



Appeal Decision

Site visit made on 12 October 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2022

Appeal Ref: APP/N4720/W/21/3281577

John Charles Approach, Hunslet Carr, Leeds LS10 2JU

- 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 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 Leeds City Council.
 - The application Ref 21/05024/DTM, dated 21 May 2021, was refused by notice dated 27 July 2021.
 - The development proposed is Proposed 20m 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 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 Proposed 20m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works at John Charles Approach, Hunslet Carr, Leeds LS10 2JU in accordance with the terms of the application Ref 21/05024/DTM, dated 21 May 2021 and the plans submitted with it including plans Ref: 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Site Elevation A; 210 Proposed Site Plan; 260 Proposed Elevation; 303 Proposed Antenna Schedule & Line Configuration; and 305 Equipment Schedule & Support Structure Details.

Preliminary 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 based on 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 this does not require regard to be given to the development plan. I have had regard to those policies of the development plan provided by the Council, 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 Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on pedestrian safety along the John Charles Approach; 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 is on a footway between the Cockburn John Charles Academy (Academy) and the South Leeds Stadium multi sports venue (Stadium). Both of which would generate peaks and troughs of footfall in their vicinity. However, I have no firm details of the nature and number of users along this particular footway. The footway does not link any of the Stadiums car parks with the Stadium. The area in question is not immediately outside either site such that, in my view, there would be some dispersion of pedestrians along this stretch of footway. Moreover, there is a footbridge linking the grounds of the Academy with the Stadium, which would avoid this stretch of footway and I have no firm details how this is used in comparison with the John Charles Approach footway.
6. I saw that the footway's width varies throughout its length between the Academy and the Stadium and there is no evidence before me to indicate that users don't simply respond accordingly to this variation. The Council consider that the existing footway is currently substandard and is less than that required by its Street Design Guide (2009) Supplementary Planning Document. Despite this, I have no substantive evidence of any safety incidents along this stretch of footway from its existing use.
7. The proposal would result in a narrowing of the footway, but only for a very short section. There would still be approximately 1.8m of useable footway and this would still allow pedestrians to use it including allowing sufficient space for pedestrians travelling in opposite directions to pass. For such a short section, if necessary, I find it likely that pedestrians would respond to the features in the footway by walking around or, if there are large concentrations, by funnelling in along the footway. As such, I do not consider that the proposal would force pedestrians to step onto the road.
8. I therefore conclude that the siting and appearance of the proposed installation would not have an unacceptable effect on pedestrian safety along the John Charles Approach. Moreover, insofar as they are material considerations, I have had regard to, and find no conflict, with the wider aims of Policy T2 of the Council's Core Strategy (2019) or paragraph 111 of the Framework. These seek, amongst other things, to ensure that development does not have an unacceptable impact on road safety.
9. Any permission granted 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 be carried out in accordance with the details submitted with the application (unless otherwise agreed in writing by the local planning authority), 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 former condition.
10. For the reasons given above, I conclude that the appeal should be allowed.

Mr R Walker

INSPECTOR