
Appeal Decision

Site visit made on 1 March 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Appeal Ref: APP/P0119/W/21/3286201

Newton Road Streetworks, Newton Road, Longwell Green, Oldland, Cadbury Heath BS30 8EL.

- 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 Hutchinson Networks (UK) Ltd against the decision of South Gloucestershire Council.
 - The application Ref P21/05528/PN1, dated 14 May 2021, was refused by notice dated 6 October 2021.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
-

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 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at land at Newton Road Streetworks, Newton Road, Longwell Green, Oldland, Cadbury Heath BS30 8EL in accordance with the terms of the application Ref P21/05528/PN1, dated 14 May 2021, and the plans submitted with it including Drawings 002 Site Location Plan Rev B, 100 Existing Site Plan Rev B, 150 Existing Elevation A Rev B, 210 Proposed Site Plan Rev B, 260 Proposed Elevation Rev B, 303 Proposed Antenna Schedule & Line Configuration Rev B and 305 Equipment Schedule & Support Structure Details.

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, policy CS1 of the South Gloucestershire Local Plan – Core Strategy, as well as policies PSP8 and PSP36 of the South Gloucestershire Local Plan – Policies, Sites and Places Plan, are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure development respects the site and its context, that development does not create unacceptable living conditions and that telecommunications equipment is sited to minimise negative impacts. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

6. The appeal scheme proposes the erection of a 15-metre-high monopole to the front of a small parade of shops, and alongside the junction of School Road and Newton Road. While the buildings within the area are generally low-rise, being no more than three storeys in height, there are other vertical elements within the vicinity including street lighting columns, trees and most notably an existing 15-metre-high mast.
7. The proposed would be installed approximately 16 metres from the existing mast and, while the area is generally open to views from surrounding vantage points, the existing mast would provide context in terms of verticality. While the proposal would be higher than buildings within the vicinity, it would not be taller than the nearby mast. As a consequence, it would not be unduly prominent and would not be an alien visual feature at this location. Moreover, from some vantage points, the existing trees in the area would provide screening of the mast in longer distance views.
8. Where the mast would be visible, given its proximity, it would be viewed within the context of the existing installation thereby ameliorating any visual impact. Furthermore, given the position near an existing installation, there would not be any unacceptable proliferation of masts throughout the area.
9. Given the separation between the proposed mast and the existing buildings in the area, together with the slender nature of the mast itself, the development would not result in unacceptable overbearing effects on nearby occupiers. Nor would it result in any unacceptable effect on the living conditions of occupiers by way of visual intrusion.
10. Therefore, I find that the proposed installation would not be incongruous at this location but would integrate acceptably with existing features of the area, would not be incompatible with the locality and would not result in unacceptable living conditions. Accordingly, in this case, I find that the siting and appearance of the proposal would be acceptable.

Other Matters

11. 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.

12. I note concern over the potential for the development to result in unsociable behaviour. However, there is no substantive evidence to convince me that there would be any harm in this respect, particularly given the presence of other street furniture in the vicinity.
13. Despite the proximity of an existing mast, the appellant has indicated that mast sharing is not possible in this instance. No evidence has been submitted that establishes otherwise.

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.

Martin Allen

INSPECTOR