



Appeal Decision

Site visit made on 20 August 2018

by **Nigel Harrison BA (Hons) MRTPI**

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

Decision date: 22nd August 2018

Appeal Ref: APP/G4240/W/18/3201704

Greenside Lane DNS, Greenside Lane, Droylsden, Tameside, M43 7UT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required 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 EE (UK) and Hutchinson UK Ltd against the decision of Tameside Metropolitan Borough Council.
 - The application Ref: 18/00230/NCD dated 19 February 2018 (covering letter dated 20 February 2018) was refused by notice dated 17 April 2018.
 - The development proposed is: "Erection of 20m high HEL phase 5 streetworks pole on D9-root foundation and associated works".
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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 of a 20m high HEL Phase 5 streetworks pole on D9-root foundation and associated works at Greenside Lane DNS, Greenside Lane, Droylsden, Tameside, M43 7UT in accordance with the terms of the application Ref: 18/00230/NCD dated 19 February 2018, and the plans submitted with it.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the street scene and surrounding area, and whether any harm caused is outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites.

Procedural Matter

3. The revised *National Planning Policy Framework* (The Framework) was published in July 2018, after the appeal was lodged, and I have had regard to it in my decision. However, those paragraphs of the superseded Framework (2012) to which the parties have referred, other than being renumbered and updated with regard to next generation technology, have not significantly changed in content. I am also satisfied that the development plan policies referred are up-to date. As such, I consider there are no relevant implications for this appeal arising from the revised Framework.

Reasons

4. The appeal follows a decision by the Council not to give their approval for the siting or external appearance of a development that would otherwise be permitted under Schedule 2, Part 16, Class A, of the GPDO¹. The permission granted under the GPDO is equal to an outline planning permission and the consideration of the proposed development is limited to its siting and appearance, not the principle of the development².
5. The installation would be located adjacent to a traffic roundabout at the junction of five roads, with Droylsden Cemetery to the north-west of the site. There are a number of commercial uses close to the roundabout but otherwise the character of the immediate area is predominantly residential. The appellant explains that the installation is needed to provide new 3G and 4G coverage in the M43 postcode area; and with the potential for H3G LTE.
6. The Council has no objections to the proposed ground base equipment (cabinets), and I have no reason to form a different view. Its concerns relate solely to the visual effect of the proposed 20m high streetworks monopole on the character and appearance of the street scene and the wider area.
7. While it is not a prerequisite for prior approval cases to be determined in accordance with the development plan, the Council's policies are relevant as material considerations. Policy U2 of the *Tameside Unitary Development Plan, 2004* (UDP) says telecommunications development will be permitted where (a) there is no reasonable possibility of sharing existing facilities; (b) no unacceptable impact on the appearance of buildings, townscapes or the countryside; (c) the siting and appearance has been designed to minimise its visual impact; and (d) there is no possibility of erecting antennae on an existing building or structure. Amongst other things, UDP Policy C1 says the Council will expect open space features, topography and landscape character to be understood and taken into account.
8. Paragraph 112 of the Framework sets out that the expansion of electronic communications networks will be supported, including next generation technology. The anticipated improvements in coverage associated with this proposal accord with the thrust of national policy, and weigh in favour of the proposal.
9. The Council says the pole is over-scaled, would be widely visible and prominent in this location, and would dominate the street scene.
10. The landscaped area next to the roundabout is a focal point in the local street network and the location creates wider and more open views within this moderately high density area. It contains a range of existing street furniture including lamp posts, safety barriers, road signs and a distinctive ornamental feature. Behind this area is an attractive backdrop of mature trees.
11. From many viewpoints the backdrop of trees would mitigate the impact of the monopole, and from some viewpoints would mask all but the upper portion of the structure. However, it would rise considerably above the height of the trees in views westwards along Chappell Road and looking towards the site from both sections of Greenside Lane as they approach the roundabout. From these

¹ *Town and Country Planning (General Permitted Development)(England) Order 2015* (as amended)

² *Murrell et al v SSCLG et al* [2012] P&CR 6, Court of Appeal and Appeal Decision Ref APP/C3430/A/12/2172974

directions, by reason of its height and somewhat stark appearance, the monopole would stand out as a visible and discordant feature.

12. As pointed out by the appellant, the area fronting the roundabout is commercial in nature, and I note that the height of the structure would be well below the maximum that can be permitted through the prior approval process. I also accept that its slim design is the minimum width possible for this type of installation and that views of the structure would be limited from within the residential areas which are located away from the roundabout.
13. Notwithstanding these mitigating factors, the pole would still be an incongruous feature when seen from certain viewpoints, and I conclude that the siting and appearance of the monopole would be moderately harmful to the character and appearance of the streetscape and surrounding area. As such it would conflict with UDP Policies U2 (b) and (c) and C1.

Alternative Sites

14. Paragraph 114 of the Framework says applications for telecommunications development should be supported with the necessary evidence to justify the proposal. This should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. The appellant says the appeal follows pre-and post-application discussions with the local planning authority; adding that the proposed installation is not an additional facility but simply a replacement for that at Greenside Mill where the site is to be redeveloped. The appellant says any new site needs to provide replica or improved coverage to the existing, and I accept that the appellant has tried to work with the local planning authority in a constrained search area to find a location that could be supported from a radio coverage perspective.
15. A number of alternative sites in the search area were suggested which are listed in the appellant's statement. However, after due consideration, all eight sites were discounted by the appellants or the landowner for various reasons. These included a lack of response from the landowner, technical difficulties, the site being too close to housing or schools, lack of space to house equipment, and because the site could not be progressed due to ownership issues.

Conclusion

16. Chapter 10 of the revised Framework sets out Government policy for supporting high quality communications infrastructure, which is essential for sustainable economic growth and plays an important role in the provision of local community services.
17. Given the need for a facility, which weighs in favour of the proposal, a balance needs to be carried out against any harm identified. It is important to note that this proposal falls within the parameters of 'permitted development' under the GPDO. *tablished'*
18. In this case the harm moderate harm I have identified in relation to the character and appearance of the streetscene and area would be significantly outweighed by the benefits provided by the improved network coverage and capacity for the local communities and businesses.

19. There is no authority in this type of case such cases to apply any further conditions beyond the deemed conditions for development by electronic telecommunications code operators as set out in the GPDO.
20. Therefore, for the reasons given above I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR