



Appeal Decision

Site visit made on 6 September 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/M3455/W/21/3287730

Belgrave Road, Dresden, Longton, Stoke on Trent ST3 4PR

- 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 Hutchison Networks (UK) Ltd against the decision of Stoke-on-Trent City Council.
 - The application Ref 67183/PRA, dated 5 September 2021, was refused by notice dated 22 October 2021.
 - The development proposed is described as 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 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 Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works at Belgrave Road, Dresden, Longton, Stoke on Trent ST3 4PR, in accordance with the application Ref 67183/PRA, dated 5 September 2021, and the plans submitted with it including:

002 Site Location Plan – SOT17458_M002 Issue B, 210 Proposed Site Plan – SOT17458_M002 Issue B, 260 Proposed Elevation – SOT17458_M002 Issue B, 303 Proposed Antenna Schedule & Line Configuration – SOT17458_M002 Issue B, 305 Equipment Schedule & Support Structure Details – SOT17458_M002 Issue B.

Procedural 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 regard to be had to the development plan. I have however had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

4. The appellant considers that the installation of the proposed cabinets on their own constitutes permitted development, and hence could be carried out on site without prior approval. However, it is reasonable to assume that these would only be constructed as part of the proposed works as they are intrinsically connected to the functioning of the proposed mast. They would not be built if the mast were not built, and equally the mast would not be built without the ground level works. I have therefore considered the cumulative effects of the proposed mast and ground level works.
5. The Council have expressed concern regarding the accuracy of the height of the proposed monopole as described in the banner heading above, which is taken from the application form. Due to there being some uncertainty, I have removed specific reference to its height in my formal decision. I have however assessed the proposal based on the submitted plans.

Main Issues

6. The main issues are:

- the effect of the siting and appearance of the proposal on (i) the character and appearance of the area and (ii) the living conditions of occupiers of nearby residential properties with particular regard to outlook; and
- if any harm is identified, whether it would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and Appearance

7. The appeal site forms part of the footpath on the southern side of Belgrave Road in close proximity to the junction with Trentham Road. Immediately to the south of the site is a modest sized public car park, which is itself surrounded by four roads. The surrounding area otherwise comprises a mixture of small-scale commercial premises and residential properties.
8. Whilst there are a number of vertical features nearby, including streetlights and telegraph poles, these are slimline in design and no greater than approximately 8 metres in height. The proposed monopole would therefore be significantly taller, bulkier and more prominent than these existing features. When combined with the associated equipment cabinets, the proposed development would appear a visually dominant structure at odds with the prevailing size and scale of the existing street furniture.
9. The visual dominance of the proposal would be further exacerbated by the location of the appeal site. By virtue of the car park to the south and the highway to the north and west, the site occupies an open and prominent position. The site is located against a backdrop of existing trees which run between the site and the adjacent car park. However, whilst these would provide an element of screening, their effect would be limited due to the overall height of the proposed monopole which would project above the top of the trees. Furthermore, the trees would provide no screening of the proposal when viewed from the north or west. As a result, the proposal would appear an imposing and visually dominant structure within the street scene.

10. I therefore conclude that the siting and appearance of the proposed development would be harmful to the character and appearance of the area, albeit I find the degree of harm to be moderate. In so far as it is a material consideration, the proposal would be contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CS). This policy, among other matters, seeks to ensure that developments contribute positively to an areas character and identity.

Living Conditions

11. Although the appeal site is located immediately adjacent to a public car park and highway, there are residential properties nearby in the surrounding area. In particular, there are residential properties on the western side of Trentham Road and the southern side of Peel Street which is situated to the south of the car park. There also appears to be residential accommodation available at first floor level above some of the nearby commercial premises.
12. I acknowledge that due to its overall height the proposed development would be visible from a number of the nearby residential properties. However, the appeal site is not immediately adjacent to any residential property and there would be a significant separation distance between the proposed development and the nearest residential properties. As a result, given its siting, I find that the proposed development would not have an undue impact upon outlook from nearby residential properties.
13. I therefore conclude, on this issue, that the siting and appearance of the proposal would not result in harm to the living conditions of occupiers of nearby residential properties, with specific regard to outlook.

Alternative Sites

14. Paragraph 117 of the Framework states, among other things, that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by necessary evidence to justify the proposal. Where this in relation to a new mast or base station, this evidence should include that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
15. The appellant has appropriately followed the sequential approach, advocated by the Framework, in identifying site options. It is noted that the 5G cell search area is very constrained, and that that in this case the designated search area also covers a largely residential area.
16. The sequential approach undertaken by the appellant identified that there were no existing mast or site sharing opportunities. Similarly, given the sites location within an area consisting of predominately two storey properties, no suitable buildings or structures were identified within the search area.
17. Accordingly, a new ground-based installation was sought with the appellant considering and discounting a number of other sites, which are listed and described. These sites were discounted for a variety of reasons including insufficient pavement width, obstructing overhead cables, impacts upon visibility splays, and the proximity to residential properties. From both the information before me and from my own observations during my site visit, I find no compelling reason to disagree with this conclusion which has also not been contested by the Council.

18. I am therefore satisfied that a thorough review of possible site options within the cell search area has been conducted, and I have no robust evidence before me to suggest that there would be other more suitable alternative sites.
19. Paragraph 114 of the Framework provides that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that the expansion of economic communications networks, including next generation mobile technology (such as 5G), should be supported. The Council acknowledges the importance of 5G mobile technology to the economy. As no suitable alternative sites have been identified, I attach substantial weight to the social and economic benefits that would result from the proposal
20. As a result, the moderate harm that I have found would be caused to the character and appearance of the area by the siting and appearance of the proposed development, would be outweighed by the social and economic benefits of the proposal.

Conditions

21. Any planning permission granted for the development 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), which 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.

Conclusion

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

David Jones

INSPECTOR