



Appeal Decision

Site visit made on 14 September 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17th October 2022

Appeal Ref: APP/U4230/W/22/3292521

**Footway of Liverpool Road (A57), Peel Green, Salford, Manchester
M30 7LW**

- 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 Cornerstone against the decision of Salford City Council.
 - The application Ref 21/77983/TEL56, dated 22 June 2021, was refused by notice dated 23 August 2021.
 - The development proposed is the installation of a 17.5m column supporting 6 no. antennas, 2 transmission dishes, 2 equipment cabinets and ancillary development thereto including 3 no. Remote Radio Units (RRUs) (resubmission of LPA ref: 20/75896/TEL56) to provide new and enhanced service provision for Telefonica UK Limited
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the installation of a 17.5m column supporting 6 no. antennas, 2 transmission dishes, 2 equipment cabinets and ancillary development thereto including 3 no. Remote Radio Units (RRUs) (resubmission of LPA ref: 20/75896/TEL56) to provide new and enhanced service provision for Telefonica UK Limited at Footway of Liverpool Road (A57), Peel Green, Salford, Manchester M30 7LW in accordance with the terms of the application Ref 21/77983/TEL56 dated 22 June 2021, and the plans submitted with it.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.

Planning Policy

3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (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 proposal on the character and appearance of the area, having regard to the non-designated heritage asset, 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.

Reasons

5. The appeal site comprises an area of footpath on Liverpool Road directly adjacent to the low boundary wall of Peel Green Cemetery, behind which sits tall trees. The area features commercial and residential buildings with a wide road network, roundabout junction, signage and traffic lights. A regular arrangement of streetlights lines Liverpool Road and, although not visible from the site, a telecommunications pole is nearby at the M60 slip road. Even acknowledging the landscaping, overall the locality reads as a densely built up urban environment.
6. Although the proposed monopole would be greater in height than the street signage and lampposts, vertical structures and tall landscape features are common in the immediate area. In this context, the addition of the proposal would not appear out of place in the wider urban surrounds. While featuring a thicker pole than the streetlights and signage, with antenna at the top, it would overall remain a slimline addition that would not be so bulky as to appear disruptive. In addition, among the variety of street furniture, the proposed cabinets would not appear out of place.
7. Peel Green Cemetery is a locally listed non-designated heritage asset that derives its significance from the architecture of the buildings and the aesthetic value of the cemetery. I have had regard to the Heritage Statement and Addendum provided by the appellant. While the setting of the cemetery has undoubtedly changed due to the urban surrounds, the significance of the asset is still experienced within the locality.
8. The boundary wall and pedestrian access, although altered from the original design, mark a transition from the built-up highway to the open and verdant cemetery, which provides visual relief in the urban surrounds. The low wall and access space provide views down the tree lined boulevard against which the lodge building is experienced. The aesthetic value and architecture of the cemetery remain evident within the area and, due to landscaping, a sense of its original rural nature is clear.
9. The modern and commercial design of the proposal would appear at odds against the open space and traditional architecture of the cemetery. However, this impact would be localised. The proposal would not be situated in the cemetery and any views of it from within or alongside the cemetery would be experienced against the backdrop of the urban environment beyond. From Liverpool Road the proposal would be set back from the cemetery entrance and lodge, seen against tall trees so as not to prevent or unduly disrupt views towards the open space and buildings beyond. Overall, the level of harm caused by the proposal to the significance of asset would be limited.
10. Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. Paragraph 114 of the Framework outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Furthermore, planning decisions should support the expansion of electronic

communications networks. The appellant has demonstrated that the area surrounding the site does not have a 5G service which, along with an improved 2G-4G service, would be addressed by the proposal. It would enhance communication facilities to meet current and future demand. Accordingly, the economic and social benefits of the proposal are acknowledged and attract significant weight.

12. Paragraph 117 states 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.
13. The Site Specific Supplementary Information (SSSI) highlights that the proposal is an upgrade to the appellant's service at the existing telecommunications site, which is shared with, and would continue to be used by, another operator. As an upgrade, the proposal must provide coverage in the same area but be at least 30 metres from the existing mast to prevent interference. The SSSI considers alternative locations and discounts these with reasonable justifications.
14. I note that the Council has broadly accepted the justifications as to why the alternative sites are not suitable, but disputes the evidence regarding upgrading the existing apparatus. However, the appellant has outlined that upgrading of this structure would require significant redevelopment. Although no precise design has been provided, drawings and photographs of typical examples were submitted. It has been outlined that these be unsuitable due to the tall, bulky structure, the limited space for its installation, and the possibility of impact on the living conditions of nearby residents, with an explanation that a slimline structure would not be capable of accommodating the demands of both operators and customers.
15. I find this to be evidence that the appellant has explored the possibility of upgrading the current structure, and reasonable justification for the discounting of this option. While the Council refers to an approved monopole to the west of the M60 slip road as evidence of the suitability of this area for such development, this relates to a slimline structure serving one operator, and is not comparable to the required upgrade of a shared site. Based on the submitted evidence, no suitable alternative sites exist.
16. The need for the installation weighs in favour of the appeal and I acknowledge the various economic and social benefits highlighted by the appellant. In addition, the absence of a suitable alternative site and the need for the installation to be sited as proposed weighs in favour of the scheme. In weighing the harm against the benefits and the need for the installation to be sited as proposed, I conclude that these would outweigh the limited harm that would be caused to the non-designated heritage asset and the character and appearance of the area.

Conditions

17. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the Local Planning Authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the Local Planning Authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

18. The appellant has further suggested that the colour of the proposal could be amended. However, the GPDO does not provide any authority for imposing additional conditions beyond those within Class A of Part 16. It would not therefore be reasonable to impose such a condition, which in any event would not be necessary in this instance, given my findings above.

Conclusion

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

C Rafferty

INSPECTOR