



Appeal Decision

Site visit made on 13 April 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Appeal Ref: APP/M3455/W/20/3261080

280 Waterloo Road, Stoke-on-Trent ST6 3HL

- 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 MBNL against the decision of Stoke-on-Trent Council.
 - The application Ref 65421/TEL, dated 14 June 2020, was refused by notice dated 4 September 2020.
 - The development proposed is a phase 7 20m monopole c/w wraparound cabinet at base and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. This appeal follows a decision by the Council not to grant prior approval for the siting or appearance of a development that would otherwise be permitted under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The principle of the development is therefore established, and the scope of this appeal is limited to matters of siting and appearance. In this respect, the provisions of the GPDO do not require regard be had to the development plan. I have considered the policies of the development plan only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issues

3. The main issues are the effect of the siting and appearance of the proposed development on:
 - the living conditions of nearby residents
 - the character and appearance of the area.

Reasons

Living conditions

4. The site lies at the edge of an overflow car park and loading area associated with, and north of, a supermarket and a warehouse building. The land is set within a mixed area of residential, community and commercial properties where development is mainly equivalent to 2 - 2.5-storeys in height. The location is close to the brow of a hill a short distance to the south and levels

gently fall away to the north, east and west. The car park sits in a gap between the rear gardens of rows of houses fronting Waterloo Road to the east and Barrett Drive to the west.

5. The proposed siting of the mast would be within a short distance of the rear garden areas of 17 & 19 Barrett Drive and 270, 272 and 274 Waterloo Road. The height of the mast would be clearly visible and, taken with the relatively broad diameter and open headset design, would be a significant and prominent feature in the rearward outlook from those buildings and garden areas directly addressing the site.
6. Although this would be tempered to a limited degree by some existing trees and, in the case of the terrace of properties on Waterloo Road, a flat-roofed cold-store building close to the proposed base station, the effect on outlook would be considerable. Furthermore, the limited distance from the residential properties would cause the mast to appear overbearing, particularly from within the respective garden areas.
7. For those reasons, I consider the proposal would cause a significant adverse impact on the living conditions of the nearby residents.

Character and appearance

8. At an overall height of about 20m, the proposed mast would tower over the nearby buildings and other structures in the locality. The utilitarian design of the upper part of the mast would have a functional appearance with some affinity to the commercial area to the south. However, it would contrast starkly with the domestic scale and appearance of the nearby residential areas.
9. The proposed siting would be on private land enclosed by the residential buildings, the supermarket and the warehouse. An area of fenced land to the north is more open and used in conjunction with a car sales area. The backland position would limit views of the lower parts of the mast and the cluster of associated equipment cabinets from the surrounding public streets. Although some glimpses would arise in views between buildings, these would be generally limited and fleeting.
10. In longer views, the scale and appearance of the mast would be somewhat moderated by the distance where it would be witnessed within a broader range of vision. This would limit the harm arising from the incongruous scale and appearance in more distant views.
11. Nevertheless, as I have found above, whilst closer views from the rear of nearby properties would benefit from limited seasonal screening by existing trees nearby, these lie beyond the application site and therefore outside the control of the appellant. Accordingly, their benefit is afforded limited weight and the effect of the development on the character and appearance of the locality viewed from the nearby residential areas would be significant.
12. For the above reasons, I find the siting and appearance would also cause moderate harm to the character and appearance of the locality.

Other Matters

13. Paragraph 115 of the Framework requires that applications for electronic communications equipment (including applications for prior approval under the

GPDO) should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

14. According to the appellant, the proposal for a new shared base station is to maintain 5G coverage following a notice to quit from an existing facility some 150m to the north. The appellant has submitted a summary of discounted sites in the locality which is outside of any designation as a sensitive area. However, there is little objective evidence to support the findings or any defined extent to the designated search area. The level of information is therefore insufficient to enable a comprehensive assessment of sites potentially sitting higher on the hierarchy of preferred means of installation for a new base station. An assessment of the zone of theoretical visibility is provided for the appeal site only, but it does not account for a recently constructed residential estate in the vicinity.
15. Furthermore, there is little reference to the tallest building in the locality or opportunities to site the new proposals elsewhere within the same commercial site where they would limit the effect on residential properties nearby. Although the need for the installation is not questioned, the requirement for a replacement set at a higher ground level and with greater overall height than the existing facility leads me to conclude that the identified effects of the development have not been minimised in the circumstances of the case. Accordingly, although I have no reason to dispute their justification, I find there would be a conflict with the Framework's requirement for evidence that alternatives have been duly considered.
16. Paragraph 112 of the Framework sets out the objectives for communications infrastructure. It states that: 'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections'.
17. The proposal would provide economic and social benefits by maintaining coverage, bandwidth and capacities which otherwise might be reduced through the removal of the existing facility. It is acknowledged that 5G and earlier generation apparatus can provide a number of social, economic and environmental benefits including the facilitation of business productivity, innovation, efficiency and security. The proposal would maintain the possible expansion of home working in nearby residential areas and increase the potential to reduce travel needs. It also provides a means for enhanced social inclusion through digital contact and could accommodate use by emergency services. Furthermore, the mast would provide for use by more than one operator to avoid a proliferation of masts dedicated to individual providers. These are matters that weigh in favour of the development.
18. I note the third-party concerns in respect of safety. The GPDO requires the operator to self-certify that, when operational, the International Commission on Non-Ionising Radiation Protection for public exposure guidelines will be met. The Framework confirms that in such circumstances, health safeguards are not a relevant planning consideration for a decision maker to determine.

Planning Balance and Conclusion

19. For the reasons set out above, I have found that the proposed siting and appearance of the development would cause significant harm to the living conditions of nearby residents and moderate harm to the character and appearance of the locality. It would thereby conflict with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 [2009] and the Framework as they seek, amongst other things, well designed development that contributes positively to an area and compliments the built form, and protects local living conditions.
20. Furthermore, I find there is conflict with the requirement of the Framework to provide evidence that the possibilities for alternative siting on an existing building, mast or other structure could not be achieved in order to minimise the associated environmental effects arising from the proposed development.
21. Whilst I recognise the benefits of the proposed telecoms infrastructure, I do not consider they would be sufficient to outweigh the totality of the harm to residents' living conditions and the effect on the character and appearance of the locality.
22. For the above reasons, the appeal should be dismissed.

R Hitchcock

INSPECTOR