
9. The majority of residential properties in Sledmere Close and Claybrook Walk are orientated perpendicular to Alan Turing Way and behind a belt of mature trees. Only the southern-most terrace of Prentice Walk faces directly towards Alan Turing Way with an unobstructed view towards the appeal sites, but at a considerable distance back. The proposed monopole masts would be the same height as the existing mast, but further away on the opposite side of the road. Given their slim profile among the preponderance of vertical structures and the intervening distance, they would not be unacceptably overbearing or intrusive when viewed from the dwellings, such that their outlook would not be substantially affected.
10. Therefore, taken both individually and cumulatively, for the reasons above, I conclude that the proposals would not result in significant harm to the character and appearance of the area, or to the outlook for the residents of nearby properties. Accordingly, in the case of Appeal B, the scheme would accord with Policies DM1 and SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document 2012, saved Policy DC17.1 of the Unitary Development Plan for the City of Manchester 1995, and the advice in the Framework, which together seek to ensure that telecommunications developments have regard to the character and appearance of the surrounding area in terms of siting and design and minimise any impact on residential amenity. In the case of Appeal A, I find no conflict with the above mentioned policies in so far as they are relevant to matters of siting and appearance.

Other Matters

11. I have noted the Council's comments in respect of whether the proposals should be regarded as an upgrade of the existing site due to being on the opposite side of the road. However, given my conclusion on the main issue it is unnecessary to address whether alternative sites should have been considered.

Conditions

12. For Appeal A, the GPDO sets out standard conditions, which specify that the development must be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its former condition. There is no specific authority within the GPDO for imposition of further conditions.
13. For Appeal B, in addition to the standard time limit, it is necessary for reasons of certainty, that there is a condition requiring the proposed development to be undertaken in accordance with the submitted drawings. It is also necessary for a condition to be imposed which secures the appellant's intention to remove the existing mast and associated cabinets when the proposed mast has been erected. I have phrased the timing to take into account the need to retain continuous Emergency Services Network coverage and I have received the appellant's agreement to the wording. These conditions would meet the tests in the Framework and the Planning Practice Guidance.
14. I note from the Council's Statement that the Environmental Health Section suggested a condition in relation to noise (externally mounted ancillary plant and equipment), however I have not been provided with any justification for such a condition so it is not imposed.

Conclusion

15. For the reasons given, I conclude that both appeals should be allowed.

Adrian Caines

INSPECTOR