



Appeal Decision

Site visit made on 7 July 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2020

Appeal Ref: APP/G5180/W/20 3246526

Cray Avenue, Orpington, Bromley BR5 4AA

- 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 the Council of the London Borough of Bromley.
 - The application Ref DC/19/02856/FULL5, dated 28 June 2019, was refused by notice dated 20 August 2019.
 - The development proposed is installation of a 20m monopole, 12 no. apertures, 6 no. equipment cabinets, alongside associated ancillary equipment; the removal of the existing 12.5m monopole, 3 no. antennas, 4 equipment cabinets, alongside any redundant ancillary equipment.
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Decision

1. The appeal is allowed and planning permission is granted for installation of a 20m monopole, 12 no. apertures, 6 no. equipment cabinets, alongside associated ancillary equipment; the removal of the existing 12.5m monopole, 3 no. antennas, 4 equipment cabinets, alongside any redundant ancillary equipment at Cray Avenue, Orpington, Bromley BR5 4AA in accordance with the terms of the application, Ref DC/19/02856/FULL5, dated 28 June 2019 , 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 following approved plans: 002 Site Location Plan, 100 Existing Site Plan, 150 Existing Elevation A, 215 Max Configuration Site Plan and 265 Max Configuration Elevation.
 - 3) The colour of the proposed monopole and cabinets shall be submitted to and agreed in writing by the local planning authority before development commences.
 - 4) The existing monopole and associated cabinets and equipment shall be removed from the site within 60 days of first operation of the proposed monopole and associated equipment.

Main Issue

2. The main issue is the effect of the proposal on the character of the area and appearance of the street scene in relation to the height, design and siting of the monopole and the number and siting of the cabinets.

Reasons

3. The appeal site is on the western side of Cray Avenue (A244), a wide and busy strategic road, to the south of the junction with Poverest Road. It has been a telecommunications site since 2003. There is a mast 12.5m high sited on a grass verge between the footway and carriageway to Cray Avenue; associated cabinets are located to the rear of a second wider grass verge behind the footway, alongside a metal fence bounding a parking area to a Selco building materials site.
4. The proposal is to replace the existing mast with a 20m monopole sited to the rear of the wider verge with additional and retained cabinets to both sides adjacent to the boundary fence. It would provide upgraded mobile/digital equipment to accommodate 5G services. The appellant comments that the additional height is required to address the needs of the specific technology being installed, to avoid potential interference whilst allowing two operators to use the site and to take into account local topography and structures. Alternative sites examined were not considered suitable. The appellant concludes that there are no existing base stations that are physically capable of accommodating the additional 5G antennas for the required coverage. The Council does not object to the principle of the continued use of the site for telecommunication purposes, but to the visual impact of the proposal.
5. The proposed monopole would be significantly higher and wider than the present mast and would be a conspicuous feature in the street scene when viewed from close quarters. However, the immediate context of the site is commercial in nature. There are advertising hoardings sited at the back of the verge, only some 5m from the proposed siting of the mast, and there is a bus shelter with an advertisement adjacent to the carriageway to Cray Avenue. Beyond the boundary fence to the Selco site is an open car park with an array of floodlight columns, high racking for storage of timber and a commercial building with related signage. The nearest residential buildings in Bridge Road to the west and Kent Road to the east are substantially separated from the appeal site.
6. Whereas the existing mast is sited in a forward position between the footway and carriageway to Cray Avenue, the recessed proposed siting of the replacement mast would help to reduce its visibility in the street scene. There are mature trees along the verge to Cray Avenue to the north and south of the site which would screen, or filter, longer views of the proposed mast from both directions. There are also mature trees to the eastern side of the road within a public park opposite the appeal site that would constrain views towards the mast from this direction. Whilst these trees near to the site are generally not as high as the proposed mast and are mainly deciduous, their large size, positioning and frequency would still help to mitigate the monopole's visual impact during winter months when leaves have fallen.
7. The equipment cabinets would be arranged in a line about 17m in length at the back of the verge. Whilst there would be an increase in their number and their appearance would vary in respect to cabinet width and height, they would all be viewed against a backdrop of a higher metal fence to the Selco site and close to the advertisement hoardings. Their siting to the back of the grass verge away from the footway to Cray Avenue would mean that they would not be unduly conspicuous in the street scene. Nor would they result in undue

clutter in the street scene given the greater prominence of the larger advertisement hoardings and bus shelter and the overall width of the grass verge. A more unified appearance would result if all cabinets were painted the same colour; this could be covered by a planning condition.

8. The National Planning Policy Framework (the Framework) places importance on achieving well-designed places and on supporting high quality communications. Paragraph 112 of the Framework states *"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 next generation mobile technology (such as 5G)"*. Paragraph 113 requires new equipment to be *"sympathetically designed and camouflaged where appropriate"*. It is my judgement that the limited harm to visual amenity arising from the proposal would be greatly outweighed by the need for the facility.
9. The proposal would accord with Policy 89 of the Bromley Local Plan (2019) (BLP) on telecommunications development in that the monopole and cabinets would be sited to cause the least visual impact on the character, appearance and amenity of the area subject to operational needs. There would be no material conflict with Policy 37 of the BLP on positively contributing to the street scene given the recessed siting of the monopole and the extent and proximity of tree screening.

Conclusion

10. The proposal is for the redevelopment of an existing telecommunications site. It would not introduce a new use at the site, and the use would not adversely affect the character of the immediate area which is commercial in context. Whilst the proposed monopole would be considerably higher than the mast it would replace, its height would be the minimum needed to meet the technical requirements for two operators; it would be sensitively designed in this respect. The recessed siting of the monopole and the additional cabinets would minimise their visual impact on the street scene and the presence of mature trees nearby would also filter longer views of the monopole. There is a need for the facility to enhance local connectivity. For these reasons, and having regard to all other matters raised, the appeal is allowed subject to conditions.
11. The Council has suggested two conditions if the appeal is allowed. The first to limit the lifespan of the permission is a necessary requirement. The second requiring complete accordance with the approved plans is unduly prescriptive; I have substituted a condition listing the approved plans in the interests of certainty and to enable approval of minor material amendments should this be expedient. The appellant has suggested two additional conditions which I consider necessary. The colour for the cabinets should be approved beforehand, to ensure a uniform appearance in view of their number. The existing mast and cabinets no longer required should be removed in a timely way on completion of the development to reduce the overall quantum of development present on site to that necessary for operational purposes.

Rory MacLeod

INSPECTOR