



Appeal Decision

Site visit made on 1 March 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/N4720/W/22/3290279

Torre Road, Leeds LS9 6TL

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Leeds City Council.
 - The application Ref 21/08385/DTM, dated 18 September 2021, was refused by notice dated 3 December 2021.
 - The development proposed is 18.0m 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 Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for 18.0m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works at Torre Road, Leeds LS9 6TL in accordance with the terms of the application, Ref 21/08385/DTM, dated 18 September 2021, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Elevation A; 210 Proposed Site Plan; 260 Proposed Elevation; 303 Proposed Antenna Schedule & Line Configuration; 305 Equipment Schedule & Support Structure Details.

Preliminary Matter

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

Main Issue

3. The main issue is the effect of the siting of the proposal on highway and pedestrian safety.

Reasons

4. The proposal, whilst not shown on the submitted plans, would be sited near an Urban Traffic Control (UTC) camera. This UTC camera measures around 15 metres in height is multifunctional and can rotate 360 degrees to cover the A64

York Road, Torre Road and the roundabout directly adjacent to the proposal. The UTC camera is a key highway feature in the area to monitor traffic flows and report on any collisions.

5. The proposed mast, whilst being some 18 metres in height, would be narrow in terms of its width and given its siting in relation to the UTC camera, would not impede views from the UTC camera to an extent that would adversely compromise the visibility and coverage from the camera, particularly towards York Road, Torre Road and the roundabout. I have had regards to the figure in paragraph 5.2 of the Council's statement of case and the slimline mast would only be in the sightline of a small section of the UTC cameras visibility range. Therefore, the proposal would not prevent its function to monitor and report on traffic flows and collisions.
6. The proposed cabinets would be positioned approximately 1.87 metres away from the carriageway of the roundabout. It has been described that a 3 metre distance is the typical clearway distance from obstacles such as the proposed cabinets and the edge of the carriageway in case of collision. At my site visit, I noted numerous street furniture that was positioned closer than 3 metres to the highway and the carriageway of the roundabout. The Council have indicated that the likelihood of a driver losing control usually increases when driving around a roundabout, particularly in wet/icy conditions, which could lead to a collision with the proposed equipment. However, there is no compelling evidence before me to suggest that the proposal would increase the risk of vehicle collision to an extent which would be harmful to the safety of road users.
7. Accordingly, the proposal would be suitably sited and not have a harmful effect on highway and pedestrian safety. The proposal accords with Policy GP5 of the Leeds Unitary Development Plan Review, Policy T2 of the Leeds Local Plan Core Strategy, the Leeds Street Design Guide and the National Planning Policy Framework which seeks proposals to not create or materially add to problems of safety on the highway network.
8. I note that the Council had requested that the proposal be relocated further away from the highway. This matter does not alter my findings above.

Conditions

9. Beyond the standard conditions which are imposed by the Town and Country Planning (General Permitted Development) Order 2015, I consider it necessary to add a condition relating to the identification of plans to provide certainty and clarity. The Council had suggested that a condition be imposed relating to the relocation of the UTC camera, however given my findings above I do not consider such a condition to be reasonable or necessary.

Conclusion

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

Chris Baxter

INSPECTOR