



Appeal Decision

Site visit made on 28 November 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/Z0116/W/22/3302556

The Richmond Building, 105 Queens Road, Clifton, Bristol BS8 1LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by MBNL against the decision of Bristol City Council.
 - The application Ref 21/02469/F, dated 26 March 2021, was refused by notice dated 24 January 2022.
 - The development proposed is described as a 'proposed telecommunications rooftop installation upgrade and associated ancillary works. C/L of Apertures +30.40m AGL'
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Decision

1. The appeal is allowed and planning permission is granted for Proposed telecommunications Rooftop installation upgrade and associated ancillary works. C/L of Apertures +30.40m AGL at The Richmond Building, 105 Queens Road, Bristol BS8 1LN in accordance with the terms of the application, Ref 21/02469/F, dated 26 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved:
715239_BRC055_94806_BS0271_M010 (Issue H) 002;003;004;215;
265;266;267;268;269;270;304;305; 320; 330.

Main Issues

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Clifton and Hotwells Conservation Area (CA) or the setting of nearby listed buildings.

Reasons

3. The Richmond Building is a substantial 7-8 storey mid 20th century, mostly concrete building in use by the University of Bristol. It is significantly taller than the surrounding buildings and dominates this part of Queens Road, which is characterised by a mix of 2-4 storey residential terraces, semi-detached houses and some commercial and educational uses. The building sits within the Clifton and Hotwells CA and is surrounded on all sides by a number of Grade II and Grade II* Listed Buildings, including those on Buckingham Place, Queens Road, Gordon Road and Richmond Hill Avenue.
4. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention should be paid to the desirability

of preserving or enhancing the character or appearance of Conservation Areas and preserving listed buildings and their setting or any features of architectural or historic interest which they possess. The Framework states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and that great weight should be given to the asset's conservation.

5. The adopted Clifton and Hotwells Character Appraisal and Management Proposals (2010) (CAMP) sets out that the unique character of the CA is influenced by the local topography and geology, which has produced a residential townscape of grand contrasts and memorable settings. The steep slopes and built fabric, particularly cascading terraces, contribute to the special interest and significance of the CA.
6. The Richmond Building, by virtue of its scale, design and materials, relates poorly to the surrounding mostly historical terraces and buildings and has a negative contribution to the character and appearance of the CA. However, given its scale and particularly its height, despite being visible, the existing antennas and telecommunications equipment on its rooftop are limited in their visual impact.
7. I acknowledge that the CAMP sets out that satellite dishes, telephone wires and other minor additions have a significant cumulative impact on the character of streets and terraces. The Council set out that the new antennas would be 2m higher than the existing. Whilst they would be seen against the skyline, the limited additional height would be seen in the context of the existing scale of building as a whole and would be sited above the normal eyeline. However, the antennas would be positioned closer to the building's elevations, increasing their prominence and visual impact, particularly from Queens Road, Gordon Road and Richmond Hill/Richmond Hill Avenue. This limited but increased visual impact would appear, from some distant views, as an incongruous form of visual clutter that would detract from the predominantly traditional form and appearance of this part of the CA, exacerbating the existing buildings negative contribution on its character and appearance.
8. The appeal site is surrounded by listed buildings, the nearest being, as identified by the Council, the Grade II* Listed Buckingham Place on the opposite side of Queens Road, and the various Grade II Listed Buildings on Gordon Road, Queens Road and Richmond Hill Avenue.
9. Buckingham Place, a terrace of 16 dwellings, dates from the mid-19th century and its significance derives from its age and architectural quality. Similarly, the early to mid 19th century listed properties along Gordon Road, Queens Road and Richmond Hill Avenue derive their significance from their special architectural and historic interest. The setting of the listed buildings is provided by the surrounding homogenous high quality historic architecture.
10. The new telecommunications equipment would be visible from these listed buildings and could be seen, from certain distant vantage points, in the same view. Whilst again, sited above the normal eye line, the contemporary appearance and visual clutter would be a distracting feature that would have some limited harmful impact on how the listed buildings are experienced. As such, it would result in slight harm to the setting of these listed buildings, and thereby have a slight, but nevertheless harmful impact on their significance.

11. As such, this would amount to less than substantial harm to the significance of the CA as a whole, and to the significance of the listed buildings.
12. There is therefore conflict with Policies BCS21 and BCS22 of the Bristol City Council Core Strategy (2011) and Policies DM26, DM27, DM30 and DM31 of the Site Allocations and Development Management Policies (2014) and Policy BCAP43 of the Bristol Central Area Plan (2015), which collectively seek to ensure that development is not harmful and contributes positively to an areas character and identity, and that development proposals safeguard or enhance heritage assets in the city, including their settings.
13. However, paragraph 202 of the Framework requires less than substantial harm to be weighed against the public benefits of the proposal. The Framework recognises 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) and full fibre broadband connections. There is a clear need for, and importance of, the rollout of the 5G network.
14. The proposal would upgrade the digital telecommunications network in the local coverage area by allowing for additional coverage and capacity, including the introduction of 5G technology to the area. The introduction of 5G technology would bring significant public benefits, contributing towards economic growth, social inclusion and well-being, with a key benefit for residents, businesses and visitors of the area being faster mobile download/upload speeds. This weighs significantly in favour of the proposal.
15. The requirement for the mast and equipment within the immediate locality is clear and I note that the Council have not suggested any alternative sites. Paragraph 115 of the Framework encourages the use of existing buildings for communications infrastructure. I have no substantive evidence before me to suggest that there would be other more suitable sites, that would have a less harmful impact, within the target area. The lack of realistic alternative options to deliver improved coverage and capacity is therefore a consideration which also weighs significantly in favour of the development.
16. I therefore conclude that the significant public benefits are sufficient to outweigh the less than substantial harm that the proposed telecommunications rooftop installation upgrade and associated ancillary works would cause to the significance of the designated heritage assets, as detailed in the Framework. As a material consideration, this warrants taking a decision that does accord with the development plan.

Other Matters

17. Concerns have been raised about potential effects on health. However, 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. 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.

Conditions

18. A conditions relating to the statutory time limit condition and a condition to identify the approved plans are necessary in the interests of proper planning and to provide certainty. I do not consider a condition to control colour necessary, given the high level siting of the equipment.

Conclusion

19. Whilst I have found that the proposal would result in less than substantial harm to the CA and surrounding listed buildings and would not accord with the development plan, the other material considerations of the significant public benefits and the provisions of the Framework, outweigh these findings. For the reasons given above, I conclude that the appeal should be allowed.

B Phillips

INSPECTOR