



Appeal Decision

Site visit made on 21 February 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 07 March 2022

Appeal Ref: APP/P0119/W/21/3285546

Land at Winterbourne Road, South Gloucestershire BS32 8AQ

- 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 MBNL & H3G for and on behalf of Hutchison 3G Ltd against the decision of South Gloucestershire Council.
 - The application Ref P21/02177/PN1, dated 19 March 2021, was refused by notice dated 13 May 2021.
 - The development proposed is the installation of a new 20.0m column supporting 6 no antennas, together with ground-based equipment cabinets and ancillary development 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 new 20.0m column supporting 6 no antennas, together with ground-based equipment cabinets and ancillary development thereto at Land at Winterbourne Road, South Gloucestershire BS32 8AQ in accordance with the terms of the application, Ref P21/02177/PN1, dated 19 March 2021, and the details submitted with it, including drawings 002 (Site Location Plan); 215C (Maximum Configuration Plan); and 265C (Maximum Configuration Elevation A).

Procedural Matters

2. I have used the Council's address in this decision, as this more accurately describes the location of the appeal site. This has been agreed by the appellant.
3. Because this is an application for prior approval, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015) 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. This appeal will be determined on the same basis.
4. The principle of the proposed development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A do not require regard to be had to the development plan. Nonetheless, I have had regard to the policies of the South Gloucestershire Local Plan Core Strategy (2006 - 2027) (CS), South Gloucestershire Local Plan Policies, Sites and Places Plan (2017) (PSP Plan) and the National Planning Policy Framework (2021) (Framework), but only insofar

as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. In this context, the main issues are:

- the effect of the siting and appearance of the proposed development on the character and appearance of the area and the living conditions of neighbouring occupiers with regard to outlook; and
- where harm is identified, whether this would be outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

Reasons

Character and Appearance

6. The appeal site is located within a grassed area on the northern side of Winterbourne Road, just east of the roundabout with Hatchet Lane and Orpheus Avenue. Although the surrounding area is predominantly residential, Winterbourne Road is a busy section of the B4057, which connects the A38 to the west and Winterbourne town to the east. There are already existing monopoles and associated equipment on several other junctions of the roundabout, as well as numerous streetlights, road signs and traffic lights in close proximity. Street furniture, particularly with a vertical emphasis, is therefore prevalent in and around the junctions to the roundabout.
7. The proposal would introduce a tall monopole (approximately 20 metres in height) on the appeal site, together with associated low level equipment cabinets, which would upgrade an existing base station on the opposite side of the road. Given its height, it would be considerably taller than the other street furniture within the immediate vicinity, and would therefore appear prominent. However, given the prevalence of other vertical street furniture, and specifically other monopoles of similar appearance in and around the roundabout, I do not consider that it would appear unduly stark or out of place within this context. In this regard, I am satisfied that the development would not harm the character and appearance of the area.

Outlook

8. The impact of the development would be felt more keenly at the residential properties lying just north of the appeal site along Elming Down Close, most notably at nos. 9, 10, 11 and 18. Whilst the dense vegetation between Winterbourne Road and Elming Down Close would provide some degree of screening, particularly at ground floor level, the monopole would undoubtedly appear more prominent from the upper floors of these houses. Whilst I consider there is sufficient separation between the appeal site and these properties to ensure the impact of the monopole wouldn't be unduly overbearing or imposing, I do acknowledge that the proposal would cause some visual harm to the outlook of these dwellings.
9. Nonetheless, the appellant already has prior approval (Ref P20/13234/PN1) for the same monopole and associated equipment on the southern side of Winterbourne Road, which is just opposite the appeal site. Notwithstanding the

logistical difficulties with implementation of this other prior approval, the appellant's photomontage evidence does demonstrate that the proposal's visual impact would be substantively similar to the impact of the approved monopole when viewed from the residential properties along Elming Close Road. In this context, any additional harm to outlook over and above the approved scheme would be limited.

Benefits and Alternative Locations

10. Set against this harm, the proposal would provide an important upgrade to the digital telecommunications within Bradley Stoke, improving both coverage and capacity and introducing 5G technology to the locality. This is consistent with the government's communications objectives set out in paragraph 114 of the Framework, which says "*advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile generation technology (such as 5G)*". I therefore attribute substantial weight to this benefit.
11. Moreover, the appellant's evidence demonstrates that a comprehensive search of alternative sites for the siting of the proposed monopole and associated equipment has been undertaken, none of which are considered to be more appropriate. As an upgrade to an existing base station, the new monopole needs to be sited near to the existing apparatus to avoid it encroaching on neighbouring cells, which in turn would cause interference with the local network. As such, there is justification for the site needing to remain close to the roundabout.
12. Other possible sites around the roundabout have been discounted due to the presence of a culvert on the southern side of Winterbourne Road, and existing mast equipment at the roundabout's junction with Gipsy Patch Lane to the west (where mast sharing would necessitate much larger equipment which would have a far greater visual impact). In terms of Orpheus Avenue to the north, land on the western side has been discounted due to issues with obtaining the necessary land rights. Whilst not a planning issue, this land is also more constrained which means the equipment could impede pedestrian movement. As for the eastern side, this has been precluded as there is again less space to accommodate the equipment, and the visual impact of the monopole would be no different to the appeal site given the similar proximity to residential dwellings. In terms of alternative sites within Meade Park to the south of Winterbourne Road, the proposal would likely cause more acute visual harm, as it would jar more significantly with the open green amenity space. Based on the evidence before me, I therefore consider that the appellant's conclusion that there are no other feasible and available alternative sites which would have a lesser visual impact, is both reasonable and justified.

Planning Balance

13. Overall, whilst I am satisfied that the proposed development would not harm the general character and appearance of the area, some limited harm would arise to the outlook of properties at the southern end of Elming Down Close. Such harm would conflict with the amenity objectives of policies CS1 of the CS and PSP8 of the PSP Plan. However, in this instance I consider that the substantial benefit of the proposal in terms of improvements to the local

communication network would outweigh this harm, and there are no alternative available sites which would give rise to any lesser degree of harm. In this regard, the proposal is consistent the telecommunications objectives of the Framework, as well as Policy PSP36 of the PSP Plan. This policy promotes telecommunications infrastructure even where visual harm would arise, provided it would make a significant contribution to the telecommunications network, and there is no suitable alternative location that would meet the technical needs to the operator. As a result, I am satisfied that the siting and appearance of the development in the proposed location would be acceptable.

Other Matters

14. 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

15. The GPDO 2015 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

16. Whilst I acknowledge that the proposal would give rise to some limited harm to the outlook of neighbouring properties, this harm would be outweighed by the public benefits of the scheme and the lack of other suitable alternative sites. For the reasons given, and having had regard to all matters raised, I therefore conclude that the appeal should be allowed and prior approval is granted.

James Blackwell

INSPECTOR