
Appeal Decisions

Site visit made on 25 November 2021

by Helen B Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal A Ref: APP/Q3060/W/3276614

YMCA, 4 Shakespeare Street, Nottingham, NG1 4FG

- 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, (EE(UK) Ltd and H3G(UK) Ltd) against the decision of the City of Nottingham Council.
 - The application Ref 20/01646/PFUL3, dated 29 July 2020, was refused by notice dated 11 December 2020.
 - The development proposed is the removal of 2 No. antennas to be replaced with 4 No. antennas on new steelwork at 19.10 metres, installation of 2 No. GPS and installation of 1 No. new cabinet with ancillary development including 16 No. remote radio units (RRU's).
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Appeal B Ref: APP/Q3060/Y/3276616

YMCA, 4 Shakespeare Street, Nottingham, NG1 4FG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by MBNL, EE(UK) Ltd and H3G(UK) Ltd against the decision of City of Nottingham Council.
 - The application Ref 20/01647/LLIS1, dated 29 July 2020, was refused by notice dated 11 December 2020.
 - The works proposed are the removal of 2 No. antennas to be replaced with 4 No. antennas on new steelwork at 19.10 metres, installation of 2 No. GPS and installation of 1 No. new cabinet with ancillary development including 16 No. remote radio units (RRU's).
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Decisions

1. **Appeal A** – the appeal is dismissed.
2. **Appeal B** – the appeal is dismissed.

Procedural matter

3. As the proposal is in a Conservation Area and relates to a Listed Building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act).

Main Issues

4. The main issues are whether the proposal would preserve the Grade II listed YMCA Hostel and Shops (Ref:1255161) or any features of special architectural

or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Arboretum Conservation Area.

Reasons

5. The appeal building is located at the junction of Shakespeare Street and Mansfield Road/Milton Street in Nottingham City Centre. It is proposed to upgrade an existing telecommunications installation with new equipment to facilitate the rollout of 5G coverage and improve the connectivity within the area. The development comprises the installation of 4 antennas on new steelwork on the roof of the building, two at the south west corner and two at the south east corner replacing 2 existing antennas. The proposal also includes the installation of a new cabinet, two GPS and 16 remote radio units.

Significance

6. The five storey YMCA building dating from 1937, was designed by Cecil Howitt and has an Art Deco influence. It occupies a corner plot facing both Shakespeare Street and Mansfield Road/Milton Street. Constructed in yellow brick with red brick diaper work and dressings and a slate plinth with continuous cornice to the ground floor, it has mansard and hipped roofs, with coped gables. The entrance on to Shakespeare Street has a projecting central square tower with a hipped roof. The buildings significance, as far as it relates to this appeal, is primarily derived from its architectural and historic interest as a good example of a 1930's Art Deco building.
7. The building is located at the southern end of the Arboretum Conservation Area (CA), originally designated in 1983, extended in 1987 and again in 2009 when the area around the appeal site was included. The CA reflects Nottingham's expansion in the second half of the 19th century after the enclosure of open fields facilitated by the 1845 Enclosure Act. It includes a number of high quality mid-late 19th century and early 20 century listed buildings as well as the Arboretum, a Victorian public park which is a Grade II Listed Registered Park and Garden. The CA's significance, as far as it relates to this appeal, lies in its historic importance in the context of the expansion of the City, and its architectural interest, with a legacy of high-quality buildings set around the park.

Effect of appeal proposal

8. I observed on my site visit the extent of the existing telecommunication equipment on the appeal building. The proposed replacement antennas would be approximately 0.3 metres longer and 0.2 metres wider. The top of the installation would be approximately 0.65 metres higher, due to the new steel grillage required to support the weight of the antenna and associated steelwork.
9. When looking east down Shakespeare Street from South Sherwood Street, the antennas would be seen against the backdrop of other buildings, in particular the tower block of flats at the Victoria Centre. Looking out of the CA in a southerly direction down Mansfield Road from the junction of Union Road, the top of the antennas would be visible but again seen in the context of other buildings. When viewed looking north up Milton Street, the existing trees which line the road, lamp columns and signage result in glimpsed views of the

equipment. I agree with the appellant that mid to long range views of the proposal would be limited.

10. It is not until in the immediate vicinity, that clear views of the installation would be achievable. The additional antenna and supporting steelwork at the south west corner would in my view be particularly prominent when viewed from Shakespeare Street/North Church Street. This is evidenced in the photomontage provided by the appellant. On the submitted plans, the two antennas appear to overhang the edge of the roof. Whilst I accept that in practice this would be minimal, their position so close to the roof edge, would serve to increase the prominence and visibility of the installation. The proposed scheme would represent a discordant feature on this corner of the building.
11. Views of the proposed additional cabinet and steelwork would be minimal, with just the upper section of the unit visible above the roofline. In isolation, I consider that this part of the scheme has a neutral impact.
12. Turning to the additional antennas on the south east corner of the building, due to their set back on the roof, their visual impact would be more limited. They would, however, add visual clutter and form an incongruous feature.
13. Overall, I find that the appeal proposal would detract from the aesthetic and architectural qualities of the building, causing harm to the special interest of the heritage asset. It would also have an adverse impact on the character and appearance of the CA.
14. I am mindful that the building is a site with existing telecommunications apparatus in place, which facilitates mast sharing between multiple operators. The appellant has taken a sequential approach to the proposed upgrade, looking at the existing site first, considering other sharing opportunities, the possibility of co-location and finally a new installation. The addition of further equipment on the building, follows this approach is in line with the guidance in paragraph 115 of the National Planning Policy Framework (the Framework) which encourages the use of existing sites first, keeping new installations to a minimum.
15. I acknowledge that the appellant has considered several different designs for the installation. These have included setting the antennas back, putting them on individual support poles instead of a yoke bracket, the installation of a stub mast, using shorter antennas or GRP shrouding. However, I am advised that these solutions either do not provide the optimum coverage required or have the potential to result in the need for longer or a greater number of antennas, leading to a greater visual impact.
16. Whilst this may be the case, the appellant's assertions have not been supported by the submission of any details or illustrations of these different solutions. I am not able to assess their impact in comparison to that of the appeal scheme. I cannot therefore be certain that the appeal proposal represents the less harmful option.
17. Despite the sequential approach lending supporting to the use of the appeal building, the appellant has also explored the possibility of siting the equipment on an adjacent building. I accept that any new location would need to be close to the existing site to maintain network coverage. Three buildings have been considered. Two were discounted due to technical reasons. The appellant

suggests that the building to the south of the YMCA on Milton Street could potentially be suitable but would need further investigation with a structural survey and the necessary consents from the landowner. The appellant asserts that the need for the upgrade is urgent and it cannot wait for this work to be undertaken.

18. Whilst this option may take time to explore, I am not persuaded for that reason alone, that the option should be discounted. I cannot therefore conclude that all potential options, which do not involve a further equipment being placed on a listed building, have been sufficiently and robustly assessed.
19. In light of the above, I find that the proposed development would fail to preserve the Grade II listed building and would also fail to preserve or enhance the character or appearance of the Arboretum Conservation Area.

Public benefits

20. Paragraph 199 of the Framework advises that when considering potential impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to say that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification.
21. Given the localised impact of the proposed development in terms of the CA as a whole and the limited extent of the proposed development, I consider that the harm is less than substantial but nevertheless of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises such harm should be weighed against the public benefits of the proposal.
22. I recognise that the Framework supports advanced high quality and reliable communications infrastructure as essential for economic growth and social wellbeing. The proposal would bring improved digital connectivity to this part of the city centre benefiting those who live and work in the area. I have also had regard to the various public documents referred to by the appellant including those from industry and the government which highlight the importance of digital connectivity to the economy, education, social inclusion and supporting home working reducing the need to travel.
23. The appellant has brought my attention to several appeals for telecommunications equipment that have been allowed. These have also been located within a conservation area and have affected the setting of listed buildings. However, none have been sited on a listed building itself and whilst they include a heritage balance, assessing the harm against the benefits of the upgraded technology, they are not completely comparable to the case before me. I consider this appeal on its individual merits.
24. I acknowledge that the proposed development would be compliant with the guidelines published by the International Commission on Non-Ionising Radiation Protection (ICNIRP). This matter weighs neutrally and does not amount to a consideration in support of the appeals.
25. For the reasons stated above, I am not satisfied that the public benefits of 5G technology could not be provided by a less harmful scheme. I conclude that the public benefits of the proposal are not sufficient to outweigh the harm I have identified to the significance of the listed YMCA and the character and

appearance of the CA. I therefore conclude that on balance, the proposal would fail to preserve the special interest of the Grade II listed building and would not preserve or enhance the character or appearance of the Arboretum CA. Accordingly the scheme would fail to satisfy the requirements of the Act, paragraph 197 of the Framework, Policies IN1, DE1 and HE1 of the Nottingham Local Plan and Policies 10 and 11 of the Core Strategy. These policies seek to preserve and enhance cultural and heritage assets.

Conclusion

26. For the reasons set out above, and having had regard to all other matters raised, the appeals are dismissed.

Helen Hockenhull

INSPECTOR