



Appeal Decision

Site visit made on 12 August 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/X1355/W/20/3253070

Junction A688/A6072, Bishop Auckland, DL14 9AU

- 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 EE Limited & Hutchinson 3G UK Limited against the decision of Durham County Council.
 - The application Ref DM/20/00668/FPA, dated 6 March 2020, was refused by notice dated 6 May 2020.
 - The development proposed is a replacement 5G 20m monopole, associated cabinets and ancillary development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted the County Durham Plan (CDP) on 21 October 2020 and therefore the saved policies of the Wear Valley District Local Plan have now been superseded. Both the Council and appellant have been provided with an opportunity to comment on the implications of the updated development plan.

Background and Main Issue

3. The appeal site comprises a grassed area of highway land set to the south east of Aldi and Iceland supermarkets adjacent to the A688, and in a largely commercial area, albeit with some residential properties noted within the vicinity on Green Lane. An already established telecommunications installation including a monopole and ancillary cabinets and equipment is set adjacent to the appeal site and the boundary between the adopted highway and adjoining land.
4. The National Planning Policy Framework (the Framework) advises that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum, but where new sites are required equipment should be sympathetically designed and camouflaged where appropriate.
5. Paragraph 116 of the Framework sets out that local planning authorities must determine applications on planning grounds only, and should not seek to prevent competition between different operators, question the need for an

electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

6. In this instance, the proposed monopole and ancillary equipment would replace the existing 15m pole and 2no. existing cabinets, with a further 2no. cabinets to remain. The Council recognises that the proposal would support the development of 5G infrastructure and whilst I have had regard to the concerns of a nearby residential occupiers regarding the position, appearance and visual impact of the larger monopole, I am satisfied that given the existing telecommunications infrastructure and predominantly commercial nature of immediately adjoining land that the proposal would not result in an unacceptable impact on the character and appearance of the area.
7. The Council has however expressed concern over the impact of the proposed development on safety of highway users with the 5G installation located closer to the highway edge than the existing installation. Therefore, the main issue is the effect of the proposed development on the safety of highway users.

Reasons

8. In contrast to the existing telecommunications installation which is set adjoining the boundary line of the neighbouring commercial land, the proposed installation would be set further forward adjacent to the back of the footpath and would represent a greater visual impact due to its increased height and bulk. In this context, the Council has expressed particular concern over the impact of the positioning of the installation on the visibility available to vehicles accessing the A688 from the connector road for the nearby businesses.
9. In response to this concern, the appellant has submitted details of the sight line to the south-west from the connector road on to the A688. The measured distance indicates a sight line chord of 85.75 metres from the junction to a termination point at the nearside line of the protected right turn into Green Lane.
10. However, the guidance which I have been directed to within the *Manual for Streets 1 and 2*, and *Design Manual for Roads and Bridges (DMRB)*, sets out that a visibility measurement for a minor road junction accessing a major road should terminate at the major road carriageway edge, thus allowing full visibility of the entire carriageway. For this to be achieved in this instance the measured distance of the sight line chord, whilst not quantified, would be considerably less than that presented by the appellant in the Grounds of Appeal.
11. In any event, the appellant's calculations and conclusions of acceptability are clearly premised upon a demonstration of accordance with the typical safe stopping distances for a 60mph approach speed in an emergency scenario, as set out at Rule 126 of the Highway Code, rather than more reasonably the DMRB stopping sight distance of 203 metres for 60 mph approach speeds.
12. My conclusions have had regard to the characteristics of the road network and the likelihood of vehicles already decelerating within the approach to the major junction and roundabout further to the north-east. However, there is no analysis or evidence provided by the appellant related to this in mitigation of the impacts of the development. I am therefore satisfied that the Council has adopted a reasonable precautionary approach to highway safety due to the

absence of a satisfactory demonstration of adequate visibility splays in this instance, and that the proposed development would introduce an obstruction within the existing visibility splay resulting in an unacceptable impact on highway safety.

13. For these reasons, I find the proposed development would lead to a significant and unacceptable impact on highway safety. This would conflict with Policies 27 and 29 of the CDP, which seek to address the implications of new telecommunications masts or other broadcast and broadband equipment by allowing development where there will not be significant adverse impacts, and ensuring all development proposals are of a sustainable design. Furthermore, the unacceptable impact on highway safety would conflict with paragraphs 109 and 116 of the Framework.

Planning Balance

14. I recognise the benefits that the proposal would bring in terms of improved telecommunications and especially for the provision of 5G, along with national support for this technology, but I find in this case that the harm outweighs these benefits and so the planning balance falls against the proposal. I have also taken into account that the proposal is a replacement for an existing telecommunications installation, and a shared resource.
15. I accept that the need for a full assessment of alternative sites and masts has inevitably been limited given that the proposal replaces an existing installation. However, given that the conflict with highway safety was communicated to the appellant during the course of the planning application, no further analysis of alternative options in the vicinity or justification for the appeal scheme appears to have been provided. I find this lack of evidence to weigh against the proposals in light of the identified harm, which is a decisive consideration in the circumstances that apply here.
16. On the main issue, I have found that the harm to highway safety would not be outweighed by the need to site the installation in this location. The proposed development would be contrary to the development plan and there are no material considerations to indicate that the appeal should be determined other than in accordance with the development plan.

Conclusion

17. For these reasons, I conclude that the appeal should be dismissed.

Martin Seaton

INSPECTOR