



Appeal Decision

Site visit made on 16 April 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2024

Appeal Ref: APP/M3455/W/23/3333184

Foden Street, Stoke-on-Trent, ST4 4AY

- 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 CK Hutchinson Networks (UK) Limited against the decision of the City of Stoke-on-Trent Council.
 - The application Ref 69036/PRA, dated 5 April 2023, was refused by notice dated 22 May 2023.
 - The development proposed is a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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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 5G telecoms installation: H3G 15m street pole and additional equipment cabinets on Foden Street, Stoke-on-Trent, ST4 4AY in accordance with the terms of the application, Ref 69036/PRA, dated 5 April 2023, 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 only 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 the living conditions of nearby residents; 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 is supportive of the development of

communications infrastructure. However, each application must be assessed in terms of its impacts 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 development in relation to the main issues. In this case, therefore, policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, which relates to good design, is relevant.

Character and appearance

6. The proposed pole and equipment cabinets would be located at the back of the wide pavement on the street corner where Foden Street and Vine Row meet. The proposed monopole would have a slim appearance with partly shrouded antennas towards its top. At 15m in height the monopole would be approximately a third higher than the apartment buildings in West End Village which are set back from the street behind the application site. With respect to the terraced housing along Foden Street, the monopole would be even taller.
7. In views on the approach in both directions along Foden Street, and when exiting West End Village, the pole would be readily visible with its upper section outlined against the sky. However, as peoples' views of the street scene would primarily be focussed at street level, the tall height of the monopole would not protrude into the street scene and dominate it to the extent that it would be unacceptable. Accordingly, I conclude that the siting and appearance of the very tall installation proposed would have a moderate adverse effect on the character and appearance of the area.

Living conditions

8. The proposed pole and cabinets would be located in a row in front of the boundary fence and hedge that separates West End Village from the pavement. As a result, it would be clearly visible from the directly facing apartments within West End Village, as well as from the detached house on the opposite side of the road, 2 Foden Street. The narrow width of the pole though would mean that outlook from these dwellings would only be slightly enclosed and that any overbearing effect as a result of its height would be limited.

Planning balance

9. The appellant has clearly demonstrated the need for the proposed installation in order to provide effective 5G coverage for the cell area within which this part of Foden Street is located. In a desktop study, no existing freestanding poles or masts on buildings were identified by the appellant that the proposed installation could share.
10. The appellant has set out what alternative sites for the pole and ancillary equipment were considered in this highly built up residential area and the reasons why they were not pursued. Having viewed the appeal site and these other sites, it is clear that the siting of the proposed development in these other locations would not have any lesser adverse effect on matters of acknowledged planning importance. All sites are close to housing, with the alternative sites that were considered either just as near to housing as the appeal site, closer to even larger numbers of dwellings, or located within road

junction visibility splays. No other possible sites have been suggested by the Council. As a consequence, I am not persuaded that there is a better alternative location for the proposed scheme.

11. I have found that the siting and appearance of the proposed installation would have a moderate adverse effect on the character and appearance of the area, and a limited adverse effect on the living conditions of neighbours. In this case, the operational need for the proposed installation in the locality, and the lack of more suitable alternative locations, outweighs the harm that would be caused.

Other matters

12. In terms of the siting of the installation and highway safety, the Council's highway engineer did not object, but nevertheless asked whether it could be moved south by approximately 1m. On the basis of my observations during the site visit, and in the absence of a submitted explanation as to why consideration should be given to moving it, I find that the siting of the proposal would not have a material adverse effect on highway safety.
13. To address potential health effects, the Framework advises that a certificate confirming 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 would be acceptable in terms of health.

Conditions

14. 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 agrees 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

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

Ian Radcliffe

Inspector