



Appeal Decision

Site Visit made on 12 April 2021

by Chris Baxter BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/Q3060/W/20/3265100

Telecommunications Mast Atop, 30 Woolpack Lane, Nottingham NG1 1GA

- 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 MBNL, for and on behalf of EE Limited & H3G UK Limited against the decision of Nottingham City Council.
 - The application Ref 20/01696/PFUL3, dated 30 July 2020, was refused by notice dated 5 November 2020.
 - The development proposed is described as “the removal and replacement of 2no. existing antennas with 4no. upgraded antennas located beneath an extended shroud on the rooftop, the removal and replacement of 2no. roof-based equipment cabinets, the installation of 1no. new electric meter cabinet located at ground level, and ancillary development thereto”.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 13 May 2021.

Decision

1. The appeal is allowed and planning permission is granted for the removal and replacement of 2no. existing antennas with 4no. upgraded antennas located beneath an extended shroud on the rooftop, the removal and replacement of 2no. roof-based equipment cabinets, the installation of 1no. new electric meter cabinet located at ground level, and ancillary development thereto at Telecommunications Mast Atop, 30 Woolpack Lane, Nottingham NG1 1GA in accordance with the terms of the application, Ref 20/01696/PFUL3, dated 30 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 002 Site Location Plan Rev B; 100 Existing Site Plan Rev B; 150 Existing Elevation Rev B; 215 Proposed Site Plan Rev B; 265 Proposed Elevation Rev B.
 - 3) The proposed GRP shroud shall match the colour, design and style of the existing GRP shroud.

Preliminary Matter

2. The proposal includes the removal of 2no existing antennas, the removal and replacement of 2no. roof-based equipment cabinets and the installation of 1no. new electric meter cabinet located at ground level. The Council have not raised any objections to these parts of the proposal and they do not form part of the decision notice refusal reasons. I have therefore assessed this appeal only on

the replacement 4no. upgraded antennas located beneath an extended shroud on the rooftop.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Lace Market Conservation Area.

Reasons

4. The appeal building is a large five storey red brick factory building of traditional design which sits within the Lace Market Conservation Area (LMCA).
5. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The LMCA is described in the Council's appraisal as being generally an area of tightly developed streets with few open spaces with much of the area having tall Victorian warehouses set on the tight medieval street pattern giving a strongly enclosed canyon like character. I concur with this character description.
7. The appeal building given its architectural design, scale and style positively contributes to the character and appearance of the LMCA. The building, including its lift shaft feature, is visible from immediate and longer views sitting in a prominent location amongst the built form and plays an important role in the significance of the wider LMCA townscape.
8. The proposal would introduce new antennas that would be taller than the existing antennas currently on the building resulting in the shroud to be extended by around 3.2 metres in height. The height of the original lift shaft structure is below the overall height of the pitched building however, the existing shroud extends the lift shaft height to above the height of the building. The proposed further addition to the lift shaft structure, due to its height and size, would appear as an incongruous feature. Whilst it is accepted that the design of the shroud offers some level of blending in with the existing building materials, the height of the proposal would be dominating and appear as an awkward addition.
9. The proposal would be a prominent and unsympathetic feature that would detract from the appearance of the appeal building and be harmful to the character of the LMCA.
10. Accordingly, I find that the proposal would not preserve or enhance the character and appearance of the LMCA. The proposal would be contrary to Policies 10 and 11 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014 (GNACS) and Policies DE1 and IN1 of the Nottingham City Land and Planning Policies Document 2020 (NCLPPD) which indicate that proposals will be supported where the historic environment and heritage assets are conserved or enhanced.

11. The proposal would be harmful to the LMCA, and thereby the significance of the heritage asset. Nevertheless, I consider the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal.
12. The proposal would upgrade the digital telecommunications network in Nottingham City centre by allowing for additional coverage and capacity, including the introduction of 5G technology to the area. The introduction of 5G technology would bring significant public benefits, contributing towards economic growth, social inclusion and well-being, with a key benefit for residents, businesses and visitors of the area being faster mobile download/upload speeds.
13. The appellant has indicated that the proposed height of the antennas is required for technical reasons to alleviate the poor radio propagation of 3500MHz band which is used for 5G service. As a result, this frequency will have a clear transmission line over adjacent buildings and urban clutter within this busy city centre area of Nottingham.
14. I have also had regard to the appellants sequential approach on site selection which included upgrading an operators own existing station, mast sharing with an existing telecommunications structure, installing a base station on an existing building or tall structure, or erecting a new ground based mast. I am satisfied with the appellants approach and conclusions when discounting alternative options for the proposals positioning.
15. The proposal would result in public benefits sufficient to outweigh the less than substantial harm to the significance of the LMCA, as detailed in the Framework as well as Policy HE1 of the NCLPPD. As a material consideration, this warrants taking a decision that does not fully comply with Policies 10 and 11 of the GNACS and Policies DE1 and IN1 of the NCLPPD.

Conditions

16. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. In the interests of character and appearance a condition is necessary in relation to the GRP shroud.

Conclusion

17. Whilst I have found that the proposal would conflict with the development plan, there are other considerations, including the significant public benefit and the provisions of the Framework, which outweighs this finding.
18. Therefore, for the reasons given above, the appeal should be allowed.

Chris Baxter

INSPECTOR