



Appeal Decision

Site visit made on 11 July 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/Q0505/W/22/3309654

Area of Grass Verge, Coldhams Lane, Cherry Hinton, Cambridge CB1 3JH

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Thomas Gallivan of C K Hutchinson Networks (UK) Ltd against the decision of Cambridge City Council.
 - The application Ref 22/03235/PRIOR, dated 14 July 2022, was refused by notice dated 8 September 2022.
 - The development proposed is described as 'proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets'.
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Decision

1. The appeal is allowed and approval is granted under the provisions of 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 for the proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets at Area of Grass Verge, Coldhams Lane, Cherry Hinton, Cambridge CB1 3JH in accordance with the terms of the application, Ref 22/03235/PRIOR, dated 14 July 2022, and the plans submitted with it including;
 - 002 Site Location Plan
 - 215 Proposed Site Plan
 - 265 Proposed Site Elevation

Preliminary Matters

2. The site address as detailed on the planning application form does not clearly identify the location of the appeal site. I have therefore taken the site address from the appeal form which is generally consistent with the Council's decision notice.
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, Paragraph A.3(4) require the local planning authority to assess the proposed development solely based on its siting and appearance, considering 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 of the GPDO do not require regard to be had to the development plan. However, in determining this appeal, I have had regard

to Policies 55, 56, 60, 65 and 84 of the Cambridge Local Plan 2018 (Local Plan) together with the National Planning Policy Framework (the Framework) in so far as they are relevant to the matters of siting and appearance.

Main Issues

5. The main issue is the effect of the appeal proposal by reasons of its siting and appearance on:
- the character and appearance of the surrounding area;
 - public safety with particular regard to pedestrians and cyclists.

Reasons

Character and appearance

6. The appeal site is located on Coldhams Lane which is a busy through route. The area to the southeast of the appeal site is predominantly residential and is characterised by two storey properties of a mixed scale and appearance. However, the site's immediate setting is informed by large scale commercial premises and the busy highway which passes through the area. Street furniture including lighting columns, road signs, traffic controls and telegraph poles exist along both sides of Coldhams Lane. There is also a three-storey flatted development within reasonable distance of the appeal site. These characteristics provide the street scene with a varied urban character and appearance.
7. The proposal relates to the installation of a 15-metre monopole of simple linear design together with three ground-based cabinets. The development would be sited on an area of grass verge, to the rear of the existing public footway running along Coldhams Lane. The appellant submits that the proposed height is the minimum required to provide adequate coverage, and based on the available evidence, I have no reason to doubt this.
8. The monopole would be located near to an existing lighting column and road traffic sign. I also observed at my site visit that there are several mature trees scattered along the adjacent footway in both directions. Although of a lesser height and width than the appeal proposal, these features nevertheless have a vertical emphasis and would provide a transition between the proposal and the height of the existing built form, softening the overall visual effect. When viewed from either direction on Coldhams Lane and surrounding buildings, the proposed monopole would be read in combination with the existing trees and street furniture and against the backdrop of the large scale, commercial units. Consequently, within the context of its surroundings, the monopole would not appear conspicuously tall or unduly bulky.
9. The proposed cabinets would be of a modest scale and would be compactly arranged adjacent to the monopole. Further, the external finish would be in keeping with the existing street paraphernalia located within the surrounding area. As such, the associated cabinets would not be overly prominent or result in an unacceptable accumulation of street clutter.
10. The submitted evidence does not indicate that the appeal proposal would affect any designations which would render the appeal site overly visually sensitive to change. I recognise that the proposal, by virtue of its scale, form, and roadside

location, would represent a change to this part of Coldhams Lane. However, for the reasons set out, this would not be of a degree which would cause unacceptable visual harm.

11. Accordingly, I find that the siting and appearance of the appeal proposal equipment would not cause unacceptable harm to the character and appearance of the area. Therefore, in so far as they are relevant to the matters of siting and appearance, I find that the appeal proposal would be consistent with Local Plan Policies 55, 56, 60, 65 and 84. Collectively, and amongst other aspects, these policies seek to ensure that development responds positively to its context and that the siting, scale and massing of proposals is such that there would be no adverse impact on the skyline or accumulation of street clutter. It would also be consistent with the Framework where it seeks to achieve well-designed places.

Public safety

12. The Council's evidence indicates that the northern part of Coldhams Lane has been the subject of pre-application discussions within the context of the Cambridge East Area Action Plan. This plan sets out a major urban extension within the vicinity of the appeal site. It is the Council's view that the proposed siting of the equipment, on the front part of the grass verge, would prejudice future pedestrian and cycle infrastructure schemes brought forward by the Highway Authority as part of the urban extension proposals.
13. I have had regard to the Council's submissions on this matter. However, there is a lack of substantive evidence before me to clearly demonstrate the extent of the proposed infrastructure works, or the likelihood of these schemes being implemented. Further, based on the available evidence, it is difficult to fully understand how the appeal proposal would prejudice future deliverability beyond the financial implications associated with the relocation of the equipment should this be necessary. No convincing explanation has been provided as to how the proposed siting and appearance would cause harm to the safety of pedestrians and cyclists. Therefore, based on the evidence before me, I am unable to reasonably conclude that the proposed development would be detrimental to the safety of the public.
14. Thus, in the absence of any clear harm, I find that the proposal is consistent with Local Plan Policies 56 and 65 in so far as they are a material consideration. Amongst other things, these policies seek to ensure that development does not impede pedestrian movements or impact public safety. It would also be consistent with the objectives of the Framework where they seek to promote healthy and safe communities.

Other Matters

15. I have found that, in relation to its siting and appearance, the effect of the proposed telecommunications equipment on the character and appearance of the area would be acceptable, and no clear evidence has been provided to suggest that there would be harm to public safety. Given this circumstance, it is not necessary for me to consider any alternative sites for the proposed equipment, and I have not done so.

Conditions

16. Any planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A is subject to the conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must not begin later than the expiration of five years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communication purposes and the site restored to its condition before the development took place.
17. The Council has recommended a condition requiring that any access path is constructed using an asphaltic material. However, the GPDO does not provide any specific authority for imposing additional conditions beyond those set out by Class A. Therefore, whilst I have regard to the Council's recommendation, I cannot impose such a condition. In any event, there is no substantive evidence before me to indicate that an alternative surfacing would be unacceptable from a safety perspective.

Conclusion

18. For the reasons given, the appeal is allowed and prior approval is granted subject to the relevant conditions specified.

H Wilkinson BSc

INSPECTOR