



Appeal Decision

Site visit made on 7 March 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2023

Appeal Ref: APP/M1595/W/22/3308409

Cander Way Street Works, Cander Way, Thurrock RM15 5PY

Ordnance Survey Grid Reference 558753:180641

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required 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) Ltd against the decision of Thurrock Borough Council.
 - The application Ref 22/00939/PNTC, dated 1 July 2022, was refused by notice dated 18 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 allowed and 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 the siting and appearance of 5G telecoms installation: H3G street pole and additional equipment cabinets on land at Cander Way Street Works, Cander Way, Thurrock RM15 5PY, Ordnance Survey Grid Reference 558753:180641, in accordance with the terms of the application Ref 22/00939/PNTC dated 1 July 2022, and the plans submitted with it including drawing no. THK20850_MBNLTHK110_TM85958_H3GRM1067_GA_REV A, sheets 002, 215 and 265.

Preliminary Matters

2. In the banner heading and decision above, I have used the site address and Ordnance Survey grid reference given on the application form. The Council's decision notice referred to the site as Land West of Bus Shelter, Stifford Road, South Ockendon, Essex. The site is located on Stifford Road, close to the junction with Cander Way. The plans are clear as to the proposed location, notwithstanding these alternative addresses.
3. 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.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development

plan. I have therefore had regard to the policies of the development plan, including Policies CSTP22 and PMD2 of the Core Strategy¹, and the National Planning Policy Framework (the Framework) only insofar as they are relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is located within the grass verge on the south side of Stifford Road, next to a bus shelter and near the junction with Cander Way. The wide grass verge is lined with trees, although there is a gap where the road widens to provide a bus stop.
7. Stifford Road is a long, straight road with residential areas to either side. Short terraces of houses are set perpendicular to the road, accessed from a series of side roads. On the south side, their gardens are separated from Stifford Road by a continuous run of close boarded fencing.
8. Existing development is predominantly two storey housing of modest proportions, with a few three storey buildings in the wider area. Near the appeal site, there is a moderate amount of existing street furniture, comprising street lamps, road signs and the bus shelter. Around the junction with Cander Way there is also a run of safety railing and lighting for a zebra crossing.
9. With a height of 15m, the proposed mast would significantly exceed the height of the existing buildings or street furniture. As such, the installation would introduce a more conspicuous feature into the established street scene.
10. While the evidence offers only a limited explanation of the extent to which alternative options utilising existing masts, buildings or structures has been considered, no specific opportunities for alternative installations have been identified in the evidence before me. Given the generally low-rise form of the surrounding buildings, there are no obvious alternatives to a new base station within the identified search area. Therefore, some degree of visual intrusion is an inevitable consequence of the identified need for additional telecommunications infrastructure, within what is a relatively small search area. Furthermore, the Framework makes clear that decision-makers should support the expansion of electronic communications networks, including 5G, as a matter of principle.
11. Stifford Road functions primarily as a through route and the roadside environment feels somewhat detached from the surrounding dwellings. This is particularly the case on the south side, where the adjacent gardens are fenced off and the houses are set back from the road. With the exception of the bus shelter, there are few locations where people would be expected to linger.
12. In views along the length of the road, the run of street trees would help to soften the appearance of the mast, while not screening it entirely. It would be more conspicuous in closer views, particularly from the perspective of people using the bus stop. However, there is some visual advantage to locating the

¹ Thurrock Local Development Framework: Core Strategy and Policies for Management of Development (as amended), adopted January 2015

installation close to the bus stop and zebra crossing, where there is a concentration of established street furniture.

13. The installation would be visible from surrounding residential properties, although their primary outlook is onto the side roads, rather than directly towards the appeal site. There would be a similar relationship with residential properties throughout the identified search area and its surroundings. Therefore, there would be little advantage to an alternative location from this point of view.
14. Based on my observations on site, there would be no significant benefit from an alternative siting further along Stifford Road, since the level of street furniture and trees, and the relationship with surrounding dwellings, is similar over a considerable distance. There are larger trees further to the west, but these are on the edge of a recreation ground and at a traffic light controlled junction, where the degree of public visibility would be greater and less transitory. Alternative sites identified by the appellant are generally less well screened and more directly in the outlook from residential properties. Therefore, they offer no clear advantage in terms of siting and appearance.
15. I noted that there is a lengthy layby further to the east, which an interested party mentioned as a potential alternative site. However, this is significantly beyond the identified search area. It also offers no clear advantage in visual terms, being adjacent to a public open space and in an area with more limited existing street furniture.
16. The site is within an urban area which is not subject to any heritage, landscape or similar constraints. The presence of street furniture including communications infrastructure is somewhat to be expected within this type of roadside environment.
17. Having had regard to all the above, I conclude that the proposed siting and appearance would not be harmful to the character and appearance of the area. Accordingly, insofar as they are a material consideration, the proposal would not conflict with Policies CSTP22 and PMD2 of the Core Strategy and with relevant paragraphs of the Framework. These policies, amongst other things require that development proposals are based on an understanding of, and positive response to, their local context and that equipment on new sites should be sympathetically designed.

Other Matters

18. I have noted that the Highways Authority highlighted requirements relating to arrangements for servicing and maintenance vehicles. However, this was not raised by the Council as a reason for withholding prior approval in relation to the siting and appearance of the installation. Furthermore, arrangements for construction and maintenance fall outside the scope of this appeal in relation to permitted development within Schedule 2, Part 16, Class A of the GPDO.
19. 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.

20. The proposed mast and equipment cabinets are designed for roadside installation and would be set back from the kerb, within a wide verge on a straight section of road. Buses would be travelling slowly when entering or pulling out of the adjacent bus stop. Proximity to the bus stop also provides a greater degree of natural surveillance than is available elsewhere along Stifford Road, helping to mitigate any associated risk of vandalism. On that basis, there is no substantive evidence of any specific risk to public safety arising from the proposed siting.

Conditions

21. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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

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

Jane Smith

INSPECTOR