



Appeal Decision

Site visit made on 09 July 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/U4230/W/24/3342858

Footway of Gore Crescent, Gore Crescent, Seedley, Salford M5 5NT

- 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 Cornerstone against the decision of The Council of the City of Salford.
 - The application Ref is 23/82258/TEL56.
 - The development proposed is the installation of a 20m slim-line monopole supporting 6 no. antennas and 2 no. transmission dishes, 2 no. equipment cabinets, and ancillary development thereto including 3 no. Remote Radio Units (RRUs) and 1 no. GPS module.
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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 20m slim-line monopole supporting 6 no. antennas and 2 no. transmission dishes, 2 no. equipment cabinets, and ancillary development thereto including 3 no. Remote Radio Units (RRUs) and 1 no. GPS module at Footway of Gore Crescent, Gore Crescent, Seedley, Salford M5 5NT in accordance with the terms of the application Ref 23/82258/TEL56 and the plans submitted with it.

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. My determination of the appeal has been made on the same basis.

Planning Policy

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, any 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 21 March 2024, after the appeal was submitted, the Council adopted the Places for Everyone Joint Development Plan Document (PfE) as part of their Development Plan. PfE is a joint Development Plan Document produced by nine

Greater Manchester districts, of which Salford is one. The Council have submitted the relevant policies of the PfE, and the appellant has had an opportunity to comment on them.

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, including the setting of Buile Hill Park, a Grade II Registered Park and Garden; 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

Siting and Appearance

6. The appeal site occupies a prominent position on a highway verge within a residential area. There are residential properties directly opposite and the site immediately adjoins the boundary of Buile Hill Park, a Grade II Registered Park and Garden.
7. The significance of Buile Hill Park is derived in part from its social and historic context as a public park, being the second public park in Salford, opened in the nineteenth century. The park includes Buile Hill house, a Grade II listed building, which occupies an elevated position within the park, but it is located a significant distance from the appeal site. The park is bounded by twentieth century railings and stone walls, with large areas of open space, an abundance of mature trees and a series of paths leading from three principal entrances. These features, all contribute to the significance and special interest as a park.
8. The appeal site is located next to the park on Gore Crescent but it would primarily be viewed within the context of the residential street scene. There are existing streetlighting columns along the road and there is an existing 20 metre high monopole (existing mast), with associated equipment cabinets, a few metres from the appeal site.
9. Similar to the existing mast, the proposed monopole would be viewed against the backdrop of mature trees within the park. The trees would soften the presence and effect of the monopole within the street scene. In addition, views of the structure from within the park would be limited due to the topography of the rising landscape and the preponderance of mature trees in the park and on its boundaries. As such there would only be occasional glimpses of the proposal from within the park and I am satisfied that the proposal would not result in unacceptable harm to the setting of the Registered Park and Garden.
10. Nonetheless, the proposal would be highly visible on Gore Crescent due to its location on the pavement. Whilst longer distance views from neighbouring streets would be restricted by buildings, the proposal, due to its location and proximity to residential properties, as well as its height and appearance, would result in moderate visual harm within the street scene.
11. While the existing structure is located nearby and the two structures would be seen within the context of one another, I am satisfied that there would not be

an unacceptable proliferation of these types of structure in the locality. Likewise, the proposed equipment cabinets due to their modest scale and number would not result in visual clutter on the pavement or wider street scene.

12. Notwithstanding the above-mentioned absence of harm to the setting of the Registered Park and Garden, by reason of the siting and appearance of the proposed installation, it would be moderately harmful to the character and appearance of the area. Insofar as they are a material consideration, the proposal would be contrary to Policies DG1, D1 and D2 of The Salford Local Plan: Development Management Policies and Designations and Policy JP-C2 of the PfE. These policies amongst other things, collectively seek to support the roll-out of mobile technology whilst ensuring that new telecommunications development is of a high design quality which minimises the impact on the visual amenity, character, and appearance of the surrounding area. There would also be conflict with paragraph 119 of the Framework which requires equipment to be of a sympathetic design and camouflaged where appropriate.

Alternatives 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 shows that the proposal is required to provide enhanced 4G coverage to the surrounding area and enable 5G to be rolled out in this cell area. Therefore, the proposed installation would provide high quality, reliable, advanced indoor 5G coverage in Seedley.
15. 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 11 alternative sites were discounted for a number of planning, operational and structural reasons. This included existing rooftops and telecommunications structures. For example, sites were discounted for reasons including, buildings being too low; tree cover; the footway being too narrow; location in relation to surrounding residential properties; the inability to offer structural integrity and an inability to provide viable coverage.
16. 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. Furthermore, it was not apparent that there were any obvious better alternative locations within the search parameters before me. Indeed, the Council also confirm that they are satisfied that all appropriate options have been explored and that the search and assessment of alternative sites is sufficiently robust.

17. 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.

Planning Balance

18. Under the terms of the GPDO 2015, the principle of the proposal is not at issue, rather it is for me to consider the matters of siting and appearance. Therefore, the various social and economic benefits presented by the appellant have not been taken into account.
19. It has been demonstrated that the proposal would enable 5G coverage to be rolled out in an area where there is a need for coverage and capacity, in addition to a lack of realistic suitable alternative sites. The proposal would therefore assist in providing access to the latest superfast mobile technology to meet the demand of customers. These matters weigh significantly in favour of the proposal and when taken together, are sufficient to outweigh the moderate harm that I have identified.

Conditions

20. The GPDO 2015 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

21. For the reasons given above, I conclude that the appeal is allowed, and prior approval granted.

N Bromley

INSPECTOR