



Appeal Decision

Site visit made on 8 June 2021

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2021

Appeal Ref: APP/G5750/W/20/3260675

North Crescent, West Ham, Newham, London, E16 4TG

- 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 against the decision of The London Borough of Newham.
 - The application Ref 20/00330/FUL, dated 12 February 2020, was refused by notice dated 8 April 2020.
 - The development proposed is the installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets, the removal of the existing 11.7m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets, the removal of the existing 11.7m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto at North Crescent, West Ham, Newham, London, E16 4TG, in accordance with the terms of the application, Ref 20/00330/FUL, dated 12 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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:
 - i) Site Location Plan: -
Drawing Number: 1048425_NHM006_50594_E0222_M002 Issue B -
Dated 10.02.2020;
 - ii) 215 Max Configuration Site Plan: -
Drawing Number 1048425_NHM006_50594_E0222_M002 Issue B -
Dated 10.02.2020;
 - iii) 265 Max Configuration Elevation: -
Drawing Number 1048425_NHM006_50594_E0222_M002 Issue B -
Dated 10.02.2020.
 - 3) No above ground works shall commence until and unless a scheme of landscaping, detailing a scheme of soft landscape works (including any trees, shrubs or plants), has been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme as approved shall be carried out in the first planting season following the completion of the development. Any trees, shrubs or plants that die within a period

of five years from the completion of the development or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary, continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

- 4) Unless otherwise approved by the Local Planning Authority, the existing 11.7m monopole and associated cabinets and equipment shall be removed from the site within 3 months of the approved development being brought into use. The land shall then be restored in accordance with the landscaping scheme required by condition 3 above.

Procedural Matter

2. Since the appeal was submitted, the London Plan 2021 (LP) has been published. I am satisfied that the published version of the Plan does not raise any additional material issues in relation to the appeal. Consequently, I have not considered it necessary to refer back to the main parties. However, where relevant, I have referred to the policies of the 2021 document in this decision.

Main Issues

3. These are the effect of the proposal on the character and appearance of the streetscene; and whether the proposal would have an adverse effect on biodiversity.

Reasons

Character and Appearance

4. The appeal site is an area of land situated within the highway verge on North Crescent. The surrounding area comprises a wide range of commercial and business uses. A distinctive and positive characteristic of the streetscene is the presence of trees and other vegetation along both sides of the road. This gives the area a verdant appearance and it also provides some screening to the industrial frontages.
5. The proposal is as described in the heading above. The monopole and associated antenna and equipment cabin would be positioned close to the pavement in a relatively prominent position. The development would be close to an existing 11.7m monopole and ancillary equipment that would be removed should this appeal be successful. The proposal would allow for the development of the 5G network in the area.
6. The appellant points to upgraded digital technology being one of the Government's priorities, with London being an area that has been identified for the earlier phases of 5G technology. In that regard, I have given weight to Policy SI 6 of the LP, which (amongst other things) seeks to ensure that London has 'world class' digital connectivity. In addition, paragraph 112 of the National Planning Policy Framework 2019 (The Framework) states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).
7. The appellant has supplied information regarding alternative sites. These include mast sharing or using existing buildings. However, the appellant states that these are not tall enough. An alternative site on Cody Road was identified, but was dismissed because it would involve the loss of a greater number of

trees and it would impinge on the footway. I have no reason to disagree with these conclusions.

8. Planning permission (reference 19/02056/FUL) was granted by the Council for a similar proposal on 9 September 2019. However, this has not been implemented, because of issues regarding the removal of a tree. The appeal proposal would also result in the loss of an Ash tree and some 10m length of other vegetation. The appellant's tree report states that the tree is in good structural condition and fair physiological condition.
9. The Council considers that the loss of the tree and vegetation would result in the development having a visually dominating and cluttered appearance that would be harmful to the character and appearance of the streetscene and the wider area. In that regard, the Council has referred to a number of planning policies in its decision notice. The most relevant are Policies SP1 and SP3 of the adopted London Borough of Newham Local Plan 2018 (NLP). These seek (amongst other things) to ensure development is of high quality; and has regard to local character and local distinctiveness.
10. In addition, Policy D4 of the LP requires good design. Furthermore, paragraph 127 of The Framework states (amongst other things) that planning decisions should ensure that developments are visually attractive and sympathetic to local character.
11. I acknowledge that the proposed development will be clearly visible in the streetscene, mainly because of its height, but also because of the equipment at ground level. However, that does not automatically mean that it would be harmful. The retained trees and vegetation would provide some screening to the mast and equipment and its presence would only be readily noticeable when close to the site. Furthermore, it would be viewed in the context of an industrial area and against the backdrop of a large wind turbine that is located within the West Ham bus depot.
12. I have also taken into account that the removal of the existing 11.7m monopole and equipment would present an opportunity to provide additional planting in that area, which would partly replace what would be lost by the appeal development.
13. For these reasons, I consider that the proposal would not have an adverse effect on the character and appearance of the streetscene.

Biodiversity

14. Policy SC4 of the NLP seeks to protect and enhance biodiversity. The justification states that sites not recognised for their biodiversity offer may include species of value. These sites include brownfield land. Policy G6 of the LP also states that opportunities should be sought to create habitats. These policies accord with the general provisions of Chapter 15 of The Framework.
15. The applicant refers to the submitted Preliminary Ecological Appraisal, which concluded that the proposal would have a negligible impact on biodiversity in the area. I recognise that in dense urban areas, small pockets of greenery can provide habitats for plants and wildlife. However, I have no evidence that contradicts the appellant's ecologist.

16. In addition, a substantial amount of trees and vegetation along North Crescent would remain untouched. I also consider that the effects on biodiversity should be balanced against the benefits of the proposal, in terms of improved communications. In my opinion, the balancing exercise on this issue weighs in favour of the proposal.
17. Accordingly, I find that the proposal would have little, if any, impact on biodiversity in the area.

Conditions

18. Both the Council and the applicant have suggested conditions in the event of the appeal being allowed. In addition to the standard time condition, a condition is imposed that specifies the approved plans.
19. I have also imposed a condition, partly suggested by the appellant, requiring the removal of the existing monopole and ancillary equipment within 3 months of the appeal development being brought into use.
20. A condition is also imposed requiring a landscaping scheme, which could incorporate new landscaping into the area covered by the existing equipment. The Council's wording requires replacement landscaping in the event of the original planting dying, becoming diseased or damaged during the first 5 years. The appellant considers that the maintenance requirement should be deleted as it may involve works outside of the application site. However, the required landscaping need only take place within the red line areas that define the application site. The planning permission also goes with the land and not the applicant. Consequently, I consider the Council's wording to be reasonable and necessary.

Conclusion

21. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR