



Appeal Decision

Site visit made on 20 April 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2021

Appeal Ref: APP/B4215/W/20/3264315

Plymouth Grove, opposite the Blood Donor Centre, Manchester M13 9LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended).
 - The appeal is made by Clarke Telecom Ltd on behalf of Cornerstone and Telefonica UK Ltd against the decision of Manchester City Council.
 - The application Ref 126852/TEL/2020, dated 4 May 2020, was refused by notice dated 29 July 2020.
 - The development proposed is the installation of a 20m slim-line column supporting 6 no. antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto including a GPS module and 3 no. Remote Radio Modules (RRUS).
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Decision

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 Order) (England) Order 2015 (as amended), for the siting and appearance of the installation of a 20m slim-line column supporting 6 no. antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto including a GPS module and 3 no. Remote Radio Modules (RRUS) at Plymouth Grove, opposite the Blood Donor Centre, Manchester M13 9LW, in accordance with the terms of the application Ref 126852/TEL/2020, dated 4 May 2020, and pursuant to the above Order.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A 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.

Planning Policy

3. The principle of development is established by the GPDO and the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan 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

4. The main issues are the effect of the appeal proposal on:
- the character and appearance of the area, with particular regard to siting and appearance; and
 - highway safety, with particular regard to siting and appearance.

Reasons

Character and appearance

5. This part of Manchester has a mixed use urban streetscape. Buildings here tend to vary in height and scale according to their use. The appeal site is located on a main pedestrian and vehicular route, adjacent to a grassed area of public open space. A number of trees are situated within this open space which provide a green relief and backdrop to an otherwise built up context.
6. The vertical emphasis of existing street furniture and mature trees are evident within this street scene, albeit they are of a lower level than the appeal proposal. Low level utility cabinets are also present nearby. This part of Plymouth Grove has a straight alignment. This emphasises the visual rhythm of these street features which arises from their placement, which more often than not is on the outer side of the footway nearest the kerb line.
7. The proposed equipment cabinets would not be dissimilar in appearance and size to others in the wider area.
8. The adjacent trees would provide a transition between the height of lower surrounding street features and the proposed monopole. Moreover, their canopies would soften its presence and therefore impact upon approach in any direction. Coupled with its recessive colouring and relatively simple linear and compact design, the proposed monopole would not be unduly intrusive within its surrounding context from either longer distance or more immediate vantage points.
9. The proposed edge of kerb positioning within the footway would reflect that of other street furniture and trees within this street scene. The constraints which demand this positioning have been sufficiently demonstrated. Moreover, given its overall height, the appeal proposal's street presence would not be significantly different if it were to be located at the back of the footway.
10. The submitted evidence does not indicate that the appeal proposal would affect any designations which would mean that the appeal site and its context would be overly visually sensitive to this change.
11. For these reasons, although the appeal proposal would change the aspect of the area, this would not be of a nature or to a level which would cause unacceptable visual consequences.
12. Paragraph 112 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and that decisions should support the expansion of electronic communications networks, including mobile technology such as 5G. Paragraph 116 of the Framework states that the need for electronic communication systems should not be questioned.

13. From the evidence before me, I have no reason to doubt that the proposed monopole would be the minimum height required for adequate network coverage in this instance. Furthermore, the submitted evidence clearly demonstrates that there are technical constraints which determine the siting and appearance of the appeal proposal.
14. For all of these reasons, the appeal proposal would not impose harm on the character and appearance of the area, with particular regard to its siting and appearance.
15. Whilst the Council has disputed the sequential search that has been undertaken, the reasons for this stance have not been sufficiently demonstrated and in any event the appeal proposal would not impose harm.
16. In the absence of harm, the appeal proposal does not conflict with Policy DM1 or Policy SP1 of the Manchester Core Strategy (2012) or saved Policy DC17.1 of the Unitary Development Plan for the City of Manchester (1995).

Highway safety

17. In line with the appellant's evidence, I observed that the proposed siting would be consistent with that of street furniture, trees and tree stumps along this stretch of Plymouth Grove. The appellant's submission demonstrates that there would be sufficient space remaining for all users of the footway, including those with prams, wheelchairs and mobility scooters to safely pass, without having to stray onto the adjoining road. Pedestrians would continue to enjoy an unobstructed straight route of passage.
18. The amount of clearance between the appeal proposal and the edge of the footway would remain relatively constant regardless of which side of the footway it was placed. Although the available footway width would be further reduced when the cabinet doors were open, this would still allow safe passage in single file during sporadic maintenance periods.
19. Contrary to the Council's position, the appeal proposal would not obstruct visibility for motorists entering Plymouth Grove from Grafton Street. This is because of the distance from the junction, the low level of the proposed cabinets and slimness of the proposed monopole.
20. Similarly, the appeal proposal would not unduly restrict the forward visibility of road users and pedestrians when travelling along Plymouth Grove in either direction any more so than the existing street trees. The appeal proposal would be located at a distance from dedicated pedestrian crossing points and would not impinge upon visibility of users of the highway.
21. Furthermore, motorists visibility is currently restricted by the existing street trees located between the appeal site when entering Plymouth Grove from Legh Street. Given the appeal site is located beyond those trees, the proposal would not further impede those existing visibility levels.
22. I have already determined that the appeal proposal's street presence would not be significantly different if it were to be located at the back of the footway. Consequently, it would be no more distracting to highway users than if it were to be placed in the position advanced by the Council.

- 23. For these reasons, the appeal proposal would not be harmful to highway safety, with particular regard to siting and appearance.
- 24. Whilst the Council has disputed the sequential search that has been undertaken, the reasons for this stance have not been sufficiently demonstrated and in any event the appeal proposal would not impose harm.
- 25. In the absence of harm, the appeal proposal does not conflict with Policy DM1 or Policy SP1 of the Manchester Core Strategy (2012) or saved Policy DC17.1 of the Unitary Development Plan for the City of Manchester (1995).

Conditions

- 26. Approval 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

- 27. For the above reasons, the appeal should be allowed, and prior approval granted subject to the conditions specified.

C Dillon

INSPECTOR