The Planning Inspectorate

Appeal Decision

Site visit made on 6 February 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 20th February 2017

Appeal Ref: APP/G5750/W/16/3162635
Adopted highways pavement, Green Street (adjacent to Forest Gate Police Station), London E7 8BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required in accordance with Schedule 2, Part 16, Paragraph A.1 of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended).
- The appeal is made by Telefonica UK LTD against the decision of the Council of the London Borough of Newham.
- The application Ref 16/01190/PRETEL, dated 12 April 2016, was refused by notice dated 8 June 2016.
- The development proposed is the installation of a 12.5m shareable streetpole, 1 no radio equipment cabinet and ancillary development.

Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 for the siting and appearance of the installation of a 12.5m shareable streetpole, 1 no radio equipment cabinet and ancillary development at land at adopted highways pavement, Green Street (adjacent to Forest Gate Police Station), London E7 8BS in accordance with the terms of the application Ref 16/01190/PRETEL, dated 12 April 2016, and the plans submitted with it.

Procedural Matters

2. The site elevation drawing 300, incorrectly annotates the mast as being a 15m Dual stack Pandora mast. The appellant has confirmed that as per the application pack the proposal was for a 12.5m mast as shown on the drawing itself. The 12.5m mast is described in the application form and is the description which was consulted upon together with associated plans and I have determined the appeal on this basis.

3. The Detailed Sites and Policies Development Plan Document (DPD) was adopted on 20 October 2016 and consequently the relevant saved policies of the Unitary Development Plan have been deleted. The relevant policy is now Policy SP8, criterion 1.i of the DPD together with INF9 and SP3 of Newham's Local Plan-The Core Strategy (CS) 2012. This is clarified in the Council's submissions which the appellant has had the opportunity to comment upon. Consequently, I do not consider that either party would be prejudiced by my determining the appeal on the basis of the updated policies.

Main Issue

4. I consider the main issue in this case to be the effect of the proposal on the character and appearance of the area and, in the event that any harm is identified, whether that harm would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

5. The appeal proposal would be situated on the pavement on the west side of Green Street close to the junction with Romford Road and north of the vehicular access to the car park of Forest Gate Police Station (the Police Station). The surrounding area is of mixed use character with residential uses to the east along Finden Road, terraced traditional and new build dwelling houses on the south and north sides of the road. The Forest Gate Police Station is west of the site and there is a mix of commercial and residential uses to the south of the site along Green Street.

6. The proposal is for a 12.5m telecommunications mast topped with a shrouded antenna to be situated at the edge of the boundary wall surrounding the Police Station. An associated Lancaster cabinet is proposed abutting the wall to the south of the mast. Both the mast and the cabinet would be coloured black.

7. A new telecommunications base station is required in order to provide improved 2G, 3G and new 4G network services for Telefonica and Vodafone to this high customer demand urban area. In the primarily residential areas adjoining the appeal site there is a requirement for a minimum of indoor urban RF coverage and ideally Indoor Dense Urban RF coverage. The appellant's coverage plots show the areas that would benefit from enhanced service as a result of the proposal. The Council has not disputed the need for the mast to provide improved coverage in the area and I see no reason to disagree. I note that the proposed base station complies with the ICNIRP guidelines and a certificate declaring compliance was submitted with the application.

8. The pavement width in the vicinity of the appeal site is approximately 4.5m. On this section of pavement there are several items of street furniture including two street lights, one of which is situated close to the vehicular access for the Police Station, the other is close to the junction with Romford Road. There is also a free standing advertisement in the centre of the pavement and beyond this a bench and a litter bin adjacent to the Police station wall. At the junction of Green Street and Romford Road are traffic lights and a street sign. A 20m lattice mast is situated to the rear of the Police Station in the car park.

9. The National Planning Policy Framework (the Framework) recommends in paragraph 43 that existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. Also paragraph 45 of the Framework requires evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored.

10. The appellant explains the approach with regards to the site selection process. Initial searches took place in May 2014 with subsequent re-searches and desktop reviews being undertaken following the refusal of the initial[1] and second[2] GPDO applications in December 2015 and April 2016 respectively. Following the initial desktop assessment and physical searches it was not possible to identify any

[1] Council application reference 15/02746/PRETEL
[2] Council application reference 16/00277/PRETEL

existing installations that would provide the required level of coverage or any that could be shared. The only existing form of such a structure being the lightweight lattice communications mast within the police station car park. Since the determination of the application the police have confirmed in an email dated 21 July 2016 that this mast site would not be available for redevelopment. Next rooftop locations were explored and suitable or available rooftops or structures which were capable of being shared and consequently the search progressed to greenfield options. A list of the 18 sites which were considered but then discounted has been provided by the appellant.

11. A number of reasons are cited for the various other locations being discounted including that the site was not suitable for technical reasons or existing underground or overhead services; proximity to residential properties; or that the pavement is too narrow. However, in two cases it is also stated that owners were not willing to consider a telecommunications on their building or withdrew support for the proposal. The Council consider that the unwillingness of owners to cooperate may be due to a lack of sufficient financial incentive, however, there is no evidence to support this assertion. I note that following the previous refusals there have been several re-visits to the area with coverage teams from the operators in order to find/examine all possible solutions. Consequently, I am satisfied that over time the appellant has considered and reasonably eliminated a range of alternatives and the mast would be dual use to minimise proliferation. These are considerations to which I attach significant weight.

12. The proposal would be a slim Streetworks column with antennas hidden behind a shroud. This is now a standard form for such equipment in urban streets. The height of the pole would exceed that of the lamp posts by a significant margin, but would otherwise appear as a standard uncluttered monopole. When viewed from the south approaching along Green Street, the proposal would be viewed to an extent against the backdrop of the three-storey Police Station. When viewed from the north from the junction with Romford Road it would be visible against the backdrop of the two storey properties. However, when viewed from the junction of Finden Road it would stand significantly higher than the existing wall and due to a gap in built development created by the car park it would be clearly visible against the sky. It would, nevertheless, be seen in the context of the 20m high mast in the Police Station car park in the background.

13. The proposed cabinet is to be painted black and would be situated against the brick wall. Whilst it would be visible to pedestrians and drivers it would be seen against the backdrop of the existing wall. The Council are concerned that the cabinet would cause security concerns due to the proximity to the boundary wall of the Police Station. I note that an anti-climb barrier proposed in earlier iterations of the scheme has now been removed. Whilst I am aware that the siting of the proposal in this location would be contrary to the Cabinet Siting and Pole Siting Pole Code of Practice 2013, I also note that the Police have not raised concerns with regards to security. I also note the presence of other street furniture situated up against the wall. I do not, therefore, consider that the proposed cabinet would present a materially greater security risk than the existing street furniture.

14. The Framework advises that where new sites are required (as is demonstrably the case here) equipment should be sympathetically designed and camouflaged where appropriate. The mast and cabinet would be clearly visible in the street scene, however, it is difficult to see how an installation at this particular location might be camouflaged beyond the subdued and neutral colouration proposed and more

sympathetically designed than a standard form of uncluttered monopole with shrouded antennas and a standard form of cabinet.

15. Policy SP8 which replaces EMP1 simply states at Criterion 1.i of Policy SP8 that the Council will support proposals that demonstrate the need to minimise impacts of development's interference with broadcasting and other telecommunications services. Policy INF9 states that priorities for infrastructure will be set out in the Infrastructure Delivery Plan. Thus any potential conflict with the development plan relates to Policy SP3 and the effect of the proposal on the character and appearance of the area. Given the location of the mast and cabinet it would not be possible to be hidden from street level view. The height of the monopole would distinguish it from adjacent lamp posts. Thus there would be some visual impact which would bring the proposal into conflict with Policy SP3.

16. Paragraph 42 of the Framework stresses the importance of high quality communications infrastructure to sustainable economic growth, whereas Paragraph 43 seeks to minimise the associated environmental harm. The decision, therefore, turns on the balance between those considerations. Bearing in mind that the monopole is a standard and widely used form designed to minimise clutter and be as inconspicuous as possible, that there are existing lamp posts and street furniture and another higher mast in the area; the degree of harm to the street scene and the character and appearance of the area is not so significant as to preclude compromise with the objective of accommodating recognised needs.

17. Moreover, I am satisfied that on the basis of the evidence presented that the appellant has over time considered and reasonably eliminated a range of alternatives. These are considerations to which I attach significant weight. Although the matter is finely balanced I consider that the need for the apparatus proposed is sufficiently compelling to outweigh, as a matter of fact and degree, harmful conflict with the intentions of the development plan I have identified so far as the effect of the proposed development on the street scene and the character and appearance of the area is concerned.

Other Matters

18. I note the objection from the Council's Traffic, Network and Streetworks Manager which states that the Council will be placing a yellow box junction outside the rear entrance to the Police Station and that this may cause difficulties with regards to maintenance. However, I note that only a minor footpath diversion would be required to enable an engineer to access the radio equipment cabinet. Maintenance visits would not require an engineer to park on site. Given the width of the footpath, and the presence of parking bays nearby I consider that the site would be accessible for maintenance.

Conclusion

19. For the reason stated and taking into account all other considerations, I conclude that the appeal should be allowed.

Caroline Mulloy

Inspector