



Appeal Decision

Site visit made on 19 October 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/B4215/W/22/3299901

Varley Street SF, Varley St, Beswick, Manchester M40 7AT

- 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 Hutchison Networks (UK) Ltd against the decision of Manchester City Council.
 - The application Ref 131934/TEL/2021, dated 15 October 2021, was refused by notice dated 9 December 2021.
 - The development proposed is described as 'The installation of a 20 metre high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto'.
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Decision

1. The appeal is allowed and planning permission is granted under the provisions of Article 3(1) and Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a 20 metre high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto, at Varley Street SF, Varley Street, Beswick, Manchester M40 7AT in accordance with the terms of the application, Ref 131934/TEL/2021, dated 15 October 2021, and the plans submitted with it, including drawing Nos MAN16637_Planning_Rev_A 215 Proposed Site Plan and MAN16637_Planning_Rev_A 265 Proposed Site Elevation and MAN16637_Planning_Rev_A 002 Site Location Plan.

Preliminary Matters

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.
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 to be had to the development plan. However, I have had regard to the policies of Manchester's Local Development Framework Core Strategy Development Plan Document, adopted 11th July 2012 (DPD), saved policies of The Manchester Plan, the Unitary Development Plan for the City of Manchester, adopted 21st July 1995 (UDP), and the National Planning Policy Framework

(NPPF) only in so far as they are a material consideration relevant to matters of siting and appearance.

4. I have taken the description of the development from the appeal form, which is generally consistent with the Council's decision notice as it is more precise than that used on the application form.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the living conditions of occupiers of neighbouring residential properties, with specific regard to outlook, and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed, considering any suitable alternatives.

Reasons

Character and appearance

6. The appeal site is formed by a grass verge separating the footpath from the carriageway of Varley Street. To the north, east and west of the site there are areas of grassed open space, with a cluster of mature trees within the area to the north and a line of smaller trees to the frontage of the area to the west. Beyond these areas of open space are houses, mainly two storeys in height. Street furniture is generally limited, leading to an uncluttered appearance to the street. To the south, is a mixed commercial area, which includes some gas works. This area includes some large buildings and tall structures. Taller buildings and structures are also present further to the northwest, including a mill chimney and a residential high rise tower block. Whilst lying within an urban context, there is a degree of openness along this part of Varley Street.
7. Given the open space to the immediate surroundings, the proposed structure would be set apart from, and would not appear directly at odds with, the two-storey housing typical of the area. Nor would it be confined or constrained by the existing built form, such that it would appear overly dominant in that context. Noting the limited amount of street furniture, the proposal would not result in an unacceptably cluttered appearance. Nevertheless, the proposed mast would be significantly taller and bulkier than the nearest vertical street furniture, such as the nearby streetlights. It would also hold an exposed position between the footpath and the carriageway for passers-by. As a result of its size in an exposed position, the proposal would result in some detriment to visual amenity, particularly at close quarters.
8. As such, the siting and appearance of the proposed installation would result in a modest level of harm to the character and appearance of the area. Saved UDP Policy DC17.1, and DPD Policies DM1 and SP1 seek to ensure that the siting, layout, scale and form of new development has regard to its impact on the character and appearance of the area which surrounds it and has a positive impact on the neighbourhood in which it is located. The NPPF requires places to be well designed and new telecommunication equipment to be sympathetically designed. As the siting and appearance of the proposal would harm the character and appearance of the area, it would conflict with these policies.

Living conditions

9. There are several existing residential properties within the area that would have an outlook towards the mast, including properties on Charnley Close, Ridgeway Street, Varley Street, Sandal Street and Sabden Close. For some properties, this would be a relatively direct view, however, due to the separation distances involved and, in some instances, the presence of intervening trees, the proposed mast would not have a visually harmful impact on the outlook of the occupiers of these properties. From other properties, there would be a more oblique view of the mast, again with an acceptable separation distance. As such, I do not consider that the proposal would have an unacceptable impact on the outlook of existing and future occupiers of these neighbouring residential properties.
10. I am advised that the open land to the east of the site has been allocated for development within the Miles Platting Neighbourhood Plan. I am also advised that whilst an outline planning permission in 2006 included this parcel of land, no reserved matters application was subsequently submitted within the required timescales for this specific area, and so there is no extant planning permission relating to this parcel of land. I am also informed that a full planning application for residential development of this land is currently being considered by the Council under ref. 134052/FO/2022, but that no decision has yet been made. I have not been given any details of this application, other than the reference number. I have been provided with a 'Mast Mock Up' drawing within third party representations which indicates new housing facing directly onto Varley Street and the proposed development. The preparation of this mock-up appears to pre-date the submission of planning application 134052/FO/2022.
11. I appreciate that this land to the east has been earmarked for residential development for a considerable time and the proximity of the proposed mast to this land could give rise to concern. However, in my consideration of living conditions, I can give these factors only limited weight on the basis that I have not been provided with the precise form this new residential development would take or the likelihood of it being approved. Even if it is recommended for approval, an approval is not guaranteed, nor whether the developer will go on to carry out the development in the approved form. With regards to the allocation, I do not have the detail of any other scheme that may come forward, should the pending application for housing not progress. As there is no approved layout before me, I cannot be conclusive that there would be harm to the living conditions of future occupiers and so these matters do not outweigh my initial findings on this main issue.
12. To conclude, the siting and appearance of the proposed installation would not result in harm to the living conditions of occupiers of neighbouring residential properties. Saved UDP Policy DC17.1, and DPD Policies DM1 and SP1, seek to ensure that through the design and siting of new development, the residential amenity and the wellbeing of residents is appropriately considered. As the proposal would not harm living conditions, it would accord with these policies.

Need for the installation to be sited as proposed considering any suitable alternatives

13. The appeal documents indicate that the purpose of the proposed mast is not only to facilitate an upgrade from 3G to 5G within this area, but also to address an identified lack of coverage. The Council has not disputed a need for the

siting of such an installation within this area in order to achieve these improvements. Further, the Council has not disputed that mast sharing options and alternative sites have been appropriately considered. Nor is there any suggestion that this could be delivered through an alternative design that would reduce its visual impacts, such as a smaller mast. Based on the information before me, I have no reason to take a different view. Therefore, given a lack of identified more suitable alternatives within the target area, I attach significant weight to the need to site the installation as proposed in order to facilitate an upgrade from 3G to 5G within this area, and address an identified lack of coverage.

Balance

14. Whilst I have not found any harm arising from the proposal in relation to the living conditions of occupiers of neighbouring residential properties, I have found that the proposal would result in a modest level of harm to the character and appearance of the area. However, this harm would be outweighed by the need to site the installation as proposed in order to deliver the upgrade and increased coverage identified, given the lack of suitable alternatives within the area.

Conditions

15. Any planning permission granted for 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.
16. The Council has suggested the imposition of a condition requiring the development to be carried out in accordance with the submitted plans. Given the provisions above, the suggested condition is unnecessary.

Conclusion

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

S Brook

INSPECTOR