



Appeal Decision

Site visit made on 23 November 2021

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/M4510/W/21/3283124

A69, Lemington, Blucher, Newcastle Upon Tyne NE5 5AB,

Easting: 419090 Northing: 565840

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 CK Hutchison Networks (UK) Ltd against the decision of Newcastle Upon Tyne City Council.
 - The application Ref 2021/1409/01/NOT, dated 3 July 2021, was refused by notice dated 1 September 2021.
 - The development proposed is a 20.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require such proposals to be assessed on the basis of the proposal's siting and appearance, taking into account any representations received, and the policies of the development plan and National Planning Policy Framework (the Framework) only in so far as they are material considerations in relation to siting and appearance. I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposed development's siting on highway safety.

Reasons

4. The appeal site lies within an area of pavement alongside the westbound carriageway of the A69(T) dual-carriageway, a 'Strategic Road' as defined by Development and Allocations Plan (DAP) policy DM13. In the immediate vicinity of the appeal site is the westbound deceleration lane leading off the A69(T) towards the grade-separated Lemington / B6528 junction, a bus stop and pull-in, a junction serving a secondary access to the Alan Shearer Centre and the substantial concrete block base and metal supports of a pedestrian over-bridge linking the north and south sides of the A69(T).

5. The Council are correct to identify the perilous nature of the appeal site's surroundings. Accelerating traffic heading west along the A69(T) from its junction with the A1 Western Bypass a short distance to the east interacts with slowing traffic accessing the deceleration lane, combining with slowing and stopping buses accessing the bus stop to create a multitude of conflicting vehicle movements. The supports to the pedestrian bridge present a further significant impediment to forward visibility of the appeal site and the area immediately around it from the carriageway mainline where the deceleration lane and bus stop / pull-in peel off to the left.
6. There is, as a consequence, very little space around the proposed site for the parking of vehicles associated with the installation and maintenance of the installation. Although the appellant largely ignores the Council's reason for refusal in the Grounds of Appeal, it is stated that an installation such as that proposed would require only infrequent servicing visits. It is further stated that an engineer would be expected to park on the opposite side of the dual-carriageway on a residential street running parallel to the main A69(T) and use the pedestrian over-bridge to access the site.
7. However, such an arrangement would, at best, be inconvenient but would in all likelihood prove impractical in most instances due to the distances involved in walking over the bridge. Coupled with the likely need to carry the equipment necessary for servicing and maintaining the installation a significant distance, the shortcomings of the site and the restricted nature of the land and highway around it are such that the proposal's siting would encourage the parking of vehicles at or immediately around, the appeal site.
8. Despite the appellant's assertion that the servicing and maintenance intervals of the installation would be few and far between, the evidence before me in this respect is limited in its extent and level of detail and the practicalities for safe arrangements for access to the site. In a location with conflicting traffic movements and interaction between private vehicles, buses, cycles and pedestrians the proposal fails to demonstrate how it, and particularly its location, would allow it to interact safely with existing transport networks. Nor do the appellant's comments regarding alternative access and parking location for the servicing and maintenance of the installation demonstrate adequate mitigation of its impact on the highway network.
9. For these reasons, the proposal would be in conflict with Core Strategy and Urban Core Plan (CSUCP) policy CS13 (3iii) and with DAP policies DM12(3) and DM14(1). The mitigation provided by the appellant is limited and does not demonstrate that the shortcomings of the site's location in highway safety terms would be mitigated to an acceptable degree. As such, the proposal also fails to align with the Framework's provisions in respect of highway safety.
10. The Framework recognises the importance of advanced, high quality and reliable communications infrastructure to economic growth and social well-being, as does the supporting text to DAP policy DM35. The Framework goes on to state that planning decisions should support the expansion of networks, including next generation mobile technology such as 5G. The number of masts and sites for installations should be kept to a minimum consistent with the needs of customers and efficient operation of the network, and existing masts, buildings and other structures should be utilised. Where new sites are

required, such as for new 5G networks, equipment should be sympathetically designed and camouflaged where appropriate.

11. The proposal would facilitate improved 5G coverage and capacity within the Lemington and East / West Denton area which would, in line with the advice set out in the Framework, provide clear economic and social benefits to the local area. I have carefully considered the appellant's stated technical limitations in terms of cell size, height of monopole and the drive to improve service and coverage.
12. The social and economic benefits arising from these factors carry considerable weight. However, the appellant's Appeal Statement focuses heavily on matters of character and appearance rather than the highways issues as stated in the reason for refusal. I cannot therefore be certain that the site selection process was sufficiently robust or not misdirected in this respect, or that the location was the best available.
13. Nor is it a matter of dispute between the main parties that there would be no harm to the character and appearance of the surrounding area arising from the proposed development. The appellant's appeal statement spends considerable time setting out the absence of harm in these respects but is not a point on which the Council found harm. I have no further evidence before me which would lead me to a different conclusion, but the absence of harm is a neutral factor which neither weighs in support of, nor against, the proposal.

Conclusion

14. There would be economic and social benefits arising from the upgrading of the existing telecommunications infrastructure to cater for the roll out of 5G technology as well as accommodating existing technologies. As such, the proposal would be consistent with the Framework's recognition of the importance of high-quality communications to economic growth and social well-being.
15. However, for the reasons I have set out above, it has not been demonstrated that the proposal would adequately mitigate the harm to highway safety arising due to the shortcomings of the appeal site location and its immediate surroundings. Taking all these matters together, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR