



Appeal Decision

Site visit made on 30 November 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/E0915/W/21/3279595

Bridge Street, Caldewgate, Carlisle CA2 5TR

- 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 Hutchison UK Ltd against the decision of Carlisle City Council.
 - The application Ref 21/0002 TEL, dated 22 April 2021, was refused by notice dated 23 June 2021.
 - The development proposed is a 15m phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and 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 the siting and appearance of a 15m phase 8 monopole C/W wrapround cabinet at base and associated ancillary works at Bridge Street, Caldewgate, Carlisle CA2 5TR in accordance with the terms of the application Ref 21/0002 TEL dated 22 April 2021, and the plans submitted with it including plan numbers CAR17512_M002 Issue B 002 Site Location Plan; CAR17512_M002 Issue B 210 Proposed H3G Site Plan; CAR17512_M002 Issue B 260 Proposed H3G Elevation; CAR17512_M002 Issue B 303 Proposed H3G Antenna Schedule & Line Configuration; CAR17512_M002 Issue B 305 Equipment Schedule & Support Structure Details.

Preliminary Matters

2. The principle of development is established by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the proposed development solely based on its siting and appearance, taking account of any representations received. I have determined the appeal on the same basis.
3. 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 nevertheless had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The National Planning Policy Framework 2021 (the Framework) recognises the importance of high quality and reliable communications infrastructure, such as 5G, as being essential to economic growth and social wellbeing. Where new equipment is needed, the Framework requires that it is sympathetically designed and camouflaged where appropriate. The appellant states that the proposed development is required to facilitate the roll out of the 5G network. I also note that alternative sites have been investigated by the appellant.
6. The appeal site is an area of pavement in front of a petrol filling station on the north side of Bridge Street, which is one of the main roads into the city centre. At this point, it is a dual carriageway with slip roads on both sides and traffic light controlled junctions to the east and west of the site. The pavement is wide in the vicinity of the site and to its rear is low level shrub planting with a number of trees behind of around 4m in height. The surrounding area is characterised mainly by commercial properties. These include the petrol filling station immediately to the north with a supermarket car park and store beyond. Uses to the west include a pub, car wash, a motor bike dealership and a number of large-scale buildings associated with a biscuit manufacturer. On the south side of Bridge Street there is a mix of residential and commercial properties. Buildings to the east include a number of blocks of flats of around three to four storeys in height and a number of retail units.
7. The area has street furniture commonly found in such urban locations including street lighting, street signs, an advertisement pole, bus stops and traffic lights. There are also two chimneys to the east and south. The pole would have a relatively simple design and the exposed equipment would not protrude significantly beyond the pole. It would be the minimum needed to provide the 5G technology to the area whilst satisfying the International Commission on Non-Ionizing Radiation Protection standard. However, the pole would be taller and thicker than the majority of other vertical structures in the area.
8. The pole would be seen against the skyline when viewed from many locations given its height. However, it would be viewed in association with other vertical structures in the area, including the two chimneys, and so would not be seen as an isolated vertical element. In many views from the east, the pole would be seen against the backdrop of the large buildings associated with the biscuit manufacturer which would help to reduce its effect.
9. Although there would be a height differential between the pole and many of the existing vertical structures in the area, it would not result in an unacceptably obtrusive or prominent addition within the street scene, given the context of these other vertical features and the backdrop of commercial buildings.
10. The appellant states that the associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval. They are shown on the plans and within the specification and would not be required if it were not for the proposed pole. The scale and design of the cabinets are relatively modest, and they would be seen against the backdrop of the wall and planting to the rear of the pavement.
11. As such, the proposed development would not appear incongruous with the established character and appearance of the area, nor would it harm the street scene or public realm. It would therefore accord with Policy SP6 of the Carlisle

District Local Plan 2015-2030 which sets out 12 principles for securing good design that proposals will be assessed against. These include responding to local context and the form of surrounding buildings, and respecting local character and distinctiveness. It would also accord with the design principles set out in paragraph 134 of the Framework.

Conditions

12. The permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2) of the GPDO, which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of five years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
13. The Council has suggested a time limit condition of three years. However, the standard conditions in the GPDO refer to a five year time limit condition. I am satisfied that this is reasonable and necessary.

Other Matters

14. I note the comments made by the parties about the pre application enquiry process. However, in determining this appeal, I am only able to have regard to the planning merits of the case.

Conclusion

15. For the above reasons, having had regard to all matters raised, I conclude that the appeal should be allowed, and prior approval should be granted.

F Wilkinson