



Appeal Decision

Site visit made on 4 April 2023

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2023

Appeal Ref: APP/B4215/W/22/3310701

Lightbowne Road, Moston, Manchester M40 5EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Manchester City Council.
 - The application Ref 134893/TEL/2022, dated 4 September 2022, was refused by notice dated 13 October 2022.
 - The development proposed is a 15.0m Phase 8 monopole C/W wrapround 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 siting and appearance of a 15.0m phase 8 monopole C/W wrapround cabinet at base and associated ancillary works at Lightbowne Road, Moston, Manchester M40 5EF in accordance with the terms of the application Ref 134893/TEL/2022, dated 4 September 2022, and the plans submitted with it including drawing numbers: 002 Site Location Plan, 210 Proposed Site Plan, 211 Vis Splay Plan and 260 Proposed Elevation.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 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. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies DM1 and SP1 of the Manchester's Local Development Framework: Core Strategy Development Plan Document (the CS, July 2012) and saved Policy DC17.1 of the Manchester Plan: The Unitary Development Plan for the City of Manchester (the UDP, July 1995) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure telecommunications installations are suitably sited and that developments do not adversely affect highway safety. Similarly, the National

Planning Policy Framework (the Framework) is also a material consideration and includes a section on supporting high quality communications.

Main Issue

5. The main issue is the effect of the siting of the proposed installation on highway safety.

Reasons

6. The appeal site is located on a stretch of pavement serving Lightbowne Road and is in front of a carwash and garage. The pavement is relatively wide and provides a link between a residential area and a business park with a tram station. There are also bus stops nearby. Although at the time of my site visit the pavement was quiet with very few people travelling in either direction, I recognise that there may be a somewhat higher flow of pedestrians during the rush hour periods in the morning and evening. The carriageway was much busier with a regular flow of traffic in both directions, and I similarly expect this to increase during rush hour periods.
7. Given the existing width of the pavement I find that pedestrians, including pushchair and wheelchair users, could easily pass by without any impedence. It is accepted by both parties that the proposed mast and cabinets would reduce the width of the pavement to 1.9 metres. This reduction in width would be for the length of the four cabinets at the base of the mast. I note from the Council's submissions that the Highway Services team require a minimum footpath width of 2 metres in order to protect the safety of all pedestrians when passing.
8. Whilst the proposal would breach the minimum standard sought by the Council, this would be minimal and only along a short stretch of pavement. I find that the resulting width of the pavement would still be sufficient to safely meet the typical needs of pedestrians, including those using wheelchairs and pushchairs. Whilst it may be tighter for the users of pushchairs or wheelchairs to pass each other, I do not find the reduction so significant as to make this impossible or unsafe. Moreover, given the nature of the area, I find the likely typical flow of pedestrians, including at rush hours, would make such an occurrence rare. Furthermore, given the proposal covers only a short stretch of pavement, in the unlikely event pedestrians cannot, or do not feel comfortable, passing each other, it would be possible to wait at either end. The proposal would not, therefore, necessitate pedestrians to move out into the carriageway.
9. The siting of the proposed mast and its associated cabinets would not harm highway safety and, in particular, the safety of pedestrians. I have been mindful of, and the proposal would comply with, Policies DM1 and SP1 of the CS and UDP Policy DC17.1, as well as Paragraph 111 of the Framework.

Conditions

10. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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.

Conclusion

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

Samuel Watson

INSPECTOR