



Appeal Decision

Site visit made on 30 October 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2024

Appeal Ref: APP/Z0116/W/24/3346063

Big Yellow Self Storage, Barrow Road, Lawrence Hill, Bristol City, Bristol BS5 0AE

- 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 Fresh Wave Facilities Limited against the decision of Bristol City Council.
 - The application Ref is 24/01344/Y.
 - The development proposed is erection of a 25m monopole supporting 6no. antenna apertures, 2no. dishes along with ancillary development 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) for the siting and appearance of the erection of a 25m monopole supporting 6no. antenna apertures, 2no. dishes along with ancillary development thereto at Big Yellow Self Storage, Barrow Road, Lawrence Hill, Bristol City, Bristol BS5 0AE in accordance with the application 24/01344/Y and the details submitted with it including plan nos 1654625_BRC323_93887_ M003_GA Issue A – 002 Site Location Plan; 1654625_BRC323_93887_ M003_GA Issue A - 215 Max Configuration Site Plan; and 1654625_BRC323_93887_ M003_GA Issue A - 265 Max Configuration Elevation.

Procedural Matters

2. A mast with associated cabinets and fencing is present on site, temporarily erected under an Emergency Notice in 2023 under Article 3(1) and Schedule 2, Part 16, Class A(b) and paragraph A.3(12) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). While I was able to see the mast during my site visit, I have considered this appeal proposal on its own merits under the provisions of the GPDO.
3. Under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO, planning permission is granted for the installation, alteration, or replacement of any electronic communications apparatus subject to limitations and conditions. Paragraph A.3 requires 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.

4. The Council has referred to several development plan policies and the National Planning Policy Framework (the Framework). The provisions of Part 16, Class A of the GPDO do not require regard be had to the development plan or the Framework. Nevertheless, Policy DM36 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014) (SADMP), and Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (Core Strategy) are material considerations insofar as they relate to issues of siting and appearance. In particular, they seek to ensure that development delivers high quality urban design, reinforcing local distinctiveness, and that telecommunications installations respect the character and appearance of the area and are not harmful to visual amenity. Similarly, the Framework is also a material consideration, and this includes a section on supporting high quality communications.
5. While the Council has also found conflict with Policy DM30 of the SADMP, this policy deals specifically with extensions and alterations to existing buildings. It is therefore not material to this appeal, which does not relate to this type of development.

Main Issue

6. 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

Character and appearance

7. The appeal site lies next to the A4320 dual carriageway (St Philips Causeway) within a fenced site containing a large warehouse and storage units. Surrounding and facing the highway in this area is a mix of commercial and large industrial units comprising part of the Barrow Road Principle Industrial and Warehousing Area. Residential development lies some 60m to the east, predominantly comprising three- and four-storey apartments. High-rise flats are visible to the north. Level changes in the surrounding area including underpasses and flyover sections of road create some high and low-visibility points locally, but the site is not notably elevated or prominent within its context. The overall character of the area is of a busy, urban environment with a mix of structure types and heights.
8. There are a number of vertical elements visible in the surrounding area, including numerous streetlights on surrounding roads, signage, traffic lights, and existing telecommunications masts visible in the middle-distance. There is also a line of young trees to the east of the site, and occasional trees to the west. Dense vegetation associated with the banks of an underpass lies to the north.
9. The proposal would be of functional design, typical of telecommunications equipment seen in urban and suburban areas generally. Whilst thicker than the nearby streetlamps, it maintains a slender form, and the position of the antennae and dishes to the top are in a simple arrangement, minimising visual clutter. The appellant has described the technical requirements of the installation, indicating that the design of the monopole represents the least

intrusive response to its operations constraints. There is no compelling evidence which would lead me to come to a different conclusion. However, its 25m height means that it would be taller than the surrounding street furniture, buildings, and trees.

10. Given this height and its position, the mast would be visible from several directions. However, this visual impact is mitigated by the fact that the attention of drivers, particularly those on St Philips Causeway, would be on the highway. Pedestrians and users of the road network to the east would view the monopole in the context of the existing vertical elements, varied structure heights and mixed, busy character of the surroundings. It would not appear as an unexpected feature in this location. Moreover, the local topography and surrounding large-scale built form substantially limits longer distance views.
11. The proposed ancillary development comprising low-level cabinets and security fencing would not be visually intrusive, sitting lower than the adjacent storage units in a discrete corner of the site. I note that the Council arrived at a similar conclusion.
12. The Council has also found no harm to the living conditions of neighbouring occupiers in respect of the mast forming an overshadowing or overbearing presence. It does however consider that the development would be unduly prominent and incongruous when seen from nearby properties. When viewed from the closest dwellings on Chancery Street, the mast would be visible over the trees along the eastern site boundary. However, the distance and orientation of the properties, the context of a large warehouse in the foreground, and the presence of intervening maturing trees would limit its visual impact when viewed from the closest residential properties.
13. For these reasons, the mast and its ancillary development would not appear incongruous nor visually dominant and would not detract from the existing character of the surroundings. Accordingly, having regard to its siting and appearance, the proposed development would not adversely affect the character and appearance of the area. Insofar as they are a material consideration, the proposal would also accord with the local and national policies set out earlier in this decision.
14. Given this finding, it is not necessary for me to address the merits of alternative sites, including the evidence provided by the main or any other interested parties in this regard.

Other Matters

15. Concerns have been raised about potential effects on health. 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. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
16. I have noted the other concerns raised by interested parties in relation to the sustainability of 5G, noise and environmental impacts, legal cases, human

rights, and insurance. However, my considerations are limited to the siting and appearance of the apparatus in accordance with the relevant legislation as set out in the procedural matters above.

Conditions

17. Any planning permission granted for the development 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). This specifies that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application and must begin no later than the expiration of 5 years beginning with the date on which the local planning authority received the application. It also specifies that the development 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

18. For the reasons given above the appeal should be allowed and prior approval should be granted.

K Jones

INSPECTOR