



Appeal Decision

Site visit made on 3 December 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2022

Appeal Ref: APP/N4205/W/21/3278932

Elgin Street/Shepherd Cross Street, Brownlow Fold, Halliwell, Bolton BL1 3DE

- 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 Hutchison UK Ltd against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 11234/21, dated 25 April 2021, was refused by notice dated 21 June 2021.
 - The development proposed is erection of a 15m high Phase 8 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 erection of a 15m high Phase 8 Monopole, C/W wraparound cabinet at base and associated ancillary works at Elgin Street/Shepherd Cross Street, Bolton BL1 3DE in accordance with the application, Ref 11234/21, dated 25 April 2021 and the plans submitted with it including drawings: BLN14975_M002 Issue B (Site Location Plan); BLN14975_M002 Issue B (Proposed H3G Site Plan); and BLN14975_M002 Issue B (Proposed H3G Elevation).

Procedural Matters

2. For clarity I have taken the description of the development in the banner heading from the appeal form as this more accurately describes the proposal. In doing so I have removed words that are not acts of development.
3. The relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) require an assessment of the proposed development on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on that basis.

Planning Policy

4. It is important to note that 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 nevertheless had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) in so far as they are material.

Main Issue

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

Reasons

6. The proposal would result in a 15 metre high monopole and associated equipment cabinets being located on a corner of a crossroads. The appeal site lies immediately adjacent to an existing streetlight of 10.4 metres high¹. There are many existing similar sized streetlights in the vicinity, in particular along Elgin Street to the west, where they are arranged at regular intervals on both sides of the road. Vertical structures are therefore common in the street scene. The monopole would be greater in height than the existing vertical structures and would be greater in thickness. However, given the presence of the many existing vertical structures, I am not of the view that the proposed monopole would appear unexpected in such a context.
7. Furthermore, the monopole would be sited on the edge of a dense group of trees which extend to a greater height than the appeal proposal. Owing to their height and density, even in winter these would offer substantial screening of the proposal on the approach along Elgin Street from the west and similarly from Shepherd Cross Street to the south. Views on the approach towards the crossroads from Rushey Fold Lane to the north would be partially screened by the topography and buildings along Elgin Street. Views that could be achieved would be seen against the backdrop of trees and in the context of the surrounding vertical structures. Views on the approach from the east along Elgin Street would also be seen against a backdrop of trees, whilst the industrial buildings opposite the appeal site would break up views at a longer distance.
8. The group of trees lie on the edge of an open, grassed area including a playpark which is a focal point for the area. As the monopole would be sited on the opposite side of the group of trees, these would provide substantial screening in views from within the open space and playpark. The monopole would therefore not reduce the openness of this area and would not adversely affect its amenity value.
9. The monopole would be visible from the surrounding residential properties. However, given the separation distance to such properties, the relatively slim nature of the monopole and the backdrop of the taller trees, it would not unacceptably harm the outlook from these properties. Similarly, the cabinets proposed are relatively modest, two particularly so, and would be located close to one another. There are others nearby and, as with the monopole itself, they would be at the back edge of the pavement close to trees. Consequently, the proposal would not lead to the street scene appearing overly cluttered.
10. In conclusion, the proposal therefore complies with Policy CG3 of the Bolton Core Strategy (2011) which requires, amongst other things, good urban design that is compatible with the surrounding area in terms of scale, massing and form as well as the Framework's policies for supporting high quality communications and achieving well-designed places. Consequently, I consider that the siting and appearance of the proposal would be acceptable.

Other Matters

11. I acknowledge local concerns over potential effects on health, arguments over the adequacy of information in that regard, associated research referenced,

¹ Based on the dimensions shown on Drawing BLN14975_M002 Issue B (Proposed H3G Elevation).

and also the suggestion that I adopt a precautionary principle here in that context. However, Framework paragraph 118 is clear that telecommunications decisions should be taken on the basis of planning grounds only, and that health safeguards different from the International Commission guidelines for public exposure should not be set. I understand the perspective of those nearby. Nevertheless, there is no substantive evidence before me that the proposal would fail to comply with those guidelines (as set out in the signed and dated Declaration of Conformity with International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines), or that there are exceptional circumstances justifying diverging from national policy. Similarly, there is no robust evidence before me to indicate that the proposal, directly or indirectly, would adversely affect nearby trees or ecology.

12. Nearby residents have also questioned the rationale for citing the proposal here as opposed to anywhere else. Notwithstanding that I have reasoned above that the proposal would be acceptable in terms of character and appearance, and noting that there is no requirement in the Framework or GPDO for developers to select the optimum location for such a facility, the appellant has provided a list of potential alternative for achieving similar coverage that were discounted for various reasons (including a lack of pavement width or feasibility in other respects). On the basis of the evidence before me it appears that there are limited available options within this dense urban area, albeit that I have reached a view on the particular proposal and its surrounding context.

Conditions

13. Any planning permission granted for the development under GPDO 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.
14. The Council has suggested that two additional planning conditions be imposed should approval be granted. I have not imposed the requirement that the development be commenced within three years as it would conflict with the GPDO conditions set out above without compelling justification². With regard to a plans condition, notwithstanding the provisions of A.3(9), I have referred to the relevant drawings in paragraph 1 of this decision.

Conclusion

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

Paul Martinson

INSPECTOR

² Noting the provisions of the Planning Practice Guidance in this respect (notably Reference ID: 21a-027-20140306).