



Appeal Decision

Site visit made on 4 January 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2022

Appeal Ref: APP/N4205/W/21/3279472

Highway adj Kearsley Mount Precinct, Manchester Road, Kearsley, Bolton BL4 8PZ

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison UK Ltd against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 11002/21, dated 2 April 2021, was refused by notice dated 30 June 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 dismissed.

Preliminary Matters

2. The name of the appellant company is spelt differently on the Application Form and Appeal Form. I have used the name as spelt on the former in this decision. The address provided on the application form references Salford, Manchester but it has been clarified that the appeal site is in Bolton. I have used the address from the Council's Decision Notice. Although some concern has been raised that residents may not have been aware of the appeal, I note the LPA's letter providing notification of the appeal and the press advertisement during the consideration of the application by the LPA both refer to the correct address.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on this basis.
4. The principle of development is established by the GPDO and the provisions of the Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have, though, had regard to the policies of Bolton's Core Strategy Development Plan Document (Core Strategy) and the National Planning Policy Framework (Framework) insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. I consider the main issue is the effect of the proposed development's siting and appearance upon the character and appearance of the surrounding area.

Reasons

6. The appeal site forms part of a wide area of pavement between the vehicular carriageway and a car parking area to the front of Kearsley Mount Shopping Precinct. There are further commercial uses along Manchester Road in the vicinity of the site interspersed with residential properties. The built form comprises mainly of two and three storey terraces and apartment blocks that are set back at varying distances from Manchester Road. The wide areas of pavement along with other open areas such as car parking, gives this busy, main road location a spacious character.
7. The proposed mast would be broadly in line with existing street lighting along Manchester Road. Its height, at 15m, would however be noticeably taller than these and other shorter street furniture items such as the nearby traffic lights. Although for the most part, the mast has a slim pole design and the appellant considers it would be the least visually intrusive option available, the top section of the mast would be wider and consequently give it a top heavy, bulky appearance. The appellant has referenced the presence of mature trees but these are sited further along Manchester Road or within garden areas of properties and would not provide a close backdrop or an effective screen to the proposal.
8. I note that in busy urban areas that contain a mix of uses, such as the area around the appeal site, that telecommunication infrastructure is not seen to be unusual and the number of cabinets have been kept to a minimum. There is also an opportunity to select the colour of the pole. However, the proposed mast would be taller than any of surrounding buildings. Its height, bulk and proposed positioning in an open area with wide areas of footway and parking around it, would result in it appearing as a prominent, visually intrusive feature that would be harmful to the character of the area.
9. The appellant has stated that there would be limited scope for negative impact on residential amenity and that the site has been carefully selected to be as far away as possible from the views of residential properties and other sensitive receptors. The proposal would, however, be clearly visible from various residential properties on the opposite side of Manchester Road, particularly from upper floors. The slender form of existing street furniture items would provide very limited screening of the proposed mast, either from neighbouring residential properties or surrounding public vantage points. Given the direct line of sight across the carriageway from residential properties towards the appeal site, and the overall height, bulk and appearance of the mast, I consider it would cause significant harm to the outlook of the neighbouring residential occupiers.
10. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and in this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposed mast would provide 5G coverage and a number of potential benefits have been set out by the appellant relating to improved connectivity. Reference

has also been made to the Government's Future Telecoms Infrastructure Review (2018) and 'Planning for Growth' (31 March 2011). The Council do not dispute the support these provide to the proposal and I acknowledge the benefits that would be provided. The Council have however set out in the refusal notice that there is insufficient information on there not being any other suitable or preferable sites.

11. The appellant states that the proposal is in a highly constrained cell search area and the site selection process has been influenced by various factors such as the presence of underground services and existing surrounding base stations. Within the search area, a number of sites were considered and discounted. A number of these along Manchester Road (sites 'D6' and D8') were discounted for the proximity to residential properties. I was able to visit these discounted options at the time of my site visit. The identified locations are to the front of a business park and although there are residential properties across the vehicular carriageway, I am not clear on why they were discounted in favour of the appeal site and how factors, such as the line of established trees along the boundary to the business park in the vicinity of site D6 were considered.
12. The Council have also stated that the appellant has not given consideration to private land. Given that there may well be other locations that could potentially accommodate the proposal, I find the analysis by the appellant to be too generalised and not sufficiently comprehensive to eliminate other options.
13. I appreciate the need for this installation is to address the provision of 5G coverage in the area and a supporting comment has been made in favour of the proposal. It would provide benefits in terms of access and speed to a multitude of users in a high density residential area and this weighs in favour of the appeal as does the potential of this proposal to facilitate future site sharing and use for future technologies negating the need for subsequent new installations. Although limited information has been provided, the appellant has set out benefits to surveillance and emergency services and the policy support the proposal receives in this respect. I have also no reason to question the need for a new site for this proposal and the adherence by the appellant to the sequential approach in considering existing base stations/structures, site sharing or installing on an existing building or tall structure.
14. The proposal would, however, for the reasons set out above, be harmful to the character and appearance of the area. I note that a mast with a height of 15m is the minimum required and the appellant's rationale for avoiding the open headframe of a traditional 'greenfield' mast. On the evidence before me though I am not convinced that less harmful alternatives have been properly explored and that other locations would necessarily place the mast closer to more sensitive receptors or require an increase in height. It is my overall view that the need for the proposal does not in this case, outweigh the harm.
15. Given my findings, the proposed development would conflict with paragraph 115 of the Framework and also the aims of Core Strategy Policies CG3 and CG4 which seek, amongst other matters, development that is compatible with the surrounding area and surrounding land uses. Although the proposal would receive some support from Core Strategy Policy OA6 in supporting employment areas, it would be contrary to part 9. of this same policy which seeks to conserve and enhance the character of the existing physical environment.

Other Matters

16. The proposal would not impede the flow of pedestrians or the safety of passing motorists and there have not been any objections from statutory consultees. The proposal would also not give rise to unacceptable noise disturbance. I note the concerns in relation to the potential effects on health but the appellant has 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). The site is also not in an area with a statutory designation or close to any listed buildings. A lack of harm in these areas are neutral matters and do not weigh in favour of the proposal.
17. I note the appellant sought pre-application discussions and no comments were received from the LPA. The mast forming part of the appeal scheme was reduced in height to 15m from a previously refused scheme where it was proposed at a height of 20m. This appeal follows the Council's formal decision, and I can confirm that I have assessed the development on both its merits and impacts.

Conclusion

18. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR