



Appeal Decision

Site visit made on 7 October 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2022

Appeal Ref: APP/Z0116/W/22/3295996

Gloucester Road, Horfield, Bristol BS7 0AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Bristol City Council.
 - The application Ref 21/05675/Y, dated 17 October 2021, was refused by notice dated 10 December 2021.
 - The development proposed is described as '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 planning permission is granted for the proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works, at Gloucester Road, Horfield, Bristol, BS7 0AB in accordance with the terms of the application, Ref 21/05675/Y, dated 17 October 2021, and the plans 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 issue is the effect 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 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 located within the public footway on Gloucester Road, a busy thoroughfare. The appeal site is positioned to the front of a commercial garage, the surrounding area also contains other commercial uses but is largely residential in nature. Opposite the site lies Horfield Common, a large expanse of green space flanked by numerous mature trees, which provides some visual relief and greenery to an otherwise built-up area.
6. The proposed development would comprise a monopole to which antennas would be attached (measuring a total of 15m 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.
7. There is already various other street furniture in the vicinity of the site including street lighting and telegraph poles, large advertisement boards and traffic lights. I also observed the presence of similar telecommunications equipment relatively nearby to the site, such that the proposal would not appear to be an entirely incongruous addition in the context of the wider area.
8. Despite this, the proposed development would remain significantly taller than the street furniture within its immediate surroundings. The elevated location of the site compared to much of the surrounding area, alongside the low-rise nature of nearby built development would also accentuate the scale of the proposed development. The proposal would therefore be prominent and seen to disrupt the skyline from many nearby locations, resulting in a visually intrusive form of development. It would also be visible from nearby residential properties and their outlooks.
9. To some extent trees alongside Horfield Common would help to screen the proposal. However, this would be limited to certain positions to the north and west of the site. Even then, the height of the development is such that it is still likely to be seen to project significantly above the trees from medium and longer distance views. The proposal protruding above the generally consistent height of the tree canopy lining Horfield Common, would itself result in a discordant feature, that would somewhat detract from the pleasant and verdant character of the nearby Common.
10. Overall, the proposed development would appear as a visually intrusive feature due to its scale, appearance, and siting. I find that it would 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.

Benefits and Availability of Alternative Locations

11. 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).

12. 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 DM36 of the SADMP 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.
13. 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, highway safety/access issues, and potential effects on the setting of heritage assets.
14. From my on-site observations, it appeared that whilst some of the alternative sites had broad similarities to the appeal site, they nevertheless had been discounted for valid reasons. Additionally, whilst the Council raised issues with regard to the justification for the constrained nature of the cell site and that alternative sites were not considered thoroughly enough, I have not been provided with any robust arguments identifying or demonstrating that there are more suitable locations for the proposal or that the search area was inappropriate.
15. Accordingly, based on the available evidence, I consider 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 DM36 of the SADMP, in respect of the site selection 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 relation to the delivery of telecommunications development.

Other Matters

16. Various concerns have been raised by nearby residents, some of which are addressed within the main section of this decision. Other matters raised include the number of telecommunications infrastructure already in the area, as well as concerns over human health impacts and the proximity of the proposal to schools.
17. As detailed above, the appellant has demonstrated the requirement for the additional infrastructure and there is no robust evidence before me to counter this. The appellant has also 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.

18. Concerns have also been expressed in relation to the planning process, including not adhering to best practice with regards to consultation, as well as the circumstances surrounding previous applications for telecommunications infrastructure. However, the appeal proposal has been considered on its own merits.

Conditions

19. 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. It is therefore not necessary to include a condition specifying the approved plans.
20. The GDPO does not provide any specific authority for imposing of additional conditions beyond those set out by Class A. Therefore, I cannot impose a condition requiring approval of a construction management plan that has been suggested by the Council.

Planning Balance and Conclusion

21. The absence of realistic alternative options to deliver enhancements to coverage and capacity is a matter I give significant weight 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.
22. Although moderate harm would arise, in connection to the siting and appearance of the proposal, this would be outweighed by the socio-economic benefits provided by the improved coverage and capacity for the local community. Accordingly, I conclude that the appeal should be allowed and prior approval is granted.

Lewis Condé

INSPECTOR