



Appeal Decision

Site visit made on 31 January 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2023

Appeal Ref: APP/Q0505/W/22/3307689

Arbury Road street works, Arbury Road, Cambridge CB4 2JD

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Gallivan (CK Hutchison Networks (UK) Ltd) against the decision of Cambridge City Council.
 - The application Ref 22/03000/PRIOR, dated 01 July 2022, was refused by notice dated 25 August 2022.
 - The development proposed is 5G telecoms installation: H3G street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As this is an application for prior approval the provisions of the 2015 Order 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. This appeal will be determined on the same basis.

Planning Policy

3. The Council has referred to development plan policies and the Framework in its decision notice. However, 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 these development plan policies 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 the character and appearance of the area and highway safety, and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and Appearance

5. The appeal site is located on an area of grass verge in a visually prominent location on Arbury Road. Arbury Road is a busy road which comprises

predominantly 2-storey buildings and contains street furniture including street lighting, zebra crossing poles and trees. The verge contains a lamp post and a highway sign and borders the Arbury Court Play Area (ACPA). The ACPA is lined by a hedge and trees along the boundary with Arbury Road which permit clear views of this open space from the road. This results in an open and exposed character to this part of Arbury Road.

6. The proposed monopole would be noticeably taller and bulkier than the existing street furniture. Additionally, whilst there is a 4-storey building to the northwest of the site, the buildings nearest to it are modest and 2 storeys in height. The monopole would appear excessive in scale when viewed in relation to these buildings and street furniture and would fail to visually integrate with its surroundings.
7. The appellant states that the height of the proposed monopole is the minimum to technically meet their needs. Whilst this may be the case, nonetheless it would be significantly taller than the hedge and trees to the south of the site and would not be effectively screened by landscaping. Thus, even though the proposed colour would not be overly obtrusive, and there would be no harm to any areas with a statutory designation for a particular protection such as for heritage purposes or protected trees, it would appear as a stark, incongruous feature within the street scene and in views from the ACPA.
8. For the above reasons, the proposed siting and appearance of the development would result in unacceptable harm to the character and appearance of the surrounding area. Insofar as they are a material consideration, the proposal would conflict with those aims of Cambridge Local Plan (2018) (LP) policies 55, 56, 60, 65 and 84. These policies, amongst other things, seek to ensure that telecommunications development minimises visual impact through design and location and that development responds positively to its context and does not have an adverse impact on the character and setting of the area and its skyline. For similar reasons, insofar as it is a material consideration, the proposal would also be contrary to Chapter 12 of the National Planning Policy Framework (the Framework) which seeks to secure high quality design.

Highway safety

9. The proposed street pole and associated equipment cabinets would be sited on a narrow section of grass verge. A footpath runs next to the grass verge, alongside which is a dedicated cycle lane. To the southeast of the appeal site is a zebra crossing which connects to the entrances of the North Cambridge Academy School and the ACPA, the latter of which includes a pedestrian and cycle link to the residential area to the west. There are parking restrictions in the immediate vicinity of the appeal site.
10. Arbury Road provides a number of facilities and services including shops, a church, a school and other general amenities and community facilities. During my time of inspection, the 20mph road was well trafficked and the cycle path and footpaths were well used. I also observed that the zebra crossing was in frequent use by pedestrians and cyclists. Whilst a snapshot in time, given its facilities, there is nonetheless no compelling evidence before me to indicate those observations are atypical of the area.
11. Given the narrow width of the grass verge, it is likely that the width of the cycle lane would be reduced during times of maintenance by the parking of

service vehicles. This would result in a genuine threat of displacing cyclists onto the road which would introduce an increase in the potential for conflict between road users and cyclists which could result in collisions.

12. Furthermore, given parking restrictions close to the appeal site, it is likely that service vehicles may park close to the zebra crossing. This would reduce the visibility of pedestrians and cyclists gathering in preparation to cross the road, which would increase the potential for conflict between road users and those using the crossing, which could result in crashes or injuries.
13. This disruption would be temporary in nature and confined to times when the installation is being serviced. Nonetheless, the threat to pedestrian and cyclist safety at these times would be significant and I have not been presented with any information on how regular this servicing would be or how these conflicts would be mitigated.
14. Consequently, based on the evidence before me, I deem that the siting of the proposed development would have a significant harmful effect on highway safety. Insofar as it is a material consideration, the proposal would be contrary to those aims of LP policy 65, which, amongst other matters, seek to ensure that proposals within the public realm do not impede pedestrian and vehicular movements or impact on public safety. Likewise, insofar as it is a material consideration, the proposal would conflict with Section 9 of the Framework, which seeks to ensure development does not have unacceptable impacts on highway safety.
15. I find no conflict with LP policy 56 in relation to this main issue as it does not make specific reference to highway safety.

Availability of Alternative Locations

16. The Appellant has set out a number of alternative sites that were considered as part of the site selection process, and the reasons why they were not pursued. The Council do not dispute these findings. Thus, based on the evidence available to me, suitable alternative means of providing coverage have been explored in accordance with the guidance set down in paragraph 117 of the Framework which requires that applications for telecommunications development, including prior approval, should be supported by necessary evidence to justify the proposal. The lack of alternative sites weighs heavily in favour of the proposal.
17. Nonetheless, I have identified that there would be significant material harm to the character and appearance of the area and highway safety as a result of the proposed siting and appearance. This identified harm would not be outweighed by the need for the installation to be sited.

Other Matters

18. I note that the Council found that the mast would not harm the living conditions of the occupiers of neighbouring properties. Even if I agreed that there would be no harm to living conditions of the occupiers of nearby properties this would not alter my findings on the main issues.
19. The Appellants comment that the proposal followed pre-application consultation with the Council and notification of ward members. However, this does not otherwise persuade me from my findings in relation to the main issues.

Planning balance and conclusion

20. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance. In this instance, on the evidence before me, the harm to the character and appearance of the area and highway safety is determinative.
21. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Nichola Robinson

INSPECTOR