



Appeal Decision

Site visit made on 25 April 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2023

Appeal Ref: APP/Z0116/W/22/3312497

Bristol Beer Factory Street Works, Bristol BS3 1JP

- 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 Bristol City Council.
 - The application Ref 22/04403/Y, dated 9 September 2022, was refused by notice dated 4 November 2022.
 - The development proposed is 5G 15m telecoms installation: H3G street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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.

Planning Policy

3. The Council has referenced development plan policies in its decision notice. 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 had regard to the policies of the development plan and the National Planning Policy Framework (Framework) 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 proposed installation on the character and appearance of the area, including the setting of nearby designated and non-designated heritage assets; 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 part of a pedestrian footway adjacent a vehicular highway within an urban environment. The surrounding area features an interesting variety of built form including residential, commercial and community buildings of various scales, height and appearance. Despite the variety in appearance of buildings, the area retains a traditional historic character, with more recent buildings respecting this character by utilising surrounding design features or being of a height and scale appropriate to the historic built form in the surrounding area.
6. Street furniture within the vicinity include periodically spaced streetlamps, road signs and bollards. The footway also features a number of intermittently spaced out trees. The appeal site is also within the setting of a cluster of heritage assets, including the Grade II listed Ashton Gate Primary School, associated buildings and perimeter walls, as well as the non-designated heritage assets of the former Ashton Gate Brewery, and St Francis Church and associated buildings. From my observations, the significance of the heritage assets is derived from both their architectural interest and historic association with the surrounding community.
7. I note the slimline nature of the pole. However, the proposed pole would be substantially taller than the surrounding streetlamps, and trees lining the highway. The pole, being to the rear of the footway, would be directly adjacent 291 North Street, which is a single storey building. While there are significantly taller buildings in the area, including notably the surrounding heritage assets, the height of the pole, noting the appellants comments that the height is the minimal required for improved 5G service in the area, would contrast starkly with the low height of the immediately adjacent building, and harmfully visually dominate this part of the street scene.
8. Furthermore, the surrounding heritage assets appear prominent in the street scene due to a combination of their height adjacent lower built form and design features drawing the eye. The proposal would inevitably be seen in conjunction with the heritage assets, and given the proposals height and stark utilitarian appearance, would visually compete with, and detract from their setting.
9. The Framework advises that great weight should be given to the conservation of heritage assets, and Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing proposals that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
10. For the reasons outlined above, the proposal would harm the setting of both the designated, and non-designated heritage assets. This harm would be localised, and the harm caused to the setting of the heritage assets is less than substantial. However, in accordance with the Framework this harm needs to be weighed against the public benefits of the proposal.
11. The Framework outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-

being. Furthermore, planning decisions should support the expansion of electronic communications networks. The appellant has provided a plan of the intended cell area. However, while noting some areas do lack coverage in this densely populated area, the plan indicates that the site is within an area of existing coverage, some way from the nominal location.

12. Notwithstanding, I acknowledge that the proposal would enhance communication facilities to meet current and future demand as well as generating other socio-economic benefits. The benefits of the proposal would be a positive factor that weighs in favour of the proposal. However, given the great weight to be attached to the conservation of designated heritage assets, and noting the identified harm to the non-designated heritage assets, the public benefits would not outweigh the less than substantial harm to their significance.
13. Accordingly, I conclude that the siting and appearance of the proposed installation would harm the character and appearance of the area, including the setting of nearby heritage assets. Consequently, the proposal would conflict with Policies BCS21 and BCS22 of the Bristol City Council Core Strategy (June 2011) and Policies DM26, DM31 and DM36 of the Bristol City Council Site Allocations and Development Management Policies Document (July 2014) (DMPD). These policies, amongst other things, seek to ensure developments respect the character and appearance of the area, and preserve the setting and historic interest of heritage assets.

Alternatives

14. The appellant has set out a sequential approach in relation to suitable alternative sites for the proposal. It has identified the search area, which I acknowledge is constrained and made up of largely residential and some commercial buildings. Alternative locations for the siting of the proposal within the search area are assessed and have been discounted by the appellant.
15. I observed the alternative sites, such as the nominal location D1, which were discounted due to insufficient pavements and visibility splay issues. However, although the appellant has stated that no mast/site sharing opportunities, or existing buildings for a potential antenna location were identified in the search area, I note third party comments indicating that all options may not have been explored. The appellant's submitted evidence in this regard is limited.
16. Although the alternative site options may well be constrained by width of pavement and visibility splay issues, and while proximity to residential properties is likely to be a constraint for most sites in this search area, I observed that the pavement in the wider search area varies in width, some of which is of a similar width to the appeal.
17. I have limited information to clarify why the discounted sites were chosen, when it appears that sites with greater width of pavement, or indeed potential locations on existing buildings could be available. No substantive evidence has been provided demonstrating why these are unsuitable or to clarify whether the discounted sites are close to heritage assets which is the case in this appeal.
18. For these reasons, although I acknowledge that new installations are required given the constraints associated with 5G technology, I have insufficient

information to conclude that the appeal site would be the least harmful location in the search area and would be the only viable option.

19. I am therefore unable to conclude that the appeal site would be the least harmful option for this visually harmful development, and that there are no more suitable alternatives reasonably available in this constrained search area. The proposal would therefore conflict with DMPD Policy DM36 which seeks, amongst other things, to ensure that there are no suitable alternative sites for telecommunications development available in the locality including the erection of antennae on existing buildings or other structures.

Conclusion

20. The Framework supports the expansion of electronic communications network, including next generation mobile technology and there would be important social and economic benefits from the proposal which weigh in favour of the appeal. However, I afford significant weight to the identified harm to the setting of the surrounding heritage assets, and character and appearance of the area arising from the proposal on the appeal site. There is a lack of substantive evidence that less harmful alternative sites have been properly explored and it is my overall view that the need for the proposed development does not in this case, outweigh the harm identified.
21. For the reasons given above, and having regard to all relevant matters raised, I conclude that the appeal should be dismissed.

S Harrington

INSPECTOR