
Appeal Decisions

Site visit made on 24 August 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal A Ref: APP/Z0116/W/20/3253571

Knowle Water Tower, Knowle Reservoir, Talbot Road, Bristol, BS3 2NN

- 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 (UK) Ltd & H3G (UK) Ltd) against the decision of Bristol City Council (the LPA).
 - The application Ref. 19/00769/F, dated 14/2/19, was refused by notice dated 2/12/19.
 - The development proposed is the removal of 6 no. antennas and their replacement with 6 no. new antennas utilising existing support poles, the replacement of equipment cabinets within the existing internal equipment room and development works ancillary thereto.
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Appeal B Ref: APP/Z0116/Y/20/3253574

Knowle Water Tower, Knowle Reservoir, Talbot Road, Bristol, BS3 2NN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by MBNL (EE (UK) Ltd & H3G (UK) Ltd) against the decision of Bristol City Council (the LPA).
 - The application Ref. 19/00770/LA, dated 14/2/19, was refused by notice dated 2/12/19.
 - The works proposed are the removal of 6 no. antennas and their replacement with 6 no. new antennas utilising existing support poles, the replacement of equipment cabinets within the existing internal equipment room and development works ancillary thereto.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The main parties agree that the proposed antennas would result in less than substantial harm to the significance of the grade II listed Knowle Water Tower¹.
3. The LPA's decisions relate to amended plans that allow for reduction in size of the proposed antennas and for the installation of two antenna in each of the six proposed apertures. In effect, the proposal would allow for 12 antennas. I have determined these appeals on the basis of the amended plans.
4. As I saw during my visit, some of the existing telecommunication equipment / apparatus on the building is different² to that shown on the submitted drawings and photomontages. I note that the photographs used for the photomontages are dated February 2018.

¹ The provisions of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged. The LPA is unconcerned by the proposed replacement of equipment cabinets inside the tower.

² This could be the 'upgrade' for other operators referred to within the appellant's Heritage Statement.

Main Issue

5. The main issue is whether the less than substantial harm to the significance of Knowle Water Tower would be outweighed by the public benefits of providing enhanced telecommunication network coverage.

Reasons

Planning Policy

6. The development plan includes the LPA's Core Strategy (CS) adopted in 2011 and the LPA's Site Allocations and Development Management Policies Local Plan (LP) adopted in 2014. The most relevant policies to the determination of these appeals are CS policy BCS22 (historic environment) and LP policy DM31 (heritage assets). However, neither of these policies reflects the 'heritage balance' contained within paragraph 196 of the National Planning Policy Framework (the Framework)³. This would limit the weight to be given to any conflict with these development plan policies.
7. Whilst no party appears to have relied upon it, I note from the list of LP policies provided with the Appeal Questionnaire that LP policy DM36 relates to new telecommunications facilities. I also consider this to form one of the most relevant development plan policies to the determination of these appeals⁴.
8. In addition to setting out the 'heritage balance', the Framework supports high quality communications infrastructure.
9. Whilst not planning policy, I have also had regard to the Code of Best Practice on Mobile Network Development in England (2016).

Public Benefits

10. The proposed development / works would enhance existing telecommunication network coverage within this part of Bristol for use by the appellant's customers. This would include provision for new 5G services and would assist the appellant in meeting its contractual obligations with regards to the new Emergency Services Network. The enhanced services would help strengthen the local economy and local community services and facilities. The proposal would accord with the thrust of the Government's objectives for providing high quality communications and LP policy DM36. These public benefits can be given a large amount of weight.
11. The appellant has also argued that the income received from the proposal could help contribute to the future maintenance of the listed building. Be that as it may, there is no evidence before me that the building would be at any risk of decay / deterioration if these appeals were unsuccessful or that the owner of the water tower (Bristol Water PLC) has insufficient funds or income to maintain the fabric of this listed building.

Less than Substantial Harm

12. Knowle Water tower is a three storey structure that was built at the start of the 20th century for Bristol Waterworks. The significance of this designated heritage asset is derived primarily from its architectural qualities. These

³ This is an important material consideration that carries substantial weight.

⁴ The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 do not apply in appeal B.

include its square, red brick Gothic tower with its window range, arcaded machicolations, arrow slits in recessed arcade and its crenelated parapet.

13. As I saw during my visit, an assortment of telecommunications equipment / apparatus has been installed / affixed to the exterior of this listed building. Whilst much of this has been painted to match the façade of the building it detracts from the significance (architectural qualities) of this heritage asset and gives a cluttered appearance to the upper section of the tower.
14. The proposals would entail replacing the appellant's six existing antennas on the upper sections of the northern, eastern and western elevations of the water tower with six new antenna apertures. These replacements would be painted to match the façade of the building and would utilise the existing support poles.
15. However, the new apertures would be larger than those it is intended to replace and would have a much bulkier appearance. They would be visually prominent and increase the scale of clutter on the upper section of the listed building. The smooth 'metallic' look of these new apertures would also be at odds with the appearance of the clay brick walls.
16. From parts of the public realm the proposals would intrude into the space formed by some of the crenels and obscure parts of some of the merlons. These new apertures would detract from the pleasing appearance of this important building and an appreciation of its architectural detailing, including its crenelated parapet. The proposed development / works to the exterior of this listed water tower conflict with CS policy BCS22 and LP policy DM31.
17. I agree with the main parties that in the context of the Framework the proposals would comprise less than substantial harm to the significance (heritage interest) of this grade II listed building. If there is a sliding scale of harm within this category the proposal would be somewhere between the middle and lower end. However, this does not amount to a less than substantial planning objection. The Framework requires great weight to be given to the conservation of designated heritage assets. The harm that I have identified above carries considerable (more than a large amount of) weight.

The Heritage Balance / Overall Conclusion

18. When the less than substantial harm to the significance of Knowle Water Tower is weighed with the public benefits of the proposal the balance tips against granting permission / consent. I note the findings made by some Inspectors in respect of telecommunication apparatus / development elsewhere⁵ in the country. However, each case must be determined on its own merits and none of these other appeals entailed the erection of antennas on a grade II listed building. These other cases do not set a precedent that I must follow. Whilst the Framework encourages the use of existing buildings for communications infrastructure, it is by no means certain that the proposals are the least harmful way of providing enhanced telecommunication network coverage. Given all of the above, I conclude that these appeals should not succeed.

Neil Pope

Inspector

⁵ APP/R5510/W/16/3143922, APP/M5450/W/17/3180345, APP/L1765/W/18/3197522, APP/X5990/W/18/3218246, APP/P4605/W/19/3241791.