



Appeal Decision

Site visit made on 22 March 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/U4230/W/21/3288161

Land at Monton Bowling and Social Club, Hawthorn Avenue, Monton, Salford M30 9NE

- 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 & Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).
 - The appeal is made by CTIL and Telefonica UK Limited against the decision of Salford City Council.
 - The application Ref 21/77360/TEL56, dated 25 March 2021, was refused by notice dated 3 June 2021.
 - The development proposed is the installation of a 20 metre high monopole supporting 12 no. antennas, 2 no. 300mm diameter transmission dishes, 3 no. equipment cabinets located at ground level within a proposed compound, and ancillary development thereto, including the installation of ERSs (Ericsson Radio Systems), BOBs (Breakout Boxes) and 2 no. GPS modules mounted to the proposed headframe, and 4 no. ERS Racks located at ground level.
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Decision

1. The appeal is allowed and approval is granted under the provisions of 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 for the installation of a 20 metre high monopole supporting 12 no. antennas, 2 no. 300mm diameter transmission dishes, 3 no. equipment cabinets located at ground level within a proposed compound, and ancillary development thereto, including the installation of ERSs (Ericsson Radio Systems), BOBs (Breakout Boxes) and 2 no. GPS modules mounted to the proposed headframe, and 4 no. ERS Racks located at ground level at Land at Monton Bowling and Social Club, Hawthorn Avenue, Monton, Salford M30 9NE in accordance with the terms of the application, Ref 21/77360/TEL56, dated 25 March 2021, and the plans submitted with it.

Procedural Matters

2. It has been confirmed in writing that CTIL and Telefonica UK Limited is the appellant. I have therefore used this name in the banner heading above. The appellant has also confirmed that the description of the development in the application form mistakenly omits reference to 2 no. 300mm diameter transmission dishes. These are shown and annotated on the submitted plans, and I have therefore included them in the description of development as set out in the banner heading and my decision as it more accurately describes the proposal.

3. The provisions of the GPDO 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.
4. The Council has referred to a number of development plan policies in its decision notice. However, 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 to be had to the development plan. As such I have had regard to the policies of the development plan, the Council's Telecommunication Supplementary Planning Document 2013 (SPD1) and The National Planning Policy Framework (the Framework) only in so far as they are a material considerations relevant to matters of siting and appearance.
5. The appellant has provided additional details of alternative sites considered prior to selecting the appeal site in its statement of case. I am satisfied that all relevant parties have had the opportunity to comment on these and that no-one's case is prejudiced by my taking them into account.
6. Amendments to Schedule 2, Part 16, Class A of the GPDO came into force on 4 April 2022. The main parties have been provided with an opportunity to comment on these amendments and their relevance to the determination of this appeal. I have taken account of these comments in reaching my decision.

Background and Main Issues

7. The Council refused the Prior Approval application (Ref: 21/77360/TEL56) for 2 reasons. The second reason for refusal related to the lack of evidence submitted to discount the availability of alternative locations for the proposed telecommunication equipment. However, in response to the additional evidence presented by the appellant in its statement of case, the Council has now withdrawn this reason for refusal. Based on the evidence before me, I have no reason to question this.
8. As a consequence, the main issues are the effect of the siting and appearance of the proposed development upon the character and appearance of the area and the living conditions of the residents of neighbouring properties, with regard to light and outlook, 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

9. The appeal site forms a part of the car parking area to Monton Bowling and Social Club, which is bound by residential properties on Hawthorn Avenue to the west, and an area of public open space known as 'Swinton Greenway' to the east. The bowling club contains a range of vertical structures that includes floodlight columns and an existing telecommunications monopole. A backdrop of mature trees along the eastern boundary of the car park also screens views of Swinton Greenway from this area.
10. The proposal would replace an existing approximate 12.5 metre high slimline monopole mast with an approximate 20 metre high mast and 3 equipment cabinets that would be enclosed by an approximate 2 metre high fenced compound. The appellant states that this upgrade is required to enable 2 operators to utilise the same site and provide equivalent 2G, 3G, 4G coverage

to the surrounding area whilst also facilitating 5G coverage to enable superfast connectivity. As such, I find that this is not an unsuitable location in principle for the siting of telecommunications equipment.

11. The mast to be replaced, is sited directly adjacent to the bowling green and does not appear unduly visually intrusive within the context of the existing floodlighting, as it has a similar slim, vertical design, with a height and column width which are not significantly greater than this vertical lighting. Nonetheless, the appeal scheme, whilst retaining a monopole form, would have a much more visually dominant presence in views from the public realm than the structure to be replaced, due to a combination of its greater height and column width and more bulky and visibly distinct headframe design in relation to the supporting column.
12. I have been made aware that a number of trees have been felled recently along the adjacent area of public open space at Swinton Greenway. From some viewpoints the backdrop of the remaining trees would still soften the appearance of the proposed monopole, even in the winter. However, from other locations its upper section would appear visually prominent within the skyline, drawing the eye, and rising above the neighbouring built development, and other trees within Swinton Greenway.
13. It would not conflict with advice contained in the Council's 'Ellesmere Park' Supplementary Planning Document 2006 as the appeal site is not located within the boundary or the gateway/entrance points into Ellesmere Park. Nonetheless, I am mindful that it would be readily apparent from Swinton Greenway which lies within Ellesmere Park. It would also be clearly visible from closer range views from the garden areas and windows of dwellings on Hawthorn Avenue and Park Road, and the users and members of the bowling club.
14. Accordingly, the increased prominence of the proposal would result in an adverse effect on the character and appearance of the surrounding area. In so far as they are a material consideration, it would therefore conflict with Policies DEV1 and DES1 of the City of Salford Unitary Development Plan 2004-2016 (2006) (UDP) and advice in SPD1 Policy TEL2. These seek, amongst other things, to protect the character and visual amenity of places.

Living Conditions

15. Loss of views are outside the remit of the appeal and accordingly this factor has not had any material bearing on my assessment of this appeal. Nonetheless, satisfactory intervening distances, which the Council measure to be approximately 19 metres, would be achieved between the proposal and neighbouring properties on Hawthorn Avenue to ensure that its residents would not experience any significant loss of light or outlook from their habitable windows or rear garden areas. Consequently, their living conditions would not be prejudiced.
16. As such I find that there would not be any material harm caused by the proposed development to the living conditions of neighbouring residents. In so far as they are a material consideration, it would comply with UDP Policy DES7 and advice in Policy TEL2 of SPD1 in these respects. These seek, amongst other matters, to safeguard residential amenity.

Other Considerations

17. The Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It therefore supports the expansion of electronic communications networks, including 5G. It is evident from the maps provided by the appellant that there is a need for improved network coverage in the area and this has not been contested by the Council.
18. Paragraph 117 of the Framework also advises that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this should include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.
19. The appellant has provided adequate and persuasive evidence of its network coverage requirements, and its site selection process, listing a number of alternative sites that have been discounted, including mast sharing with the existing monopole. The Council does not dispute the rationale for discounting the alternative sites that have been considered, and no compelling evidence has been provided to undermine the credibility of these submissions or the size of the search area. Having sought the main parties' views on the recent amendments to Schedule 2, Part 16, Class A of the GPDO I am also satisfied that these do not effect the appellant's reasons for discounting alternative sites.
20. Whilst I note that local residents have suggested other locations such as industrial estates and motorways these are not within the search area. Based on the evidence presented by the appellant these would therefore be unlikely to meet the coverage requirements for this area.
21. Furthermore, paragraph 115 of the Framework seeks to keep installations to a minimum by using existing sites and sharing apparatus whilst providing better mobile coverage. As the existing structure would be replaced there would be no overall increase in the number of masts or sites as a result of this proposal and it would replicate and improve existing coverage. Furthermore, it would have the benefit of supporting the networks of 2 mobile phone companies. In light of the above, I am also satisfied that the appellant has demonstrated that the appeal site is the least harmful location available through which these benefits could be facilitated. These matters are therefore positive factors which weigh strongly in favour of the proposed installation.

Other Matters

22. I have had careful regard to interested parties' representations which have expressed a number of concerns including the health implications of the proposed installation, and the effect of the proposal in respect of noise, heritage, wildlife, and the car parking and membership levels of the bowling club.
23. Comments from local residents in respect of their anxiety and distress are acknowledged. 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.

24. The appeal site is a considerable distance away from Monton Green and Ellesmere Park Conservation Areas. The Council has not raised any objection to the effect of the proposed installation on the setting of these designated heritage assets and I have no reason to disagree. I am also mindful that paragraph 116 of the Framework states that Local Planning Authorities should not insist on minimum distances between new electronic communications development and existing development. In addition, the Council has not raised any concerns in respect of the proximity of the proposal to primary schools and leisure amenities and I have no substantive reason to question this.
25. No objections have been received from the Council's Highways Engineer in respect of highway safety and the car parking levels of the bowling club. There is also little firm evidence before me to support interested parties' views that the proposal would cause noise disturbance and have the potential for anti-social behaviour in the form of vandalism and sabotage, or other dangers such as from toppling over. Any disturbance during construction would be for a temporary period only and in the absence of any substantive evidence to the contrary, I have no reason to suppose that the proposal would cause material harm to wildlife or biodiversity. Furthermore, property devaluation and the membership levels of the bowling club are outside of the remit of the appeal and accordingly have not had any material bearing on my assessment of this case.
26. Any potential future increases to the size and scale of the proposed mast has also not had any bearing on my decision as I have only had regard to the siting and appearance of the proposal that is before me. I have been made aware that Members unanimously rejected the proposal at the Planning and Transportation Regulatory Panel Meeting and I recognise the level of opposition to the proposal. However, these are not determining factors in the consideration of an appeal.
27. Other similar planning applications in Salford, including on Barton Road, Worsley, and Monton Green, and an appeal decision for telecommunications equipment in Sheffield (Ref: APP/J4423/W/20/3249685) have been referred to. Nonetheless, I have not been provided with the full details of these planning applications so cannot be certain that their circumstances are directly comparable to those of the appeal scheme. I note that the appeal decision was in relation to telecommunications equipment of a similar size and design as the proposal, and that it would tower above street lights, adjacent buildings and nearby trees. However, in reaching this decision, the Inspector did not consider that it had been adequately demonstrated that there were preferable locations which would give rise to less harm in respect of the character and appearance of the area. Accordingly, its circumstances are not directly comparable with those which apply in this appeal.

28. Finally, reference has been made by the appellant to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance.

Planning Balance and Conclusion

29. Whilst I have found that the siting and appearance of the proposal would not cause harm to the living conditions of the residents of neighbouring properties, it would have an adverse effect on the character and appearance of the area. Nonetheless, having regard to all relevant considerations, including national planning policy and the lack of available alternative sites, I consider that the operational and locational needs of the operators, the enhancement of the local telecommunications network, along with the sharing capabilities of the structure, therefore minimising proliferation, would outweigh the harm caused to the character and appearance of the area.
30. For the reasons above, the appeal should therefore be allowed and prior approval is granted.

Mark Caine

INSPECTOR