



Appeal Decision

Site visit made on 26 April 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2022

Appeal Ref: APP/J4423/W/21/3285825

Sherwood Glen Bus Stop, Abbeydale Road South, Sheffield S7 2QU

- 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 Cornerstone & Vodafone Ltd against the decision of Sheffield City Council.
 - The application Ref 21/01925/TEL, dated 21 April 2021, was refused by notice dated 16 June 2021.
 - The development proposed is the installation of a 17.5 metre Apollo streetpole, with 6no. antennas, 1no. GPS module, 2no. equipment cabinets, 1no. meter.
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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 a 17.5 metre Apollo streetpole with 6no. antennas, 1no. GPS module, 2no. equipment cabinets, 1no. meter at Sherwood Glen Bus Stop, Abbeydale Road South, Sheffield S7 2QU in accordance with the terms of the application Ref 21/01925/TEL dated 21 April 2021, and the plans submitted with it including plan numbers VF 18600 100 rev A site location maps; VF 18600 201 rev B site plan proposed; VF 18600 301 rev B site elevation proposed.

Preliminary Matters

2. The principle of development is established by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the proposed development solely based on its siting and appearance, taking account of any representations received. I have determined the appeal on the same basis. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless 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.
3. I have taken account of the National Planning Policy Framework 2021 (the Framework), which was issued after the Council's determination of the application. Whilst specific paragraph numbers have changed, nevertheless the substantive elements of the new Framework have not insofar as they relate to the substance of this appeal.

Main Issues

4. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- if there is any harm, whether this is outweighed by the need to site the proposed development in the location proposed having regard to the potential availability of alternative sites.

Reasons

Character and Appearance

5. There are several vertical structures along Abbeydale Road South including street lighting columns of around 10m in height at regular intervals, street and bus stop signs, wooden poles and an existing telecommunications pole of around 12.5m in height with associated equipment approximately 130m away. There are also a number of trees to the rear of the site, the closest two of which are around 15m and 20m high.
6. The height and width of the pole has been reduced to the minimum necessary for its purpose and meeting the International Commission on Non-Ionizing Radiation Protection (ICNIRP) standard. Although the pole would have a relatively simple form, it would be considerably higher and have a greater width than the existing vertical structures in the vicinity.
7. The pole would be visible for some distance when travelling in both directions along Abbeydale Road South. From most viewpoints along this road, the pole would be viewed in conjunction with other vertical components and so would not be seen as an isolated vertical structure. The trees and vegetation would provide some screening of the lower part of the pole and would help to soften its visual impact, although it would be more clearly visible when the trees are not in leaf. The light grey colour proposed would help to reduce its contrast with the sky.
8. From a distance, whilst the pole would be noticeable in certain perspectives along Abbeydale Road South, it would not be a dominant or incongruous feature. However, in closer proximity, the pole would be more apparent in the street scene when viewed from public vantage points and for residents of the houses opposite and the nearby property at 183 Abbeydale Road South. It would affect the outlook for those residents to an extent. However, given the separation distances, which includes a three lane road and a relatively wide pavement and highway verge between the opposite houses, the filtering effect of the trees near to no. 183 and the nature of the pole which would take up a relatively narrow part of the view, the effect on outlook would not be unacceptable.
9. The pole would appear in views of the wooded area to the east of Abbeydale Road South from certain vantage points. However, given the extent of this area, the majority of views to and from it would not be affected to a significant extent.
10. The scale and design of the proposed equipment cabinets are relatively modest, and they would be seen against the backdrop of the stone wall and

hedge that run along the rear of the pavement and the trees that sit just behind. The siting and design of the equipment cabinets would not therefore have a detrimental effect on the character or appearance of the street scene.

11. Overall, although the appellant has sought to minimise the visual impact of the proposed development through siting and design, given its height, the pole would be a noticeable feature in the street scene from close quarters. There would therefore be moderate harm to the character and appearance of the area.
12. Accordingly, the proposed development would conflict with Policy BE14 of the Sheffield Unitary Development Plan, adopted 1998, and Policy CS74 (parts c, e and h) of the Sheffield Development Framework Core Strategy, adopted 2009. Collectively, these policies require new development, including telecommunications, to be sited to minimise visual impact, to take advantage of and enhance distinctive features including townscape and landscape character, be of a high quality and contribute towards creating attractive, sustainable and successful neighbourhoods.
13. There would also be some conflict with paragraph 115 of the Framework which requires telecommunications development to be sympathetically designed and camouflaged where appropriate, as well as the design objectives in paragraph 130 (criteria a, b and c). However, as set out above, in my view given the particular nature of the scheme and its surrounding context, such harm may fairly be described as limited in extent.

Alternative Sites

14. The appellant has investigated alternative sites including mast sharing and co-location as required by paragraph 117 of the Framework. As described in the appellant's supplementary information and appeal statement, 19 other locations have been assessed within the area of search. Given the topography, tree cover, surrounding context, and land availability, none would achieve comparable benefits. I also note that in respect of options A, C, H, I, J, L, P, Q, R and S, rightly, the appellant argues that similar objectives could be achieved but only at the expense of development with greater adverse effects in terms of siting or appearance.
15. The need for the new site is partly to facilitate the appellant's roll out of the 5G network as well as to improve existing services in the area. The Framework recognises that advanced, high quality and reliable communications infrastructure, such as 5G, is essential for economic growth and social wellbeing, and that its expansion should be supported. Given that no less harmful sites that would meet the technical requirements have been found, I give substantial weight to the benefits that would result from the proposed development.
16. In weighing all the above matters, the benefits that would be delivered by the proposed development in terms of enhancing local telecommunication coverage would outweigh the moderate harm to the character and appearance of the area.

Other Matters

17. In addition to matters addressed above, a number of concerns have been raised by those nearby.

18. There is nothing to indicate that appropriate consultation, in line with legislative requirements, has not been undertaken in this instance.
19. The appellant has provided a declaration of conformity to confirm that the proposed development has been designed to comply with the guidelines published by the ICNIRP. In these circumstances, the Framework advises that a decision maker should not set health safeguards different from the ICNIRP guidelines. 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.
20. The Abbeydale Industrial Hamlet (the Hamlet) forms part of a Scheduled Ancient Monument (SAM) and contains two Grade II* and one Grade I listed buildings. Their significance lies in part from the historical associations with the industrial development of Sheffield. The proposed development would not be readily apparent in views of the Hamlet from Abbeydale Road South or when in the Hamlet, given its location in relation to the various buildings, the lower level at which the buildings sit and the screening effect of the trees. It would not affect the ability to understand the historical interest of the SAM or listed buildings and would not harm their setting or significance as designated heritage assets.
21. I note those issues did not form part of the Council's case at appeal. Therefore, whilst I acknowledge those points, they are nevertheless insufficient to outweigh or alter my reasoning regarding the overall acceptability of the scheme.

Conditions

22. The Council has suggested a condition requiring the submission of a service/maintenance management plan. However, the GPDO 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 five 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

23. For the above reasons, having had regard to all matters raised, I conclude that the appeal should be allowed, and prior approval should be granted.

F Wilkinson

INSPECTOR