



Appeal Decision

Site visit made on 19 April 2023

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2023

Appeal Ref: APP/J2373/W/22/3310385

Land adjacent to 81-83 Ansdell Road, Blackpool, FY1 6PU

- 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 Cornerstone against the decision of Blackpool Council.
 - The application Ref 22/0259, dated 29 March 2022, was refused by notice dated 25 May 2022.
 - The development proposed is 'upgrade of existing radio base station comprising erection of 20m high monopole in rear parking area with 2no. cabinets and associated works, including removal of existing wall mounted antennas, associated wall mounted apparatus and 1no. ground based equipment cabinet'.
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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 the proposed upgrade of existing radio base station comprising erection of 20m high monopole in rear parking area with 2no. cabinets and associated works, including removal of existing wall mounted antennas, associated wall mounted apparatus and 1no. ground based equipment cabinet at Land adjacent to 81-83 Ansdell Road, Blackpool, FY1 6PU, in accordance with the application ref: 22/0259, dated 29 March 2022, and the plans submitted with it, including: 100 Rev A (Site Location Maps); 101 Rev A (Lease Drawing); 201 Rev A (Proposed Site Plan); 301 Rev A (Proposed Site Elevation).

Preliminary Matters

2. 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 GPDO), planning permission is granted for the installation, alteration or replacement of electronic communications apparatus subject to limitations and conditions. In that regard, the provisions of the GPDO 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. The principle of development is established by the GPDO, and it does not require consideration of the development plan when determining a prior approval application. I have, therefore, had regard to the National Planning Policy Framework (the Framework) and the policies of the development plan only in so far as they are factors relevant to matters of siting and appearance.

3. With regard to the above, since the Council made its decision the Blackpool Local Plan Part 2: Site Allocations and Development Plan Policies (LP Part 2) has been adopted in February 2023. The parties have had the opportunity to comment on the change in status of this document in terms of relevance to their case. The Council confirmed that upon adoption of the LP Part 2 that Policies LQ1, LQ2 and LQ15 of the Blackpool Local Plan 2001- 2016 have been replaced and are no longer part of the development plan. I, therefore, give no weight to those policies. In contrast, Policies CS7 and CS12 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (CS), adopted June 2006, and Policy DM17 of the LP Part 2 are material considerations. The relevant policies include related considerations to issues of siting and appearance in terms of quality of design, sustainable neighbourhoods (including attractive environments and public realm) and design principles respectively.
4. The description of development provided in the application form was amended by the Council. The amended description of development is more focussed and concise. However, I have necessarily amended it further to reflect that the proposal comprises an upgrade of an existing base station. Furthermore, it is reasonable that the proposed removal of the existing wall mounted antennas, associated wall mounted apparatus and 1no. ground-based equipment cabinet as indicated on the submitted plans may not take place until the replacement base station would be operational. Amending the description accordingly is necessary to provide certainty of the appeal proposal and I am satisfied that the interests of the parties are not affected by the changes I have made.
5. Plans indicating coverage by signal level in the area for 3G/4G and 5G were submitted with the appeal. This did not introduce significant new information and, as part of the appeal, the Council had the opportunity to provide comments. As such, I have determined the appeal on that basis.

Main Issue

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

7. The appeal site lies adjacent to an existing two-storey building currently in use as a car parts shop that is located within a section of Ansdell Road local centre that comprises buildings of similar scale and primarily commercial uses. It is otherwise surrounded by predominantly residential areas that have a mix of typically two-storey semi-detached pairs and terraced rows of properties. The existing wall mounted antennas are noticeable on the gable end and above the roof of the building when near to the site. However, the position of the building on the inside of a gentle bend in the road reduces its visual prominence in the wider street scene due to the presence of intervening buildings from more distant vantage points along Ansdell Road and a surrounding context of vertical structures such as street lighting, telephone posts and chimneys. The existing equipment cabinet is largely screened from public vantage points by a tall boundary fence that adjoins the front building line of the property.

8. The proposed 20m high monopole including GPS module and 6no. antennas in total arranged within an upper and lower stack, and 2no. associated equipment cabinets, would be located in the rear parking area adjacent to the building and behind the existing tall boundary fence. This would ensure that the equipment cabinets would not be visually prominent or intrusive features as they would be screened from most public vantage points other than at the access to the car park from Arkholme Avenue where they would be viewed discreetly at distance against the backdrop of the building and the tall fencing.
9. Notwithstanding the above, whilst the location adjacent to the gable of the building and behind the fencing would afford some screening of the lower section of the monopole, it would be sited closer to the front building line of the building than the existing wall mounted antennas to be removed and would be considerably taller. Consequently, the overall height and size of the taller monopole with stacked antennas would be more extensively visible than the existing antennas above the existing buildings and closer to the footway edge. The different scale and appearance of the proposed monopole to existing vertical features close by such as streetlights, telephone posts and its height above the chimneys of buildings would result in a visually prominent and dominant feature to the detriment of the street scene. Its proposed galvanised finish would draw attention to its presence which would exacerbate the harm.
10. In reaching the above findings, I have taken into account that the Council has previously granted approval for a 18m high monopole serving a different operator in a prominent position within the pedestrian footway at the junction of Ansdell Road with Westfield Road approximately 50m to the west of the site. At the time of my visit that monopole had yet to be installed and whilst its potential future presence could somewhat assist the assimilation of the taller proposal within the street scene. However, it also would likely have a cumulative effect upon localised views that could increase the perception of the prominent contribution of the proposed monopole to visual clutter when approaching along Ansdell Road and Arkholme Avenue. I also note that the appellant is willing to consider a different colour of the equipment to reduce its prominence. However, to my mind, the visual impact arising from the height, design and siting of the proposed monopole when compared with the existing wall mounted antennas to be removed, could not be fully mitigated by a change to the colour finish.
11. For the above reasons, the siting and appearance of the proposal would introduce a more visually intrusive feature that would harm the character and appearance of the area. Whilst not determinative in this case, insofar as they are material to such matters, the proposal would not accord with the objectives of Policies CS7 and CS12 of the CS and Policy DM17 of the LP Part 2.

Alternative sites

12. Paragraph 117 of the Framework states, among other things, that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by necessary evidence to justify the proposal. Where this is in relation to a new mast or base station, this evidence should include that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
13. The appellant refers to the proposal as an upgrade of an existing base station, but as it involves the erection of a new mast to provide 5G coverage and

enhanced 2G, 3G and 4G coverage and capacity for both Telefonica UK Limited (O2) and Vodafone Limited, has followed the approach of the Framework in identifying site options. In that regard, it is noted that as is typical of 5G cells the relevant search area is relatively confined and, in this case, the designated search area covers a densely populated urban area with most buildings not exceeding two storeys in height.

14. With regard to the above, I consider it reasonable based on the evidence before me that the host building is not structurally suitable to provide the necessary load bearing capacity to accommodate the additional equipment required to meet the operators' technical requirements at an increased height. Furthermore, based on my own observations, the limited height of nearby buildings and dense residential nature of the surroundings beyond within the search area means that alternative options for erecting the required antennas on existing buildings can be similarly discounted.
15. In addition, the appellant's evidence also reasonably discounts the possibility of mast sharing with the 18m monopole already granted approval nearby on the basis that such a structure cannot be shared between three operators given the separation required between network antennas. Moreover, I observed that the possibility for a larger and taller installation in that location to consolidate the number of base stations in the locality and accommodate three operators would likely be more visually intrusive within a prominent position in the street scene. In any case, it is uncertain whether such an alternative would even be feasible given the inevitable need for additional equipment cabinets within the confines of a pedestrian footpath already containing a bus stop and other street furniture. The appellant as part of the appeal has also discounted an alternative location for a new mast within the cell area on the pavement at the front of Finsbury House, 64 Ansdell Road, which I consider is logical given that it would also be a more visually prominent location in the street scene than the proposal when approaching in each direction along Ansdell Road.
16. Taking account of all of the above, I find that suitable alternative sites are not reasonably available and therefore, it has been demonstrated that the appeal site is the least harmful location available. Therefore, unless this site comes forward, the need for an upgraded radio base station to provide new 5G coverage, and the increase in capacity for 2G, 3G and 4G services for both Telefonica UK Limited (O2) and Vodafone Limited in this area would likely remain unmet. This weighs strongly in favour of the proposal.
17. I have found that the siting and appearance of the proposal would have a harmful effect on the character and appearance of the area. Nonetheless, having regard to all relevant considerations, including the importance attached by the Government to high quality and reliable communications in national policy and the lack of available alternative sites, I consider that the operational and locational needs of the appellant and the enhancement of the local telecommunications network in the particular circumstances of this case would outweigh such harm. It follows that I conclude that the prior approval should be granted.

Other Matters

18. In determining this appeal, I have taken into account that 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 otherwise be justified.

Conditions

19. The GPDO 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 (except to the extent that the local planning authority otherwise agree in writing), begin within five 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

20. For the reasons given above, the appeal should be allowed and prior approval should be granted.

Gareth Wildgoose

INSPECTOR