



Appeal Decision

Site visit made on 26 September 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2022

Appeal Ref: APP/J0540/W/22/3296409

Bretton Way, South Bretton, Bretton, Peterborough PE3 9TF

- 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 CK Hutchison Networks (UK) Ltd against the decision of Peterborough City Council.
 - The application Ref 21/01331/PRIOR, dated 14 August 2021, was refused by notice dated 6 January 2022.
 - The development proposed is a proposed 16.0m phase 8 monopole c/w wrapround cabinet at base and associated ancillary works.
-

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 proposed 16.0m phase 8 monopole c/w wrapround cabinet at base and associated ancillary works at Bretton Way, South Bretton, Bretton, Peterborough PE3 9TF, in accordance with the terms of the application Ref 21/01331/PRIOR, dated 14 August 2021, and the plans submitted with it including PBO19214_M002 002A; 210A; 260A; 303A; and 305A.

Preliminary Matters

2. There is no dispute between the parties that the proposal satisfies the limits to permitted development set at Paragraph A.1 to Class A of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). Paragraph A.3 requires that before development can commence a determination be made as to whether prior approval will be required as to the siting and appearance of the development.
3. The Council have referred to a development plan policy in the decision notice. Although 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 be had to the development plan, I have nevertheless had regard to the development plan policy only in so far as it is a material consideration relevant to matters of siting and appearance.
4. The Council's decision notice and delegated report refer to the proposed monopole as being 20m high. However, revised plans submitted during the course of the application reduced the height of the monopole to a maximum of 16m. I have considered the appeal scheme on the basis of the revised plans.

Main Issues

5. The main issues are the effects of the siting and appearance of the proposal on the character and appearance of the area and, if any harm would occur, whether this would be outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites.

Reasons

Character and appearance

6. The appeal site is a section of the footway on the western side of Bretton Way to the south of a bus shelter. There are a number of mature and semi-mature trees to the west of the footway, beyond which there are residential properties at Cotton End. Bretton Way, which is a main highway running through Bretton, is characterised by dense tree cover on both sides of the road which gives the area a pleasant, verdant character.
7. The proposed development would be of functional appearance, typical of telecommunications equipment seen in urban areas generally. It would be seen in the context of streetlighting columns along Bretton Way, which are strong vertical elements clearly visible within the street scene. Whilst the proposed pole would be noticeably bulkier than the streetlighting columns and it would be readily visible from various points along Bretton Way, the siting of the proposal adjacent to the trees would soften its appearance. Consequently, the proposal would not appear out of place or be harmful to the street scene.
8. The proposed pole and cabinets would be situated towards the back of the footway adjacent to the trees. The Council's concern relates to the siting of the development, and supply of services to it, and the consequent impact on the root protection areas of the adjacent trees, the loss of which the Council considers would be harmful to the character and appearance of the area.
9. In the absence of a professional tree report, such as an Arboricultural Impact Assessment, there are no details of the nature and extent of the root protection areas of the nearby trees to enable an assessment of the impact on the tree roots to be made. However, due to the proximity of the proposal to the trees and the foundations that would likely be required for its installation, I consider that the proposal would potentially affect the roots of some of these trees which could lead to their deterioration or eventual loss, with implications for the verdant character and appearance of the area.
10. However, the nearby trees do not have any statutory protection and form part of a much larger group of trees, the majority of which would be unaffected by the proposal. The extent of tree cover along Bretton Way and in the general vicinity of the appeal site is extensive and would remain. Moreover, given the small footprint of the monopole and cabinets, the scheme would be likely to affect only a small proportion of any nearby tree roots. Nevertheless, the siting of the proposal could lead to the potential deterioration or loss of the nearby trees which would cause some harm to the character and appearance of the area to which I afford moderate weight.
11. For the above reasons, I consider that the proposal would not appear overly prominent or visually intrusive. However, any potential adverse impact on the health of the nearby trees would cause moderate harm to the character and

appearance of the area. I have taken into account Policy LP29 of the Peterborough Local Plan (2019) which, amongst other things, requires development proposals to maintain, improve and expand existing tree and woodland cover. Given my conclusion on this matter, the proposal would conflict with this policy.

Alternative sites

12. Paragraph 114 of the National Planning Policy Framework (the Framework) states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. Applications for telecommunications development should be supported with the necessary evidence to justify the proposal in accordance with paragraph 117 of the Framework. The proposal would provide significant benefits through the upgrade to digital telecommunications in this part of South Bretton allowing for additional coverage and capacity.
13. The appellant has supplied additional information regarding the site selection process and has explored several other siting options. After due consideration all were discounted for various reasons including close proximity to residential properties and a hospital. The evidence indicates that there are also no readily identifiable mast/site sharing opportunities or suitable buildings or other structures within the intended cell area.
14. The Council considers that telecommunications operators are able to find sites which maintain a greater distance from adjacent trees, and in this regard refer to a recent proposal for a 15m high monopole near the junction of Bretton Way and Wedgewood Way¹. However, the Council have not suggested any alternative sites for the appeal proposal and there is no substantive evidence that challenges the rationale for discounting the alternatives that have been considered. I have no robust evidence before me to suggest that there would be other more suitable sites. The lack of realistic alternative options to deliver improved coverage and capacity is a consideration which weighs strongly in favour of the development. Thus, in this instance, I am satisfied that undertaking the proposed development is justified in order to achieve the economic and social benefits arising from it.

Conditions

15. 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. The Council suggests additional conditions. However, the GPDO does not provide for the imposition of additional conditions beyond the deemed conditions for development by electronic communications code operators, including in relation to the colour of the monopole and equipment. I have therefore not imposed any additional conditions.

¹ Council ref 22/00651/PRIOR

Planning Balance and Conclusion

16. I have found that the siting and appearance of the proposal would result in moderate harm to the character or appearance of the surrounding area. In this instance, having regard to the absence of more suitable alternative sites, the moderate harm to the character and appearance of the area resulting from the potential loss of nearby trees would be outweighed by the social and economic benefits provided by the improved coverage and capacity for the local community. For these reasons, I conclude that the appeal should be allowed and prior approval be granted.

M Ollerenshaw

INSPECTOR