



Appeal Decision

Site visit made on 31 January 2022

by Cullum J A Parker BA(Hons) MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

Appeal Ref: APP/Z0116/W/21/3283927

Land at Redcliff Hill, Bristol, BS1 6RF

Easting 359054, Northing 172163

- 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 Bristol City Council.
 - The application Ref 21/02553/Y, dated 7 May 2021, was refused by notice dated 25 June 2021.
 - The development proposed is *'The installation of a 20 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto.'*
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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 The installation of a 20 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto at land at Land at Redcliff Hill, Bristol, BS1 6RF: Easting 359054, Northing 172163 in accordance with the terms of the application Ref 21/02553/Y dated 7 May 2021.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

Planning Policy

3. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies BCS21 and BCS22 of the Bristol City Council Core Strategy (adopted June 2011) and Policies DM26, DM27, DM31 and DM36 of the Site Allocations and Development Management Policies Document (adopted

July 2014) are material considerations as they relate to issues of siting and appearance. Similarly, the National Planning Policy Framework is also a material consideration and this includes sections on supporting high quality communications and the conservation of designated heritage assets.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the locality; including the setting of the listed building known as St Marys Redcliffe and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

6. The area surrounding the appeal site is characterised by a mix of buildings; most of which are three storeys or higher. This includes residential and commercial buildings. The surrounding area is a typical urban area with a plethora of common street furniture paraphernalia including street lighting, road signs, litter bins, bus stops, and traffic lights. To the north of the appeal site the street scene comprises a tree lined segment leading onto the roundabout with St Marys Redcliffe Church.
7. As shown on submitted drawing BRC14770_PLANNING_REV_A Issue: A, the proposal would be taller than the adjacent building that faces Prewett Street. However, telecommunication structures are common features in built up areas and the proposal, whilst being visible, would not necessarily be highly noticeable as it would blend in with similar structures such as street lighting.
8. Moreover, the proposal would have a vertical emphasis, which would be in keeping with similar structures and street furniture in the near locality. The proposal would be visible within the street scene and noticeable in the view of St Marys Redcliffe. It would also be visible from nearby residential dwellings and their outlooks. However due to its siting, height and bulk, it would not appear as an intrusive feature that adversely compromises the street scene and surrounding buildings.
9. The appeal site is not located within a conservation area, albeit the boundary of the nearby Redcliff Conservation Area runs down the centre of Redcliff Hill. The spire and upper parts of the steeple of the Grade I listed building of St Marys Redcliffe Church is visible from the appeal site and within wider views of the street scene. In addition to this, there are also several other listed buildings nearby including: the Grade II listed balustrade, wall and well head of the Church, War Memorial and 12 Colston Parade. The significance of these designated heritage assets within the context of this appeal derives from their aesthetic contribution to the street scene with visitors being able to experience the mix of old and new when approaching the city centre core from south to north along Redcliff Hill.
10. The main parties agree that the proposal would result in no greater than less than substantial harm to the significance of these heritage assets. Still, less than substantial harm needs to be weighed against the public benefits arising. In this case the proposal would increase the capacity and coverage of the mobile communications network in this locality. This would accord with the aims of national policy which recognises that advanced, high quality and

reliable communications infrastructure is essential for economic growth and social well-being.

11. Furthermore, the Appellant indicates that they have considered alternative sites for the proposal but these were not suitable. There is little evidence to the contrary from the Council that the need for the mast in this location to ensure reliable coverage of the mobile communications network is not present. I therefore find that the public benefits arising from the proposal outweigh the less than substantial harm in this case.
12. Accordingly, I find that the proposal would not result in harmful effect on the locality with respect to siting and appearance. The proposal would therefore accord with the local and national policies set out earlier in this decision.

Other Matters

Health

13. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply 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. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conditions

14. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

C Parker

INSPECTOR