



Appeal Decision

Site visit made on 24 November 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2020

Appeal Ref: APP/N4205/W/20/3258648

Chorley New Road, Horwich, Bolton BL6 5PS

- 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 MBNL (EE Ltd & Hutchinson 3G UK Ltd) against the decision of Bolton Metropolitan Borough Council.
 - The application Ref: 08088/20, dated 17 March 2020, was refused by notice dated 21 August 2020.
 - The development was originally described as a 'proposed telecommunications upgrade. Proposed phase 7 monopole c/w wraparound cabinet at base and associated ancillary works.'
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a new 20 metre high phase 7 monopole c/w wrap around cabinet at base together with associated ancillary works at Chorley New Road, Horwich, Bolton BL6 5PS in accordance with the terms of the application, Ref: 08088/20 dated 17 March 2020, 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 Rev A Site Location Drawing, 003 Rev A Access Plan, 005 Rev A Cherry Picker/Crane Location(s), 215 Rev A Maximum Configuration Site Plan, 265 Rev A Maximum Configuration Elevation
 - 3) The development hereby permitted shall not be brought into use until the existing monopole and equipment cabinets proposed for removal as shown edged in red on approved plan ref: 002 Rev A Site Location Drawing have been removed from the site.
 - 4) The external surfaces of the development hereby permitted shall be constructed in the colour finish shown in the type of structure details set out in the Site Specific Supplementary Information dated 17 March 2020.

Procedural Matter

2. The description of development in the banner heading above is taken from the planning application form. The description set out on the decision notice reads as the 'siting of new 20 metre high phase 7 monopole c/w wrap around cabinet at base together with associated ancillary works'. This description is also

utilised on the appeal form. I have considered the appeal on this basis as it more accurately describes the proposal. This is also reflected in the description in my decision paragraph.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises part of an area of grassed highway verge that lies between Chorley New Road and a service road that provides access to a number of residential properties. It also contains an existing 20 metre high monopole, together with a number of associated equipment cabinets. The existing monopole and some of the cabinets would be removed as part of the proposal.
5. The area in the vicinity of the site is predominantly residential in nature, in particular on the same side of Chorley New Road. Dwellings on the opposite side of the service road face towards the site and the existing monopole. It is fair to say that the site has a residential setting. On the other side of Chorley New Road and more distant are commercial type uses, and a garage is also found fairly close to the site.
6. The scale of the proposed monopole would be similar to the existing as regards the height and it would have a similar colour finish. It would appear slightly bulkier and be more pronounced towards the top with the arrangement of the associated apparatus. Nevertheless, given the overall similarities with the existing monopole that it is situ, it would not appear as an uncomfortable new feature in the streetscene.
7. Within this residential setting, it would also not be an incongruous, dominant or an intrusive feature because it would be experienced visually in a not dissimilar way to the existing monopole. The distances to the nearest residential properties would also be similar. The proposed wrap around cabinet would not appreciably add to the overall visual impact with the proposed monopole because it would be at ground level.
8. The proposed increase in the amount of the associated cabinets would be readily assimilated into the streetscene, as they would be ably accommodated on the grassed highway verge. Such cabinets associated with telecommunication operators and utilities are not now uncommon in residential areas. With the space that the grassed highway verge provides, they would also not unduly increase the clutter in the streetscene to the detriment of the character of the area, including when other street apparatus is also considered, such as lighting columns and signage.
9. With regard to concerns that the proposal would not be a replacement, the removal of the existing monopole and the related equipment cabinets is a matter that can be satisfactorily dealt with by way of a planning condition in order to prevent a cumulative adverse visual impact occurring. The appellant's submissions have indicated agreement to such a condition.
10. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. As such, it would comply with Policies

CG3 and OA1 of the Council's Local Development Framework Bolton's Core Strategy Development Plan Document (2011) which concern good urban design, local distinctiveness, developments that are compatible with the surrounding area, and character and appearance matters in Horwich, amongst other considerations.

11. The proposal would also accord with the National Planning Policy Framework (Framework) where it is concerned with supporting high quality communications, including where it states that equipment should be sympathetically designed.

Other Matters

12. Concerns have been raised about potential effects on health, in particular as the proposal would facilitate 5G coverage. The appellant has, though, provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
13. It is also not necessary for me to consider the merits of potential alternative sites that have been suggested. This is because I have found the proposal to be not unacceptable in its own right and that it complies with the development plan and the Framework. The same applies regarding the benefits that the appellant has put forward in respect of telecommunications infrastructure.

Conditions

14. In addition to the timescale for implementation, I have imposed a condition confirming the approved plans, for the purposes of certainty.
15. I have also imposed a condition concerning the removal of the existing monopole, as well as the existing equipment cabinets that will not be used in conjunction with the proposal. I have also imposed a condition concerning the implementation of the proposed colour finish of the monopole and the equipment cabinets. Both these conditions are imposed in the interests of protecting the character and appearance of the area.
16. The Council also requested a condition removing permitted development rights. The Planning Practice Guidance: *Use of Planning Conditions*, though, advises caution in applying such a condition because it may not pass the tests of reasonableness or necessity. Prior approval procedures would also apply to enable the consideration of siting and appearance matters for development where safeguarding the character and appearance of the land may be a relevant matter. As a consequence, I have not imposed such a condition.
17. Where I have altered the wording of the remaining conditions put forward by the Council I have done so in the interests of precision and without changing their overall intention.

Conclusion

18. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR