



Appeal Decision

Site visit made on 16 January 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 26 February 2020

Appeal Ref: APP/J4423/W/19/3240861

Land adjacent Berkeley Precinct, 451 Eccleshall Road, Sheffield S11 8PN

- 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 (EE Ltd & Hutchinson 3G UK Ltd) against the decision of Sheffield City Council.
 - The application Ref 19/02956/FULTEL, dated 6 August 2019, was refused by notice dated 3 October 2019.
 - The development proposed is a proposed telecoms upgrade. Proposed Phase 7 Monopole C/W wraparound cabinet at base and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the site address to be that as stated on the decision notice and the appellant has confirmed this within section D of the appeal form.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposed development on an identified community facility.

Reasons

Character and Appearance

4. The proposed development is to install a 20 metre high telecommunications mast with several associated equipment cabinets alongside. It would be sited along the public footpath between the car park serving Berkeley Precinct, a parade of retail shops in an "L" shape block with some residential properties above. The footpath forms part of Eccleshall Road, which is an arterial route in and out of Sheffield.
5. The adjacent buildings to the appeal site consist of residential and commercial properties and are typically large, but these are not high rise. There is also a significant amount of street furniture but generally there is a sense of openness within the immediate and wider street scene. This is due to the gaps between the appeal installation and nearby buildings, including the car park between the site and the shopping precinct. I saw that the road was busy and the footway

itself was utilised considerably by pedestrians particularly waiting for the buses within the bus shelter along the footpath directly next to the site.

6. Policy BE14 of the Sheffield Unitary Development Plan, 1998 (UDP) requires that telecommunications development should be sited and designed to minimise its visual impact. It encourages mast-sharing or the siting of development on existing structures. Additionally, Policy CS74 of the Sheffield Development Framework, Core Strategy, 2009 (CS), requires high quality development that contributes to place making, creates attractive, sustainable and successful neighbourhoods. I find these policies broadly compliant with the National Planning Policy Framework, 2019 (the Framework) and so they carry significant weight.
7. The existing mast, which is some 14.7 metres in height, and which is located further along the public footway with associated equipment, is to be replaced by the proposed development, albeit within a slightly different location further along the footpath. Although it appears tall in comparison to existing street furniture, its siting and design gives this mast a utilitarian appearance.
8. The proposed mast would be significantly higher than that of the existing, including street furniture and the street lighting columns, which are some 12 metres in height. It would also be wider and have a bulkier headframe and would not be of similar appearance to the existing. This excessive height of the mast would tower above the nearby buildings, particularly against the backdrop of the retail block building of the precinct. Whilst, the mast would be seen from close-by it would also be seen on approach along Eccleshall Road due to the height, design and siting along the footway, resulting in a prominent and obtrusive feature within the street scene. The associated equipment would further add to its incongruous appearance and the bulk of the overall development.
9. Furthermore, the proposed development would span considerably along the footway and its cumulative impact with the existing street furniture would add to and result in excessive clutter along this stretch of footway. I acknowledge that the operator intends to replace the existing mast and equipment in situ. However, there is limited evidence to suggest when this would be removed or carried out or the nature of these works to ensure the footway is restored and the telecommunications site would not result in both monopoles and equipment being sited.
10. Nonetheless, in the absence of sufficient evidence to clarify the proposed development, I consider if this was the case, it would exacerbate the harm I have identified to the immediate and wider street scene.
11. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would be contrary to Policy BE14 of the UDP, 1998 and Policy CS74 of the CS, 2009. These policies taken together require development, including telecommunications sited and designed to minimise its visual impacts and that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city; create attractive, sustainable and successful neighbourhoods.

12. It would also be contrary to paragraph 113 of the Framework, which requires new sites (such as new 5G networks) and equipment to be sympathetically designed and camouflaged where appropriate.

Loss of community facility

13. The proposed development including the mast and equipment cabinets would be sited to the rear of the pavement and immediately in front of an existing area of raised hardstanding. The Council in their evidence advise that is used as a recycling platform and an area of occasional display by members of the public. The raised area is paved with enclosed railings which face the car park area of the shopping precinct. There is no access to the hardstanding other than by the pavement and there is no vehicular access to it, other than vehicles having to mount above the kerb and cross the footway.
14. As I saw at the time of my site visit, the hardstanding area was empty and there was no recycling facility sited within it. Notwithstanding the Council's comments I have not been provided with any substantive evidence to confirm that the hardstanding area is maintained for public benefit, who facilitates and/or who maintains this area for recycling purposes. I therefore have insufficient evidence to consider that the proposed development would lead to the loss of a valuable community facility.
15. Furthermore, Policy CS74 of the CS relates to design principles and does not specifically identify community facilities or in relation to public benefits, albeit it requires new development to contribute to a healthy, safe and sustainable environment.
16. For the reasons given above, I conclude that the proposed development would not result in the loss of a community facility and would not be contrary to Policy CS74 of the CS, 2009, which relates to design principles of development.

Benefits and Planning Balance

17. The Government places high priority on the provisions of high quality communications. The Framework at paragraph 112 states "*Advance, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including the next generation technology (such as 5G) and full fibre broadband connections*".
18. The appellant confirms they are upgrading their existing street works monopole installations and sites are predominantly located on highways close to population densities. They have submitted evidence to support the application and I acknowledge that an upgrade has both commercial and national importance to serve the 5G technology and promote economic growth to use mobile devices within the area. Whilst the location is not identified as a sensitive land or in close proximity to any listed buildings.
19. 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.

20. Paragraph 115 of the Framework, amongst other things advises that development for electronic communications development should be supported by the necessary evidence, this includes for a new mast or base station, evidence that the applicant has explored the possibility erecting antennas on an existing building, mast or other structure.
21. The appellant has provided limited evidence of any search for another site. In particular, the evidence states that it would be located in the same general location as the existing telecommunications installation at the site. However, it would be located further along the footpath where there is no existing monopole or associated equipment. The '*Site Specific Supplementary Information*' is also limited on the details of the check for suitable sites by the operator, it states that the submission is purely to upgrade this existing installation with new equipment and there are no other viable alternative options than to upgrade, due to it being an existing telecommunication site. It also advises that no other standalone new facilities have been investigated.
22. The appellant's evidence also indicates that at times two new monopoles are required due to the level of data demand in that area. Therefore, the evidence before me is contradictory in terms of the appeal proposals as it states it will be to the existing structure as an upgrade rather than a replacement.
23. As such I consider that the appellant's evidence is unclear in parts, particularly in regard to the lack of evidence on alternative options or sites being put forward. Furthermore, the proposed development would not be located where the existing site is as it would be sited in a different location along the public footpath, being more prominent and larger. Therefore, the proposed development could not be considered as a replacement or upgrade of the existing mast or equipment.
24. I acknowledge the appellant's comments on the location of the current siting of the existing mast and this was previously agreed as the most appropriate location from the original installation.
25. However, whilst this may be the case it is not a consideration that outweighs the harm, I have found in regard to the proposed development, and, in any case, the existing mast and equipment is smaller in height and width. Furthermore, I have dealt with the appeal on its own merits and the evidence as submitted.

Conclusion

26. I conclude that the proposed development causes unacceptable harm to the character and appearance of the surrounding area. The harm is not outweighed by other material considerations or public benefits arising from the proposal and it could neither be overcome by conditions. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

K A Taylor

INSPECTOR