



Appeal Decision

Site visit made on 31 January 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/U4230/W/21/3284855

East Lancashire Road, Dales Brow, Moorside, Swinton, Salford M27 0BH

- 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 CK Hutchinson Networks (UK) Ltd against the decision of Salford City Council.
 - The application Ref 21/78108/TEL56, dated 10 July 2021, was refused by notice dated 10 September 2021.
 - The development was described as proposed 15m Phase 8 Monopole C/W wraparound 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 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 plan¹ and the National Planning Policy Framework (the Framework) 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 highway safety, and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

¹ Policy DEV 1 of the City of Salford Unitary Development Plan 2004-2016 (2006), Policies TEL 1 and TEL 3 of the Salford City Council Telecommunications Supplementary Planning Document (2013)

Reasons

Highway safety

5. The proposed monopole and associated cabinets would be situated on the grass verge adjacent to the junction of Broadbent Street and East Lancashire Road. East Lancashire Road is a category 'A' road which is subject to a 40mph speed limit. As a major route through the area, the road is heavily trafficked. The road contains a bus lane which can be used by buses, taxis and bicycles. There is also a bus stop nearby. Broadbent Street is a residential street, adjacent to sports fields, and subject to a 30mph speed limit.
6. The Salford City Council Telecommunications Supplementary Planning Document (2013) sets out that it is essential to ensure that telecommunications development does not impede roadside visibility splays and sight lines. In particular, installations sited within 20m of pedestrian crossings or road junctions have the potential to obstruct views to the detriment of highway safety. The appeal site is within 20m of the junction.
7. Although the appellant highlights that the associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval, the proposal before me relates to the whole installation. I acknowledge that the scheme would not obstruct the free-flow of pedestrians and that a slimline street pole design has been specified due to the target coverage area. Nonetheless, as a result of the siting and appearance of the scheme, it would introduce a solid structure, of around 5m in length, close to the junction.
8. During the determination of the application, a visibility splay plan was submitted. The drawing shows that the proposal would not interfere with driver's visibility. The appellant has not justified the visibility splays and the local highway authority (LHA) considers that the dimensions adopted are not appropriate.
9. The LHA has produced a drawing to illustrate the visibility splay requirements in accordance with the speed limit and Design Manual for Road and Bridges (DMRB). This drawing shows that the scheme would be located within the visibility splay and could result in road users not being able to see approaching traffic. The appellant has not provided any information to contest the LHA's drawing or the use of the DMRB. Furthermore, no robust, convincing evidence has been provided to justify a reduced visibility splay. Accordingly, the appellant has failed to demonstrate that the installation would not have an unacceptable impact upon highway safety.
10. For the reasons given above, the installation would impede visibility splays and sight lines of road users and would have an unacceptable impact on highway safety due to the siting and appearance of the proposal.

Suitable alternatives

11. Paragraph 117 of the Framework sets out that applications, such as that proposed, should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

12. The appellant states that the cell search area is extremely constrained, and because of technological constraints, the only viable option has been put forward which would provide adequate coverage. The Site Specific Supplementary Information sets out the discounted options. The reasoning for rejecting the other sites is limited in detail. For example, alternative sites have been discounted due to the proximity to residential properties and insufficient space. However, they appear to be situated a similar distance to residential properties and similar space to that proposed.
13. In addition, the appellant has shown limited options along East Lancashire Road which contains stretches of road without junctions and a grass verge comparable to the appeal site. I acknowledge that D4 (located on East Lancashire Road) was discounted because of insufficient space. It is unclear why there is insufficient space as this site appears to be located close to the grass verge, adjacent to East Lancashire Road, similar in width to the appeal site.
14. Accordingly, I am not satisfied that the appellant has conducted a thorough review of possible options within the search area or adequately explored whether there may be less harmful alternative sites. As such, the harm I have identified above is not outweighed by the need for the installation to be sited as proposed.

Other matters

15. I acknowledge the other matters highlighted including Future Telecoms Infrastructure Review, Letter to Chief Planning Officers: Planning for Growth, condition relating to the colouring of the equipment and pre-application consultation. I also recognise the benefits of the scheme including those set out in figure 3 of the appellant's appeal statement and Framework paragraph 114 states that planning decisions should support the expansion of electronic communications networks. However, these matters are not sufficient either individually or cumulatively to lead me away from my overall conclusion that the proposal would result in unacceptable harm without clear justification.
16. Within section K of the appeal form, the appellant has provided details of another nearby appeal². In addition, the appellant suggests that the main issue relates to the character and amenity of the area. I acknowledge that the appeal site is not situated within a statutory designation for particular protection and there are no nearby listed buildings. Nevertheless, the reasons for refusal do not relate to these matters and the other appeal is not a nearby site. These matters do not impact my findings above.

Conclusion

17. For the reasons given above, the appeal does not succeed.

L M Wilson

INSPECTOR

² APP/U4230/W/21/3282661