



Appeal Decision

Site visit made on 22 February 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/Z4310/W/21/3282206

Central Reservation, Mather Avenue, opposite Liverpool Police Training Centre, Liverpool L18 9TG

- 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 EE (UK) Ltd and H3G (UK) Ltd against the decision of Liverpool City Council.
 - The application Ref 20PT/1236, dated 7 May 2020, was refused by notice dated 17 May 2021.
 - The development proposed is the installation of a 20 metre phase 8 pole with wrap around cabinet built around the base, 3no. new equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed, and planning permission is granted for the installation of a 20 metre phase 8 pole with wrap around cabinet built around the base, 3no. new equipment cabinets and ancillary development thereto at the Central Reservation, Mather Avenue, opposite Liverpool Police Training College, Liverpool L18 9TG in accordance with the terms of the application Ref 20PT/1236 dated 7 May 2020, and the plans submitted with it, subject to the relevant conditions of Class A.

Procedural Matter

2. Since the refusal of the scheme at application stage, the Liverpool Local Plan has been formally adopted. At the time of decision, it had gone through full consultation and was awaiting formal adoption and the forthcoming policies were identified in the Reasons for Refusal and both main parties made comment on those policies

Main Issues

3. The main issues in this appeal are:-
 - The effect of the development on trees.
 - That alternative sites for the proposal have been fully explored.
 - The effect of the development on the visual amenities of the area.

Reasons

Trees

4. There are a considerable number of trees in the vicinity that could be affected by the proposal. In the new Liverpool Local Plan (the LLP) is Policy GI9 that expects the potential impact of trees to be assessed via an arboricultural report.
5. This has been provided in support of the appeal and sets out how the health and welfare of the established trees has been taken into consideration.
6. I consider this report to have fully explored the potential for the effect on existing trees. The existing equipment close to the site would possibly have had an impact at the time of installation, but the new works proposed are in close proximity to existing trees.
7. Taking that into account, I conclude that the proposals could have an effect on the trees, but I am satisfied that this will be monitored during construction and managed afterwards.
8. As a result, I find the proposals are not in conflict with Policy GI9 of the LLP and Paragraph 117 of the National Planning Policy Framework (the Framework) which collectively expect development to address the impact on trees with an arboricultural impact assessment which deals with site layouts appropriately.

Alternative sites

9. The Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It therefore supports the expansion of electronic communications networks, including 5G.
10. Paragraph 117 of the Framework advises that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this should include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.
11. Included in the supporting evidence is a comprehensive list of alternative sites considered and investigated. The Council have concerns that roof top installations have not been considered. Amongst the supporting information submitted is the assessment that there are no buildings of sufficient height to allow for 5G coverage as well as the inappropriateness of the roofs of some residential buildings to be structurally sound enough to take the installation.
12. I did note on my site visit that much of the development within the immediate area is of low height. It is therefore understandable that an appropriate siting on an existing building has not been identified. As the existing structure would be replaced there would be no overall increase in the number of masts or sites as a result of the appeal proposal and it would be set up to allow other networks to make use of the site.

13. As such, I find no conflict with the aim for high quality design in Policy STP5 of the LLP and the Framework's objective of achieving well designed places and supply of appropriate evidence. I also find no conflict with Saved Policy HD27 of the Liverpool Unitary Development Plan which amongst other matters, expects development to investigate alternative site provision and it would replace an existing mast.

Visual amenities

14. The area surrounding the appeal site is characterised by residential and commercial properties. The surrounding area is a typical urban area with common street furniture paraphernalia including street lighting, road signs and associated lighting.
15. The proposal would be taller than the majority of structures and buildings in the area. However, telecommunications 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 street features and the existing mast, whilst smaller than the proposal, has become part of those street features.
16. Moreover, the proposal would mainly have a vertical emphasis, which would be in keeping with similar structures in the near locality. However, despite its siting, height and bulk, it would not appear as an intrusive feature that adversely compromises the street scene and surrounding buildings within this context.
17. I find that the proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal would be in accordance with Saved Policy HD27 of the Liverpool Unitary Development Plan, Policy STP1 of the LLP and Paragraph 113 of the Framework, which collectively, amongst other matters, expects development not to have a detrimental effect on the overall visual amenity or character of an area.

Conditions

18. An approval under Schedule 2, Part 16, Class A of the GPDO is subject to the conditions inherent in paragraph A.2 of that Part, and I consider that there is no need for any additional conditions.

Conclusion

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

Paul Cooper

INSPECTOR