



Appeal Decision

Site visit made on 16 February 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Appeal Ref: APP/U4230/W/23/3319746

Land at Genting Casino Car Park, Cromwell Road, Higher Broughton, Salford M6 6DA

- 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 22/80360/TEL56, dated 3 August 2022, was refused by notice dated 4 October 2022.
 - The telecommunications installation proposed is the installation of a 27.5 metre high Lattice Tower supporting 12no Antennas; 2no GPS Modules; 4no 300mm Transmission Dishes; 36no. Ericsson radio system (ERS) Units; together with 6no Cabinets and 1no Electrical Meter Cabinet located at ground level with ancillary development including 1m palisade fencing.
-

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 27.5 metre high Lattice Tower supporting 12no Antennas; 2no GPS Modules; 4no 300mm Transmission Dishes; 36no. Ericsson radio system (ERS) Units; together with 6no Cabinets and 1no Electrical Meter Cabinet located at ground level with ancillary development including 1m palisade fencing at Land at Genting Casino Car Park, Cromwell Road, Higher Broughton, Salford M6 6DA in accordance with the terms of the application Ref 22/80360/TEL56, dated 3 August 2022, and the plans submitted with it including: Site Location Maps Drawing No. 100 Rev C dated 12 January 2022; Proposed Site Plan Drawing No. 201 Rev B dated 12 January 2022; and Proposed Site Elevation Drawing No. 301 Rev A dated 12 January 2022.

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 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 and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard 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 Salford Local Plan: Development Management Policies and Designations (the DMP) was adopted in January 2023, replacing the saved policies of the City of Salford Unitary Development Plan (2006), and the City of Salford Telecommunications Supplementary Planning Document cited in the Council's decision notice. For the avoidance of doubt, I have determined the appeal based on the current development plan. The Council provided the relevant policies of the DMP such that the appellant has had the opportunity to comment on these as part of the appeal process.
5. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

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 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

7. The appeal site comprises an area of the hardstanding car park located to the rear of Genting Casino off Cromwell Road in Salford. It is to the south of the Texaco petrol station and is bounded by paladin fencing and a belt of tall trees, which run along the west and south sides of the site.
8. The proposal seeks to erect a 27.5m high lattice telecommunications tower with associated cabinets and fencing at the site. I acknowledge that the surrounding area has a significant degree of residential uses. However, the site is some distance from the dwellings on the opposite, northern side of Cromwell Road, and is separated from those to the west by the fencing and trees. Located alongside the casino, car park and petrol station, the site forms part of, and visually relates to, a notable pocket of commercial development situated among this housing. It is in this commercial context that the proposal would primarily be experienced, rather than appearing as a standalone and incongruous feature beside residential dwellings.
9. As a result of its lattice nature, height, and upper antennas the proposal would be a sizeable addition at the site, rising above the nearby two storey dwellings and low-rise casino and petrol station buildings. However, from Cromwell Road it would be experienced in the context of surrounding features such as streetlights, the totem petrol station signage, and the telecommunications monopole in the garage forecourt, reflecting this vertical rhythm of development. Although it would be taller, the proposal would be set back some distance from Cromwell Road, reducing its prominence so as not to appear unduly overbearing from the highway both in its own right or when viewed in combination with any of the other vertical structures.
10. The tall trees surrounding the site would also provide an element of screening of the proposal when travelling along Cromwell Road, from the housing along Seaford Road and Basset Avenue to the south-west, and from the footpath between this housing

and the site. While the uppermost part of the tower and antenna would rise above the tree line, it remains that the overall height and density of the trees would nevertheless soften the presence of the proposal.

11. I note that concerns were raised about the adequacy of such screening during the winter months. However, I observed on my visit that even without dense leaf coverage the placement of these trees would continue to reduce the prominence of the proposal in the immediate area. In any event, given its location close to both vertical and commercial forms of development, those parts of the proposal that would remain visible among the trees at any time of year would still visually relate to the immediate surrounds, so as not to appear discordant or harmful to the overall character and appearance of the vicinity.
12. Overall, I therefore consider that no harm would arise to the surrounding character and appearance as a result of the siting and appearance of the proposal.

Other Matters

13. The appellant's statement of case outlines that the proposal would replace a nearby monopole on Gerald Road, which I observed during my visit and which is of a notably different design to the proposal. However, there is nothing substantive before me to guarantee that this monopole would be removed following the installation of the proposal. Nevertheless, given that the existing monopole is some distance from the site, with a range of intervening development, even if this was to remain with the proposal in place I do not find that this would result in visual clutter, an undue proliferation of vertical or telecommunications development, or harm to the character of the area.
14. I note that concern has been expressed about the adequacy of the appellant's consideration of alternative sites for the proposal and the information submitted in this regard. However, as I have found that the siting and appearance of the proposal would not harm the character and appearance of the area, there is no need for me to assess alternative sites or mast sharing possibilities.

Conditions

15. Any planning permission granted for electronic communications apparatus 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.

Conclusion

16. For the reasons given above the appeal should be allowed, and prior approval should be granted.

C Rafferty

INSPECTOR