



Appeal Decision

Site visit made on 8 September 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2020

Appeal Ref: APP/T4210/W/20/3246784

Junction of Polefield Approach and Bury Old Road, Prestwich M25 1WJ

- 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 (UK) Ltd and H3G (UK) Ltd against the decision of Bury Metropolitan Borough Council.
 - The application Ref 64722, dated 24 September 2019, was refused by notice dated 21 January 2020.
 - The development proposed is the installation of a replacement a 20m monopole, accommodating 12 no. antenna in an open headframe together with the upgrade of the equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a replacement a 20m monopole, accommodating 12 no. antenna in an open headframe together with the upgrade of the equipment cabinets and ancillary development thereto at the junction of Polefield Approach and Bury Old Road, Prestwich M25 1WJ in accordance with the terms of the application, Ref 64722, dated 24 September 2019, and the plans submitted with it, 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 Plan dwg _M0420_M003 Rev C;
 - 100 Existing Site Plan dwg _M0420_M003 Rev C;
 - 150 Existing Elevation A dwg _M0420_M003 Rev C;
 - 215 Max Configuration Site Plan dwg _M0420_M003 Rev C;
 - 265 Max configuration elevation dwg _M0420_M003 Rev C.
 - 3) The existing 14.5m monopole and associated cabinets identified to be removed on Drawing No 100 Existing Site Plan Rev C and Drawing No 215 Max Configuration Rev C shall be removed and the ground reinstated to its former condition within 1 month of the first operation of the 20m monopole hereby permitted. The scope and specification for the ground reinstatement shall be submitted to and agreed in writing with the Local Planning Authority prior to the first operation of the 20m monopole hereby permitted, and carried out in accordance with the approved details.

Procedural Matters

2. The address used in the banner heading and formal decision above is taken from the Decision Notice. The application form gave the site address as 'Polefields/Bury Old Road', but it is clear both from what I observed at my site visit and the documentation before me that the use of 'Polefield Approach' in the site address is more accurate.
3. The Decision Notice referred to 'Policy HT6/2 – Pedestrian and Cyclist Movement' of the 1997 Bury Unitary Development Plan (the UDP). However, the other evidence provided indicates that it is in fact UDP Policy HT6/1 which relates to pedestrian and cyclist movement, and I have therefore referred to Policy HT6/1 rather than Policy HT6/2 in my reasons below.

Main Issue

4. The main issue is the effect of the proposed development on the safety of pedestrians and road users.

Reasons

5. The appeal site is part of a paved island footway located between the main carriageway of Bury Old Road and an access road serving a local shopping parade. The island contains a number of street lighting columns, a bus stop and shelter, advertising signage boards, and several trees. There are also 2 existing monopole masts and their associated equipment on the island. One is located centrally in the island and comprises a 12.5m high monopole and 3 equipment cabinets. The other is located towards the north western end of the island and comprises a 14.5m monopole and 4 equipment cabinets.
6. The proposal is the installation of a new 20m monopole mast accommodating 12 antennae in an open headframe, along with 8 equipment cabinets, for shared use by 2 network operators. These would be located to the north west of the existing 14.5m mast, which would subsequently be removed along with 3 of its 4 cabinets. The existing 12.5m mast is used by a different network operator, and this would be retained.
7. Bury Old Road is a busy main road, and the Council has indicated that the positions of the existing equipment cabinets, as well as the bus shelter and advertisement units, were agreed several years ago in order to maximise the available footway width. The existing telecommunications equipment on the island is located towards the back edge of the paved area, close to the access road serving the shopping parade, and leaves around a footway width of 3.5m alongside Bury Old Road.
8. The current proposal would see the equipment set further forward towards Bury Old Road leaving around a 2.7m width of footway passing the mast and its cabinets, with a width of around 2.1m at times when the cabinet doors were open for servicing the installation. The Council's view as Highway Authority is that this would be sub-standard, out of keeping with other street furniture in the immediate vicinity, and detrimental to pedestrian and road safety. The appellant has indicated that the proposed siting of the mast and cabinets is constrained by the position of an underground low voltage power cable close to the rear edge of the pavement, but there is no information before me indicating whether relocating the cable to allow the equipment to be installed

towards the rear of the pavement might make the development either unfeasible or unviable.

9. I have considerable sympathy with the Council's view that it would be desirable in both functional and aesthetic terms for the mast and cabinets to be positioned closer to the rear of the pavement. However, even the narrower width of pavement available when the cabinet doors were open would allow two wheelchair users to pass one another, and there would be adequate room for others including users of mobility scooters or those pushing a double baby buggy to pass the installation in safety. The separation distance between the proposed mast and cabinets and the other street furniture further south east on the island would be such that pedestrian desire lines along the footway would broadly be maintained, and people using the pavement would not be forced to slalom around closely-positioned pieces of street furniture.
10. Accordingly, I conclude that the proposal would not be significantly harmful to the safety of pedestrians and road users. It would therefore comply with Saved UDP Policies EN1/2, EN1/4 and HT6/1, which together require that developments are acceptable in terms of access, do not detract from highway safety, and ensure that pedestrians and cyclists are able to move safely and conveniently. It would also comply with Saved UDP Policy EN1/10, which recognises the importance of the development of mobile telecommunications networks, subject to considerations including the effect of their siting and design.

Other Matters

11. Paragraph 112 of the National Planning Policy Framework (the Framework) outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Paragraph 113 of the Framework indicates that the number of masts should be kept to a minimum. The development would utilise an existing site and accommodate shared operators, and so would comply with the objectives and principles of the Framework in these respects.
12. The proposed monopole would be around 5.5m taller than the existing mast, and approximately a third wider. It would be unshrouded, revealing the 12 antennae which would sit atop, and would have more equipment cabinets than the current installation. The mast and cabinets would also be sited further forward in the footway than the existing equipment they would replace. The development would therefore have a greater visual impact on the surrounding area than the existing installation. However, the Council considered that on balance, the proposed siting, height and design of the equipment would not have a significantly detrimental impact on the visual amenity of the area when compared to the current situation, and it would therefore be acceptable in terms of its appearance. None of the evidence before me leads me to a different view.

Conditions

13. In addition to the standard time limit condition (1) I have specified the approved plans so as to provide certainty (2). A condition requiring the removal of the existing monopole and other redundant equipment and

reinstatement of the footway is necessary in order to protect the character and appearance of the area (3). The Council and appellant have previously disagreed on the extent to which the infrastructure of the existing equipment should be removed following the installation of the new monopole, and the Council therefore suggested wording requiring the approval of the scope of works for making good the footway. This was considered acceptable by the appellant, and given the disagreement between the main parties on this matter in my view it is reasonable and necessary that the scope of reinstatement works is defined and agreed. However, I have made minor amendments to the Council's suggested wording in order to ensure that the condition is sufficiently precise and enforceable.

Conclusion

14. For the reasons given above the appeal is allowed.

M Cryan

Inspector