



Appeal Decision

Site visit made on 15 January 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Appeal Ref: APP/A2280/W/24/3347584

Borstal Road, Opposite Army Reserve Centre, Rochester ME1 3BD

- 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 Telecommunications Infrastructure Limited against the decision of Medway Council.
 - The application Ref is MC/24/0050.
 - The development proposed is the installation of a 17.5-metre monopole, accommodating 6no. antennas, the installation of 2no. ground-based equipment cabinets, along with ancillary works.
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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 installation of a 17.5-metre monopole, accommodating 6no. antennas, the installation of 2no. ground-based equipment cabinets, along with ancillary works at Borstal Road, Opposite Army Reserve Centre, Rochester ME1 3BD in accordance with the application ref MC/24/0050 and the plans submitted with it.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions.
3. 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.
4. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance. In this context, I have considered Policy BNE43 of the Medway Local Plan 2003 (MLP) which requires development to retain trees that provide a valuable contribution to local character. The Council also references Policy CF14 of the MLP, requiring the site to be the best available in environmental terms, and I refer to the issue of alternative sites below. I have also had regard to the National Planning Policy Framework (the Framework).

Main Issue

5. The main issue in this appeal is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, with particular regard to trees, 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 appeal site is part of a grass verge on Borstal Road opposite an Army Reserve Centre. The verge contains several street trees, with a large hedgerow to the rear. There is also vegetation along the embankment on the other side of the road, including several well-established trees close to the Army Reserve Centre entrance. The planting gives the area a verdant character.
7. The proposal is for a 17.5m high monopole accommodating six antennas to meet a need for improved network coverage and capacity along with new superfast 5G services to the operator's network users in the area. It would be located between two existing trees, a 6-7m high field maple and a 2m high recently planted acer. Owing to their relatively small size, these trees are currently of limited value in the local environment but given their condition and potential lifespan could contribute more to the streetscape in future. There are also two 12m high Norway maples close by which due to their height and canopies, positively contribute to the street scene. The Council is concerned about the potential impact of the proposal on these trees and others on the opposite side of the road.
8. The British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction states that an arboricultural assessment must take account of future tree growth. The Arboricultural Report (AR) assesses the implications of the proposed scheme on the field maple and Norway maples. Assuming an average growth rate, the AR finds that there is at least six years' growth before the Norway maples interfere with the antennas but given their poor foliage density and low vigour, the trees will grow at a slower rate than this. Further, the AR anticipates at least 20 years' growth for the field maple before its canopy slightly interferes with the antennas. Given it has only recently been planted, the AR does not assess the effect of the scheme on the acer. It also does not assess the impact of the proposal on trees on the other side of the road.
9. The scheme would not fall within tree root protection areas and the tree protection plan indicates the installation of protective fencing during construction. The appellant outlines that the site would be viable from a technical and operational perspective, the search for which took account of natural features and topography, amongst other things. Although the AR states that the trees would interfere with the antennas over time, there is little before me indicating the need to remove or prune any trees either now or in the future. In any event, the Council could protect the trees via a Tree Preservation Order if they are of amenity value and at risk.
10. The Council suggests that Rochester Clarence Bowling Club and Upper Priestfields Allotments could provide suitable alternative sites for the scheme. Nevertheless, I have found that the siting of the proposed installation would not harm trees, and therefore there is no need to consider other sites.

11. The appellant and the Council do not dispute that the appeal scheme would be visually acceptable. As the column and cabinets would be finished in fir green and sited in an area containing trees and typical street paraphernalia including lampposts and telegraph poles, I have no reason to disagree.
12. Consequently, I conclude that the siting and appearance of the proposed installation would not harm the character and appearance of the area, with particular regard to trees.

Other Matters

13. Fort Clarence is a grade II listed building around 150m from the appeal site. The special interest and significance of the building derives in part from it being an early 19th century fort, forming part of the anti-Napoleonic defences of the Medway towns. The setting of the fort has evolved, becoming more immediate to the area around it because of subsequent urban development. There has also been development in the wider area along the adjacent Medway Valley. The proposed installation would be partially visible from viewpoints close to the fort on Borstal Road and from the roof of the listed building. As it would be another accretion against a backdrop of more modern development, the proposal would preserve the setting of Fort Clarence, and its significance would not be harmed.
14. Concerns have been raised about the potential effects of the proposal on health. However, the appellant has provided a certificate declaring that the proposal conforms with the International Commission on Non-Ionizing Radiation Protection public exposure guidelines. Having regard to the Framework, and that the application is for prior approval where only siting and appearance are for consideration, the potential effect on health is not a determining issue in this case.
15. Residents are also concerned about potential impacts on television reception and electronic systems. All operators of radio transmitters are required to operate them in accordance with the conditions of their licence which fulfil their legal obligations in respect of interference with other radio systems and electrical equipment.
16. Interested parties also raise concerns about impacts on wildlife and potential noise, but there is no substantive evidence that the scheme would harm ecology or cause disturbance. Further, there are concerns that it would affect property values, but this is not a planning matter relevant to my determination of the appeal.

Conditions

17. Any planning permission granted for 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). These specify 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 within 5 years of the date of the approval. Also, it 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.
18. The Council suggests imposing additional planning conditions should approval be granted. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions referred to above.

Conclusion

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

A Wright

INSPECTOR