



Appeal Decision

Site visit made on 22 August 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/A2335/W/22/3296049

Lancaster Road, Slyne-with-Hest, Lancaster LA1 2HT

- 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 & Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by CK Hutchison Networks (UK) against the decision of Lancaster City Council.
 - The application Ref 21/01272/PAM, dated 9 October 2021, was refused by notice dated 1 December 2021.
 - The development proposed is proposed telecommunications installation: proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary 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 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) for proposed telecommunications installation: proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works at Lancaster Road, Slyne-with-Hest, Lancaster LA1 2HT in accordance with the application Ref 21/01272/PAM dated 9 October 2021 and the details submitted with it including plans 002B, 100B, 150B, 210B, 260B, 303B & 305B.

Planning Policy

2. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. I have had regard to the policy of the development plan referenced within the evidence only as a material consideration relevant to matters of siting and appearance.

Main Issue

3. The main issue relates to siting and appearance, in terms of the effect of the monopole on the character and appearance of the area.

Reasons

4. The monopole and associated equipment would be situated within the footway on the western side of Lancaster Road at its junction with Green Lane. The location hosts numerous existing items of street furniture, including signage, street signs, bus stops, a speed camera, tall street lighting columns and telegraph poles. Tall and abundant trees also sit within the grounds of

Beaumont College/St Johns Hospice which are to the west of Lancaster Road to the north and south of the site.

5. A further vertical piece of equipment would not therefore appear out of place within what is a reasonably urban setting that is dominated by existing street furniture. Further, the trees on the western side of Lancaster Road would offer some screening to the monopole on the approach to the site from the north and south.
6. This would be as a result of the height of the trees which are similar to the proposed height of the monopole and as a result of their overhang to Lancaster Road.
7. The associated equipment cabinets would be tucked to the rear of the footway against the adjacent stone wall and fence and would not form prominent features within the streetscene.
8. The monopole would not be highly visible within the streetscene and would not represent an incongruous addition, partly as a result of the existing street environment and partly as a result of the screening effect of the nearby trees. The proposal would not have any unacceptable impact on the character and appearance of the area and would be acceptable in relation to siting and appearance.

Other Matters

9. The proposal would be sited close to the building that hosts the Forget Me Not Centre at St Johns Hospice. The monopole would be likely to have some visibility from this building in angled views when looking out of the first-floor windows on its southern elevation. However, it would be viewed within the same context as the existing street furniture and the monopole would not be placed so close or be of such bulky construction such that outlook would be significantly adversely affected.
10. 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).
11. In these circumstances, the Framework¹ 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. The Council indicate that the application has been subject to the necessary publicity arrangements and there is no compelling evidence to indicate that any publicity requirements associated with the proposal have not been fulfilled.

Conditions

13. The proposal is subject to the conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2) of Schedule 2, Part 16, Class A.
14. 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

¹ National Planning Policy Framework 2021.

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.

Conclusion

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

T J Burnham

INSPECTOR