



Appeal Decision

Site visit made on 5 March 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2024

Appeal Ref: APP/E5330/W/23/3329257

Samuel Montagu Youth Centre, 122 Broad Walk, London, SE3 8ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Royal Borough of Greenwich.
 - The application Ref is 23/0430/T3.
 - The development proposed is telecommunications installation: Slimline monopole, antennas, dishes, cabinet and associated ancillary development. 1No. 17.5m high monopole with 6No. antennas and 2No. dishes, together with 2No. equipment cabinets and ancillary apparatus thereto.
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Decision

1. The appeal is allowed and prior 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) (the GPDO) for telecommunications installation: Slimline monopole, antennas, dishes, cabinet and associated ancillary development. 1No. 17.5m high monopole with 6No. antennas and 2No. dishes, together with 2No. equipment cabinets and ancillary apparatus thereto at Samuel Montagu Youth Centre, 122 Broad Walk, London, SE3 8ND in accordance with the application 23/0430/T3 and the details submitted with it including Drawing Nos. 201B (Proposed Site Plan), 301D (Proposed East Elevation), 305B (Proposed South Elevation), 306B (Proposed West Elevation) and 307B (Proposed North Elevation).

Preliminary Matters

2. The appellant submitted amended plans with the appeal which provide a more accurate reflection of the design of floodlighting in the vicinity of the appeal site. The amended plans do not change the substance of the appeal proposal and parties have been afforded adequate opportunity to comment on the appeal should they wish to do so. I therefore conclude that interested parties would not be prejudiced by my proceeding to determine this appeal on the basis of the amended details.
3. Because this is an application for prior approval 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. This appeal will be determined on the same basis.
4. A revised National Planning Policy Framework (the Framework) was published in December 2023 but there are no material changes relevant to the substance of the appeal.

Main Issues

5. The main issues are:

- The effect of the siting and appearance of the proposed installation on the character and appearance of the area; and
- If any harm would occur, whether this would be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

Character and Appearance

6. The appeal site is within an area of open space which contains a number of playing pitches as well as the large building of the Youth Centre. The proposed mast and cabinets would be located adjacent to a detached utility building.
7. The mast would be viewed within the context of a number of vertical features, particularly floodlights and supporting poles. The mast and head unit would be taller than the floodlights and would be of a bulkier construction, but nevertheless the floodlights create a context of tall man-made structures in the vicinity of the appeal site.
8. The open space is surrounded by residential development, and the mast would be visible from dwellings and other uses in the area as well as from the highway of Broad Walk which is adjacent to the open space. A degree of screening would be provided by the Youth Centre building although this would be of a limited extent. Some screening would also be provided by trees in the area, although trees of a significant size were relatively distant from the site. The mast would not be located in close proximity to dwellings, and due to this separation distance would not be unduly intrusive in views from individual properties. But, due to its bulk and height, the mast would be a prominent feature in views across the area of open space, projecting above the skyline and the backdrop of other features such as trees.
9. The equipment cabinets would be located close to the outbuilding. Due to this backdrop and degree of screening provided by the building, the proposed cabinets would not add a cluttered appearance to the area.
10. The Council has queried whether the proposed height of the mast is justified. However, the appellant has referred to issues relating to interference from clutter and the need to ensure coverage of the target area. Based on what I have seen and read, there is no substantive evidence to demonstrate that the proposed height is excessive in respect of operational requirements.
11. Although the proposed mast is of a standard utilitarian design, I do not consider that a more bespoke design would provide any material benefits compared to the proposal before me.
12. The mast would not be ancillary to the use of the playing fields. However, the proposal would not affect the use of the playing fields for recreational purposes, and any technical conflict with planning policy on this matter does not represent a reason to dismiss this appeal.

13. I conclude that the installation would result in some harm to the character and appearance of the area, albeit the level of harm would be limited and restricted to the impact from the mast. In making this assessment I have had regard to mitigating factors including the slimline design of the mast, the context established by floodlights, and the degree of separation from dwellings and the streetscape.
14. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, the proposal would be contrary to Policy D3 of the London Plan 2021 and Policies DH1, DH(c) and OS(b) of the Royal Greenwich Local Plan 2014 which together seek to ensure that development, including telecommunications development, should be of a high quality design which minimises visual impact and which is sensitively sited in respect of Community Open Space.
15. The Framework is also a material consideration and this includes a section on supporting high quality communications. The proposal would be contrary to the Framework, which advises that electronic communications equipment on new sites should be sympathetically designed and camouflaged where appropriate.

Alternative Sites

16. The appellant has submitted evidence which identifies the cell search area and a number of alternative sites that were considered, including rooftop sites.
17. The Council has questioned why the rooftop of the nearby Youth Centre building was not considered. However, the appellant has specified that this would require a substantial stub tower on the roof and would bring the mast closer to residential properties on Broad Walk. Furthermore, due to the relatively freestanding nature of the Youth Centre building, I am not persuaded that a mast placed on that building would be any less visually intrusive than the appeal proposal, and indeed it may be a more obtrusive and contrived feature.
18. The appellant has considered replacing one of the floodlights with a mast, but concluded that a lattice mast would be required. However, even if a floodlight could be replaced with a slimline mast, the benefit of removing a single floodlight pole would be minimal and the placement of a floodlight on the monopole would introduce a contrived and jarring feature onto the relatively simple design of the mast.
19. Based on what I have seen and read, I am satisfied that there are no other mast site sharing opportunities, suitable buildings or other structures within the required cell area that would be capable of, or more appropriate for, accommodating the proposed installation. The lack of alternative options to deliver improved coverage and capacity within the required area is a consideration which weighs strongly in favour of the appeal.

Other Matters

20. Concerns have been raised about potential effects on health, including on children and young adults who use the facilities at the Youth Club. 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.

21. Reference has been made to the effect of the proposal on rental values to an existing mast. However, this is a private matter that does not fall within the remit of this appeal. In any event, the appellant sets out that the nearby tower cannot be upgraded and the Council acknowledges that an enlargement to facilitate sharing would be unacceptable, and based on the evidence before me I have no reason to disagree.

Conditions

22. 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, begin within 5 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

23. The siting and appearance of the proposal would result in limited harm to the character and appearance of the area. However, in the absence of a more suitable alternative site within the required area, that harm would be outweighed by the benefits provided by the improved telecommunications coverage and capacity. I therefore conclude that the appeal should be allowed and that prior approval should be granted.

David Cross

INSPECTOR