



Appeal Decision

Site visit made on 6 December 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

Appeal Ref: APP/Z0116/W/22/3303411

Area of Footpath, 113 Winterstoke Road, Ashton Gate, Bristol BS3 2NS.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval 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 Limited against the decision of Bristol City Council.
 - The application Ref 22/02123/Y, dated 28 April 2022, was refused by notice dated 21 June 2022.
 - The development proposed is a 5G telecommunications installation: 15 metre slim line phase 8 monopole c/w wraparound cabinet at base, 3 no. additional ancillary equipment cabinets and associated ancillary works.
-

Decision

1. The appeal is allowed and planning permission is granted for a 5G telecommunications installation: 15 metre slim line phase 8 monopole c/w wraparound cabinet at base, 3 no. additional ancillary equipment cabinets and associated ancillary works at area of footpath, 113 Winterstoke Road, Ashton Gate, Bristol BS3 2NS in accordance with the terms of the application, Ref 22/02123/Y, dated 28 April 2022, and the plans submitted with it.

Preliminary Matters

2. The description of development in the banner heading above is taken directly from the Council's Decision Notice. This is a more concise description of the development proposed than that set out on the planning application form.
3. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority, and therefore the Secretary of State, to assess the proposed development solely on the basis of its siting and appearance taking into account any representations received. The Council has referred to several development plan policies. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) but only in so far as they are a material consideration that are relevant to matters of siting and appearance.

Main Issues

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and Pedestrian and Highway Safety

Reasons

Character and Appearance

5. The appeal site is located on the southern side of Winterstoke Road (A3029). Winterstoke Road is a busy highway with a central reservation separating two lanes of traffic. The central reservation includes a pedestrian refuge as well as grassland, a couple of semi mature deciduous trees, modern street lighting columns, traffic signs and low-level highway signs. On the opposite side of Winterstoke Road it is predominately two storey residential development, but on the southern side there is a mix of two storey residential dwellings and larger commercial and office buildings.
6. The appeal site is a section of footway adjacent to 113 Winterstoke Road, which is a local electrical hardware store at the end of a small row of shops. A retail development, including a large supermarket and a gym adjoin to the south. The footway is wide in this location but is a shared walking and cycle path that extends between the road to the supermarket and the residential street of Ashton Drive. The proposed development would be located on the pedestrian side of the pavement.
7. On Winterstoke Road, near to the proposed development, the mast and associated equipment would be readily visible. However, from what I saw on site, the road was a well-used route, and the proposed development would be in the context of a mix of two storey and taller built development as well as vertical features such as street lights, a commercial totem advertisement and some semi mature trees. Although it is taller and wider than the vertical features, such installations are an increasingly common and expected sight on footways along well used roads such as this. Furthermore, although functional in design, this would not be unusual in this context and the antennas would be formed in a compact, neat design at the head of the slimline mast. In light of this, the proposed development would not appear out of place in the street scene.
8. The curve of Winterstoke Road and intervening built form would limit wider views of the proposal from east to west on Winterstoke Road. Due to the height, it would be visible at a distance from the residential areas of Ashton Drive and opposite on Hendre Road. However, the slim design and screening by trees on the central reservation would ensure it is not obtrusive or overbearing from Hendre Road. The wider views of the mast from Ashton Drive would be limited by the intervening built form of the houses. The proposed finishing colour of grey would also help to soften its impact and amalgamate it with the immediate surroundings.
9. Accordingly, having regard to its siting and appearance, the proposed development would not adversely affect the character and appearance of the area. Insofar as they are a material consideration, the proposal would also comply with the aims of Policy BCS21 of the Bristol Development Framework Core Strategy 2011 as well as Policies DM26, DM27 and DM36 of the Bristol Site Allocations and Development Management 2014 (LP). Amongst other things, these policies seek to ensure that all development is high quality in design, protects the character and distinctiveness of the locality. Telecommunications equipment and installation should respect the character and appearance of the area and should not be harmful to visual amenity by reason of its siting and design.

Pedestrian and Highway Safety

10. The footway where the proposed development would be sited is a shared pedestrian and cycle footpath. The pedestrian side of the footpath would be narrowed by the proposed siting of the mast and equipment.
11. I accept that the proposed development would narrow the pedestrian walkway. However, the mast and associated equipment is proposed on a wider, straighter section of the shared foot/cycle way where sufficient space would remain for most pedestrians to use it without having to encroach onto the cycle path. The narrowing could impact upon pedestrians using the footway with mobility issues or during particularly busy times. However, the narrowed section would be for a short length and in a location where the walkway is not cluttered and there is clear view of any oncoming pedestrians and cyclists. As such, sufficient space and visibility would remain to ensure the effects would be minor and would not amount to serious risk to pedestrian safety or impede the free flow of pedestrians and cyclists.
12. As such, the impact of the proposed development upon pedestrians and cyclists safety would be acceptable, complying with Policy DM23 of the LP. This policy, amongst other things, indicates that development should not give rise to unacceptable traffic conditions, including for pedestrians and cyclists.

Other Matters

13. Representations have raised issues about potential effects on health. Although I note the concerns 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

14. 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). This specifies 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 no 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

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

M. P. Howell

INSPECTOR