



Appeal Decision

Site visit made on 22 July 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th August 2022

Appeal Ref: APP/Z0116/W/22/3295468

Lodge Causeway, Hillfields, Bristol BS16 4DQ

- 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 Bristol City Council.
 - The application Ref 21/05061/Y, dated 11 September 2021, was refused by notice dated 10 November 2021.
 - The development proposed is described as 'Proposed 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works'.
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Decision

1. The appeal is allowed and planning permission is granted for 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works at Lodge Causeway, Hillfields, Bristol BS16 4DQ in accordance with the terms of the application, Ref 21/05061/Y, dated 11 September 2021, and the details submitted with it.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require that regard be given to the development plan. I have had regard to the policies of the Bristol City Council Core Strategy, adopted 2011 (Core Strategy), the Bristol City Council Site Allocations and Development Management Plan, adopted 2014 (SADMP), and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposal on a) the character and appearance of the area; b) pedestrian safety; c) the living conditions of nearby residential occupiers with regards to outlook; and d) whether any harm caused would be outweighed by the need for the installation

in the proposed location, having regard to the potential availability of alternative sites.

Reasons

Character and Appearance

5. The proposed development would comprise a 15m high monopole to which antennas would be attached, along with associated ground level equipment cabinets. The works would be located within the footway on Lodge Causeway, close to its junction with Chester Park Road. The proposal would be of a functional appearance, typical of telecommunications equipment that is generally found in urban areas.
6. The site is located on the edge of an active district centre, that contains a mix of commercial uses, alongside nearby residential properties. Given that Lodge Causeway is a main thorough-fare and the site's position is near a rather open junction, the proposal would be prominently located.
7. The monopole would largely be viewed against a backdrop of built development that is predominantly two-storeys in height. However, the proposal would extend significantly above adjacent built form. There are also no trees in the area that would help to screen the development. As such, the proposal would not only be prominent within the immediate streetscene but also visible from a range of locations in nearby residential streets.
8. The surrounding area contains numerous vertical features, including street lamps and telegraph poles. Given this urban context, the proposal would not be an entirely incongruous addition. However, the proposed monopole would be taller and of greater girth than surrounding street furniture, while its antenna headframe also adds a bulkier element at high-level. Consequently, it would appear as a rather stark and jarring structure despite its surrounding context.
9. The appellant has indicated that it has specified its least intrusive equipment for the development proposal. A willingness has also been expressed to accept a condition in relation to the finish colour of the development, so it may more appropriately harmonise with its surroundings. Whilst this may lessen the overall impact, it is not considered that the concerns regarding the monopole's height and design would be overcome by a specific finishing colour. In any case, the GDPO does not provide any specific authority for imposing additional conditions other than standard conditions set out in Class A.
10. It has been put to me that the ground level cabinets fall within permitted development rights (PDR) under Part 16, Class A of the GDPO without the need to consider their siting and appearance. This has been contended by the Council based on the volume of the largest cabinet, and the findings of an appeal decision that considered the issue of cumulative volume of adjoining cabinets¹. Nevertheless, as it stands, the proposal before me relates to the whole installation and I have therefore also considered the impacts of the cabinets.
11. The proposed cabinets would also add visual clutter to the street scene and due to their heights and positioning would disturb views of shopfronts within the

¹ APP/Z0116/W/21/3270704

district centre. As such, they would also cause harm to the character and appearance of the area.

12. Overall, due to its scale, appearance and proposed siting, the development would appear as a prominent and visually intrusive feature within the streetscene, which is deemed to result in moderate harm to the character and appearance of the area. Insofar as they are a material consideration, the proposal would be contrary to Core Strategy Policy BCS21 and Policies DM26 and DM36 of the SADMP. Together these policies, amongst other matters, seek to promote development that positively contributes to an area's character and distinctiveness as well as protects visual amenity.
13. The area where the proposal would be sited has seen recent investment into the public realm through the Council's capital works programme. No details of any further planned works are before me. Whilst the proposed development has been found to cause moderate harm to the character and appearance of the area, it would not meaningfully undermine the quality of the public realm works that have taken place, or ability of pedestrians to utilise the investment facilities. Nor would it necessarily prejudice further investment. Accordingly, the proposal is not deemed to be contrary to Core Strategy BCS10 and Policy DM24 of the SADMP, which among other matters, seeks to safeguard areas that would prejudice the future implementation of transport schemes.

Residential Outlook

14. Despite being within a largely commercial area, the appeal site is also located relatively near to residential properties.
15. The Council has highlighted that planning permission (ref: 17/02040/F) has previously been granted for the conversions of the first floor of nos. 308 – 312 Lodge Causeway to residential accommodation. I have limited details of the permission and it is unclear whether it remains extant. I note that the planning officer's report for the current proposal also indicates that there were pending decisions for lawful development certificates in connection with the proposed conversion of the upper floors of the neighbouring properties from retail to residential. However, I am unaware of the outcome of these applications.
16. The Council contends that should the upper floors of nos. 308 - 312 be converted to residential use, it is likely that windows serving habitable rooms would be located within 4m of the proposed monopole. At the time of my site visit it was not apparent as to whether the first floors of nos. 308 – 312 were in residential use. Despite this, given the potential for these units to accommodate residential uses, and that these units would be most acutely affected, it is reasonable to consider the potential effects of the proposal upon any occupiers/future occupiers, in terms of its siting and appearance.
17. The relevant upper floor windows of no. 308 – 312 already look out onto an existing streetlight, but due to its greater diameter the monopole would have a more pronounced visual affect. The monopole would be sufficiently set away from the windows, such that it would not be unduly overbearing. Nevertheless, the proposal would still result in some visual harm to the outlook from these properties.
18. Further nearby residential properties, most notably those on the corner of Beech Drive, would also have fairly prominent views of the proposals

particularly from upper floors. Given the greater separation distances involved, the proposal would again not be overly imposing. However, it would still cause some limited visual harm to the outlook from these properties.

19. Overall, the proposed development, through its siting and appearance, is considered to cause harm to the outlook from nearby residential properties such that the living conditions of the occupiers would be harmed. In so far as they are a material consideration, the proposal would be contrary to Core Strategy BCS21 and Policy DM36 of the SADMP. Together the policies, amongst other matters, seek to safeguard the amenity of existing development.

Pedestrian Safety

20. The proposal would be located on adopted highway that measures approximately 5m in width. The extent of useable footway for pedestrians though is greater due to a public right of way that runs adjacent to the adopted highway, to the front of commercial premises on Lodge Causeway.
21. The area immediately surrounding the appeal site already includes several items of street furniture, including bollards, bike stands, streetlighting, railings and signage. Despite this, the area around the junction remains relatively spacious for pedestrian movement.
22. The proposed telecommunications equipment, including associated cabinets would add further street furniture and reduce the width of the footway, particularly where the proposal would be sited near an existing bike stand. Nevertheless, there should remain sufficient space such that pedestrians, including those in wheelchairs or using pushchairs should not need to enter the roadway to navigate past one another. The existing bike stands should also still be able to be used effectively.
23. Additionally, sightlines and visibility for pedestrians in this area are generally good, due to the width of the footway (including the public right of way), and the relatively open nature of the junction. This would be eroded to some extent due to the height of the various equipment that is proposed to be placed within the footway. However, there would continue to be sufficient visibility for pedestrians to help avoid conflict in movement and significant risks to safety.
24. Consequently, the siting of the proposal is not deemed to harm pedestrian safety. As far as it is a material consideration, the development is therefore deemed to accord with relevant criteria of Core Strategy Policies BSC10, BSC21 and Policies DM23, DM24 and DM26 of the SADMP. Amongst other matters, these policies seek to respond appropriately to local patterns of movement and provide a safe, usable and accessible environment for all sections of the community.

Benefits and Availability of Alternative Locations

25. Balanced against the above identified harm, the proposal would provide a valuable enhancement to digital communications, improving both coverage and capacity of 5G technology, for residents and businesses in the surrounding locality. Paragraph 114 of the Framework advises that advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. It further advises that planning decisions should support the expansion of electronic communications networks including next generation technology (such as 5G).

26. Paragraph 117 of the Framework further identifies that applications for electronic communication development (including applications for prior approval under the GDPO) 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 an existing building, mast or other structure. Policy DM36 of the SADMP also sets out a similar sequential approach for the installation of new or upgraded telecommunications equipment.
27. Evidence has been provided by the appellant to demonstrate that a sequential approach has been followed, with the upgrading of existing sites or sharing of telecommunications structures shown not to be feasible or available. The evidence appears comprehensive in nature, while no substantive arguments have been put forward by the Council to counter the need for a new antenna site.
28. The appellant has also supplied evidence to demonstrate the site selection process, including the reasons why several alternative sites have been discounted. This includes issues of coverage, insufficient space, and residential amenity constraints. However, the Council contends that alternative sites have been discounted based on characteristics that are very similar to the proposed site and therefore the proposal is not justified. From the evidence before me and observations on site, I consider that the alternative sites are of sufficiently different contexts and appear to have been discounted for legitimate reasons. Notably, although alternative identified sites may be located a similar distance to the nearest residential properties, they are in areas that have a higher concentration of dwellings, whereby impacts on the residential character of the area and outlook are likely to be more severe. There is also no robust evidence before me to suggest that there would be other more suitable locations for the proposal.
29. Therefore, from the available evidence, I consider that the appellant's conclusion that there would be no other feasible, available, and more suitable location for the development to be both reasonable and justified. The proposal is therefore deemed to accord with the policy thrust of the Framework in regard to the delivery of telecommunications development. Similarly, the proposal aligns with aims established within The Code of Best Practice on Mobile Network Development in England (2016).

Other Matters

30. Concerns have been raised about potential effects on health of both humans and wildlife. In particular, the proposed development's proximity to residential properties, a pharmacy, and places of education are raised as a concern. 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.
31. Reference has been made to an appeal decision (ref: APP/Z0116/W/21/3270704) for a similar development within the authority area

that an Inspector dismissed. Minimal details have been provided regarding the context surrounding that scheme, albeit I note the overall scale of the proposal was larger than the current appeal scheme. As such, that appeal decision has not been demonstrated to be sufficiently comparable to the current proposal. Accordingly, it does not change my findings.

32. The Council's decision notice also referred to the development not being in accordance with Policy DM17 of the SADMP. The policy relates to development involving existing green infrastructure, but is not deemed in this instance to be relevant to the appeal proposal.

Planning Balance and Conclusion

33. The lack of realistic alternative options to deliver improvements to coverage and capacity is a matter that weighs strongly in favour of the proposed development. I also acknowledge the potential socio and economic benefits of the proposal outlined by the appellant and the support that is provided by Paragraph 114 of the Framework.
34. The moderate harm that would arise, in connection to the siting and appearance of the proposal, would be outweighed by the social and economic benefits provided by the improved coverage and capacity for the local community.
35. For the reasons given above, I conclude that the appeal should be allowed and prior approval is granted.

Conditions

Approval under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must 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.

Lewis Condé

INSPECTOR