The Planning Inspectorate

Appeal Decision

Site visit made on 18 January 2021

by Paul Singleton BSc MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 26 January 2021

Appeal Ref: APP/B4215/W/20/3258511
Santiago Street, Rusholme, Manchester M14 4BL

- 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 MBNL against the decision of Manchester City Council.
- The application Ref 127156/TEL/2020, dated 5 June 2020, was refused by notice dated 3 August 2020.
- The development proposed is 20m monopole complete with wraparound cabinet at base together with 6 no. cabinets and associated ancillary works.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the safety of pedestrians using Santiago Street and Rutherford Avenue and on the visual amenity of the area.

Reasons

3. The monopole mast and ancillary equipment are needed to provide 5G coverage and support the existing mobile network. The proposal is described as an upgrade to the existing telecommunications site. However, the existing 15 metre (m) pole and 4 related cabinets are sited on the opposite side of Santiago Street, some 28m to the north of the appeal site. The appellant has confirmed that that pole and equipment would be removed when the new mast and equipment have been installed. This would overcome the Council's concerns that the proposal would result in visual clutter along the northern section of Santiago Street.

4. The appellant asserts that the prior approval issued by the Council for the existing equipment has established the suitability in principle of the location for such development and that this sets a clear precedent for the current proposal. I do not accept that assertion. I agree with the Council that there are material differences between the two locations that affect their suitability for accommodating telecommunications equipment of the type proposed.

Highway safety

5. The appeal site forms part of the footways to Santiago Street and Rutherford Avenue at the junction of those two roads. The proposed mast, wraparound

cabinet and 2 freestanding cabinets would be sited on Santiago Street at the back of the footway. These would stand in front of the perimeter fence to the adjacent public outdoor play space that occupies the block of land between Santiago Street and Crofton Street to the west.

6. Along this short section of Santiago Street, the kerb has been built out on both sides as a traffic calming measure to facilitate the safe crossing of the street by pedestrians. On this side of the street, this is marked by two rows of bollards and a fall in the pavement down to a dropped kerb to direct pedestrians to the preferred crossing point. This section of the footway is likely to be used by pedestrians moving north and south along the street, people crossing the road in either direction and, possibly, by people entering or leaving the outdoor play space, although the pedestrian gate on Santiago Street appears to be a secondary rather than a primary entrance.

7. The increased width in this section enables these different movements to be undertaken safely without the risk of congestion. The proposal would result in the loss of a significant part of that additional width. Pedestrians walking along Santiago Street would have to move towards the kerb line, where the footway falls towards the dropped crossing, and then negotiate the bollards to re-join the main section of the footway to continue to the junction with Rutherford Avenue. The reduction in the width of useable footway would also make it more difficult for pedestrians to pass anyone waiting to cross the road or entering or leaving the play space at this point. This would reduce the safety of those pedestrian movements.

8. On Rutherford Avenue, the proposed siting of the remainder of the cabinets would reduce the width of usable footway below the desirable 1.8m minimum width where obstacles cannot be avoided.[1] This reduction would be in close proximity to the road junction and at the point where pedestrians cross Rutherford Avenue. This might not be of major concern on a quiet residential road. However, pedestrian flows on these sections of Rutherford Avenue and Santiago Street can be expected to be relatively high because of the close proximity of the outdoor play space and community centre. Both have their main pedestrian accesses on Rutherford Avenue and both are likely to attract pedestrians from the surrounding residential neighbourhood. Santiago Street forms a main route for pedestrians through this neighbourhood.

9. I find that the proposed siting of the mast and cabinets would have a detrimental effect on the safety of pedestrians using the footways on Santiago Street and Rutherford Avenue. The same concerns do not arise from the siting of the existing equipment which is in the middle of a longer section of pavement, without a defined crossing point, and which adjoins an area of landscaped open space that provides alternative routes for those walking into and out of Santiago Street.

Visual amenity

10. The lighting columns on Santiago Street extend roughly up to the eaves level of the terraced houses in this and the adjoining streets. The basketball hoops within the outdoor play space are significantly lower, at about 3.5-4m, and the perimeter fence to that area is around 2.1m high. All of the terraced

[1] As recommended in the Council's Design for Access 2 document.

houses are two storey with a pitched roof and are of a uniform height. The 3 storey element of the adjacent factory (on the north side of Rutherford Avenue) can be seen in some views of the appeal site. All other existing structures within the street scene on Santiago Street and the adjoining roads are substantially lower than the 20m high mast proposed. The mast would, therefore, jar with the general height and scale of the existing structures within the street scene.

11. From the observations I made on my site visit, I consider that the monopole would have a relatively stark appearance in the street scene, in particular when seen across the outdoor play space from Crofton Street, and when seen from Heald Avenue. In both cases, the mast would be seen against the sky with no substantial buildings behind it and no trees in the foreground to filter those views. It would be prominent in views from first floor rear windows of the houses on the north side of Newark Avenue, and from the front windows of Nos. 61-63 (odds) Heald Avenue and would adversely affect the outlook from those properties.

12. Looking north along Santiago Street, the pole would be seen with the 3 storey part of the factory building behind it. However, as it would be much closer to the viewer, it would appear considerably taller than the parapet of that building and the telecommunications equipment located on its roof. In contrast, because of its location opposite the factory, the existing monopole is seen side by side with the equipment on the factory roof and reads as being of a similar overall height when viewed from the south. From that direction, views of the existing mast are also partially filtered and softened by trees within the adjacent area of open space.

13. As can be seen from the image in the Council's statement, the trees to the front of the landscaped open space filter and soften views of the existing mast when looking south along Santiago Street. The perimeter trees to that space also serve to filter some of the views available from Great Southern Street and from the first floor windows to houses on the north side of Heald Avenue. The proposed siting of the new monopole does not offer that same mitigation. For these reasons, I find that the proposed mast would have an adverse effect on the visual amenity and appearance of the area within the immediate vicinity. It would not accord with the objectives of Policy DM 1 of the Manchester Core Strategy with regard to the appropriate siting of new development.

14. The location of the existing equipment has been deemed to be acceptable for such an installation but that does not set a precedent in respect of the appeal site. The siting of a 20m monopole as proposed would be much more harmful in terms of its visual effects than if it were to be positioned closer to the existing mast. It has not been demonstrated that the mast would be sited and designed in a manner which would minimise the impact on its setting as advised in paragraph 5.8 of the Code of Practice.[2] Neither does the proposal satisfy the objectives of saved Policy DC17 of the Manchester Unitary Development Plan, that the development should be sited and designed so as to minimise its impact on residential amenity.

[2] Cabinet Siting and Pole Siting Code of Practice Issue 2 November 2016

15. I note that the proposed mast could not be in exactly the same location as the existing one, because of the need to maintain an uninterrupted service during the upgrading works. However, no evidence has been submitted to demonstrate that the proposed mast could not be erected in much closer proximity to the existing one where it would have a reduced visual impact and, in my view, would be less harmful in terms of its effects on pedestrian safety. The Council points to examples where such replacements have been achieved without a loss of service. These options do not appear to have been addressed in the appellant's application or appeal submission.

16. Further evidence is required to substantiate the appellant's assertion that the appeal site is the only viable or sequentially optimum solution for the new equipment. In the absence of a more detailed assessment of a potential siting closer to the existing installation I am unable to conclude that there is no sequentially preferable siting. Prior approval should, therefore, be refused.

Other Matters

17. The appellant argues that the proposed cabinets do not require prior approval under the terms of Class A of Schedule 2, Part 16, to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, the cabinets would not be required if the new monopole was not being proposed and I agree with the Council that it is not appropriate to separate these two elements of the proposal. I also note that the description of development in the appeal form expressly includes the 6 (freestanding) cabinets as part and parcel of the proposal.

Conclusions

18. The importance of upgrading the existing telecommunications network is acknowledged. The proposal would bring significant social and economic benefits to those living and working in the area. However, I do not consider these benefits sufficient to outweigh the harm that I have identified in circumstances where a potentially less harmful option has not been shown to be unviable.

19. For the reasons set out above, I conclude that the appeal should fail and that prior approval should not be granted.

Paul Singleton

INSPECTOR