



Appeal Decision

Site visit made on 5 July 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2022

Appeal Ref: APP/U4230/W/22/3295100

Simpson Road, Boothstown, Salford M28 1FB

- 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 21/78296/TEL56, dated 6 August 2021, was refused by notice dated 8 October 2021.
 - The development proposed is a 20.0m 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 to be had to the development plan as a whole. I have had regard to the policies of the development plan¹ only in so far as they are a material consideration relevant to matters of siting and appearance.
4. The appellant considers that the installation of the proposed cabinets on their own constitutes permitted development, and hence could be carried out on site without prior approval. However, it is reasonable to assume that these would only be constructed as part of the proposed works as they are intrinsically connected to the functioning of the proposed mast. They would not be built if the mast were not built, and equally the mast would not be built without the ground level works. I have therefore considered the cumulative effects of the proposed mast and ground level works.

¹ Including saved Policies A8 and DEV1 of the City of Salford Unitary Development Plan 2004-2016 (2006)

Main Issue

5. The main issue is the effect of the siting of the proposal on highway and pedestrian safety and, if any harm is identified, whether it would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

6. The appeal site forms part of the footpath on the north side of Simpson Road and is situated close to the junction with Standfield Drive. An area of open green space including several trees is located to the north of the site, with a small strip of grass verge separating the footpath from Simpson Road. The footpath and highway verge contain several existing features including street signs, streetlights, bins and cabinets. A signal-controlled pedestrian crossing is also located approximately 3 metres to the east, with a bus stop located a short distance further east. The surrounding area comprises a mix of uses with commercial properties, community centre and residential dwellings all located nearby.
7. The footpath where the proposal would be located is approximately 2.4 metres wide. Given the proximity of the site to Boothstown Neighbourhood Centre and its parade of local shops, the Community Centre, a bus stop, and a number of residential properties, the footfall along this part of Simpson Road is likely to be both frequent and at times substantial. This is further exacerbated by the adjacent pedestrian crossing where pedestrians are likely to gather in preparation to cross the road.
8. Although the monopole and associated cabinets would be located at the rear of the footpath, its width would still be reduced to around 1.5 metres. The appellant contends that this width would comply with guidance contained within the Design Manual for Roads and Bridges (DMRB). However, guidance contained within Manual for Streets (MfS) expressly states that the DMRB relates to trunk roads and is not an appropriate design standard for most streets including those in lightly trafficked mixed-use areas. Furthermore, the retained footpath width would fail to achieve the advised minimum of 2 metres set out in both the MfS and the Council's Telecommunications Supplementary Planning Document (2013) (SPD).
9. The aforementioned documents are guidance and should not be used as a means to negate assessing the particular circumstances of each proposal. In this instance however, the presence of the telecommunications equipment in this location would reduce the width of the footpath to a level where there would be a genuine threat of pedestrians, wheelchair users or walkers with pushchairs being unable to get past one another. Consequently, I am of the view that the impediment of the footway that would occur as a result of the proposal would be harmful to the free flow and safety of pedestrians.
10. I acknowledge that there are two existing cabinets located nearby on the eastern side of the pedestrian crossing which reduce the footpath width in that location to less than 2 metres. These existing cabinets however are smaller and cover less of an area than the proposed development, which would result in the footpath width being reduced for a greater distance. The proposal would also only serve to add further obstructions in an already busy area. Their presence therefore does not weigh in favour of the appeal proposal.

11. The Council also raised concerns regarding the potential of the proposed development to obscure the visibility of pedestrians from motorists travelling south on Standfield Drive that are turning left onto Simpson Road. The Council's SPD highlights the need to ensure that telecommunications development do not impede roadside visibility splays and sight lines, and that in particular installations sited within 20 metres of pedestrian crossings or road junctions have the potential to obstruct views to the detriment of highway safety.
12. As set out above, the proposed development would be located at the rear of the footpath, approximately 3.4 metres from the edge of the carriageway itself. Although the Council's Highways Team objected to the proposal, the objection referred to the potential of the development to obscure visibility of pedestrians from approaching drivers but did not confirm whether this would occur in this case or provide any specific evidence detailing any visibility splays or sight lines that the proposal would encroach into.
13. However, from my own observations on site, given its location at the rear of the footpath I do not consider that the proposed development would obscure views of pedestrians crossing Simpson Road from motorists that are turning left from Standfield Drive. Additionally, the signal-controlled pedestrian crossing would provide further safety for pedestrians and highway users as motorists would have clear views of the traffic lights and crossing. Accordingly, the proposal would not have an unacceptable effect on highway safety.
14. I therefore conclude that, having regard to its siting, the proposed development would unacceptably harm the free-flow and safety of pedestrians.

Alternative Sites

15. For a new mast or base station paragraph 117 c) of the National Planning Policy Framework (the Framework) requires the developer to submit evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure. The appellant states that the cell search area is very constrained with options limited, and that the proposed location is the only viable option. The appellant has considered and discounted nine other sites, which are listed and described.
16. The appellant states that opportunities for site sharing have been investigated and exhausted, with there being no suitable structures or properties in the designated search area that could facilitate a rooftop or site share installation. No information however has been provided detailing which existing structures or properties were looked at, with the nine discounted sites appearing to all be ground level.
17. Furthermore, the level of detail for the discounted options is somewhat limited and there is a lack of a detailed justification for each discounted site. For example, some sites have been discounted due to being 'overlooked by residential properties', however the appeal site itself is close to residential properties but no information has been provided to specifically detail why their proximity to residential properties would result in unacceptable harm.
18. Additionally, the map produced in Figure 6 of the appellants statement of case shows the appeal site marked as 'Option 2'. The map also includes 'Option 1' to the south of the appeal site, however it is not included in the list of discounted

options and it is unclear why 'Option 1' is considered inappropriate and has not been pursued as a viable option.

19. During the application process the Local Highway Authority also recommended that the appellant looked into siting the proposed monopole and associated equipment on Standfield Drive, where there would be lower footfall and no pedestrian crossing. However, from the evidence available to me it does not appear that any location on Standfield Drive has been explored by the appellant.
20. I am therefore not satisfied that a thorough review of possible site options within the cell search area has been carried out, and that the level of detail for those sites which were explored and discounted is somewhat vague and without robust justification. As a result, the harm I have identified to the free-flow and safety of pedestrians is not outweighed by the needs for the installation to be sited in the proposed location.

Other Matters

21. In order to meet health safeguards, 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). In these circumstances, the Framework advises that health safeguards are not something which a decision maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
22. The appellant refers to a lack of response by the Council to pre-application consultation. The Council however disputes this and states that the pre-application advice service was not utilised in this instance. In any event, that is a matter for the appellant to address with the Council and does not alter my findings with regard to the negative impact of the proposal on the free-flow and safety of pedestrians.

Planning Balance and Conclusion

23. Paragraph 114 of the Framework supports the expansion of electronic communications networks, including next generation mobile technology. There would be social and economic benefits from the proposal in these regards, which would facilitate the provision of 5G communication, which would help the delivery of economic growth, as well as enhancing local facilities and services via better connectivity and communication. I attribute moderate positive weight to these benefits.
24. However, these benefits are outweighed by the harm I have identified above to pedestrian safety, to which I attribute significant weight. In addition, the lack of a robust alternative site search has failed to demonstrate the need for the installation to be sited as proposed and that the benefits could not be achieved in a less harmful location.
25. For the reasons given above, I conclude that the appeal should be dismissed.

David Jones

INSPECTOR