



Appeal Decision

Site visit made on 17 November 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2020

Appeal Ref: APP/G5750/W/20/3249160 Stansfeld Road, Newham, London E16 3TZ

- 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 Newham.
 - The application Ref 19/02151/FUL, dated 31 July 2019, was refused by notice dated 25 September 2019.
 - The development proposed is the installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets, the removal of the existing 11.7m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets, the removal of the existing 11.7m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto. at Stansfeld Road, Newham, London E16 3TZ in accordance with the terms of the application, Ref 19/02151/FUL, dated 31 July 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 (Issue C)
 - 100 Existing Site Plan (Issue C)
 - 150 Existing Site Elevation A (Issue C)
 - 215 Max Configuration Site Plan (Issue C)
 - 265 Max Configuration Elevation (Issue C)
 - 3) No above ground development shall commence until details of the finished colour of the equipment hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. The Council's officer report and decision notice referred to the emerging London Plan (the ELP), specifically Policies D1, D2 and D7 of *The Draft London*

Plan – consolidated changes version which was published in July 2019. Between the planning application being determined and this appeal being lodged in March 2020, the Mayor of London published *The London Plan – Intend to Publish version*¹. Policy D2 was renumbered D4, and Policy D7 was renumbered D8, but aside from this the three policies cited remained substantially the same between the two versions of the ELP. The appellant's statement referred to the December 2019 version of the ELP, and I have also had regard to that most recent version in determining this appeal. Although the ELP does not yet form part of the development plan, in accordance with the requirements of Paragraph 48 of the National Planning Policy Framework (the Framework) I afford it substantial weight.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is within the footway on the east side of Stansfeld Road, on the inside of a long sweeping bend. It lies adjacent to Beckton District Park, which forms much of the eastern boundary of Stansfeld Road, with Newham City Farm on the other side of the road. At present the site contains a monopole telecommunications mast set at the kerb edge, with four associated equipment cabinets at the back of the footway. The proposal is to remove the existing mast and erect a new taller monopole mast and base cabinet at the back edge of the footway approximately 10m to the south. Three of the existing cabinets would be removed, and a further eight equipment cabinets installed along the back of the footway on either side of the new mast.
5. The character of the area immediately surrounding the appeal site is predominantly defined by the trees and open spaces of the park. While the existing installation by no means adds to the visual quality of the area, from many viewpoints it is either screened by or set against a backdrop of the trees and shrubs immediately north east of the appeal site. The proposed installation would be further from the trees and shrubs, in a more open setting next to an area of grassland. Although it would be a relatively slender structure, the proposed mast would be taller than that currently in place, with more equipment cabinets required to support its operation. Overall, the development would be a more prominent feature, and more intrusive in its parkland surroundings. As a result it would make a negative contribution to the visual quality, and thus to the character and appearance, of the area.
6. There are already tall infrastructure features with a strong vertical emphasis in the surrounding area. As well as the mast and other equipment on the appeal site, there is another mobile communications base station around 40m to the north, and an electricity pylon around 100m to the south east within the park. Given this, the proposed installation would not be an entirely alien addition to the area. Some further visual clutter is caused by the several large bins and containers which make up a small recycling collection point on the footway a short way south of the appeal site. Furthermore, the positioning of the mast at the rear of the footway rather than at the kerb edge as at present would

¹ The London Plan Intend to Publish (showing changes in response to the Inspectors' recommendations), published December 2019

reduce its visual impact in some longer views along Stansfeld Road, as well as making it slightly easier for people to navigate the footway than at present. Taking these factors into account, I consider that the harm caused by the proposed development would be limited.

7. Nevertheless, I conclude that there would be some harm to the character and appearance of the area. The proposal would therefore conflict with Policies SP1, SP3 and SP8 of the 2018 Newham Local Plan (the NLP), Policies 7.1, 7.4, 7.5 and 7.6 of the 2016 London Plan (the LP16)², and Policies D4 and D8 of the ELP. Among other things these policies together seek to ensure that development is well-designed, responds well to local character, and contributes to creating an attractive public realm. The proposal would also conflict with Policy SP7 of the NLP, which seeks to improve the public realm of Quality Movement Corridors and Linear Gateways within the Borough, including Stansfeld Road.
8. Notwithstanding the conflict with NLP Policy SP8 I have found, the appellant has submitted a declaration that the proposed installation would comply with International Commission on Non-ionizing Radiation Protection standards, as required by that policy. There would be no conflict with NLP Policies SP2, which seeks to create healthy neighbourhoods, or S5, which among other things seeks to secure economic growth in Beckton. I also find no conflict with ELP Policy D1, which although it refers to understanding the character of areas is principally aimed setting out the issues which the Mayor of London wishes to see boroughs' development plans address in planning for growth.

Planning Balance

9. Paragraph 112 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks, including next generation mobile technology such as 5G. Paragraph 113 indicates that the number of 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. It also encourages the use of existing masts, buildings and other structures for new electronic communications capability.
10. The proposed development would upgrade existing infrastructure to provide additional network coverage and capacity for two network operators, including the introduction of new 5G services. There are significant benefits to the public at large from being able to access high quality mobile communications, which in my view carry considerable weight in favour of the proposal.
11. The appellant has stated that the existing mast on the site is not tall enough to provide an acceptable 5G service to the surrounding area, nor would it in any case be capable of bearing the load of the antennas necessary to provide the full range of 2G, 3G, 4G and 5G services for two operators. The proposed siting of the new mast and other equipment slightly to the south of the existing installation has been dictated by the presence of various underground services and the need to avoid interference with the other base station further north on

² The London Plan: The Spatial Development Strategy for London consolidated with alterations since 2011 (published March 2016)

Stansfeld Road. Possible alternative sites in the vicinity have been assessed by the appellant and discounted as unsuitable for various reasons, and I note that the Council has not disputed the appellant's conclusions in this regard, nor has it suggested any other alternatives itself. I acknowledge also that the existing mast on the site will be removed and there will therefore be no overall increase in the number of masts or sites as a result of this proposal.

12. I therefore find that whilst there would be limited harm to the character and appearance of the area the benefits which would arise from the proposed development, as well as the fact that there would be no increase in the number of mobile communication masts in the area, are sufficient to outweigh this harm. Accordingly, I find that material considerations indicate that the appeal should be determined other than in accordance with the development plan in this case.

Conditions

13. As well as the standard time limit condition, a condition specifying the approved plans is necessary to provide certainty. The colour of the proposed equipment was not specified in the planning application, and in order to protect the character and appearance of the area a condition requiring this matter to be agreed is also necessary.

Conclusion

14. For the reasons given above the appeal is allowed subject to conditions.

M Cryan

Inspector