



Appeal Decision

Site Visit made on 3 February 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/U4230/W/20/3260537

Clarendon Streetworks 206782, Liverpool Street, Salford, M5 4GW

- 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 MBNL against the decision of Salford City Council.
 - The application Ref 20/75704/TEL56, dated 25 July 2020, was refused by notice dated 8 September 2020.
 - The development proposed is a 20.0m AGL Phase 8 monopole c/w wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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 relevant provisions of the GPDO do not require regard to be had to the development plan. Accordingly, I have had regard to the policies of the development plan and related supplementary guidance only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on (i) the character and appearance of the area, and (ii) the outlook of future occupiers of proposed housing development nearby, having regard to the potential availability of alternative sites.

Reasons

Character and appearance

5. Liverpool Street is a busy through route which is urban in character, although there are a reasonable number of trees in the area which help to provide softening and relief. Built development in the vicinity of the appeal site is

- generally no more than three storeys in height, with the school opposite being predominately single storey.
6. The 20m monopole with wraparound cabinet would be located on a wide section of pavement on Liverpool Street, close to the junction with Amersham Street. The proposed equipment would be in a prominent position, and as shown on the 'zone of theoretical visibility' information provided by the appellant, the equipment would be visible, both within its immediate setting and from vantage points further along Liverpool Street, particularly when travelling in a westerly direction.
 7. The mast would be viewed in the context of other vertical features in the area, but it would be significantly higher and wider than the surrounding streetlights, and taller than nearby trees and buildings. Existing trees in the wider vicinity would help to provide some screening for the proposed mast, particularly when viewed from further away. This would assist with assimilating the mast into the wider landscape to some extent, but there are few significant trees in close proximity to the appeal site, and those in nearby verges are set back further from the roadside than the proposed equipment. As such, there is little scope for existing trees to screen the proposed installation within its immediate setting.
 8. I acknowledge that telecommunications equipment is a common feature in urban areas, and that the installation has been designed to minimise its visual impact whilst meeting technical specifications. However, due to its height and design, the proposed equipment would appear far more prominent in the street scene than the existing slimline mast with shrouded antenna, which it is proposed to replace. Owing to the design of the mast, with a wide trunk supporting multiple, visible antennas on its top section, the installation would appear incongruous and out of place in this primarily residential area.
 9. The appeal site is within an area subject to a large-scale regeneration programme. The Pendleton Area Planning Guidance 2009 (PAPG) sets out proposals for the transformation of the area, with the aim of creating a distinctive neighbourhood which will act as a key gateway to Central Salford. The regeneration proposals include the creation of 'Main Access Boulevards' along main routes, including Liverpool Street, with tree planting and the provision of a high quality public realm. However, the proposed equipment would be an unduly prominent and alien feature in the street scene, the presence of which would hamper the Council's efforts to achieve its stated objectives for the regeneration of the area.
 10. I acknowledge that additional tree planting proposed along the route could help the proposed mast assimilate into the area. However, it is likely to take a number of years before such trees become large enough to provide any meaningful screening for the proposed mast.
 11. Through the implementation of the Pendleton Regeneration Programme, the area around the appeal site is undergoing significant change. The open area behind the appeal site, occupying land between Liverpool Street and the M602 motorway, has planning permission for residential development. Initial work on site was ongoing at the time of my visit, so there can be a good degree of confidence that the approved plans for the area will be delivered.

12. Construction of the proposed houses will alter the visual context of the appeal site, changing the backdrop to the site from an open expanse of grass to fairly high density built development. The site layout plan provided by the Council shows new properties fronting directly onto Liverpool Street and Amersham Street, with limited set back from the road frontages. From Liverpool Street, the cabinets and main trunk of the mast would be viewed in the context of these new houses, which would be located in close proximity to it. The grey colour of the proposed equipment would contrast with, and stand out against, the new houses, which are shown as being constructed of red coloured materials on the main elevations. This difference in colour would be striking, and would accentuate the visibility of the proposed equipment within the streetscene.
13. At 20m the proposed mast would be considerably higher than the proposed houses. I acknowledge the appellant's comments that the height is the minimum necessary to meet the required technical specifications. However, the close proximity of the mast to the new houses would draw attention to, and further exacerbate, the disproportionate scale of the proposed installation compared with the surrounding buildings.
14. I note the appellant's suggestion that to help the equipment assimilate into its surroundings, the colour of the equipment could be specified through a condition. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. This option is therefore not available to me.
15. I conclude that, owing to its siting and appearance, the proposal would cause harm to the character and appearance of the area. This harm would be increased following construction of the permitted houses on land adjacent to the site. In so far as they are material considerations, the proposal would conflict with Saved Policy DEV 1 of the City of Salford Unitary Development Plan 2006, which requires that the impact of telecommunications development be acceptable with regard to visual amenity; and with Saved Policy DES 1 of the same plan, concerning the potential impact of development on the redevelopment of an adjacent site. There is further conflict with the aspirations and vision for Pendleton set out in the PAPG.

Outlook

16. The site layout plan provided by the Council shows that the closest of the new houses to the appeal site would be a pair of new semi-detached, two storey dwellings. The nearest of the pair to the proposed equipment would be set back slightly from the Liverpool Street frontage, with main habitable room windows facing towards the appeal site.
17. The main trunk of the proposed mast would be clearly visible from this property, but it appears from the site layout plan that, due to their orientation, none of the other new houses to be constructed near to the appeal site would have direct views of the proposed equipment. In terms of outlook, the proposal would cause a modest amount of harm, but this would be limited to the future occupiers of one property.

Consideration of alternative sites

18. The installation would replace an existing 15m monopole and cabinets, which would be removed once the new installation was operational. The proposal would not increase the overall number of masts in the area, so would accord with the requirement in paragraph 113 of the National Planning Policy Framework (the Framework) to keep the number of electronic communications masts to a minimum.
19. Although a replacement facility, the proposed site would be in a different location, which does not currently have any telecommunications equipment. The information provided by the appellant suggests that there are no suitable buildings or structures available to locate the mast on, and that the proposed site is the only potential location that meets technical requirements whilst being set away from properties. However, this does not take account of the development which has now commenced on land adjacent to the site, and the significant changes to the character of the site that will result.
20. I appreciate that options for siting the equipment will be limited, and note that a previous application to replace the facility in a position closer to the existing site was also refused by the Council on the grounds of harm to the amenity of the area. However, the proposed mast would be some 80m away from the existing equipment, which suggests that there is some flexibility in terms of potential locations.
21. I note that the existing site was agreed with the Council as being the most appropriate location at the time. However, since then there have been significant changes in the area resulting from the implementation of the Pendleton regeneration programme. The considerations which were valid at the time that the existing base station was erected may have changed, so the historic reasons for site selection, including discounting of alternatives, may no longer be valid or appropriate as a basis to replace the existing equipment, particularly given the considerable difference in scale of the proposed mast compared with the existing slimline monopole.
22. No detailed information has been provided about the extent of the search area, or possible alternative sites and reasons for discounting them. In the absence of such information I am unable to conclude that the proposed site is the only option, or that there are no alternative sites within the vicinity which would be less visually obtrusive.

Planning balance

23. The proposed installation would provide an improved level of service connectivity and 5G coverage for the M5 postcode area. In this way the proposed equipment would contribute to delivery of a high quality and reliable communications infrastructure, which is recognised as being essential for economic growth and well-being in Framework paragraph 112. The equipment would be shared by two operators and would also be used by the emergency services network. This site sharing would help to minimise the need for additional equipment, which is also a benefit of the scheme.
24. The benefits of the scheme would outweigh any modest harm to outlook, which would be limited to future occupiers of a single house, closest to the appeal site. However, I have found that siting and appearance of the proposed

equipment would cause significant harm to the character and appearance of the area. There would be further harm to the successful delivery of the Pendleton Regeneration Programme, which aims to transform the area into a key gateway and to create a green boulevard along Liverpool Street.

25. I appreciate that options for siting the proposed equipment are limited by technical and operational constraints, but I have found that the evidence is insufficient to demonstrate that there are no alternative sites available which would be less prominent or obtrusive. Consequently, the harm in this case would not be outweighed by the public benefits of the scheme.
26. I have had regard to the appellant's efforts to engage with the Council and adjacent school prior to the submission of the application, and to the confirmation of compliance with International Commission on Non-Ionizing Radiation Protection standards. However, these matters are of neutral consequence in the assessment of this appeal. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

27. For the reasons given, the appeal is dismissed.

R Morgan

INSPECTOR