



Appeal Decision

Site visit made on 30 September 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/U4230/W/20/3254996

Lower Broughton Road, Higher Broughton, Salford M7 1RE

- 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 Hutchison 3G UK Ltd against the decision of Salford City Council.
 - The application Ref 20/75094/TEL56, dated 31 March 2020, was refused by notice dated 22 May 2020.
 - The development proposed is Prior Notification for the proposed telecommunications installation Phase 8 Monopole (15m high) C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) for the siting and appearance of a Phase 8 Monopole (15m high) C/W wrapround cabinet at base and associated ancillary works at Lower Broughton Road, Higher Broughton, Salford M7 1RE, in accordance with the application Ref 20/75094/TEL56, dated 31 March 2020, and the plans submitted with it.

Procedural Matter

2. The provisions of the Order under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The proposal was amended during the Council's consideration of the development from 20m in height to 15m in height. I have considered the appeal as it relates to the 15m high monopole and I have inserted the word 'high' to the description to clarify that the reference to 15m is in relation to height.

Planning Policy

4. The principle of development is established by the Order, and the provisions therein do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the

National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. The main issues are 1) the effect of the siting and appearance of the proposed development on the character and appearance of the area and 2) whether evidence that the appellant has explored the possibility of installing the equipment on an existing building, mast or other structure has been submitted.

Reasons

Character and appearance

6. The appeal site is located on a footpath on Lower Broughton Road. The surrounding area is predominantly made up of commercial premises with residential uses beyond. The buildings closest to the appeal site are a mixture of single, two and three-storey. There are existing 10m high streetlighting columns in the vicinity of the appeal site and a notable line of trees of varying heights, between approximately 9m and 15m, that sit to the rear of the site on the grassed area between Lower Broughton Road and the river.
7. Therefore, vertical structures and tall landscape features are common in the street scene. The monopole would be greater in height than the existing vertical structures, including the trees immediately adjacent and would be greater in thickness than the street-lighting columns. However, given the presence of the many existing vertical structures, I am not of the view that the proposed monopole would appear incongruous or out of scale. The landscape features would screen a significant proportion of the lower section of the installation, and when viewed from certain locations, would also screen parts of the upper section. Additionally, I find that the appeal site is not highly prominent. As a result, due to its siting, height and appearance, it would not be highly visible in the wider area where views of the structure would, to a degree, be broken up by the existing buildings, trees and street furniture.
8. The Council is of the view that the monopole would interrupt the regular rhythm of spacing between the existing streetlights. Be that as it may, I do not find that the spacing of the streetlights to be a significant or hugely positive feature of the area. Therefore, although the monopole would interrupt this rhythm, I consider that it would not appear out of place or cause harm in this regard.
9. For the reasons set out above, the mast would not cause significant harm to the character and appearance of the area. The proposal would accord with guidance within Chapter 10 of the Framework, which requires, amongst other things that equipment on new sites to be sympathetically designed and camouflaged where appropriate.
10. The proposal would comply with Policy DEV1 of the City of Salford Unitary Development Plan (UDP) (2006) and Policy TEL2 of the Telecommunications Supplementary Planning Document (SPD). Collectively, these policies seek, amongst other things, to safeguard visual amenity from new telecommunications installations.

Evidence of possibility of installing the equipment on an existing building, mast or other structure

11. Paragraph 115(c) of the Framework outlines that for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure should be submitted.
12. The appellant has outlined that due to the technological constraints and the extremely constrained nature of the search area for the cell, the proposal is the only feasible option. I am not presented with any evidence to the contrary.
13. Whilst I acknowledge the appellants justification for not exploring other locations, I find that the appellants consideration of installing the equipment on an existing building, mast or other structure to be somewhat lacking. For example, none of the surrounding buildings in the immediate area have been referred to, or reasons provided, for them being discounted. Although I have no reason to dispute their justification, I find that there would be minor conflict with the requirement for evidence that alternatives have been considered.
14. In this regard, there would be minor conflict with Policy DEV1 of the UDP and Policy TEL1 of the SPD. Collectively, these policies seek that evidence is provided that opportunities have been considered for mast/site sharing and locating equipment on existing buildings and structures.

Planning Balance

15. As I have found that the proposal would not cause significant harm to the character and appearance of the area, when combined with the public benefits of the installation in terms of an enhanced telecommunications network, its contribution to economic growth and the operational and locational needs of the operator, I find that these outweigh the lacking, in the submitted evidence, of exploring the possibility of installing the equipment on an existing building, mast or other structure.

Conditions

16. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, 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 condition before the development took place.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

A M Nilsson

INSPECTOR