

Appeal Decision

Site visit made on 4 April 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/M3455/W/23/3333146

Leek Road Street Works, Leek Road, Stoke-on-Trent ST4 2DF

- 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 Gallivan of CK Hutchison Networks (UK) Limited against the decision of Stoke-on-Trent City Council.
 - The application Ref is 69062/PRA.
 - The development proposed is described as 'proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is no dispute that the proposal satisfies the limits to permitted development set at Paragraph A.1 to Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). Paragraph A.3 requires that before development can commence a determination be made as to whether prior approval will be required as to the siting and appearance of the development. Although the principle of development is established by the GPDO and the provisions of Part 16 do not require regard be had to the development plan, I have had regard to the development plan policies referred to in the reason for refusal insofar as they are a material consideration relevant to the issue of siting and appearance.
3. The revised National Planning Policy Framework (Framework) was published in December 2023. I do not consider in this case that this raises any matters that require me to seek any further representations from the parties.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposal on the character and appearance of the area and, if any harm would occur, whether this would be outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites.

Reasons

Character and appearance

5. The appeal site relates to a section of the pavement on the south-eastern side of Leek Road close to the junction with Boughey Road. Leek Road is a busy main

road leading into and out of the city centre. There is a long grass verge and a landscaping strip to the south-east of the site containing trees and shrubs. Beyond the verge there is a three storey building which forms part of the Staffordshire University Campus. The building, which sits below road level, is of contemporary design and appearance featuring large glazed openings interspersed with cladding. It is a positive feature of the street scene, as is the high quality paving used on this section of the pavement.

6. The surrounding area is of mixed character. In addition to the campus buildings, there are rows of traditional two storey terraced dwellings and a smaller number of shops. Various items of street furniture, including street lighting columns, traffic lights, road signs and CCTV, are an established part of the street scene.
7. The appeal proposal is for a new telecommunications installation comprising a 16m high H3G Phase 9 street pole and three associated ground-based equipment cabinets. The development would be sited on a stretch of the pavement that widens on its approach to the university campus entrance. The proposal is intended to provide new 5G mobile coverage in the local area.
8. The proposed street pole would be of utilitarian appearance, typical of telecommunications equipment seen in urban areas generally. It would be viewed in the context of other vertical features in the area, including the 12m high street lighting columns lining the road, and the adjacent campus building. The pole and cabinets would be coloured light grey to harmonise with the street lighting columns. These factors would mitigate the visual effects of the proposal to some extent.
9. However, the street pole would be notably taller than the street lighting columns and also higher than the adjacent university building. The substantial width of the pole would also be at variance with the more slimline street light columns. It would be in a prominent and exposed location on the pavement and highly visible along Leek Road, which has a straight alignment on this stretch, from Boughey Road and from the various neighbouring properties. I am mindful that the height of the proposed street pole is the minimum required to provide 5G service. I also note that the appeal site is not within a conservation area. Nevertheless, the street pole would be an overly prominent, dominant and incongruous feature which would detract from the quality of the street scene, including the adjacent campus building. The nearby trees on the landscape strip are not of sufficient size to screen the proposal in views along Leek Road.
10. Whilst the ground-based cabinets would introduce additional items of street furniture clutter, these would have a much lesser impact on the character and appearance of the area due to their limited number and size.
11. Nevertheless, I conclude that the street pole, by reason of its siting, scale and height, would be a prominent and discordant feature which would be significantly harmful to the area's character and appearance. I have taken into account Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 Adopted 2009 and advice in the Framework. These seek, among other matters, to ensure that new development is well designed and respects the character, identity and context of the area. Given my conclusion on this issue, the proposal would conflict with this policy and guidance. I find no overriding conflict with Policy PR14 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document 2010, which seeks to avoid street furniture clutter.

Alternative sites

12. Applications for telecommunications development should be supported with the necessary evidence to justify the proposal in accordance with paragraph 121 of the Framework. The appellant has adopted a sequential approach to site selection involving a desktop survey and a physical search of the cell area.
13. The appellant states that no buildings or site sharing opportunities have been identified, but I note that there are some larger buildings within the surrounding area. Insufficient evidence has been provided to demonstrate that the possibility of utilising these has been fully investigated.
14. Six alternative sites for a new ground-based mast were considered by the appellant but subsequently discounted. The evidence before me is limited to a map of the search area, the locations of the discounted options and an explanation as to why each of the alternatives is unsuitable. The reasons for discounting these refer in brief terms to the high-density residential nature of the location and proximity to housing, narrow pavements, the presence of overhead cables and services, and concerns around the effect on visibility splays for drivers. The assessment of alternative sites lacks sufficient detail in terms of how the search for alternatives was carried out or how sites were selected for further consideration. No substantive evidence has been provided to show that adverse impacts would take place in these other locations or that the alternative sites could not host an installation.
15. Therefore, on the basis of the evidence before me, I cannot be satisfied that alternative sites have been comprehensively assessed or that the appeal site represents the least harmful option available in the area to meet the coverage requirements and so secure the same public benefits.

Other Matters

16. Although the proposal would effectively split the pavement in two, this stretch of the pavement appears to be of sufficient width to accommodate the proposal without unduly obstructing pedestrian movements on the footway.

Planning Balance and Conclusion

17. Paragraph 118 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The proposal would contribute to the delivery of sustainability and provide an upgrade to digital telecommunications allowing for the introduction of 5G technology to the locality. I have afforded moderate weight to the economic and social benefits of the appeal scheme.
18. However, it has not been demonstrated that there are no suitable alternatives to serve this area or that the appeal site is the best available option for minimising the effect of the development. Therefore, I conclude that the harm to the character and appearance of the area would not be outweighed by the need to site the installation in the location proposed and its associated benefits. For these reasons, the appeal is dismissed.

M Ollerenshaw - INSPECTOR