



## Appeal Decision

Site Visit made on 23 November 2020

**by T Gethin BA (Hons), MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 December 2020**

**Appeal Ref: APP/Z0116/W/20/3258777**

**Smoke Lane Street Works (HUAWEI), Smoke Lane, Avonmouth, Bristol BS11 9BP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by EE Ltd & Hutchison 3G UK Ltd against the decision of Bristol City Council.
- The application Ref 20/02020/Y, dated 6 May 2020, was refused by notice dated 6 July 2020.
- The development proposed is described as Proposed Telecommunications upgrade. Proposed 20.0m AGL Phase 7 monopole c/w wrapround cabinet at base and associated ancillary works.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the Order do not require regard to be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

### Main Issues

4. The main issues are: the effect of the siting and appearance of the proposed development upon the character and appearance of the surrounding area; and the effect of its siting on ecology.

### Reasons

#### *Character and appearance*

5. The appeal site is located within a built-up commercial/industrial setting and is not in an area designated for its character and appearance. The site is part of a generally open and undeveloped grass verge running beside a footway and the

- adjoining carriageway. Due to its open position, it is visible in public views, including from the nearby junction and for some distance along the highway. Given its setting and characteristics, I observed on my site visit that the site is also a relatively prominent feature in the locality and contributes positively to it. There are a number of items of street furniture in the locality, including street lights, telegraph and electric poles and wires. Situated in a relatively unobtrusive position and surrounded by various features including poles, street lights and boundary fencing, there is also an existing telecommunications monopole mast and associated cabinets on the opposite side of the highway.
6. The proposed plans submitted with the appeal show that a 20 metre monopole tower would be erected along with a number of ground-based cabinets. Given the position of the site and its setting, the proposed development would appear as a notable feature in the public realm and would result in significant visual clutter in a part of the streetscene which is relatively open and undeveloped. The colouring of the monopole and the presence of surrounding street furniture and trees (to the rear of the site, behind the verge) would not sufficiently screen the proposed development to prevent this harm.
  7. It has been put to me that the cabinets shown on the submitted proposed plans are permitted development and are therefore not part of the appeal. However, they are included on the proposed plans and it seems to me that they would only need to be installed if the proposed monopole tower were constructed. Accordingly, and although the appellants have kept them to a minimum, they form part of my consideration as to the totality of the effect of the appeal proposal.
  8. The appellants set out that the height of the monopole is required to clear surrounding clutter. Be that as it may, the presence of such existing clutter, even taking account of their similar vertical nature, does not indicate that the harm arising from the additional street clutter in an open and undeveloped area would be acceptable. I recognise that the appeal proposal is described as an upgrade and the appellants' indicate that it would replace the existing mast and associated works. However, there is a reasonable degree of separation between the site and the existing mast, which is located on the opposite side of the highway and is situated in a different and less prominent position. As such, the proposed development would read as a standalone scheme and the presence of the existing mast neither indicates that the appeal proposal is acceptable nor that the principle of its siting is already established. The appellants' stated intention to remove the existing mast and cabinets once the proposed installation is operational does also not lead me to a different conclusion.
  9. Accordingly, I find that the siting and appearance of the proposed development would harm the character and appearance of the surrounding area. In coming to this view, I have taken account of the fact that the proposed development is similar to other installations found elsewhere, would be shared between two providers – and used by the emergency services network (ESN) – and that alternative sites were considered as part of the granting of permission for the existing mast opposite the site.
  10. Setting out that alternatives have been considered in this case, the appellants also state that the sequential approach has been adhered to. Be that as it may, I have little substantive evidence before me which demonstrate that there are no other suitable sites for the appeal proposal and that the site is the most

appropriate location and the only viable solution. Given the existing mast was also granted prior approval several years ago, it seems likely to me that circumstances could have changed since then to the point that the previous findings relating to alternative sites are not necessarily applicable now. Consequently, I am also not satisfied that the appeal proposal is supported by the necessary evidence to justify the proposed development with regards to the possibility of erecting antennas on an existing building, mast or other structure, as set out in paragraph 115c) of the Framework, or for example upgrading the existing mast. That the development may mean that other subsequent installations in the area would not be needed does not lead me to a different conclusion.

### *Ecology*

11. I note that the main parties disagree as to whether the site is located within or near to a Wildlife Corridor, which are defined by Bristol City Council's Site Allocations and Development Management Policies Local Plan (LP) as non-designated local nature conservation sites. However, the map contained in the Council's appeal statement and which is available on their website confirms that the site is within the Wildlife Corridor known as Land to the South of Smoke Lane.
12. LP Policy DM19 covers the Council's approach to considering the effect of development on nature conservation. Amongst other aspects, it sets out that development that would be likely to have an impact upon habitats, species or features that contribute to nature conservation in Bristol will be expected to be informed by an appropriate survey and assessment of impacts and be designed and sited to avoid any harm where practicable and viable.
13. Situated in a busy, built-up urban area, the site may not appear to have any obvious important habitats, species or features of nature conservation importance. However, there is little substantive evidence – such as an ecological survey – to demonstrate that this is the case. The fact that the site is within an area of land identified by the development plan as a Wildlife Corridor also indicates that it does contribute to the nature conservation value of Bristol. Supporting this, the supporting text to LP Policy DM19 sets out that the habitats, species and features that contribute to the nature conservation value of Bristol include Wildlife Corridors and that these areas contribute to the function and long-term value of Sites of Nature Conservation Interest. I am also mindful that the appeal site is identified as being within the risk impact zone for the Severn Estuary Site of Special Scientific Interest.
14. It has been put to me that the development has sought to mitigate any perceived detrimental effects and that all efforts to keep the monopole away from potentially sensitive receptors have been adhered to. However, there is little evidence before me which substantiates this. Neither has it been demonstrated that the development would not be likely to negatively affect nature conservation – including in relation to the connectivity and function of the Wildlife Corridor – and/or has been designed and sited to avoid any such harm where practicable and viable. In relation to this, I note that the appellants' Site Specific Supplementary Information document contains little reference to ecology or the Wildlife Corridor and states, amongst other aspects, that the proposed new mast has been sited and designed in order to provide 5G coverage and to support the existing mobile network.

15. Accordingly, I find that the siting of the proposed development would not be acceptable with regards to ecology. In coming to this conclusion, I have taken account of the appellants' suggestion that the colour of the proposed monopole could be conditioned and the fact that the site is not within nationally or internationally designated areas.

### **Planning Balance**

16. The Framework supports the provision of high quality communication infrastructure. Amongst other things, it identifies that advanced, high quality and reliable communications infrastructure are essential for economic growth and social well-being.
17. Improving network coverage in the locality, which currently includes a gap in 5G coverage, the appeal proposal would provide enhanced digital communication and improved connectivity for a multitude of users in the high density cell search area. It would contribute to the economy by supporting, for example, smart infrastructure and services, innovation, efficiency, employment and increased productivity. It would therefore assist with the Government's growth agenda and its aspirations that the majority of the population have access to 5G mobile coverage.
18. In addition to the proposed mast being shared between the appellants, it would also be utilised by the ESN. However, although the proposed installation would be compatible for the emergency services, I have little substantive evidence that it is specifically needed for the ESN to function. I therefore place limited weight on this aspect.
19. The appeal site is not on Article 2(3) land and is not near residential uses. The scale of the development is needed in order to ensure sufficient coverage is provided and, as set out above, it would provide various benefits. However, I have found that the siting and appearance of the proposed development would harm the character and appearance of the surrounding area and that its siting would not be suitable with regards to ecology. In weighing up the scheme, I find that the benefits do not outweigh the harm I have identified and would not amount, as the appellants suggest, to special circumstances that justify the development. Nor have I been presented with any compelling evidence which indicates that there are no alternative means of providing similar network coverage in the area.

### **Conclusion**

20. For the above reasons, the appeal is dismissed.

*T Gethin*

INSPECTOR