
Appeal Decision

Site visit made on 5 April 2018

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 May 2018

Appeal Ref: APP/J4423/W/17/3188962

Grass Verge at Bus Terminus, Totley Brook Road, Sheffield, S17 2QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Ltd (CTIL) against the decision of Sheffield City Council.
 - The application Ref 17/01410/TEL, dated 4 April 2017, was refused by notice dated 25 May 2017.
 - The development proposed is the installation of a 12.5m column, 2 no. 300mm transmission dishes, 2 no. equipment cabinets and ancillary development.
-

Procedural Matter

1. The appellant has submitted revised plans in the form of Drawing Nos. 200 Rev. B and 300 Rev. B with the appeal documentation, which indicate the 12.5 metre column to have been moved by 1 metre from its originally proposed location. This is as a consequence of underground services having been found in the location of the originally proposed column.
2. I have considered the implications of accepting these plans in the light of the principles of the '*Wheatcroft*' judgement, which essentially requires that any amendments to proposals do not materially alter the nature of the application, and that no one who would normally have been consulted would be prejudiced by the lack of opportunity to comment on the revised plans.
3. I am satisfied that whilst the amendment to the location of the column is a clear revision to the scheme which would have been assessed by the Council and commented on by interested parties during the planning application, the effect on the overall assessment of the proposals would be negligible. I am also mindful that the opportunity to comment on the amendment to the location of the column would have been available to both the Council and interested parties during the course of the appeal, and I note that the appellant has directly sought the views of the Council's Highways Department in this respect. In this instance, it is evident that the amendment was not prompted by an attempt to address the reason for refusal, and I am satisfied that to accept the revised plans would not sit contrary to the principles of the judgement. My decision-making has therefore been based on the revised plans.

Decision

4. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted

Development) (England) Order 2015 (as amended), for the installation of a 12.5m column, 2 no. 300mm transmission dishes, 2 no. equipment cabinets and ancillary development on the Grass Verge at Bus Terminus, Totley Brook Road, Sheffield, S17 2QS, in accordance with the terms of the application Ref 17/01410/TEL, dated 4 April 2017, subject to the following condition:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 100 Rev. A, 200 Rev. B, and 300 Rev. B.

Main Issue

5. The main issue is the effect of the siting, scale and appearance of the proposed installation on the character and appearance of the street scene and the area.

Reasons

6. The appeal site lies within an open small parcel of land formed of a grassed traffic island set within the local bus terminus on Totley Brook Road. The location is within a residential suburb and is adjacent to residential properties on Kings Coppice to the south and south-east, the contours of which are lower by varying degrees than the level of the bus terminus. To the north-west of the bus terminus on the opposite side of Totley Brook Road, a mature strip of trees and planting demarcates the end of the rear gardens of residential properties on Old Hay Close, which are situated significantly higher than the appeal site.
7. The National Planning Policy Framework (the Framework) advises that a high-quality communications infrastructure is essential for sustainable economic growth, and that the expansion of electronic communications networks, including telecommunications should be supported. Furthermore, paragraph 46 of the Framework sets out that local planning authorities should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure. However, the Framework also advises that the aim should be to keep the numbers of telecommunications masts and the sites for such installations to the minimum consistent with the efficient operation of the network.
8. The appellant's technical evidence indicates there to currently be a deficiency in the level of indoor coverage for 3G and 4G systems, with the proposed installation designed to address this. This is contrary to many statements received from interested parties where the level of coverage is claimed to already be very good in the area, albeit that alternative technical evidence supporting the availability of internal coverage has not been adduced. In this respect, but being mindful of paragraph 46 of the Framework regarding need, I am nevertheless satisfied that the proposed mast would address a demonstrable need for an additional mast in the vicinity to achieve a full and appropriate level of technical coverage. The improvement to the coverage weighs strongly in favour of the location.
9. The principle of the development is established under the operators permitted development rights, and I note that in moving on to assess the siting and appearance of the installation, the Council has made no explicit statement that such a principle has not been accepted. On the basis of the submissions before me, the Council's chief concerns relate to the resultant visual clutter that would

arise from the proposal, and the effect of the overall prominence of the location.

10. I observed the area around the appeal site to accommodate a comparatively high amount of existing street furniture in the context of the bus terminus, including a bus shelter and several lengths of railings, as well as multiple street lights both within the terminus and on Totley Brook Road, as well as directional road signs.
11. I would not disagree with the Council that the addition of the column (and equipment cabinets) would contribute some additional visual clutter in the area, and as a consequence of the changes in levels, the column would particularly be visible from the south and east being located in a comparatively elevated, and thus prominent location. Nevertheless, despite the clear height differential between the existing street lamps and proposed telecoms column, I am not persuaded that in the context of the existing vertical features in the vicinity, including the aforementioned backdrop of mature trees on the north-west side of Totley Brook Road, that the installation would in this location represent a resultant unacceptable obtrusive or prominent addition within either the street scene or area. I am also not persuaded that the addition of the installation would result in a harmful level of clutter in the context of the immediate vicinity.
12. Turning specifically to the equipment cabinets, I have had regard to the appellant's submissions that as the equipment cabinets are singularly each less than 2.5m³, they can be installed under the operators permitted development rights, with only the column requiring prior approval. This would appear to be implied as consistent with the Conditions section at para. A.2(4)(iv) of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). In this respect, I acknowledge the appellant's submissions regarding maintaining transparency in including these elements within the plans and the description of development, albeit that in doing so it would seem to have created some confusion with the local planning authority over the extent of the scheme which had been placed before it for assessment.
13. I note that the Council has not grappled with the point related to the equipment cabinets, having opted not to submit a further Statement to supplement the Officer Report. Nevertheless, even if this element of the installation were formally before me, I accept that whilst the scale, position and arrangement of the equipment cabinets on the currently open parcel of land would erode some of the existing openness afforded to the immediate vicinity, there would be only a limited local adverse visual impact from their installation. I am satisfied that any overall cluttering effect would not be so significant in the context of the location within the bus terminus so that an unacceptable degree of harm would arise to the overall character and appearance of the street scene or the area. I have had regard to the Council's concern over the potential for the proliferation of further equipment cabinets in the same location, although this is not a matter to which I can attach any significant weight.
14. I have identified that the improvement in coverage would weigh strongly in favour of the proposal in this location. Furthermore, I have concluded that the effect of the proposed installation on the character and appearance of the

street scene and area would be acceptable. Whilst not determinative, the proposal would accord with saved Policy BE14 of the Sheffield Unitary Development Plan 1998, which seeks to ensure that telecommunications development are sited and designed so as to minimise visual impact, subject to technical and operational considerations. The proposals would also accord with the guidance within the Framework.

Other Matters

15. I have had regard to the various concerns which have been raised by interested parties in respect of a number of other matters. These have included concerns about the potential health effects of the installation, particularly in respect of the proximity to schools, and whether sufficient exploration of alternative sites has been undertaken. I am satisfied that these concerns are legitimate material considerations, but I am mindful that the appellant confirms that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Whilst I have had regard to the references to research on the issues related to health which have been adduced, in such circumstances, the Framework advises that health safeguards are not a matter for decision-makers to determine.
16. With regards alternative sites, I have noted the appellant's submissions within the supplementary information as well as the contention of interested parties regarding the need for fuller consideration of siting. Nevertheless, I am mindful that even if alternative sites were available, there is no requirement within the Framework or the GPDO for developers to select the best feasible siting where a site as proposed is considered to be acceptable.
17. Turning to other concerns, I accept that the proposed column would be clearly visible from various surrounding properties. However, I am satisfied that the location and separation of the installation (including the cabinets) from surrounding properties, would not result in an unacceptable impact on living conditions having regard to outlook.
18. In respect of road safety, I am satisfied on the basis of my observations of the location of the installation that there would not be an unacceptable impact on highway movements as a consequence of an impact on visibility, and I also note that no objections have been received to the proposals from the Council's Highways Team.
19. I have noted that various concerns have been raised regarding safety and security, with the potential for anti-social behaviour in the form of vandalism, graffiti, and the use of the equipment by children for climbing, all issues raised. However, whilst I have had regard to the testimony of interested parties regarding previous vandalism to the nearby bus shelter, I am not persuaded that the proposed installation would represent a particular departure from other street furniture or cabinets in the wider area, and I have not been provided with any compelling evidence to support the contention that there would accordingly be an issue.
20. Other issues related to the extent of publicity undertaken by the Council with regards to the prior notification procedure, and the potential for the proposed installation to result in a devaluation of properties, have been highlighted by interested parties. However, these are not matters which can have any direct

bearing on the merits of the proposals as assessed in accordance with the prior notification procedures, and do not therefore have any significance in the context of my decision-making.

Conditions

21. The Council has not suggested any conditions. However, beyond the standard conditions which are imposed by the Town and Country Planning (General Permitted Development) Order 2015, I have added a condition related to the identification of plans, which I consider necessary to provide certainty and clarity in respect of the proposal.

Conclusion

22. For the reasons given above and subject to the condition, the appeal is allowed.

M Seaton

INSPECTOR