



Appeal Decision

Site Visit made on 21 September 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/B4215/W/21/3275900

Store Street, Piccadilly, City Centre, Manchester M1 2NA

- 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) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison UK Ltd against the decision of Manchester City Council.
 - The application Ref: 129842/TEL/2021, dated 21 March 2021, was refused by notice dated 18 May 2021.
 - The development proposed is a 15m Phase 8 monopole C/W wraparound 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) for the siting and appearance of a 15m Phase 8 monopole C/W wraparound cabinet at base and associated ancillary works at land at Store Street, Piccadilly, City Centre, Manchester, M1 2NA in accordance with the terms of the application Ref: 129842/TEL/2021, dated 21 March 2021, and the plans submitted with it including: 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Elevation A; 210 Proposed H3G Site Plan; and 260 Proposed H3G Elevation, all with the master drawing number MAN12603_M002 Issue B.

Preliminary Matters

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, 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 principle of development is established by the GPDO, and the provisions of 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, to the National Planning Policy Framework (the Framework) and to other guidance referred to by the Council only insofar as they are a material consideration relevant to matters of siting and appearance.
4. A revised Framework was published on 20 July 2021. I have based my decision on the revised Framework and given the main parties the opportunity to comment on this.

5. The appellant has confirmed that the colour of the proposed equipment is to be grey (RAL reference: RAL7023). I have considered the appeal on that basis and have given the Council the opportunity to comment on the proposed colour.

Main Issues

6. The main issues are:

- the effects of the siting and appearance of the proposed development on the character and appearance of the area, on regeneration objectives, and on the setting of the grade II* listed building, Store Street aqueduct; and
- the effect of the proposal on the delivery of High Speed Two (HS2).

Reasons

Character and appearance, and setting of listed building

7. The appeal relates to a 15m high telecommunications mast and associated equipment cabinets, which are proposed at the back edge of a section of footway on Store Street, close to Manchester city centre.
8. The site is adjacent to a small industrial building. The site's immediate surroundings also include other industrial units, modern offices to the south west, and a relatively new multi-storey parking structure which rises above and to the rear of the industrial unit adjacent to the site. There is also a large area of surface car parking on Store Street opposite the site. The site's surroundings therefore have a varied urban character, consistent with their location on the edge of the city centre.
9. Although there are residential apartment blocks nearby, they are slightly further from the site, including some blocks further along Store Street closer to the canal, and some beyond the surface car park opposite the site. The proposed monopole would be separated from them and viewed in the context of its more immediate surroundings, which are made up of industrial units, offices and surface and multi-storey car parks.
10. The monopole would be taller than the adjacent industrial unit and taller and wider than the relatively slimline lighting columns along Store Street. However, in the context of the tall buildings nearby, including the multi-storey car park immediately to the rear of the adjacent industrial unit and the large office building between the site and the railway, it would not appear unduly dominant.
11. Although somewhat functional and industrial in its appearance, the monopole would not appear incongruous in the context of the mixed urban character of its immediate surroundings, including the industrial units adjacent to it and on the opposite side of Sparkle Street just beyond, and given the separation distance which would remain between it and nearby residential buildings. It would be sufficiently separate from existing lighting columns that it would not be read directly alongside them, and neither the pole nor the associated cabinets would result in undue clutter within the street scene, even in the context of those lighting columns and other street furniture. As it would be coloured grey, it would not appear intrusive, unduly dominant in the street scene or incongruous in the mixed urban character of its surroundings.

12. I have been referred to regeneration activity and recent residential development in the area, and to guidance in the Manchester Piccadilly Strategic Regeneration Framework and Masterplan, which includes aspirations for residential-led regeneration and public space in the area where the site is located. Reference has been made to recent planning permissions for residential development around Store Street and in the wider area, and to pre-application discussions about other potential residential developments nearby. However, I have been provided with very little information regarding the location or detail of those schemes proposed, the stage they are at in terms of the planning and design process or the timescales for, or likelihood of, their delivery. In the absence of such detail, I have necessarily based my decision on the evidence before me and my own observations regarding the site's existing appearance and context.
13. On that basis, for the reasons given and in the absence of substantive evidence or certainty regarding further residential development in the immediate vicinity, I conclude that the development would not have adverse implications for the regeneration of the area.
14. The grade II* listed building, Store Street aqueduct, carries a section of canal across Store Street to the east of the site. It was built in the late 18th century during the industrial growth of the area. However, the aqueduct's surroundings and setting have changed significantly since that time, with much of the historic industrial development immediately around the canal having gone, and been replaced with new residential development around the canal basin.
15. The site is within the wider setting of the aqueduct and the proposed monopole would be visible in views of the aqueduct from some vantage points. However, the site is separated from the aqueduct by some distance, and by industrial buildings on Store Street. Given that separation, and as the site is already adjacent to an industrial property within the mixed urban surroundings that now form the aqueduct's setting, the proposed monopole and cabinets would not dominate or erode the setting of the grade II* listed aqueduct.
16. Given the above, I conclude that the proposed development would not have an adverse effect on the character or appearance of the surrounding area, on regeneration objectives or on the setting of the grade II* listed building, Store Street aqueduct. Therefore, it would not conflict with Policies DM1, SP1, EN3 or CC9 of Manchester's Local Development Framework: Core Strategy Development Plan Document or Policies E3.3, DC17 or DC19.1 of the Unitary Development Plan for the City of Manchester. Amongst other things, those policies require development to create well-designed places, preserve listed buildings and their settings, have regard to impacts on the surrounding area in terms of design, scale and appearance and improve the appearance of major road routes, and state that applications for telecommunications developments will normally be approved if the development has been sited and designed to minimise its impact.

HS2

17. The site falls within land which is safeguarded for Phase 2b of the HS2 railway infrastructure scheme. HS2 Ltd were consulted on the application and identified concerns that the location of the proposed telecommunications equipment would conflict with HS2's utility construction zone and would be close to a construction compound and in an area requiring future highway modifications.

Therefore, as they anticipate that utilities diversions and modifications would be required in the vicinity of the proposed monopole, HS2 Ltd have advised that there is a high probability the equipment would need to be relocated in the future. Although they did not formally object to the proposal, they therefore suggested that an alternative location outside the safeguarded land be considered to avoid future disruption and abortive costs.

18. From the information before me, I cannot be certain of the likely timescales for the delivery of the HS2 project in the vicinity of the site or how those would relate to the lifespan of the telecommunications equipment proposed. However, it is evident from the appellant's submissions that they are aware of the concerns raised and that the monopole may need to be removed in the future. If that was necessary, I have nothing substantive before me to suggest that this would not be possible, or that it would be resisted by the appellant.
19. Therefore, based on the evidence before me and the nature of the specific works proposed in this case, I conclude that the proposed development would not adversely affect the delivery of HS2. It would therefore not conflict with the aims of the Framework, which states that transport issues should be considered from the earliest stages of development proposals so that the potential impacts of development on transport networks can be addressed, and that planning policies should provide for any large scale transport facilities that need to be located in their area.

Other Matters

20. In the absence of substantive evidence to suggest that the proposed development would represent an obstruction to the footway or to circulation through the area, I have no reason to conclude that it would have adverse implications in those regards.

Conditions

21. Any planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO 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.
22. The GPDO does not make any provision for me to impose additional conditions beyond those set out above, including with regard to the colour of the proposed monopole and equipment. However, the appellant has confirmed in writing their intention to colour it grey (RAL reference: RAL7023), which I consider satisfactory in its context, and I have no reason to believe that they would implement the scheme otherwise.

Conclusion

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

Jillian Rann
INSPECTOR