



Appeal Decision

Site Visit made on 8 December 2020

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/A5840/W/20/3254824

Land adj. Mandela Way, Bermondsey Spa, London SE1 5TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by HUTCHISON 3G UK LTD against the decision of London Borough of Southwark.
 - The application Ref 20/AP/1182, dated 17 April 2020, was refused by notice dated 12 June 2020. The development proposed is prior approval notification for installation of phase 8 monopole c/w, wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The first reason in the Council's refusal notice related to technical breaches of parameters outlined in Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) as amended. The Council no longer contests this; therefore, it has not formed part of my assessment.
3. In the banner heading above, I have used the development description from the appeal form, as this provides more clarity regarding the proposal.

Background and Main Issue

4. The principle of development is established by the GPDO and the provisions therein require the local planning authority to assess the proposed development solely upon the basis of its siting and appearance, taking into account any representations received. In this context, I have had regard to development plan policies and the National Planning Policy Framework (the Framework) only insofar as they are relevant to the siting and appearance of the development.
5. Prior approval was refused by the Council as it considered that the proposal would be incongruous in context with the surrounding area, while also introducing clutter that would disrupt the pedestrian footway.
6. Consequently, the main issues are the effect of the proposed development on the character and appearance of the area, and the effect on nearby pedestrian safety.

Reasons

Character and Appearance

7. The appeal site comprises part of a pedestrian footway located adjacent to the entrance to a large supermarket and facing a busy roundabout close to the commercial centre of Bermondsey. A belt of mature trees abuts the footway and

runs along part of the supermarket's boundary with Mandela Way. These trees provide an attractive natural feature that soften the surrounding urban environment which primarily consists of four storey housing blocks and retail warehousing with associated parking forecourts and hard standings, and connecting roads.

8. The proposed development would comprise a 20 metre high installation with associated ground-based equipment cabinets. It is required to provide new 5G coverage in order to improve that service in the Southwark area.
9. The mast installation would be significantly taller than the adjacent trees, as well as the large majority of residential and commercial buildings located near the roundabout. The proposal's open setting close to a four arm roundabout would allow for extensive views of the mast from the approach roads, as well as from residential properties and the large supermarket car park nearby. In this context, it would appear overly prominent, whilst its industrial, manmade presence would appear incongruous in context with the softer appearance of the boundary trees. The exposed antennae and other equipment mounted on the headframe would also give the mast installation a disjointed and cluttered appearance that considerably detracts from the verdant character of the adjacent landscaped boundary.
10. During my site visit, I observed that there are other vertical elements located close to the appeal site, namely the streetlights and totem signage for the petrol station. In the case of the streetlights, these are much slimmer and shorter structures compared to the mast installation, and therefore much less prominent in comparison. Furthermore, the totem sign is no taller than the boundary trees, whilst also set within a wooden frame that is sympathetic to its immediate surroundings.
11. Consequently, as a result of its scale and appearance, the proposal would be highly visible in the area and would in my view, represent an incongruous and dominant development that would adversely affect the character and appearance of the area.
12. Notwithstanding my concerns in relation to the mast installation, the proposed ground-based equipment would appear modest in height and in terms of their number. They would be sited close to the boundary trees and would assimilate well against the backdrop of the taller vegetation, whilst also being obscured somewhat from longer distance views by the existing roadside railings. On this basis, this part of the proposal would not have a harmful effect on the character and appearance of the area and would be acceptable in this regard.
13. In concluding on this main issue, whilst I have found the ground-based equipment acceptable, the proposed mast installation would cause significant and unacceptable harm to the character and appearance of the surrounding area. Insofar as this harm relates to the development plan, the proposal would fail to comply with Policy 3.13 of the Southwark Plan, 2007 (the Local Plan), where it requires proposals to be designed with regard to their local context and to make a positive contribution to the character of the area. It would also conflict with the National Planning Policy Framework (the Framework), where it requires proposals to be sympathetic to the local character, including the surrounding built environment and landscape setting (Paragraph 127 c)).

Pedestrian Safety

14. The appellant has indicated that the width of the footway following the installation of the proposed development would be 5.7 metres. I have no reason to dispute this and following my site visit I observed that the footway close to the appeal site is very wide and far exceeds a standard width pavement. The residual area of

footway would be free from development and would provide pedestrians including buggies and mobility scooters, with a wide and accessible area that would be devoid of physical obstructions or visual barriers.

15. Concerns have been raised, by the Council, that the positioning of the proposed development on the footway requires pedestrians to alter their direction of travel. However, this would only be negligible given that pedestrians would already have to deviate their direction of movement on account of the bend in the footway, while also having to move away from the proposed development towards the pavement edge to access the pedestrian crossing area.
16. The Council has referred to the likelihood that the proposed ground-based equipment cabinets would require the removal of the existing bicycle racks on the footway. It is not clear from the submitted drawings whether this would be the case, nevertheless a planning condition could require their repositioning nearby.
17. Therefore, the proposal would have an acceptable effect on nearby pedestrian safety. Insofar as the proposal relates to the development plan, it would accord with the provisions of Policy 5.3 of the Local Plan which require proposals to contribute towards direct, safe and secure walking and cycling routes. In terms of the Framework, the proposal would not result in unacceptable impacts on highway safety (Paragraph 109).

Other Matters

18. I am mindful that the Framework (paragraph 112) advises that advanced, high quality and reliable communication infrastructure is essential for economic growth and well-being, and the expansion of 5G electronic communication networks should be supported. These requirements are reinforced by a recent Ministry of Housing, Communities & Local Government statement¹. The Framework (paragraph 80) also supports economic growth and productivity, taking into account both local business needs and wider opportunities for development, and in this regard I place significant weight on the proposal's ability to facilitate improvements to home working, faster internet speeds, cars for the future and the 'internet of things'.
19. The appellant indicates that the mast and antennae installation need to be a minimum of 20 metres high to enable local provision and avoid interference from surrounding buildings and trees. The proposed height is also required to clear ICNIRP guidelines. I have no reason to dispute the specification and the height of the proposed development. However, the scale and appearance of the proposal would have a harmful effect on the character and appearance of the area, and I have found that this matter does not weigh in favour of the proposal.
20. The Framework outlines that the number of electronic communications and radio masts should be kept to a minimum and encourages use of existing masts, buildings and other structures. The possibility of using those locations should be explored before applicants look at proposals for new masts or base stations. On new sites, equipment should be sympathetically designed and camouflaged where appropriate.
21. The appellant states that opportunities for site sharing have been investigated and exhausted, yet no details have been provided of those sites, nor have any details of which buildings have been considered and discounted for the installation of the proposed apparatus. The appellant's cell search area is constrained by dense residential development, and the appeal site is located outside of this area. Given the appellant's preferred site option, this would suggest that the required 5G mast

¹ Collaborating for digital connectivity, Ministry of Housing, Communities & Local Government, 7 March 2019

is not limited to being within the cell search area. Nevertheless, there are no other location details of the other sites that were considered, or the extent of the appellant's search. Therefore, I consider that limited justification for discounting of other sites has been provided with little evidence submitted to support assertions that other options are unavailable or unsuitable.

22. I acknowledge that the proposed development would be suitable for future mast sharing opportunities with other operators. This relationship is encouraged by the Framework, however, the submitted evidence does not indicate that the proposal would relate to multiple operators. Therefore, whilst the appellant perceives this as a future benefit, there is no certainty that other operators would share the mast in the future.

Planning Balance and Conclusion

23. I have found that the proposal's benefits including the economic and social benefits of upgrading electronic communication infrastructure to be significant, in addition to the support given by the Framework for such developments. Nevertheless, I do not consider that these positive aspects would outweigh the clear harm in terms of the proposal's visual impact upon the character and appearance of the surrounding area. I have also found that these unacceptable impacts conflict with the development plan and the Framework.
24. For the reasons given above I therefore conclude that the appeal be dismissed.

RE Jones

INSPECTOR