



Appeal Decision

Site visit made on 20 December 2021

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/R0660/W/21/3280895

McLaren Street, Coppenhall, Crewe, Cheshire CW1 3UJ

Easting 370290, Northing 356929

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Cheshire East Council.
 - The application Ref 21/2687N, dated 13 May 2021, was refused by notice dated 2 July 2021.
 - The development proposed is described on the application form as 'proposed 5G telecoms installation: 15m high 'slim line' Phase 8 H3G street pole c/w wrap around cabinet and 3no. cabinets with ancillary works- to be coloured grey'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Schedule 2, Part 16, Class A require the local planning authority to assess the proposed development solely on the basis of its siting and appearance. My determination of this appeal has been made on the same basis.
3. The Council has referred to a number of development plan policies in its decision notice. However, 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 be had to the development plan. I have 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.
4. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). However, the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal.

Main Issues

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area, and whether any harm caused is outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites.

Reasons

Character and Appearance

6. The appeal site is a relatively wide section of the footway on the north side of McLaren Street adjacent to a large park which includes a children's play area. There is a children's sports, arts and teaching facility opposite the site on the south side of the street, which is otherwise a predominantly residential road characterised principally by two storey semi-detached properties. There are numerous street lighting columns and telegraph poles along McLaren Street. The adjacent park contributes positively to an open and verdant character.
7. The proposed development would comprise a 15m high street pole, to which various antennas would be attached, together with associated equipment cabinets at ground level. The proposal is intended to provide new 5G network coverage to the area in and around McLaren Street. The proposed pole and cabinets would be positioned towards the back of the footway adjacent to a low wooden rail which bounds the park.
8. Given the scale and height of the street pole, and without any concealment of the antennas behind a shroud, the proposal would be of utilitarian appearance which would be at odds with the prevailing residential character of the area. It would be much higher than the nearby street lighting columns and telegraph poles and it would also rise significantly above the height of the nearby buildings. The width of the proposed street pole, and the antennas in particular, would be noticeably wider than the nearby street lights. Although there are also relatively tall flood lights around a sports facility to the north, given their distance away from the appeal site, the proposal would not be readily seen in the context of these vertical features.
9. The proposal would be harmful to the street scene due to its siting on a well-used footway adjacent to the public open space, and would be highly visible in the skyline. There are few nearby trees to screen and thereby mitigate the undue presence of the proposal which would therefore be in a highly exposed position. I am mindful that the height of the proposed development must be sufficient to enable local provision. However, the size and utilitarian appearance of the proposed street pole would appear out of scale and overly prominent, particularly in views from McLaren Street, Broad Street and from the adjacent park, and it would therefore be an unduly dominant and incongruous feature in relation to its immediate surroundings.
10. The proposed equipment cabinets would be of modest size and minimised in their extent. As such, they would not result in an undue proliferation of street furniture or a visually cluttered street scene. The pavement on this stretch of McLaren Street appears to be of sufficient width to accommodate the proposals without causing a significant obstruction to pedestrians using the footway.
11. Notwithstanding this, for the above reasons, I conclude that, due to its siting and appearance, the proposed street pole would cause significant harm to the character and appearance of the area. Policies SE1 and SD2 of the Cheshire East Local Plan: Local Plan Strategy 2010-2030 (2017) (CELPS) seek, amongst other things, to ensure that development proposals make a positive contribution to their surroundings, and Policy CO3 of the CELPS requires telecommunications masts to be appropriately located. Policy NE.18 of the Borough of Crewe and Nantwich Replacement Local Plan (2011) seeks to

ensure that telecommunications development would not be visually obtrusive and result in a significant impact upon visual amenity. Given my conclusion on this matter, the proposal would conflict with these policies. The proposal would also conflict with guidance within the Framework, including in requiring equipment on new sites to be sympathetically designed.

Alternative sites

12. Paragraph 117 of the Framework states that evidence must be supplied to demonstrate that alternatives have been taken into consideration, including the possibility of erecting antennas on an existing building, mast or other structure. In this regard the appellant has undertaken a sequential approach to site selection with the four other alternative sites having been discounted.
13. However, the information submitted in this regard is limited to a very brief commentary on why each of those alternatives is unsuitable. The appellant claims that there are no mast/site sharing opportunities or existing buildings within the vicinity of the site which are capable of accommodating a base station and meeting network requirements. However, there is no evidence of surveys of any buildings having been undertaken which conclude that they cannot accommodate such equipment. There is also no detailed evidence to demonstrate that the appellant has considered whether it is possible to erect additional antennas on existing masts elsewhere, including the one located on Underwood Lane referred to by an interested party, thereby avoiding the need for the erection of an additional mast.
14. Consequently, I have insufficient evidence before me to be satisfied that alternative sites have been comprehensively assessed or that the appeal site represents the least harmful option available in the area to meet the additional coverage and capacity requirements and so secure the same public benefits.

Other Matters

15. Concerns have been raised by interested parties about the potential effects on health. However, the appellant has provided a certificate which confirms that the proposal has been designed to conform with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine.

Planning Balance and Conclusion

16. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G.
17. I have no reason to question the appellant's contention that the proposal is needed. I also acknowledge that it would provide significant benefits through the upgrade to digital telecommunications in this part of Crewe allowing for additional coverage and capacity, including the introduction of 5G technology to the locality, which weighs heavily in favour of the proposal. However, based on the evidence before me, it has not been demonstrated that the appeal site is the best available option for minimising the effect of the development. Therefore, notwithstanding the need for the proposed installation, and the

benefits which would arise from it, I conclude that the benefits would not outweigh the significant harm that I have identified to the character and appearance of the area.

18. The appeal should therefore be dismissed.

M Ollerenshaw

INSPECTOR