



Appeal Decision

Site visit made on 15 January 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2024

Appeal Ref: APP/A3010/W/23/3327934

Highways Land, Bridge Place, Worksop, Nottinghamshire S80 1PH

- 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 (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Bassetlaw District Council.
 - The application Ref 23/00154/ABT, dated 12 February 2023, was refused by notice dated 3 May 2023.
 - The development originally proposed was installation of 20m high phase 8 monopole, supporting 6 no. antennas, 1 no. wraparound equipment cabinet at the base of the monopole, 2 no. equipment cabinets, 1 no. electric meter cabinet and ancillary development thereto including 1 no. GPS module.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally made for a 20 metre monopole, but its height was revised down to 16 metres during the application. The Council determined the application against the revised plans and I have done the same.
3. Article 3(1) and Schedule 2, Part 16, Class A of the GPDO establish the principle of telecommunications development and require the local planning authority to assess proposed development solely on the basis of its siting and appearance, taking into account any representations received. I have assessed the appeal on this basis, having regard to the development plan and National Planning Policy Framework (the Framework) as material considerations so far as they are relevant to the matters of siting and appearance.
4. A new version of the Framework was published on 19 December 2023. The parts most relevant to the appeal have not substantively changed from the previous iteration. Consequently, it is not necessary to seek further comments from the main parties. References hereafter are to the December 2023 version.

Main Issue

5. The main issue in this case is the effect of the siting and appearance of the proposal on the character and appearance of the Worksop Conservation Area (WCA) and the setting of nearby listed buildings, and, if any harm is identified, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Siting and Appearance

6. The appeal site is located close to a large road intersection in the centre of Worksop where four main roads converge. The site is also just north of the Chesterfield Canal which bisects the town on an east-west course. The area has a predominantly urban character, with many traditional buildings lining the streets, mainly at two storey scale, but with some three storey buildings on the opposite side of Bridge Place to the appeal site. Immediately next to the site is a large surface car park of a Matalan store. The proposed monopole and associated equipment would be located towards the back edge of the footpath, in an area already populated by two streetlight poles indicated to be 10 metres tall and two further poles with CCTV cameras which are slightly lower in height.
7. At 16 metres tall, the monopole would exceed the height of the nearest buildings and the existing street furniture by considerable margins. It would also be bulkier than existing streetlights due to the antenna structure to the top of the pole. The location of the site next to a large road intersection and a surface car park means it is particularly open and subject to clear views from several directions. As a result, the monopole would stand as an isolated, exposed structure in the open street scene where the disparity in height with surrounding development would be clearly observed.
8. There is limited tree cover just to the south, but it would not screen the monopole in views from the south looking up Bridge Place. In westerly views from Eastgate, trees within the car park may provide some screening when in leaf, but the openness of the junction would leave the monopole exposed to views once past the entrance to Matalan. In winter, as during my visit, the site is clearly exposed to view from these positions. The site also forms part of the terminus to views south along both Carlton Road and Gateford Road, within which the monopole would form a dominant feature.
9. The site lies within the WCA, which covers a large area of the town centre, and specifically within the Canal Character Area, which draws its significance primarily from the Chesterfield Canal and associated buildings lining its route. Several of these are listed, notably the Grade II* listed depository which straddles the canal a short distance to the east of the appeal site, and the Grade II former canal cottage, now a public house, immediately to the south. These are complemented by buildings along Bridge Place which contribute positively to the special interest of the WCA in terms of their architecture and historic functions related to the industrial past of Worksop.
10. The appeal site also falls within a number of key views within this character area, including the view south from Carlton Road towards Bridge Place and the canal, and the opposite views north from Bridge Place along Gateford Road and Carlton Road. It is also close to the key views along the canal from the bridge on Bridge Place and is within the immediate setting of several focal buildings, including the aforementioned listed buildings, as well as the former Litten Tree (now Lockside) public house directly opposite and the listed canal lock adjacent to it, and the Grade II Grafton House on Eastgate, across the Matalan car park.
11. The surrounding context is therefore one of significant historic interest embodied in the surviving building and urban grain. The proposed monopole would occupy a prominent location amid several listed buildings and a

townscape that makes a significant positive contribution to the character and appearance of the WCA. Whilst I accept that street furniture already exists around the appeal site, the streetlights are very slender in form and are not of a height which exceeds that of adjacent buildings. Consequently, they do not stand out as conspicuous features, but rather innocuous, functional items common to urban contexts. The CCTV cameras are slightly bulkier but are lower in height and consistent with the general scale of other street furniture.

12. In contrast, the monopole would stand well above the general building heights and draw the eye in views from several directions, including the aforementioned key views identified in the Council's WCA Appraisal (April 2011). Its utilitarian form and dominant height would jar with the historic character and modest scale of development within the immediate area. Due to the openness of the immediate surroundings, it would become an inadvertent focal point of the area, diminishing the presence of the canal and its surrounding historic infrastructure and detracting from the vistas along several historic streetscapes.
13. Street cabinets are a common part of modern street furniture, and several others already exist along this stretch of the footpath. I also recognise that the cabinets, by themselves, are permitted development. However, they would only be required in conjunction with the monopole and are unlikely to be installed as standalone structures. Therefore, it is reasonable to consider the cumulative effect of the equipment, which would be clustered around the proposed monopole and would add to the overall amount of street furniture. Their impact would be limited in long views owing to their lower height, but at close range the collective arrangement, coupled with existing furniture, would have a cumulative impact that would exacerbate the visual impact of the development adjacent to the canal and the aforementioned listed buildings.
14. For these reasons, I conclude that the proposal would harm the character and appearance, and heritage significance, of the WCA, and the settings of surrounding listed buildings, and therefore would not be acceptable in terms of siting and appearance. The harm to the significance of the designated heritage assets in this case would be less than substantial. The Framework directs that any less than substantial harm should be weighed against the public benefits of the proposal.
15. Paragraph 118 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The proposed infrastructure would enable rollout of 5G coverage and enhance network speeds and connectivity within the surrounding area. It would therefore contribute towards the Framework objective of supporting high quality communications infrastructure. These are public benefits weighing strongly in favour of the proposal.
16. The Framework at Paragraph 205 states that great weight should be given to the conservation of heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this case, the cumulative harm identified to the significance of the WCA and the settings of several listed buildings attracts significant weight against the proposal.
17. Overall, the public benefits of the proposal are considerable, but are insufficient to outweigh the harm to the significance of the designated heritage assets.

Therefore, insofar as they are material considerations, the proposal would not accord with the Framework as a whole, or with the aims of Policy DM8 of the Bassetlaw Core Strategy & Development Management Policies DPD (December 2011) which presumes against development, alteration, advertising or demolition that will be detrimental to the significance of a heritage asset.

18. The appellant, through reference to a costs decision¹, suggests that the Council has failed to undertake an appropriate balancing exercise to weigh any identified harm against public benefits. However, although the Council's officer report does not explicitly set out such an exercise, I have undertaken my own assessment and balancing exercise, having regard to both parties' evidence, and concluded that the public benefits in this case would not outweigh the harm to the significance of multiple designated heritage assets.

Alternative Locations

19. Paragraph 121 of the Framework advises that applications should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
20. I have had regard to the appellant's site selection process, and evidence in respect of the technical requirements for 5G antennas, including that the cell areas are smaller and the search area is necessarily defined by the need to fit the new cell into the existing network to address areas of poor or no coverage. I also accept that the height of the mast is dictated by operational and health requirements² as well as seeking to achieve the maximum coverage.
21. The appellant's search area, informed by existing gaps in coverage, comprises a roughly triangular area centred around Gateford Road and Carlton Road, stretching from the canal and Bridge Place to the south to Overend Road to the north. Eleven locations have been considered.
22. I accept that locations D4 and D5 would be unsuitable due to their proximity to the listed St John the Evangelist Church and the resulting effect the equipment would have on its setting. I also note the single rooftop option, D2 on the Matalan store, was discounted due to it not providing sufficient coverage, which is reasonable given it lies outside of the target search area.
23. The other eight locations have been discounted due to the footway being too narrow or there otherwise being insufficient space. I accept that is the case for several of the sites. However, I saw a number of locations appeared to be wholly unsuitable, such as location D6 immediately in front of a shop entrance, location D8 within a landscaped area of public realm and location D11 on an especially narrow footway. Given these obvious constraints, it is questionable why these sites were not filtered out earlier by the appellant.
24. This aside, my observations were that there appeared to be a broader footway at location D3 and a sizeable area at location D7 between the bus stop and the building beyond. The appellant's evidence does not set out the exact space requirements for the equipment but based on the land take shown on the submitted plans, I am not persuaded that either of these locations are unsuitable, both of which would be less prominent than the appeal site.

¹ APP/G5180/W/16/3151769

² International Commission on Non-Ionizing Radiation Protection (ICNIRP) requirements

25. Moreover, the alternative locations are all concentrated either close to the appeal site at the southern end of the search area or along Gateford Road. The choice of Gateford Road is understandable given much of it lies outside of the WCA. However, several sites are within the WCA and it is notable, therefore, that aside from location D11 no other potential sites appear to have been considered along Carlton Road, despite it falling within the target search area. Whilst it is not for me to identify alternative sites, I saw that Carlton Road has a commercial character and includes areas with broader footways than some of the locations selected by the appellant. The evidence before me fails to explain why no sites on Carlton Road have been considered, particularly when others with obvious constraints were advanced instead, including locations D8, D10 and D11 within the WCA.
26. On the evidence before me, I am not satisfied that all alternative, potentially less harmful options have reasonably been explored and therefore that no more suitable sites are available. Therefore, I do not find the search and assessment of alternative sites to be sufficiently robust or that the identified need for the mast could only be met at the appeal site.

Conclusion

27. For the reasons set out, the proposal would be unacceptable with respect to its sitting and appearance, due to harm to the significance of the Worksop Conservation Area and to the setting of the nearby listed buildings. This is not outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.
28. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR