

Appeal Decision

Site Visit made on 24 February 2021

by Mr Andrew McGlone BSc(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2021

Appeal Ref: APP/Z4310/W/20/3263445

Aigburth Road (Grass Verge outside Liverpool Cricket Club), Liverpool, L19 3QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Cornerstone and Telefónica UK Ltd against the decision of Liverpool City Council.
 - The application Ref 20PT/1045, dated 14 April 2020, was refused by notice dated 7 August 2020.
 - The development proposed is a 20m high monopole supporting 6no. antennas, 2no. 0.3m dishes and ancillary equipment. The installation of 2no. equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal follows a decision by the Council not to give their approval for the siting and appearance of a development that would otherwise be permitted under Part 16 of Schedule 2 to the GPDO. The permission granted under the GPDO is equal to an outline planning permission and the consideration of the proposal is limited to its siting and appearance, taking into account any representations received. I have determined the appeal on the same basis.
3. No concerns have been raised by the Council about the proposed ground base equipment. I agree. Although the description of development refers to 2no. equipment cabinets, they are physically linked and are a single cabinet with multiple access doors. I have considered the proposal on this basis.

Main Issue

4. As the Council's concern relates to the height and design of the proposed monopole in relation to its surroundings, the main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area, with regard to its height and design, and whether any harm caused is outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

5. The appeal site is located within the grass verge next to the pedestrian footpath extending along the southern side of Aigburth Road outside the grounds of Liverpool Cricket Club. Aigburth Road is a main arterial route in and out of the city. Tall mature trees line the central reservation and the grass verge on the southern side of the road. The area around the road is

characterised by residential properties, day nurseries and the cricket club. Street lighting columns, traffic signs, traffic lights, litter bins and utilities boxes populate the road. The proposed monopole would be to the northwest of a bus shelter, with the ground-based equipment situation between the two. Two existing monopoles are around 40 and 80 metres away to the south-east. The nearest of these is a shared 20-metre-high monopole¹ (EE and H3G) that provides 5G coverage to the area. Beyond this site is a 15-metre-high shrouded monopole providing 2G, 3G and 4G coverage. This is operated by Cornerstone and Telefónica and Vodafone.

6. Paragraph 112 of 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 the expansion of electronic communications networks, including next generation mobile technology (such as 5G) should be supported. Framework paragraph 113 sets out that the number of masts should be kept to a minimum and where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate.
7. The Council does not dispute the need for, or the importance of the rollout of the 5G network. The proposed new infrastructure would provide 2G, 3G, 4G and 5G coverage for Telefónica, who trade in the UK as O2. The proposed monopole is said by the appellant to be the minimum height and width possible to accommodate multiple-generation technologies.
8. The addition of the proposed monopole would be a tall and prominent feature within the street scene. It would be considerably higher than existing trees and street furniture. Despite its design, it would, when viewed in conjunction with the two other masts near to the site, result in an unacceptable visual impact by creating an undesirable focal point evident to people in the area and users of the road heading towards the city centre. Street trees would, to an extent, screen or lessen the effect of the proposal especially when viewed from either direction on Aigburth Road. Nevertheless, these trees would not be in full leaf for considerable periods of the year which would mean that the proposal would be an exposed feature in the street.
9. Three alternative sites were considered and have been discounted by the appellants. Two of the other locations were deemed to be too far away from the existing site and too close to other existing sites. There is no evidence before me to form a different view. The other relates to the existing Vodafone site. Cornerstone is a jointly owned company, established by Vodafone and O2 to establish and operate a shared single grid network to provide 2G 3G and 4G coverage. However, the appellants say that this can no longer be the case for sites providing 5G coverage due to the spectrum licensed to each operator which has consequential effects for each network's configuration and build out. Essentially, the appellant contend that it is not technically possible.
10. Applications must be determined on planning grounds and in doing so, competition between different operators should not be prevented. Yet, there is a balance to be struck between the provisions of Framework paragraphs 113 and 116 whilst providing advanced, high quality and reliable communications infrastructure as explained in Framework paragraph 112.

¹ Council Ref: 19F/1830

11. The recently installed 20-metre-high monopole is a mast share just like the existing Vodafone monopole to the south-east. The appellants refer to variations in the Vodafone and O2 networks but given the existing mast shares and clear national policy, the evidence is not compelling enough to suggest that a mast share is not a realistic possibility at this location. However, should I be wrong, there are no details to support the appellants assertion that a shared installation would be of substantial width and height and effect pedestrian movements and highway safety. The grass verge next to the road is of a good width here and no highway safety concerns have been raised by the Council.
12. Vodafone may, as part of the 5G rollout, look to upgrade their mast. This would be subject of a separate assessment initially by the Council. But, even if their mast is not upgraded, the proposal would create undue and a harmful degree of clutter to the street scene by adding a third monopole in quick succession next to the road. Thus, the siting and appearance of the proposal would cause significant harm to the character and appearance of the area, with regards to its height and design. In this regard, it would not accord with Policy HD27 of The City of Liverpool Unitary Development Plan This requires, regard to be given to the visual impact of masts on the built and natural environment and the technical and operational requirements of the equipment. Hence, it is material in this case.

Other Matters

13. The proposal would make to delivering a modern, advanced, high quality and reliable communications infrastructure that supports a range of consumers and it would support economic growth and the local community by enabling fast and reliable communication to take place. There are some similarities between this case and the decision at the Crown public house in terms of the economic and social benefits and the height of the monopole. While the appellants suggest that the Council did not balance these benefits against its effects, this is not a view that I share based on the evidence. There are also differences between the two schemes such as their surroundings, the absence of other masts, and the replacement of an existing mast with a shared mast.
14. While concerns are expressed about the proposal's effect on a conservation area and listed buildings, I agree with the Council's assessment. Furthermore, despite points about potential health impacts, a certificate has been submitted confirming that the proposal complies with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

Conclusion

15. Despite the economic and social benefits in this case, and the need for the monopole, I conclude that these benefits would not outweigh the significant harm that the proposal would cause.
16. For the reasons set out above, I conclude that the appeal is dismissed.

Mr Andrew McGlone

INSPECTOR