



Appeal Decision

Site visit made on 5 September 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Appeal Ref: APP/Q3060/W/22/3313657

Pavement adjacent to Dales Centre Library, 206 Sneinton Dale, Sneinton, Nottingham NG2 4 HJ

- 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 Nottingham City Council.
 - The application Ref 22/01510/PAT, dated 26 July 2022, was refused by notice dated 22 September 2022.
 - The development proposed is a base station installation consisting of a 20m high Apollo ARV2 monopole accommodating 6 No. VF antennas, 1 No. VF GPS module, 1 No. Lancaster XES cabinet and 1 No SFMC meter cabinet along with associated ancillary apparatus.
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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 a base station installation consisting of a 20m high Apollo ARV2 monopole accommodating 6 No. VF antennas, 1 No. VF GPS module, 1 No. Lancaster XES cabinet and 1 No SFMC meter cabinet along with associated ancillary apparatus on the pavement adjacent to Dales Centre Library, 206 Sneinton Dale, Sneinton, Nottingham, NG2 4 HJ in accordance with the terms of the application, Ref 22/01510/PAT, dated 26 July 2022, and the plans submitted with it.

Procedural matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the 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.

Main Issues

3. The main issues in this appeal are:
 - the effect of the siting and appearance of the proposed installation on the character and appearance of the area;
 - the effect of the siting of the proposed installation on pedestrian convenience; and,

- if any harm would occur, whether it would be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

4. The National Planning Policy Framework (the Framework) is a material consideration and in principle supportive of the development of communications infrastructure. However, each application must be assessed in terms of its impact and merits.
5. Reference to development plan policies have been made by the Council in relation to the main issues. The principle of development in prior approval applications though is established through the grant of permission by Article 3(1) of the GPDO, subject to any relevant exception, limitation or condition specified in Schedule 2. As a result, such policies are only relevant as far as they set out material which assists in assessing the effect of the siting and appearance of the proposed telecommunications development on the main issues. In this case therefore policies IN1 and DE1 of the Local Plan Part 2: Land and Planning Policies Document (LAPP) and policy 10 of the Aligned Core Strategy Part 1 Local Plan (ACS) are the most relevant. Between them these policies relate to telecommunications and good design.

Character and appearance

6. The Dales Centre Library is a modern building with a glazed front elevation and flat roof and is set back slightly from the pavement behind a grassed verge. It is located at a point of transition on Sneinton Dale between the fine urban grain of two storey, terraced shops set on the back edge of the pavement to the south west and municipal, inter-war housing with mature trees and gardens to the north east. The proposed installation would be located towards the front edge of the pavement next to the back edge of a layby and in front of the left side of the building's main elevation.
7. The proposed monopole would have a slim appearance with partly shrouded antennas towards its top. At 20m in height it would be twice the height of the streetlight in front of the Dales Centre and the rest of the streetlights that characterise the road. In views directly opposite the building, the pole would be readily visible. However, given the monopole's narrow width, the positive contribution that the façade of the Dales Centre makes to the street scene would remain. In views from the opposite side of the road and on the approach from the north east, the two storey scale of development and activity at street level along the road would draw the eye and so the height of the monopole would not be the focus of attention. In views along Sneinton Dale on the approach from the south west, the set back of the proposed installation from the road behind a layby would reduce its prominence and the very tall mature trees to the north east would soften its appearance.
8. Taking all these matters into account, I therefore conclude that the siting and appearance of the very tall installation proposed would only have a limited adverse effect on the character and appearance of the Dales Centre Library and area and that this adverse effect has been minimised, so far as practicable, in compliance with condition A.2 (1) of the GPDO.

Pedestrian convenience

9. The proposed pole and cabinets would be located in a line next to the carriageway edge of the footway outside the Dales Centre. In order to allow people to pass along a footway where there are physical constraints, such as the proposed installation, government guidance¹ advises that a minimum width under most circumstances of 1500mm should be provided. However, where street furniture creates an obstacle, the absolute minimum width should be 1000mm for a maximum length of 600mm.
10. On the basis of the proposed plans and the site visit, the proposed installation would reduce the width of the footway from approximately 2400mm to 1400mm for a distance of approximately 2400m. Given the guidance referred to, I find that this would result in an acceptable level of pedestrian convenience in compliance with condition A.2 (1) of the GPDO.

Planning balance

11. The appellant has clearly demonstrated the need for the proposed installation in order to provide effective 3G, 4G and 5G coverage of the area. The appellant has also set out what alternative sites, including those that would involve the sharing of masts, were considered and the reasons why they were not pursued. Some sites were within highly dense residential areas or directly in front of housing. Other sites were buildings whose roofs were not suitable for such a tall monopole, or were too close to existing development such as a school.
12. I have found that the siting and appearance of the proposed installation would cause limited harm to the character and appearance of the area and would not harm pedestrian convenience. In this case, the operational need for the proposed installation in the locality and the lack of suitable alternative locations outweighs the limited harm that would be caused. Therefore the proposed development would comply with condition A.2 (1) of the GPDO.

Other matters

13. To address potential health effects, the Framework advises that a statement that self-certifies that the proposed development meets the International Commission guidelines on non-ionising radiation protection should be provided. As this has occurred, and no substantive evidence has been submitted indicating otherwise, the proposed development is acceptable in terms of health.
14. In accordance with the Framework, the applicant consulted local councillors and local schools regarding the proposed development. No responses were received.

Conditions

15. Planning permission granted for the proposed installation under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which 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 begin not later than the expiration of 5 years beginning with the date on which

¹ Inclusive Mobility, Department for Transport, December 2021

the local planning authority received the application, and must 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

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

Ian Radcliffe

Inspector