



Appeal Decision

Site visit made on 20 July 2022

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 August 2022

Appeal Ref: APP/M3455/W/21/3286734

280 Waterloo Road, Stoke-on-Trent, ST6 3HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 against the decision of Stoke-on-Trent City Council.
 - The application Ref 67191/PRA, dated 25 August 2021, was refused by notice dated 22 October 2021. The development proposed is a NTQ phase 7 17.5m monopole C/W wraparound cabinet at base and associated works.
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Decision

1. The appeal is allowed and prior 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 installation of a NTQ phase 7 17.5m monopole C/W wraparound cabinet at base and associated works, at 280 Waterloo Road, Stoke on Trent ST6 3HL in accordance with the terms of the application, Ref 67191/PRA, dated 25 August 2021, and the details submitted with it.

Preliminary Matters

2. The appeal concerns a proposed telecommunications development that was refused prior approval by the Council under the terms of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Within certain limits the GPDO grants permission for the development of telecommunications equipment subject to a prior approval procedure. The GPDO makes it clear that the relevant issues to consider when assessing applications of this type are the siting and appearance of the proposed development.

Main Issues

3. In light of the above, I consider the main issues to be the effect of the siting and appearance of the proposed development on the character and appearance of the area and the living conditions of the occupiers of nearby residential properties with particular regard to outlook.
4. The provisions of the GDPO do not require regard to be had to the development plan. I have taken these policies into account in so far as they are material considerations relevant to the matters of siting and appearance.

Reasons

Character and appearance

5. The appeal site lies within the overflow car park and loading area of an existing supermarket and warehouse located to the west of Waterloo Road, Stoke on Trent. The area is mixed in character with both commercial and residential uses. Notably a small terrace of 5 residential properties lie to the east of the appeal site, the rear gardens of which bound the site. To the west are the rear gardens of properties on Barrett Drive.
6. Being sited to the rear of an existing retail store, the lower part of the mast and the equipment cabins would be screened from Waterloo Road. However, due to the overall height of 17.5 metres, the upper part of the mast would be visible. Given the utilitarian appearance of the mast, I consider that this would have an adverse impact on the character and appearance of the area. However, taking account of the mixed character of the locality and the commercial activities, I consider this impact would be limited.
7. The most significant visual impact would be from the rear windows and garden areas of 270-274 Waterloo Road and 17 & 19 Barrett Drive. There is little screening provided by existing trees. The submitted plans indicate a tree to the northern corner of the site, however this had been coppiced at the time of my visit, such that it would have no ability to screen the proposal for the occupiers of properties on Waterloo Road.
8. Other tree cover to the north western boundary of the site would however provide some screening for properties on Barrett Drive, though having regard to the design and height of the monopole, this would be limited. I am also conscious that these trees are outside the appeal site and thus outside the control of the appellant. In longer range views, the impact of the mast would be less significant, viewed within a backdrop of other buildings and structures of varying heights.
9. Overall, whilst the proposal would create localised visual harm, this would be diminished with distance. On balance, I conclude that the siting and appearance of the development would have a moderately harmful visual effect on the character and appearance of the area.

Living conditions

10. The location of the proposal, close to the rear gardens of residential properties on Waterloo Road and Barrett Drive, means that the mast would be clearly visible for the respective occupiers. Despite the proposal having a relatively slimline street pole design, it would form a conspicuous feature.
11. The masts impact would be mitigated to a degree for the occupiers of properties on Barrett Drive by the existing trees, and for the occupiers of properties on Waterloo Road by the intervening flat roof storage building. I acknowledge that the appellant has sited the mast in a central position on the site, approximately equal distance from the neighbouring residential properties. This provides a reasonable separation distance between the mast and the rear elevations of the dwellings.
12. Having regard to the separation distance, the presence of the storeroom and trees coupled with the design of the mast, I am not persuaded that this would

result in such a sense of enclosure or be so overbearing as to cause significant harm to the outlook from habitable room windows or from rear garden areas. Loss of views are outside the remit of the appeal and accordingly this factor has not had a material bearing on my assessment of this appeal.

13. Overall, therefore I consider that the siting and appearance of the proposal would not cause material harm to the living conditions of the occupiers of nearby dwellings. In so far as it is a material consideration, I have had regard to Policy CSP1 of the Newcastle Under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026. This seeks to ensure new development is well designed to respect the character, identity and context of the city.

Other Matters

14. The National Planning Policy Framework (the Framework) supports high quality communications infrastructure recognising that it is essential for economic growth and social wellbeing. It advises that applications for electronic communications development should be supported by evidence to justify the development.
15. I am advised that the appellant must relocate from a current site and that this has led to a search for an alternative location. A sequential approach has been followed. It is clearly not possible to upgrade at the existing location. Consideration has been given to mast sharing and co-location however the cell search is very limited. In any event I am advised that the resultant mast would likely have a greater visual impact as additional operators' equipment would have to be accommodated. A total of seven sites have been investigated for their suitability to site a new mast either on the roof or within the site. Unfortunately, they were found to have roofs too low, or they were located too close to residential properties. Other commercial sites investigated lacked sufficient space, with a new mast impacting on car parking or delivery areas.
16. I note that the appellant has undertaken pre application consultations with the Council and that no additional sites were suggested. In addition, no representations were received from local councillors. I have no robust evidence to demonstrate that there are other more suitable sites. I am therefore satisfied that there is a need for the installation and that suitable alternatives have been considered and discounted for sound reasons.
17. There is a clear need for, and importance, to the rollout of 5G technology. The appeal proposal would facilitate enhanced digital connectivity and rollout of the 'Next Generation' of telecommunications services and mobile broadband providing improved coverage for local residents and businesses in the area. The monopole is described by the appellant as the minimum height and width possible to achieve the required coverage and the least visually intrusive design solution. The proposal would be shared by several operators thereby removing the need for any future additional telecommunications masts in this location. I further acknowledge that the height of the proposed mast has been reduced from 20 metres after a previous application was refused and appeal dismissed.
18. In this case, I consider that the moderate harm to the character and appearance of the area, is on balance outweighed by the substantial economic and social benefits that would derive from the development. On this basis the proposal is acceptable.

Conditions

19. Development permitted under Class A Part 16 is subject to standard conditions, including a time limit for implementation, a requirement that development is carried out in accordance with the submitted details, and that it is removed when it is no longer required for electronic communications purposes. It is unnecessary to impose any additional conditions beyond these.

Conclusion

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

Helen Hockenhull

INSPECTOR