



Appeal Decision

Site visit made on 9 September 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/P0119/W/22/3297235

Bradley Stoke Way, Bradley Stoke BS32 8BE

- 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 South Gloucestershire Council.
 - The application Ref P21/06605/PN1, dated 3 October 2021, was refused by notice dated 2 December 2021.
 - The development proposed is described as 'Proposed 16.0m 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 a 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Bradley Stoke Way, Bradley Stoke, BS32 8BE in accordance with the terms of the application, Ref P21/06605/PN1, dated 3 October 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 South Gloucestershire Local Plan Core Strategy 2006 – 2027 (adopted 2013) (the Core Strategy), the South Gloucestershire Local Plan Policies, Sites and Places Plan (adopted 2017) (the PSPP), 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.

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) the living conditions of nearby residential occupiers; and c) 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 appeal site is on the north-eastern side of Bradley Stoke Way, a long, wide and relatively busy highway, that is a main throughfare through Bradley Stoke. The proposed development would be located on a deep grass verge to the side of the highway that includes a mixture of mature and semi-mature trees along with tall streetlights. The surrounding area is generally residential in nature and is characterised by primarily two-storey detached dwellings, such as those located nearby to the site on Juniper Way.
6. The proposed development would comprise a monopole to which antennas would be attached (measuring a total of 16m in height), along with associated ground level equipment cabinets. The proposal would be of a functional appearance, typical of telecommunications equipment that is generally found in urban/suburban areas. The proposed equipment cabinets, due to their scale and positioning within a spacious section of grass verge would not result in a visually cluttered streetscape.
7. The monopole would be viewed in the context of other vertical elements, including the nearby streetlights and mature trees. However, it would still be taller and of greater girth than the streetlighting and many of the surrounding trees. Nevertheless, the dense band of tall trees to the north would largely screen the proposal from view, when approaching from that direction. Additionally, from other angles, the tall trees would act as a backdrop to the monopole, which to some extent would make the development appear less stark.
8. I observed on my site visit that existing telecommunication masts of a similar nature were already present along Bradley Stoke Way, approximately 1km to the north of the appeal site. The site-specific context of the nearby antenna was somewhat different in that they were located adjacent to commercial/retail development. Nevertheless, their nearby presence, along a continued stretch of the same road, would mean that the proposal would not be a completely alien feature to users passing along this stretch of Bradley Stoke Way.
9. Despite the above factors somewhat mitigating the effects of the proposed development, due to its overall scale and appearance, it would still appear as a prominent and somewhat jarring feature in the streetscene. I find it would therefore result in moderate harm to the character and appearance of the area. Insofar as it is a material consideration, the proposal would be contrary to Policy CS1 of the Core Strategy. The Policy, amongst other matters, seeks for the design of development to respect and enhance the character of the site and its context.

Living Conditions

10. The proposal would be sited approximately 12 to 15m from the nearest residential properties namely, 263 and 265 Juniper Way. It is these properties that the effects of the proposal would be most keenly felt by. Given the proposal's overall scale and positioning to these dwellings, the proposed development would be a prominent feature, particularly when viewed from

their rear upper floor windows and garden spaces. The monopole would be sufficiently set away from the properties such that it would not be unduly overbearing. However, it would still result in visual harm to the outlook from these properties.

11. The proposed development is therefore considered to cause harm to the living conditions of the nearby residential occupiers. In so far as it is a material consideration, the proposal would be contrary to PSP8 of the PSPP which seeks to safeguard the living conditions of occupiers of nearby properties.

Benefits and Availability of Alternative Locations

12. 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 informs 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).
13. The Framework also 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 PSP36 of the PSPP also sets out a similar sequential approach for the installation of new or upgraded telecommunications equipment, along with criteria relating to the design and technical needs of the operator.
14. The appellant has provided evidence to demonstrate that a sequential approach has been followed, with no existing sites being feasible or available for upgrading or sharing of telecommunications apparatus. The appellant's evidence also sets out reasons why several nearby alternative sites within the search area have been discounted. This includes issues of coverage, insufficient space, and residential amenity constraints.
15. From my observations on site, I noted that whilst some of the alternative sites had broad similarities to the appeal site, they nevertheless appear to have been discounted for legitimate reasons. Furthermore, no robust arguments are before me to oppose the need for a new antenna site, or to suggest that there are other more suitable locations for the proposal.
16. Consequently, based on the available evidence, I deem that the appellant's findings that there would be no other feasible, available, and more suitable location for the development to be both reasonable and justified. In so far as it is material, the proposal is considered to comply with Policy PSP36 of the PSPP, in respect of the approach that is to be taken for the development of new or upgraded telecommunications equipment. The proposal also accords with the policy aims of the Framework in regards to the delivery of telecommunications development.

Other Matters

17. Various concerns were raised by nearby residents during the planning application, some of which are addressed within the main section of this decision. Concerns were also raised in relation to the potential health implications of the proposal and the effect of the development on the value and saleability of property.
18. With respect to potential effects on health, 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. Additionally, Policy PSP36 also promotes that proposals should conform to 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 local or national policy is justified.
19. There is no evidence before me to suggest that the proposal would result in the loss of property values or cause sales issues. In any event, planning is concerned with the land use in the public interest. Accordingly, the protection of private interests such as property values are not relevant to the consideration of such cases.

Planning Balance and Conclusion

20. 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-economic benefits of the proposal outlined by the appellant and the support that is provided by Paragraph 114 of the Framework.
21. Although moderate harm would arise in connection to the siting and appearance of the proposal, this is outweighed by the social and economic benefits provided in terms of improved coverage and capacity for the local community.
22. For the reasons given above, I conclude that the appeal should be allowed and prior approval is granted.

Conditions

23. 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