



Appeal Decision

Site visit made on 7 May 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

Appeal Ref: APP/Q4245/W/23/3332838

Land at Stretford Road, Old Trafford, Manchester M16 9JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Cornerstone against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 111367/TEL/23.
 - The development proposed is the installation of a telecommunications base station comprising of a 20m monopole, supporting 6 no antennas, 2 no dishes, installation of 3 No. cabinets together with ancillary development.
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Decision

1. The appeal is allowed and prior 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 installation of a telecommunications base station comprising of a 20m monopole, supporting 6 no antennas, 2 no dishes, installation of 3 No. cabinets together with ancillary development at Land at Stretford Road, Old Trafford, Manchester M16 9JA in accordance with the application Ref 111367/TEL/23 and the details submitted with it, including plans numbered 100 A, Site location Map; 201 B, Proposed Site Plan; and 301 B, Site Elevation.

Procedural 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.
3. 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, related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
4. On March 21 2024, after the appeal was submitted, the Council adopted the Places for Everyone Joint Development Plan Document (the PfE) as part of their Development Plan. Policy JP-P1 of the PfE has superseded Policy L7 of the Trafford Council Core Strategy (2012). Also of note is Policy JP-C2, Digital Connectivity. I have considered these policies as material considerations as they relate to issues of siting and appearance.

Main Issue

5. 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

Character and appearance

6. The appeal site forms part of a grass verge, located on the south side of Stretford Road. Stretford Road is part of a busy road network and the proposal would be located directly opposite a junction with Nuttall Street. Stretford Road is linear in form and consequently the proposal would be visually prominent from a number of public vantage points.
7. The surrounding area is characterised by two-storey residential properties, with residential apartments along Northumberland Close situated to the rear of the proposed site. Mixed commercial and residential properties lie to the north of the proposed site.
8. The grass verge is wide, and the monopole and cabinets would be situated set-back from the pavement. There are small trees and mature trees along the grass verge, which extends along the south side of Stretford Road from its junction with Chester Road/Talbot Road. The trees and grass verge provide a buffer between the busy road and commercial sites to the north of the road and the residential properties to the south. The trees, together with the wide grass verge, give a pleasant, green and verdant feel to the area and visual relief to the street scene.
9. There is other street furniture and vertical structures close by, such as bus shelters, lampposts and signage, along with traffic lights. The monopole would be partially screened from vantage points along Stretford Road, particularly during the spring and summer, by the mature trees nearby. However, at 20m, the proposed monopole would be taller than the nearby trees, which plans indicate as being some 12m high. This would result in the monopole being visually prominent within this verdant setting, and it would dominate the street scene at this location.
10. The proposal would be visible from residential properties at Northumberland Close, Northumberland Crescent and Chester Road. Whilst the proposal would be offset from the frontal vistas of the majority of neighbouring residences, the proximity of the appeal site to a number of these properties coupled with the overall height and bulky headframe of the monopole would appear as somewhat imposing to existing occupiers.
11. However, the proposal would be seen within the wider street scene in context of surrounding buildings. There are tall buildings on the northern side of Stretford Road in proximity to the appeal site, including the 15-storey West Point accommodation and a multi-storey car park. In the context of this wider street scene, the proposal would not appear as unacceptably discordant or incongruous. Moreover, it would not significantly contribute to street clutter being located within a spacious verge set-back from the pavement, and would not impede pedestrian flow. Long views of the proposal would take in the wider

context of existing vertical street furniture and tall buildings which would help integrate the mast, to some extent, with the local pattern of built development.

12. Nevertheless, due to its height in relation to the trees, and its proximity to residential properties, the proposal would result in moderate harm to the character and appearance of the area. Insofar as they are a material consideration, the proposal would be contrary to Policy JP-C2 of PfE which seeks to support the roll-out of mobile technology whilst protecting townscape quality. It would also conflict with Policy JP-P1 which seeks to ensure that developments respect local character and paragraph 119 of the Framework which highlights that telecommunications sites should be sympathetically designed.

Alternative sites

13. Paragraph 118 of the Framework states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. Accordingly, given the moderate harm to the character and appearance of the area, a balance must be struck, and consideration must be given to the need for the installation to be sited as proposed taking into account suitable alternatives.
14. Paragraph 121 of the Framework explains that applications for electronic communications, including prior approval, should be supported with the necessary evidence to justify the proposed development. The submission details how the proposal is required to provide maintained and improved 3G/4G network coverage and capacity and to establish new superfast 5G services to the operator's network users within the Stretford Road area of Old Trafford. Coverage is currently supplied by the Cornerstone base station site deployed at a multistorey car park close to the site on Stretford Road. However, due to the freeholders' plans for redevelopment Cornerstone have been served with a notice to quit. A replacement coverage solution is therefore required.
15. The target area within which the equipment can be located to meet this need is constrained, partly due to overlap of coverage. I am satisfied that the search area is appropriate and reasonable based upon the evidence before me.
16. The appellant has undertaken a search for alternative sites within the constrained cell search area, applying a sequential site selection process including consideration of site sharing and use of existing structures, and a detailed analysis of alternative ground sites. A total of 16 alternative sites were discounted for a number of planning, operational and structural reasons. For example, sites were discounted for reasons including the footway being too narrow; location in relation to surrounding residential properties; unresolvable underground and overhead services; inability to offer structural integrity; location in relation to the Empress Conservation Area; encroachment of coverage upon other networks; distance from the existing mast and an inability to provide viable coverage; and negatively impacting the operation of existing businesses.
17. I consider that the reasons given for discounting the alternative sites are satisfactory. In particular, the two alternative sites which were discounted for inadequate structural capacity were also discounted as being operationally unviable, one due to size and the other its location. Furthermore, the site

discounted for being in proximity to the metro line was also discounted due to its potential negative impact on existing businesses.

18. From my on-site observations, and the substantive evidence before me, I have no reason to doubt the legitimacy of the reasons provided as to why the alternatives were discounted in favour of the appeal site and there is no counter evidence before me which would lead me to come to a different conclusion. Furthermore, it was not apparent that there were any obvious better alternative locations within the search parameters before me.
19. The lack of better or alternative options to deliver improved coverage and capacity as needed in this area is a consideration which weighs strongly in favour of the development.

Other Matters

20. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
21. I acknowledge concerns regarding the potential for harm to existing trees. However, I note that the proposal would be specifically sited beyond the expanse of the root protection areas of nearby trees. The Council raised no objections in this regard, and from my observations on site and the evidence before me, I see no reason to conclude otherwise.
22. The Highway Authority are satisfied that as the monopole and equipment cabinets would be sited on the adopted grass verge they would retain the existing pavement space for passing pedestrians. They consider that the monopole would have no impact on the safe and efficient operation of the highway network. Based on the evidence in front of me and my own observations on site, I see no reason to conclude otherwise.
23. I have considered other concerns raised by interested parties. I have addressed the matter of character and appearance as a main issue above. Comments made in relation to climate change, environmental and energy impacts, legal cases, national security, human rights, insurance and liability, lack of need, and privacy do not change my findings in relation to the main issue. There is no compelling evidence before me to justify such matters, and in any case, my considerations are limited to the siting and appearance of the apparatus in accordance with the relevant legislation as set out in the procedural matters above.

Planning Balance

24. Paragraph 118 of the Framework informs that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. It further advises that planning decisions should support the expansion of electronic communications networks including next generation technology (such as 5G).

25. I have found that the proposal would result in moderate harm to the character and appearance of the area. However, the proposal would have significant benefits in terms of providing 5G coverage in the area, as specifically supported by paragraph 118 of the Framework. This, taken together with the lack of any identified suitable alternative sites, is sufficient to outweigh the moderate harm that I have identified.

Conditions

26. I note the suggested conditions provided by the Council. However, 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

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

L C Hughes

INSPECTOR