



Appeal Decision

Site visit made on 8 June 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Appeal Ref: APP/U4610/W/20/3244853

Land adjacent to Arena Retail Park, Classic Drive, Coventry CV6 6AS

- 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 Coventry City Council.
 - The application Ref FUL/2019/1911, dated 12 July 2019, was refused by notice dated 9 September 2019.
 - The development proposed is the upgrade to an existing telecoms site. Proposed phase 7 monopole c/w wraparound cabinet at base and associated works.
-

Decision

1. The appeal is allowed, and planning permission is granted for the upgrade of current telecommunication equipment including the installation of a phase 7 monopole mast, with wrap-around cabinets at its base and associated works at land adjacent to Arena Retail Park, Classic Drive, Coventry CV6 6AS in accordance with the terms of application reference FUL/2019/1911, dated 12 July 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 215 Maximum configuration site plan 1244774-COV094-63212-254271-M001 issue A, 002 Site location drawing 1244774-COV094-63212-254271-M001 issue A, 265 Maximum configuration elevations 1244774-COV094-63212-254271-M001 issue A, 003 Access plan 1244774-COV094-63212-254271-M001 issue A and 005 Cherrypicker/Crane location(s) 1244774-COV094-63212-254271-M001 issue A.
 - 3) No development above slab level shall take place until details of the colour of the mast and cabinets have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
 - 4) The existing mast and cabinets, as shown on plan titled '100 existing site plan' with reference '1244774-cov094-63212-254271-M001 issue A', shall be fully removed and the land restored to a grass finish within 14 days of the approved mast and cabinets being installed.

Procedural matter

2. The description of development in the heading above has been taken from the planning application form. Part E of the appeal form states that the description of development has not changed. However, different wording has also been entered in this section. Consequently, I have taken the description of development from the appeal form as this more accurately describes the proposal. I have also made minor alterations to the description for clarity.
3. I have also adjusted the site address from that used in the application form to the one used in the appeal form to more clearly describe the site location.
4. The Council's reason for refusal makes reference to policy C1 of the Coventry Local Plan 2017 (LP). However, the Council has since explained that this was an error and it instead considered that the proposal would be contrary to policy C2. The appellant has been given an opportunity to reflect on this. I have therefore taken this into account without prejudice to any party.

Main Issue

5. The main issue is the effect of the proposed monopole mast and its associated cabinets on the character and appearance of the area.

Reasons

6. The appeal site is a road-side parcel of land adjacent to a landscaped area. The site is alongside the entrance drive to Arena Park Shopping Centre. It is therefore within a commercial area. The site currently contains an existing monopole with several associated cabinets. Surrounding street furniture includes streetlights, pedestrian railings and street signage. Closer to the junction with the A444 there is another monopole mast, associated cabinets and a large totem sign displaying retailers within the Park. The access road connecting to the A444 climbs a gradient up to the junction. The site is partly framed by landscaping and a restaurant building behind. The surrounding area presents a landscaped arrival setting for the Shopping Centre, framed by hedging, trees and small food retail units. As such, the area makes a positive contribution to the character and appearance of the area.
7. Policy C2 of the LP requires telecommunication equipment to be considered in mind of the operational requirements of the network, to satisfy the International Commission on Non-Ionising Radiation (ICNIRP) Guidelines, the potential for mast sharing and the impact on local visual amenity. It also requires obsolete equipment to be removed as soon as possible. The Council's Telecommunication Guidance¹ states that in mixed commercial and residential areas masts may be acceptable provided that the operator demonstrates that no alternative site is available, that it would not be visually prominent, screened from public areas, be no more than 2m higher than the visual screen and be colour coated.
8. The National Planning Policy Framework (The Framework) places importance on decisions that support the expansion of electronic communication networks. It states that new masts should be sympathetically designed. Such equipment should be consistent with the needs of consumers, the efficient operation of the network and provide reasonable capacity for future expansion. The Framework

¹ Coventry City Council- Supplementary Guidance Note 'Telecommunications – A Design Guide' 2005

also encourages the reuse and adaption of existing base stations. Furthermore, it states that proposals for new masts should evidence the possibility of erecting antennas on an existing building, masts or other structures. This therefore establishes a sequential approach first favouring the reuse of existing sites.

9. The Council has identified a potential alternative location for a mast on the opposite side of the Ricoh Arena from the site. However, the appellant has explained that this site would not meet their signal quality requirements. Although I do not have full details of this, I am nevertheless satisfied that no alternative site has been identified in evidence as being readily available. Furthermore, in any event the upgrading of an existing base station is favoured by the Framework over the creation of new sites.
10. Turning to visual impact, the proposed mast would be wider and taller than the mast it would replace. This structure would also be accompanied with a greater number of cabinets. However, the proposal would be used by multiple operators and it would be located within an area of existing large street furniture. Moreover, the existing mast is located adjacent to an open section of road-side verge. Therefore, the removal of the existing mast and cabinets from the open view would result in a more collected and ordered cluster of roadside furniture. Accordingly, the proposed mast would not substantially increase the amount of street furniture and place it in a less prominent location.
11. The site would not satisfy all elements of the Council's Guidance in regard to screening. However, the proposal would be set away from the junction and be on lower land in comparison to the A444 due to the declining gradient. The locational characteristics would therefore diminish the prominence of the proposal to some extent. Furthermore, it would be a slender feature and therefore be in character with local street furniture. Although relatively tall, the appellant explains that its height is necessary to meet site sharing requirements and prevent interference. Moreover, it would be located within an established street furniture zone, where relatively tall vertical features are characteristic of the area. Consequently, the mast would not be demonstrably out of scale with the surrounding character.
12. Turning to the effect of the proposal on existing landscaping, the existing trees and hedging are set a short distance from the footway and would be retained. This would substantially frame the cabinets and diminish their overall visual effect. Accordingly, taking the above matters together, the proposed mast and cabinets would not have a harmful effect on the character and appearance of the area.
13. Accordingly, the proposal would satisfy policies C2 and DE1 of the LP which seek, amongst other things, to consider the impact of development on the character and appearance of the surrounding area and to respond to the physical context of the site. The proposed monopole and cabinets would also satisfy the Council's Telecommunications Supplementary Planning guidance which seeks masts that are not visually prominent. These policies generally accord with the Framework that encourages mast sharing and the reuse of existing sites.

Conditions

14. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). This requires conditions to be necessary and reasonable². I have applied the following conditions in accordance with the advice within the PPG, in the interests of certainty and to define the approval. Furthermore, condition 3 is necessary in the interests of the character and appearance of the area and to satisfy the requirements of the Council's Guidance. Also, condition 4 is required to ensure that the existing mast is removed promptly following installation of the approved mast. The removal would prevent the unnecessary proliferation of street furniture. The principle of these measures has been referenced by the appellant³ in evidence and is necessary in the interests of the visual effect of the proposal.

Other matters

15. The Council has suggested that two smaller masts would be less intrusive and should be explored. However, I am satisfied that such masts would not deliver the coverage required due to the appellant's coverage requirements. Furthermore, two masts and their associated cabinets, would result in a greater proliferation of street furniture than that proposed.

Conclusion

16. For the above reasons the appeal is allowed.

Ben Plenty

INSPECTOR

² National Planning Policy Framework, Paragraph 55

³ Appellant's Grounds of Appeal paragraphs 3.2 and 4.1.5