



Appeal Decision

Site visit made on 26 July 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/Q4245/W/22/3295989

Manchester New Road, Partington, Trafford M31 4NR

- 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 Trafford Metropolitan Borough Council.
 - The application Ref 105706/TEL/21, dated 22 August 2021, was refused by notice dated 1 December 2021.
 - The development proposed is a 15.0m 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. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
4. The Council refers to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in its statement of case. However, as the appeal is in relation to an application for prior approval and not planning permission or permission in principle, then Section 66(1) of the Act does not apply. Nevertheless, in coming to my decision I have had regard to the relevant paragraphs and policies set out within the National Planning Policy Framework (the Framework) on conserving and enhancing the historic environment.
5. The appellant considers that the installation of the proposed cabinets constitutes permitted development, and hence could be carried out without prior approval. However, it is reasonable to assume that these would 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.

Main Issue

6. The main issue is:

- the effect of the siting and appearance of the proposed installation on the character and appearance of the area including the setting of the Church of St Mary, a Grade II listed building; 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

7. The appeal site forms part of the pavement on the southern side of Manchester New Road adjacent to a bus stop. Other features including streetlights, road signs and bins are also located nearby, with an area of open green space including several trees located a short distance to the east. To the immediate south of the site is the car park associated with the adjacent Partington Shopping Centre. On the opposite side of Manchester New Road to the north is predominately residential properties, including a three-storey residential development which is currently under construction.
8. Whilst there are a number of vertical features nearby, including streetlights along the pavement and several lighting columns in the adjacent car park, these are slimline in design and are around 10m in height. The proposed monopole would be significantly taller, bulkier and more prominent than these existing features. Particularly when combined with the associated equipment cabinets, which would infill much of the space between the existing streetlight and bus stop, the proposed development would appear visually intrusive and at odds with the prevailing size and scale of the existing street furniture.
9. The visual dominance of the proposal would be significantly exacerbated by the location of the appeal site. By virtue of the large and expansive car parking area to its south, the open green space to its east, and the highway to the north and west, the site occupies a particularly prominent and open position in the centre of Partington. Long distance views of the monopole would also be afforded from both directions along the A6144 and from Central Road and Partington Shopping Centre.
10. Although there are trees sporadically located on the adjacent open green space and in other locations nearby, these would provide no meaningful screening of the proposal. Due to the openness of the site and its distance from any existing buildings, the proposed development would appear as an isolated feature which would not be viewed against a backdrop of built form or trees. As a result, the proposed development would be unduly prominent and it would be a dominant and visually obtrusive feature within the street scene.
11. The Church of St Mary is a Grade II listed building located approximately 120m to the north-east of the appeal site, at the junction of Manchester New Road and Moss Lane. The Church dates from 1883 and it is of north European gothic style, constructed in rockface stone with ashlar dressings and renewed plain

tile roofs. The Church is a landmark building occupying a prominent position within the centre of Partington. Views of the Church, and in particular its impressive tower, are possible from several directions but it is particularly prominent in views looking eastwards. The Church retains many of its original architectural features which along with its boundary wall and central location contribute significantly to the historic setting of the Church.

12. The new 3 storey residential development currently under construction on the north side of Manchester New Road has resulted in views of the Church from the appeal site being partially obscured. However, the Church, and in particular its tower, remains in view from the appeal site and the surrounding area. The appellant's Heritage Statement (HS) acknowledges that intervisibility between the proposed development and the Church is unavoidable.
13. The HS goes on to state that the proposed development '*will be a new and obvious modern intrusion into both views from the Church looking south-westwards and views towards the Church from the southwest*'. Although the HS does not consider that these views impact upon key aspects of the Church's setting, I find that the proposed monopole would be experienced within key views of the Church from the southwest. The development would appear a visually obtrusive modern feature that would compete visually with the Church, significantly interrupting views.
14. Although the proposed monopole would be 5m lower in height than the previous refused application¹, it would remain significantly taller than the existing nearby vertical features and it would still be experienced in views of the Church when looking eastwards. Overall, the development would represent a detrimental change which would cause harm to the setting of the listed building.
15. Paragraph 199 of the Framework sets out that great weight should be given to the conservation of heritage assets. Whilst the harm I have identified above would be less than substantial, it is nevertheless of considerable importance and weight. Paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal.
16. The proposal would give rise to social and economic benefits. It would facilitate the provision of 5G communication in the area, which would help the delivery of economic growth, as well as enhancing local facilities and services via better connectivity and communication. These public benefits would be moderate, but they would not be sufficient to outweigh the less than substantial harm to the setting of the Church of St Mary.
17. Two other Grade II listed buildings are located within a 250m radius of the appeal site, namely The Stocks to the north and Erlam Farmhouse to the west of the appeal site. However, there would be no intervisibility between The Stocks and the proposed development, whereas any views of the proposed development from Erlam Farmhouse would be distant and significantly obscured by a number of mature trees. As a result, I do not consider that the proposed development would have any impact upon The Stocks or Erlam Farmhouse, therefore preserving their settings.

¹ Council Reference: 104840/TEL/21

18. Accordingly, having regard to its siting and appearance, the proposed development would cause harm to the character and appearance of the area and harm to the setting of the Grade II listed Church of St Mary. In so far as they are a material consideration, the proposal would be contrary to Policies L7 and R1 of the Trafford Local Plan: Core Strategy (Adopted January 2012). These policies, among other matters, seek to ensure that developments enhance the street scene or character of the area and protect, preserve and enhance heritage assets including their wider settings.

Alternative sites

19. For a new mast or base station paragraph 117 c) of 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 a number of other sites, which are listed and described.
20. 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 ten discounted sites appearing to all be at ground level.
21. Furthermore, the level of detail for the discounted options is somewhat limited and there is a lack of justification for each discounted site. A number have been discounted due to 'proximity to residential properties' or 'proximity to a sensitive location'. As detailed above the appeal site is located close to a sensitive location and near to several residential properties. The appellant however does not advise why the discounted sites would be more harmful than the appeal site in this regard.
22. I am therefore not satisfied that a thorough review of possible site options within the cell search area has been conducted. Moreover, 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 character and appearance of the area and to the setting of the nearby listed building is not outweighed by the needs for the installation to be sited in the proposed location.

Other Matters

23. 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.
24. The appellant refers to a lack of response by the Council to pre-application consultation. Whilst the Council confirms that a chargeable pre-application

service is available, it disputes the appellant's version of events stating that the appellant chose not to engage in any pre-application discussions. In any event, that is a matter for the appellant to address with the Council and it does not alter my findings with regard to the siting and appearance and the resultant harm to the character and appearance of the area including the setting of the nearby listed building.

Conclusion

25. For the reasons given above, I conclude that the appeal should be dismissed.

David Jones

INSPECTOR