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# Appeal Decision

Site visit made on 8<sup>th</sup> June 2022.

**by Anne Jordan BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 July 2022**

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**Appeal Ref: APP/M0655/W/22/3290564**

**Golden Square Shopping Centre, 22 Sankey Road, Warrington, WA1 1TD, 360440, 388265**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by MBNL against the decision of Warrington Borough Council.
  - The application Ref 2021/39946, dated 29 July 2021, was refused by notice dated 5 January 2022.
  - The development proposed is Proposed 10m High Fli Stub Tower on Steel Grillage and associated works at Golden Square Shopping Centre.
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## Decision

1. The appeal is allowed and planning permission is granted for 10m High Fli Stub Tower on Steel Grillage and associated works at Golden Square Shopping Centre in accordance with application Ref 2021/39946, dated 29 July 2021 and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule - "submission list (2021/39946)".
  - 3) Notwithstanding the details on the submitted plans, prior to the commencement of development details of the colour and finishes of the structure will be submitted for approval to the Local Planning Authority. The development will be carried out in accordance with the approved details.

## Preliminary Matters

2. The appeal relates to an application for planning permission. The submitted appeal form refers to a refusal of prior approval. However, the original application was made for planning permission under S78 of the Act and this is the basis on which the Council made its decision. Consequently, I have dealt with the appeal on the same basis.
3. The Council has identified a number of Listed Buildings in the vicinity of the site. In Old Market Place, the iron structure of the Old Market Hall/Former Fish Market located in the centre of the square is Grade II listed and No.8 to 13 Market Place and No.1,2 and 3 The Old Hall/Former Reading Room are all also Grade II Listed Buildings. The Barley Mow Public House is a Grade II\* Listed Building. The Blue Bell Inn on Horsemarket Street is also a Grade II listed building. A row of 5 buildings at No.43 to 51 Market Place are locally listed.

4. The town centre also has a number of conservation areas which lies close to the site including the Town Hall Conservation Area to the west, Palmyra Conservation Area 90m to the south, Bewsey Street Conservation Area and Winick Street Conservation Area to the north and Buttermarket Street Conservation Area to the east.

### **Main Issues**

5. Accordingly the main issue for the appeal is the effect of the proposal on the character and appearance of the area and whether the proposal would preserve the significance of heritage assets within it.

### **Reasons**

#### *Character and Appearance*

6. The development would comprise a building mounted telecommunications mast installation and associated ancillary works, situated at high level, on a car park rooftop at Golden Square Shopping Centre, in Warrington Town Centre. The roof of the shopping centre accommodates parking and has a built structure upon it which accommodates access and plant housing. Upon this structure sits a number of slim antenna and a design feature which resembles a large skyward facing satellite dish. This ties in with other similar but smaller features which form a visual stop on other elevated points on the shopping centre. Taken as a whole the shopping centre comprises a significant proportion of the urban centre, the contemporary appearance of which contrasts sharply with the more intricate urban form of the streets around it, which includes buildings of various age and appearance.
7. The installation would comprise a 10m high Fli Stub Tower on steel grillage with 12 associated antenna, 4 600cm diameter dishes, associated cabinets on steel grillage, a 1.1m High handrail, flooring and access steps. Due to the height of the proposed mast and its elevated position 3 floors above street level, the mast would be visible from a number of locations around the Town Centre which currently have a view of the roofscape of the Golden Square Shopping Centre. However, in the majority of these views the significant mass of the shopping centre would be the most prominent feature. Within the urban core there are limited views skyward, and when such views are available, they also encompass the varied streetscene which typifies the town centre and which dominates most vistas. In this context the mast would form a minor visual distraction on the skyline.
8. I noted on site the juxtaposition of heritage assets around the Former Fish Market. Individually each of the identified assets has significance due to the contribution they make to the streetscene and character of the area as surviving examples of buildings of their age and type. In particular, the Barley Mow Public House and the Fish Market are notable structures which visually contributed to an attractive public space. Due to the relative position of all these assets and the proposed mast there would be limited, if any, views from the assets of the site. There would be some limited shared views on the approach from Market Street towards Old Market Square. However in these views the imposing modern form of the shopping centre looms large and dominates the wider setting. In this regard any additional intrusion from the mast would be very minimal, if at all, and would not significantly alter the context in which the assets are appreciated. I am therefore of the view that

the proposal would have a broadly neutral impact on the significance of the assets and so find not conflict with Policy QE8 of the Local Plan.

9. The most likely views of the asset would, to my mind, be likely to be from the elevated position of the A57 on the approach into Warrington. In these views the mast would be seen in the context of the apparatus that is visible on the roofs of other buildings in the area. It would nonetheless be a distracting feature that would be more prominent than the street-lighting or existing antenna that are currently visible and this would detract from the clean profile that the imposing bulk of the shopping centre currently presents.
10. In this regard the proposal would cause some limited harm to the appearance of the building and so would conflict with Policy QE7 of the Local Plan as it would not enhance the character and appearance of the wider townscape.

### **Other Matters**

11. The National Planning Policy Framework advises that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion.
12. The application is supported by a submission to demonstrate that the possibility of erecting antennas on an existing building, mast or other structure has been explored. The relevant cell search area is extremely constrained, although I recognise that this is a reflection of the fact the installation would provide 5G and that the designated search area is intended to cover a densely-packed commercial area.
13. The statement indicates that the options of upgrading existing infrastructure, mast-sharing or co-locating are not possible in this instance. Furthermore, the appellant has explored the possibility of locating in 6 other locations within the search area but none would be acceptable due to proximity to listed buildings or residential properties. I am therefore satisfied that the applicant has carried out a satisfactory exploration of alternative options.
14. The Framework advises that advanced, high quality and reliable communications infrastructure are essential for economic growth and social well-being and that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.
15. Taking into account the relatively limited harm to wider character that would arise as a result of the development, and the substantial benefits that the proposal would bring by way of sustaining the provision of telecommunications for residents and businesses in the area, I consider that the benefits of the proposal would amount to a significant material consideration which would outweigh the conflict with the development plan in this case.
16. Accordingly, and having regard to all other matters raised, the appeal is allowed.

**Conditions**

17. In addition to conditions relating to the timescale for commencement and approved plans I have imposed a condition requiring details of the colour of the mast and associated structure, in order to ensure it has an appropriate appearance for the site.

*Anne Jordan*

INSPECTOR

