



Appeal Decision

Site visit made on 17 September 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2024

Appeal Ref: APP/W4515/W/24/3346266

Land at Hillheads Road and Marden Road South, Cullercoats, Whitley Bay, Tyne and Wear (Easting: 435409 Northing: 571820)

- 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 North Tyneside Council.
 - The application Ref is 23/01444/TELGDO.
 - The development proposed is the installation of a 20m high streetworks column supporting 6 no. antennas, 2no. 0.3m dishes and ancillary equipment. The installation of 3no. equipment cabinets and development ancillary thereto.
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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 20m high streetworks column supporting 6 no. antennas, 2no. 0.3m dishes and ancillary equipment and the installation of 3no. equipment cabinets and development ancillary thereto at Land at Hillheads Road and Marden Road South, Cullercoats, Whitley Bay, Tyne and Wear (Easting: 435409 Northing: 571820) in accordance with the terms of the application Ref 23/01444/TELGDO and the plans submitted with it including plan nos 100A, 201A and 301A.

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. I have used the address given on the appeal form in the banner header above and the formal decision, as it more accurately describes the location of the proposal than that given on the application form.

Planning Policy

4. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. I have had regard to Policy DM7.11 of the North Tyneside Local Plan 2017 and to 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

5. The main issue is 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 is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

6. The proposal would become the dominant feature in the street scene, standing much taller than other existing structures and occupying a prominent position on the edge of the roundabout, which itself is notably elevated above the surrounding areas and their ground levels. This impact would be mitigated to some extent by the fact that the area in the immediate vicinity of the appeal site functions as a busy interchange in the road network, because there are tall vertical structures in the vicinity including streetlights and floodlights, and because there would be a minimal, if any, visual impact on the nearest residential receptors. Nonetheless there would be a degree of harm to the character and appearance of the area because of the overall scale of the proposal, and this would be a harm that would be moderate in its magnitude.
7. Coverage in the area is currently provided by a mast located at 252 Whitley Road, which is an installation that serves two operators for 2G, 3G and 4G coverage. However, it is stated in the supporting documentation that the installation, which is in the form of a flagpole attached to the building, is not technically capable of accommodating the equipment required to provide 5G coverage for both operators. This necessitates a new site being found for one of the telecommunications operators, and this location must be as close to the existing site as possible.
8. The appellant has undertaken a comprehensive study of potential alternative locations for a new installation close to the existing flagpole. The submission with the prior approval application considered 12 alternative locations and discounted each of them. The Council has not taken issue with that assessment or suggested that there might be other land or buildings not identified that may be suitable. Further possible sites within the search area and beyond it have been identified within the appeal submissions. Again, the Council has not suggested that any of those alternative sites might be suitable for a new installation in preference to locating it on the appeal site.
9. Detailed reasons are given as to why each alternative location has not been pursued. These include the height of the building, that the building would not be structurally capable of hosting an installation, and because of other technical reasons which mean that the necessary coverage would not be possible. The study finds that there are no existing base stations that are

capable of providing adequate replacement coverage because of their locations outside of the search area. Possible new ground based sites have been discounted for reasons including the presence of listed buildings, their closer proximity to residential properties than the appeal site and for technical reasons which again mean that the site in question would not provide the required coverage.

10. On the basis of the information before me, I am satisfied that there is an absence of alternative sites on which to locate the proposed installation. The installation is needed to provide for 5G coverage and to deliver the benefits arising from an advanced, high quality and reliable communications infrastructure, these being benefits that have been recognised through the permitted development rights afforded in the GDPO. If it is not erected on the appeal site, I am not satisfied its benefits could be realised elsewhere. Whilst I have found that there would be harm to the character and appearance of the area resulting from the appeal proposal, there are mitigating factors which mean that the harm in this instance would be moderate. In conclusion, I find that the need for the installation to be sited as proposed outweighs the harm that would be caused to the character and appearance of the area.

Conditions

11. The GPDO 2015 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

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

Graham Wraight

INSPECTOR