



Appeal Decision

Site visit made on 24 October 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2023

Appeal Ref: APP/E5330/W/23/3321769

Land at Coldharbour Leisure Centre, Chapel Farm Road, Greenwich, London SE9 3LX

- 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 the Council of the Royal Borough of Greenwich.
 - The application Ref 22/4264/T3, dated 22 December 2022, was refused by notice dated 14 February 2023.
 - The development proposed is the installation of a 21m monopole supporting 12 no. antennas, 2 no. 0.3m dishes and associated ancillary equipment, 7 no. cabinets and development thereto contained within a palisade fenced compound.
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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 installation of a 21m monopole supporting 12 no. antennas, 2 no. 0.3m dishes and associated ancillary equipment, 7 no. cabinets and development thereto contained within a palisade fenced compound at Land at Coldharbour Leisure Centre, Chapel Farm Road, Greenwich, London SE9 3LX in accordance with the terms of the application, Ref 22/4264/T3, dated 22 December 2022, and the plans submitted with it, namely: drawing no. 100 rev. A; drawing no. 200 rev. B; drawing no. 300 rev. D; and the details of the external materials and colours (grey RAL7035 and green RAL6009) specified at paragraph 1.3 of the appellant's statement dated 09/05/2023 prepared by Galliford Try Telecoms.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015), 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.
3. The Council has referred in their reason for refusal to the proposal being inappropriate development in designated Metropolitan Open Land (MOL), contrary to Policy G3 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (the LP) and Policy OS2 of the of the Royal Greenwich Local Plan, Core Strategy with Detailed Policies, adopted July 2014 (RGCS). In particular, Policy G3 of the LP affords MOL the same protection as

Green Belt. However, as this is an appeal against prior approval, the principle of development is not for consideration and the question of whether or not the proposal represents inappropriate development in the MOL does not arise.

4. In addition to the proposed plans, the appellant has submitted panoramic photographs from above the appeal site with their appeal, and the Council has had the opportunity to comment on them. These have been taken into account in my decision.

Planning Policy

5. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 (as amended) do not require regard to be had to the development plan. I have however, had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

6. Having regard to the above, and the Council's reasons for refusal, the main issue with this appeal are the effect of the siting and appearance of the proposed development upon the character and appearance of the area.

Reasons

7. The appeal site relates to a grassed area of land near to a car parking area serving Coldharbour Leisure Centre, which has some tall lighting columns nearby and within this parking area. The main leisure centre building is close to the appeal site, although the building covers a large area, its height is not dissimilar to the nearby residential properties on Sidcup Road and Chapel Farm Road, which also abut the car parking area. To the opposite side of the leisure centre, there are extensive open areas, part of which includes various sports pitches, many of them have tall grey coloured flood lighting columns around them. There are also trees and planting to most sides of the appeal site.
8. The proposed monopole itself would be narrow, however its top part would be particularly wide, as a result of the proposed antennas and dishes. This unfussy and simple design, which is commonplace across lots of urban areas would not be vastly different to the top-heavy form of the nearby flood lighting columns, neither would it appear out of place. Moreover, the proposed monopole's grey colour would integrate well with the mainly grey coloured roof of the nearby Coldharbour Leisure Centre building and the flood lighting columns.
9. Whilst the proposed monopole at approximately 21 metres in height would be taller than all the lighting columns, nearby trees and buildings, its height would not significantly dwarf these structures. Nor would it appear as a dominant structure given its location amongst the nearby trees together with its separation from existing buildings. In addition, the submitted photo montages show the proposal would assimilate well into its location and not be a prominent feature. Although there would be some views of it from the gardens of nearby properties, these would mainly be interrupted by existing planting, such views would also likely include the leisure centre, and its various lighting columns.
10. The siting of the proposed development on a small area of grass at one end of the car park, mostly between existing buildings would not be harmful to the

open parts of the area or prejudice the enjoyment of that land. Furthermore, views from the nearby open recreational areas at the leisure centre site would be of the structure mainly hidden by its main building, apart from the top part of the monopole. Moreover, these views would mostly be in the context of the wide and expansive open areas, which would make views of the proposal largely insignificant. Similarly, views from the Fairy Hill recreation ground on the opposite side of Sidcup Road, would include properties and planting in-between, which together with the separation distance, would mean the proposal would not be conspicuous from such viewpoints.

11. The proposed cabinets and fencing would be sited near to the monopole and their heights would likely not be much higher than most vehicles using the car parking area. Their tight knit siting, functional design and appearance, together with their grey and green finishes would ensure they were not prominent features and would integrate well into their surroundings. I therefore find the siting and appearance of the proposed cabinets and fencing to be acceptable. It is noteworthy that the Council found similarly.
12. To conclude, the siting and appearance of the proposals would respect the character and appearance of the surrounding area. Insofar as they are material planning considerations, the proposals would also accord with the relevant parts of Policy D3 of the LP and Policies DH1 and DH(c) of the RGCS, which amongst other things, require high quality design, that positively contributes to the local context in terms of its scale, height, and its effect upon skylines and by ensuring its impact upon setting and local environment is minimised. I also find the proposal would be consistent with Policies OS(a) and OS3 of the RGCS, which collectively seek to promote and enhance the South East London Green Chain area as an accessible, outdoor recreational resource and ensure development relates sensitively to the character of the MOL. In addition, the proposal complies with paragraph 115 of the Framework, insofar as it requires telecommunication equipment to be sympathetically designed.
13. The Council referred to the proposal being contrary to Policy G3 of the LP and Policy OS2 of the RGCS. These policies are concerned with the principle of development in the MOL, consequently they were not directly relevant to the prior approval proposal that is before me.

Other Matters

14. It is noted that paragraph 117 c) of the Framework states evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure, should be provided when a new mast is proposed. The appellant has stated that the search area is small in order to deliver the required 5G coverage in this particular area, to support the delivery of high-quality communications and digital connectivity. In this case, as I have identified that the siting and appearance of the proposed development would be acceptable, it is unnecessary for me to consider the detailed merits of any potential alternative site.
15. Concerns have been raised about potential effects on health. However, 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 be justified.

Conditions

16. Any approval granted for this proposed development, in accordance with Article 3(1) and Schedule 2, Part 16, Class A of the GPDO 2015 (as amended) is subject to conditions set out in Paragraphs A.2(2), A.3(9), and A.3(11) 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 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

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

A Hunter

INSPECTOR