



Appeal Decision

Site visit made on 26 April 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 MAY 2023

Appeal Ref: APP/E5330/W/22/3306816

Area of Footpath, Edmund Halley Way, Greenwich Peninsula, London, SE10

- 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 the Council of the Royal Borough of Greenwich.
 - The application Ref 22/1954/T3, dated 9 June 2022, was refused by notice dated 4 August 2022.
The development proposed is a 15m height 'slim line' phase 9 monopole and 3no. additional ancillary equipment cabinets and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Because 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 in the same way.
3. There is no requirement to have regard to the development plan as there is for development requiring planning permission. Nevertheless, the policies in The London Plan and the Royal Greenwich Local Plan relating to design and the public realm, mitigating transport impacts and to telecommunications are relevant. The National Planning Policy Framework includes a section on supporting high quality communications and is also a material consideration.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and on highway safety. Furthermore, if any harm would occur, whether this is outweighed by the need for the monopole and equipment to be sited as proposed, taking into account any suitable alternatives.

Reasons

Character and appearance

5. The appeal site is an area of pavement on the southern side of Edmund Halley Way on the Greenwich Peninsula close to the O2 Arena. Immediately to the south is an area of bike stands and an extensive car park and single storey

parking office. On the opposite side of the road are the colourful and eclectic modern buildings within the Design District.

6. The wider area has been regenerated in recent times. Around the appeal site are a mixture of high-rise buildings, the IFS Cloud cable car, large parking areas, tree-lined avenues and open spaces as well as the cluster of development around the Arena. The National Planning Policy Framework seeks to achieve well-designed places. The efforts made to create an attractive and vibrant place as well as the fact that the area is much-visited means that meeting this policy objective is particularly important here.
7. Installations such as the monopole and cabinets proposed are often found in urban locations next to roads but that does not mean they will be acceptable in every such setting. The street pole would exceed the height of the adjoining 6m lamp post. In addition, the chunky column and functional antenna at the top would result in a utilitarian and 'top heavy' appearance. The use of grey colouring would mitigate the impact but would not be sufficient to successfully integrate the proposal into the street scene.
8. On the contrary, because of its exposed location, the proposed pole would stand out in a jarring and incongruous way. Furthermore, according to the Framework, equipment on new sites should be sympathetically designed. Whilst there are technical limitations, the proposed installation is very much a 'standard' and does not respond in any way to the significance of this prestigious location or to the creativity that has been exhibited elsewhere. The Framework indicates that the creation of high quality, beautiful and sustainable places is fundamental but the proposal would fail to achieve this.
9. Overall the siting and appearance of the proposed installation would harm the character and appearance of the area.

Highway safety

10. The Council indicates that the proposal would be within the boundary of the Silvertown Tunnel works and refers to the possible erection of hoardings and the realignment of West Parkside. Although the appellant has not addressed this objection there is no clear evidence as to how the proposed installation would create sight visibility issues. There is nothing to explain in any detail how the proposed development would impact on these infrastructure schemes and associated works. On this basis, there would be no unacceptable impact on highway safety.

Alternatives

11. The operator has identified a requirement to provide 5G coverage to improve service in this part of the Peninsula. The nominal ideal location is in East Parkside and the search area has a radius of about 100m and encompasses Edmund Halley Way. The installation is said to be required to complete the mobile network "jigsaw".
12. Figure 1 of the appellant's statement purports to show the intended target area in relation to other sites but shows a different location to the one around the appeal site. Whilst there is no reason to doubt that the proposal is required to fill an existing gap in service, this discrepancy means that it is not possible to be certain that the correct search area has been identified.

13. Paragraph 117 c) of the Framework expects evidence to be submitted that the possibility of erecting antennas on an existing building, mast or other structure has been explored. The appellant has investigated these options sequentially and has not found any mast sharing opportunities within the search area. Furthermore, based on a desktop survey and physical inspection, no existing buildings or structures were identified. A free-standing telecommunications pole with ground-based cabinets was therefore “quickly” considered to be the most appropriate solution.
14. However, there are buildings within the area shown at Figure 3 of the Site Specific Supplementary Information (SSSI) provided with the application. No explanation is given as to why these have not been evaluated as potential locations in line with national policy. Details are also given of six sites that were discounted. This evidence is unconvincing as well as it is difficult to ascertain from the plan where these places are ‘on the ground’. Furthermore, there are potentially less visible locations nearby as well as trees that could provide screening. Reference is also incorrectly made to a residential area and no explanation is given as to what is meant by “unsuitable pavements”.
15. The overall thoroughness of the appellant’s assessment is therefore questionable. Indeed, the appeal statement also mentions two-storey residential properties and three- and four-storey flatted development in the vicinity and the presence of existing trees near the appeal site. None of which were apparent at my site inspection.
16. All in all, it is unclear that there are no suitable alternative and preferable sites to deliver 5G services at Greenwich Peninsula in accordance with the support in national policy for the expansion of electronic communications networks.

Other Matters

17. Reference has been made to various social and economic benefits but these have not been taken into account in considering siting and appearance.
18. The SSSI draws attention to an appeal that was allowed in Walworth. Of all the decisions made in respect of telecommunications installations under Part 16, it is unclear why this one has been cited or how it supports the proposal.

Conclusion

19. The proposed installation would cause harm to the character and appearance of the area. Furthermore, it has not been demonstrated that there are no suitable alternatives to serve this area, especially having regard to the possible use of nearby buildings and the lack of a clear rationale as to why other less prominent sites were rejected.
20. Therefore, for the reasons given, the proposal is unacceptable and prior approval should not be granted.

David Smith

INSPECTOR