
Appeal Decision

Site visit made on 22 May 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal Ref: APP/V1260/W/19/3243489

St Pauls Road DNS, Dean Park, Bournemouth BH8 8AJ

- 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 EE Ltd & Hutchinson 3G UK Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2019-18550-LY, dated 4 September 2019, was refused by notice dated 31 October 2019.
 - The development proposed is described as '*proposed telecommunications upgrade. Proposed Phase 8 monopole with wraparound cabinet at base and associated works*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the planning application form. It differs from that on the appeal form and decision notice which is '*erection of replacement telecommunications 20m high monopole and associated equipment cabinets*'. My decision is based on this description, since it more accurately describes the proposal.

Main Issue

3. The main issue is 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 to site the installation in the location proposed, having regard to the potential availability of alternative sites.

Reasons

4. The appeal site is part of a grass verge running along the side of St Pauls Road, a stretch of dual carriageway linking the St Pauls roundabout and station roundabout on the edge of Bournemouth town centre. The verge separates the road from a service road of an Asda superstore behind the site. On the opposite side of the carriageway are high-rise offices and student accommodation.
5. The verge contains a number of lighting columns, some street signs and clusters of mature shrubs and small trees. Close to the appeal site there is an approximately 12m high monopole mast with equipment cabinets adjacent. The mast is visible in views from the public realm along St Pauls Road and from the

- approaches to both ends of the road. The equipment cabinets are largely screened from public view by soft landscaping.
6. The proposal would replace the aforementioned mast with a 20m mast, which would be sited around 8 m away on the highway verge, and would have a wrap-around cabinet at its base and 3 separate cabinets adjacent. Two of the existing cabinets would also remain. The Appellants state that the upgrade is required to facilitate Fifth Generation (5G) coverage to enable improved connectivity.
 7. My attention has been drawn to a recent permission granted under the Prior Approval procedure for a similar 20m high monopole mast sited approximately 34 metres further along the grass verge from the appeal site, near the St Pauls roundabout, to be operated by the Appellants in addition to the appeal proposal. I observed during my site inspection that there is a similar mast in this location and, as such, this permission appears to have been implemented.
 8. The appeal site is located in a visually prominent location on a busy dual carriageway linking a main ring road to part of the town centre. I have had regard to the urban, commercial environment within which the appeal site is located, which includes high rise buildings on the opposite side of the road and other vertical structures such as street lighting and telecommunication masts. As such, I find that this is not an unsuitable location in principle for the siting of telecommunications equipment.
 9. The mast to be replaced, although highly visible within the street scene, does not appear unduly visually intrusive within the context of the adjacent street lighting columns serving St Pauls Road and the supermarket service road, as it has a similar slim, vertical design, with a height and column width which are not significantly greater than those of the lighting columns, a visually unobtrusive antennae design, and a height which does not excessively exceed that of the superstore building behind.
 10. The appeal scheme, whilst retaining a monopole form, would have a much more visually dominant presence in views from the public realm than the structure to be replaced, due to a combination of its greater height and column width and more bulky and visibly distinct headframe design in relation to the supporting column.
 11. The proposed structure would not visually integrate with the nearby street lighting due to its notably greater height and column width. It would rise to around twice the height of the building behind it, appearing as a stark, incongruous feature within the street scene. It would appear unduly visually prominent within the skyline, drawing the eye, and rising above the low-level built development and open grass verge characteristic of this side of St Pauls Road. The position of the proposal close to the roadside would further contribute to the visual dominance of the proposal as perceived by passing drivers.
 12. Also, I noticed on my site inspection that the proposed replacement monopole position further along the grass verge and away from the St Pauls Roundabout is more open in views to motorists approaching St Pauls Road from the A338 Ring Road than the position of the existing structure, due to a curve in the road and mature landscaping adjacent to the highway which provides some screening in views towards the appeal site from this end of the road.

13. Accordingly, the proposal would result in unacceptable harm to the character and appearance of the surrounding area. The Appellants have suggested that the new monopole could be finished in colour appropriate to the location to minimise its visual appearance. However, on the basis of the evidence before me, I am not persuaded that the visual impacts arising from the design, height and siting of the structure could be overcome by the use of a particular colour finish.
14. Furthermore, the aforementioned similar mast near the St Pauls roundabout is visible in views from St Pauls Road, particularly when approaching from the Holdenhurst Road end. Due to its proximity to the appeal proposal, I consider that there would be a harmful cumulative visual impact arising from the two structures.
15. The proximity of the masts to each other, their location on the same side of St Pauls Road and their significant height above the built development and street lighting on this side of the road is such that they will be capable of being viewed together above the skyline in wider views towards this side of St Pauls Road, which is more open and low rise than the opposite side of the road. The resulting cumulative view of the pair of high masts would serve to draw attention to the appeal scheme and would add significantly to the visually dominant impact of the appeal scheme, whilst introducing an element of perceived visual clutter at high as well as low level. The heights of the structures are such that they are not capable of being effectively screened by existing or new soft landscaping.
16. The Appellants have confirmed that, at times, two new 20m monopoles will be required in order to manage the increased demands in data and so that each operator can optimise the best use of the spectrum available to them.
17. I am mindful of the guidance in the Framework which advises that the number of radio and telecommunications 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, together with the encouragement given to the use of existing masts, buildings and other structures for new electronic communications capability.
18. In this respect I attach some weight to the fact that the appeal scheme has been designed to be shared between EE Ltd & Hutchinson 3G UK Ltd. However, this weight is diminished by the fact that this is also the case in respect of the current apparatus on the appeal site and that similar mast sharing is proposed for the Prior Approval scheme nearby.
19. Furthermore, the Appellants argue that as the appeal proposal is an upgrade and not a new additional mast, no other standalone new facilities have been investigated. They consider this is in line with the sequential site selection process. The Appellants state that a new additional mast to facilitate the upgrade would not be in line with the Framework, as by upgrading the current facility, the most sequentially preferable option has been progressed. The Appellants argue that the current siting was agreed by the Council as the most appropriate location when the existing monopole structure was approved, and that since discounted options were supplied with the original planning submission, the principle of the siting is already established.

20. Paragraph 115(c) of the Framework outlines that for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure should be submitted. The requirement for such evidence is relieved only where the proposal is for an addition to an existing mast or base station. The Framework does not exclude replacement masts from such an assessment as the Appellants suggest. Consequently, as the proposal is a new (albeit replacement) mast, it is necessary to consider alternative sitings.
21. Given the aforementioned significant differences in height, width and design of the existing structure (that is proposed to be replaced) and the proposed monopole mast, I do not consider it sufficient or appropriate to rely on the rejected options considered in the original planning submission. Also, I find that the Appellants have not fully justified the requirement for the siting of the appeal proposal in addition to the monopole mast recently approved nearby under the Prior Approval process, having regard to the harm to the visual amenities of the area arising from the cumulative impact of the two structures.
22. The reason for refusal indicates that the Council's objections to the development include impacts arising from the supporting apparatus and associated equipment, as well as the monopole structure. The Appellants contend that the equipment cabinets would be permitted development. This is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. In this regard, it is open to the Appellants to apply to have this matter determined under section 192 of the Act, and such an application would be unaffected by my determination of this appeal.
23. As it stands, the proposal before me relates to the whole installation, and I have therefore considered the impact of the cabinets on the character and appearance of the area. I find that the proposed cabinets would not be overly prominent within the street scene, due to their low height and small scale, and the potential to plant additional soft landscaping to provide screening, in a similar manner to that which screens the existing cabinets. As such, I do not find that they would demonstrably harm the character and appearance of the area.
24. For the above reasons, I therefore conclude that the proposal would harm the character and appearance of the area and would conflict with Policy 5.11 of the Bournemouth District Wide Local Plan (2002), Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012) and Policy D4 of the Bournemouth Local Plan: Town Centre Area Action Plan (2013). These policies, amongst other things, seek to ensure that new development respects the site and its surroundings, contributes positively to the appearance of the public realm, and is of an appropriate scale and height, and that telecommunications proposals, whilst respecting operational efficiency, are designed to minimise the impact on visual amenity in terms of siting and external appearance. For similar reasons, the proposal would also be contrary to Policies of the Framework which seek to secure high quality design as set out in Chapter 12.
25. The proposal would also conflict with guidance within the Framework that the applicant should submit evidence they have explored the possibility of erecting antennas on an existing building, mast or other structure.

Other Matters

26. The Appellants have referred to the national importance of the use of the proposed monopole installation as part of the Emergency Services Network (ESN). I have not been provided with any evidence to demonstrate the significance of the current installation in this context or that there is a specific need or demand for the proposal to meet a deficiency in the ESN. I therefore give this argument little weight.
27. I acknowledge that, as the Appellants highlight, the site is not within an area with a statutory designation for a particular protection such as for heritage or ecological purposes. The lack of harm to such a protected area does not sufficiently weigh in favour of the proposal to overcome the harm I have identified.
28. The Appellants have referred to the lack of a response to their pre-application enquiry. The Council states that it has no record of this. Notwithstanding this, I do not consider that the lack of a response has a bearing on the merits of the appeal. In any event I note the pre-application submission date of 30 August 2019 and the application submission date of 4 September 2019 which would give little opportunity for a considered response to be provided by the Council.
29. The Appellants have submitted a copy of the document titled 'Councils and Connectivity - How local government can help to build mobile Britain' (2018). This document outlines the mobile industry's view on how local government can create an environment that is conducive to the building of mobile infrastructure. The document does not appear to have been through any public examination and I give it little weight in the appeal.

Planning Balance and Conclusion

30. I acknowledge the potential economic and social benefits of the proposal detailed by the Appellants, and the support given by the Framework in Paragraph 112 to advanced, high quality and reliable communications infrastructure, including 5G networks, in supporting economic growth and social well-being.
31. I do not consider that the public benefits of the installation in terms of the enhancement of the telecommunications network, its contribution to economic growth and the operational and locational needs of the operators outweigh the significant harm that I have identified to the character and appearance of the area.
32. For the reasons set out above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR