



Appeal Decision

Site visit made on 2 November 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2021

Appeal Ref: APP/U4610/W/21/3275060

Oakmoor Road street works, Oakmoor Road, Foxford, Coventry CV6 6DT, Easting 435339, Northing 283554

- 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 GPDO).
 - The appeal is made by Great British Communications LTD against the decision of Coventry City Council.
 - The application Ref TELO/2021/0457, dated 18 February 2021, was refused by notice dated 8 April 2021. The development proposed is erection of a 20 m high phase 8 street pole with wrap-around cabinet at base, 3no. separate cabinets and associated ancillary works.
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Decision

1. The appeal is allowed, and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, for erection of a 20 m high phase 8 street pole with wrap-around cabinet at base, 3no. separate cabinets and associated ancillary works, at Oakmoor Road street works, Oakmoor Road, Foxford, Coventry CV6 6DT, Easting 435339, Northing 283554, in accordance with application Ref TELO/2021/0457, dated 18 February 2021, and subject to the associated requirements of the GPDO and the following conditions:

1) The development hereby permitted shall be carried out in accordance with the following plans and details:

002 Site Location Plan BAN14954 PLANNING REV A

006 Underground Services Plan BAN14954 PLANNING REV A

100 Existing Site Plan BAN14954 PLANNING REV A

150 Existing Site Elevations Plan BAN14954 PLANNING REV A

215 Proposed Site Plan BAN14954 PLANNING REV A

265 Proposed Site Elevations BAN14954 PLANNING REV A

304 Proposed Configurations Antenna Schedule BAN14954 PLANNING REV A

307 Equipment Schedules & Dependencies BAN14954 PLANNING REV A

2) Within one month of the last piece of equipment having been installed, except for the antennas, the equipment shall be painted black, RAL 9005. The

equipment shall be maintained in this colour throughout the lifetime of the development.

Preliminary Matters

2. Section 4 of the application form for prior approval, which relates to the description of proposed development, states that details of the proposal were supplied with the submitted planning drawings. I can discern from the submitted drawings that the proposal relates, in summary, to the erection of a 20 m high phase 8 street pole with wrap-around cabinet at base, 3no. additional cabinets and associated ancillary works. I have therefore based my decision on this description.
3. The provisions of the GPDO require the proposed development to be assessed solely in relation to its siting and appearance, taking account of any representations received. My determination of the appeal has been made on this basis. I note, however, that there is no definition of the terms siting and appearance in the GPDO or in extant national policy or guidance.
4. The principle of development is established by the GPDO; and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have therefore only had regard to development plan policies in so far as they are material to matters of siting and appearance.
5. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. Although the assessment of the proposal is to be made primarily against the relevant details of the GPDO, parties were given the opportunity to comment on the revisions. No comments were received.
6. The Council's suggested conditions, should the appeal be allowed, include incorrect drawing reference numbers. However, the parties have agreed the correct plan numbers, which correspond with those listed on the Council's Decision Notice. My decision is based on these drawings.

Main Issues

7. The main issues are:
 - whether the siting and appearance of the proposed development is acceptable with regards to its effect on the character or appearance of the area and pedestrian movement, and
 - if any harm is found, whether this is outweighed by the need to site the installation in the location proposed, having regard to the availability of suitable alternative sites.

Reasons

Character and appearance

8. The proposed telecommunications equipment would be sited within a grass verge positioned between a boundary of the public open space Longford Park and the footpath on the northern side of Oakmoor Road. The site is located just beyond the edge of the built-up area of Foxford. The junction of Oakmoor Road and Hurst Road is around 50 m from the site and the nearest residential properties to the site are located around this road junction. There is a cluster of trees immediately north-west of the site, maximum height around 10 m, and

there are numerous trees within and along the various boundaries of the Park, which is located both sides of Oakmoor Road. There are some streetlamps, painted black, and wooden telegraph poles within the vicinity of the site around 8-9 m high. All the properties within proximity of the site are two-storeys high. Hence, the area is characterised by open space and low-level properties, street furniture and trees.

9. Due to the orientation of the nearest properties to the site, the positioning of windows within these properties and the existence of the adjacent cluster of trees and hedges, I consider the proposed equipment would not be particularly visible from neighbouring residential properties. However, due to the height of the proposed pole it would rise significantly above all the trees, street furniture and buildings within proximity. As such, the upper part of the pole in particular would be highly visible from Oakmoor Road, when travelling in either direction and from areas within the adjacent park. I consider the proposed 20 m pole, towering above all the built and natural features within its vicinity, would be a prominent, imposing and intrusive structure within the street scene. As such, I conclude that the siting and appearance of the proposed development would be harmful to the character and appearance of the area. I consider the degree of harm to be moderate.
10. Although not determinative, considering the above, the proposal would not accord with policies DE1 and C2 of the Coventry City Council Local Plan, (2017), which collectively, and among other things, require development to take account of, respect and enhance its surroundings and positively contribute to the character of the area.
11. The Council refers to Supplementary Planning Guidance Note: Telecommunications-A Design Guide, (2005), (SPG), in its Reason for Refusal (RfR). It is evident from the publication date and content of the SPG that it is significantly dated. Thus, it refers to 2G and 3G technology (whereas the technology has now progressed to 4G and 5G), it draws upon guidance that was in National Planning Policy Guidance Note 8, which is no longer in existence, and it refers to Policy BE16 of The Coventry Development Plan 2001, which is also no longer in existence. Within this context I attach limited weight to the guidance in the SPG.

Pedestrian movement

12. As noted above, all the proposed equipment would be sited within the grass verge. As such, there would be no reduction in the width of the existing footpath. I note that the Council considers the doors of the proposed cabinets, when open, would extend over the adjacent footpath. However, the appellant has clarified that the doors would open to 180 degrees; as such, there is no need for them to extend into the footpath when open. Furthermore, the doors of the cabinets would only be open on a very infrequent basis, for example to gain access for maintenance purposes. For these reasons I conclude that the movement of pedestrians, including any with restricted mobility or in wheelchairs, would not be impeded due to the siting or appearance of the proposal.

Potential availability of alternative sites

13. Paragraph 115 of the Framework advises that the number of telecommunications masts and the sites for such installations should be kept to

a minimum; and that the use of existing masts, buildings and other structures should be encouraged. It is also recognised in paragraph 115 that these factors must be consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion; and that new sites may be required for the delivery of some services, such as 5G.

14. Additionally, paragraph 117 of the Framework advises that applications for electronic communications development, 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 should include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.
15. The site is a new site, identified by the appellant as being required to provide 5G coverage to the area around Oakmoor Road, Grange Road and Hurst Road. The Council has not questioned the need and I have no grounds for doing so either. The operational requirements of providing 5G coverage to the identified area restrict the site search area to a radius of 100 m, which limits the site options available. The appellant has provided evidence to show that other sites have been considered, though discounted as not being suitable. The Council has not given any indication that other suitable sites exist.
16. I am satisfied that the appellant has demonstrated that there are no suitable alternative sites that would be more favourable in respect of the effect of the proposal on the character and appearance of the area. This factor therefore weighs heavily in favour of the proposal.

Other considerations

17. Paragraph 81 of the Framework advises that significant weight should be attached to the economic benefits of providing and enhancing electronic communications infrastructure. Paragraph 114 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.
18. The Council accepts the extensive economic and social benefits to businesses and individuals within Coventry that would ensue from the roll out of 5G telecommunications equipment. As no suitable alternative sites have been identified, I attach substantial weight to the economic and social benefits that would result from the proposal.
19. In weighing all the above matters, although I have found that the siting and appearance of the proposal would cause harm to the character and appearance of the area to a moderate degree, as no other suitable sites have been identified, I consider the substantial social and economic benefits of the proposal outweigh this harm.

Other Matters

20. I note the consultation response from the Local Highway Authority during the application process, the content of the Council Officer's Report and the content of the Council's statement regarding highway safety in relation to the visibility splay at the junction of Hurst Road and Oakmoor Road. However, the reason for refusal (RfR) on the Council's Decision Notice makes no reference to the

proposed equipment being sited within the visibility splay and this being a risk to highway safety. Thus, the RfR simply states that the proposal fails

"...to respect its surroundings with regards to the potential risk to pedestrians as a consequence of the close proximity and obstruction to the adjacent footpath, especially to those with mobility problems and people in wheelchairs."

21. As the matter of highway safety and the visibility splay at the junction of Hurst Road and Oakmoor Road is not a RfR and has not been raised as a matter of concern by third parties during the appeal process, I do not deem it to be a main issue. Nevertheless, I have given the matter full consideration. As noted above, the proposed equipment would be sited around 50 m from the said road junction. Additionally, due to the bend in Oakmoor Road immediately beyond where the proposed equipment would be sited, traffic travelling in a north-easterly direction along Oakmoor Road is not readily visible from Hurst Road beyond the appeal site. Furthermore, there is a pedestrian crossing close to the appeal site, the presence of which is likely to alert drivers to be slowing down when approaching the crossing. Due to such factors, I consider the siting of the proposed equipment would not cause an unacceptable highway safety issue.

Conditions

22. As noted above, prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, in accordance with application Ref TELO/2021/0457, dated 18 February 2021, and the associated conditions of the GPDO.
23. As there was some confusion regarding the appropriate plan numbers, I have attached a condition specifying the approved plans, for the avoidance of doubt. To ensure the approved development has the minimum impact on the character and appearance of the area, I have attached a condition regarding the colour of the equipment, which parties agree with.

Conclusion

24. For the reasons outlined above, I conclude that the appeal is allowed, and prior approval is granted, in accordance with application Ref TELO/2021/0457, dated 18 February 2021, and subject to the associated conditions of the GPDO and the conditions listed above.

J Williamson

INSPECTOR