

**Committee Report**

<b>Application No:</b>	<b>DC/20/00394/TDPA</b>
<b>Case Officer</b>	<b>Rebecca Adams</b>
<b>Date Application Valid</b>	<b>14 May 2020</b>
<b>Applicant</b>	<b>MBNL</b>
<b>Site:</b>	<b>Park Terrace DNS Park Terrace Gateshead</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Proposal:</b>	<b>DETERMINATION OF PRIOR APPROVAL: Proposed installation of MBNL 20.00m high Phase 6 monopole and associated ancillary works.</b>
<b>Recommendation:</b>	<b>PRIOR APPROVAL IS REQUIRED AND APPROVED</b>
<b>Application Type</b>	<b>Telecommunications DPA</b>

**1.0 The Application:****1.1 DESCRIPTION OF SITE**

The application relates to a section of highway land (footway and grass verge) to the east side of Park Terrace, Dunston.

1.2 To the east and south east of the site are residential properties along Clavering Square and to the west are residential properties across Park Terrace. The site is a short distance south of the westbound slip road entry from the A1 at Junction 70 onto Park Terrace, with the A1 and Dunston Road to the north.

**1.3 DESCRIPTION OF APPLICATION**

The application seeks determination of prior approval for a new telecommunications installation. The installation consists of a 20 metre high Mobile Broadband Network Limited (MBNL) monopole and associated cabinets that would provide new coverage for EE, including the Emergency Services Network (ESN), and for H3G LTE (Three). The monopole would be painted grey and would support antennas and dishes between heights of 14 and 20 metres.

1.4 The application is made pursuant to Part 16 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (GPDO) (as amended).

1.5 The application is supported by the following documentation:

- Existing and proposed plans
- ICNIRP Certificate
- Supplementary information
- Developer notice letter and covering letters

## 1.6 PLANNING HISTORY

There is no relevant planning history associated with the site.

## 2.0 Consultation Responses:

None undertaken

## 3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 An objection has been received from Councillor Maughan which states that the installation is unsightly and detrimental to the residential amenity of nearby local homes and also raises health concerns.

3.3 A total of twenty objections have been received, including four letters from two separate households and three representations from one individual, which are summarised as follows:

- Out of character with streetscene
- Overbearing
- Overdevelopment
- Insufficient screening
- The height of the mast would be an eyesore
- The mast is too high
- Traffic/highways concerns
- The mast would be unsafe on a busy street in proximity to busy A1 junctions which are already obscured by traffic
- The mast would be a distraction for drivers
- Health concerns
- 5G technology has not been fully investigated for health implications
- Additional noise, including during emergency repair work
- Noise from ground-based equipment
- Loss of light
- Loss of privacy during repair work
- Disturbance early mornings/late evenings
- The mast is too close to residential properties and the school
- Alternative sites and existing masts should be considered
- The mast has the potential to put off property buyers
- Devaluation of property
- Impact on views/outlook
- The proposed plans are imprecise
- The proposals will attract vandals, putting nearby homes at risk
- The mast will prevent mobile phones from working leading to unemployment concerns
- Disruption during development
- Development out of character with Conservation Area
- Lack of neighbour notification

- Planning applications should not be considered during COVID-19

3.4 One letter of support has been received which raises the following points:

- The health concerns are false
- The mast will benefit local phone service
- The mast will not harm the character of the area

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

ENV3 The Built Environment - Character/Design

DC2 Residential Amenity

#### **5.0 Assessment of the Proposal:**

- 5.1 This application is to determine whether the prior approval of the Local Planning Authority (LPA) is required for the siting and appearance of the proposed development under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), as amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016.
- 5.2 Before the LPA determine whether prior approval is required and assess the proposal in line with paragraph A.3 of Part 16, an assessment must be made as to whether the proposal firstly does not exceed the restrictions and limitations of paragraph A.1 and whether it would comply with the conditions of paragraph A.2. This assessment has taken place and the proposal is considered to fall within the scope of telecommunications development subject to the prior approval process.
- 5.3 Under the prior approval process, the LPA can only consider the matters of the siting and appearance of the proposed monopole.
- 5.4 Minor forms of development (including the installation of cabinets) that meet the criteria defined within the GPDO are classed as permitted development. The proposed cabinets therefore do not require prior approval to be sought from the Local Planning Authority (LPA) and are not subject to consideration as part of this application.

## 5.5 SITING AND APPEARANCE

The supporting statement identifies that there is a requirement to provide new and improved 5G coverage for EE/ESN and for H3G LTE in the NE11 area of Gateshead.

5.6 As part of the application process the applicant has investigated a number of alternative sites within the required area (as detailed in the supporting statement) which have been discounted for technical operational reasons including coverage and lack of availability. Based on the information submitted Council Officers are in agreement that the approach taken by the applicant is reasonable and appropriate and that the site is the most appropriate location for the proposed equipment.

5.7 The site is within an area which is predominately residential in nature and is in proximity to other tall structures such as lighting columns and traffic signals and occupies a roadside location nearby to buildings and trees. Officers acknowledge that at 20 metres the proposed monopole would be tall and as there would be no tree screening or similar within the immediate vicinity that this would be visible; the structure is not however of a particularly unusual or striking design and would therefore not appear out of keeping or unduly prominent within its setting within the urban streetscene. As such, Officers consider that the proposed development would not have an unacceptable impact upon the visual amenity of the surrounding area.

5.8 The closest residential property (8 Clavering Square) is approximately 5.7m east of the site and presents a blank gable end towards the site, with the properties to the south (1-7 Clavering Square) angled towards the west/south west, facing away from the site. The properties to the west side of Park Terrace face towards the site however are situated at a distance of at least 32m away. It is accepted that the proposed mast would be both visible from and within the context of residential properties; this is not however a reason to refuse permission. Officers consider that the siting and appearance of the proposal would not give rise to such detrimental impacts upon residential amenity in terms of any loss of light, overbearing impact, noise or loss of privacy so as to warrant refusal of the scheme.

5.9 In addition to the above Officers are of the opinion that the siting of the proposal would not harm the visibility of highway users or form a distraction to motorists.

5.10 Based on the information submitted it is considered that the proposal would be acceptable in respect of the matters of siting and appearance.

## 5.11 HEALTH AND SAFETY ISSUES

The National Planning Policy Framework (NPPF) at Paragraph 115 offers guidance on health and safety considerations in relation to mobile phone masts.

5.12 In accordance with the NPPF, applications should be submitted with "a statement that self-certifies that, when operational, International Commission guidelines will be met". Any submission should therefore address this by

including supporting evidence that the installation would meet these guidelines and that no demonstrable harm would arise from the proposal.

- 5.13 NPPF Paragraph 116 further states that "Local Planning Authorities must determine applications on planning grounds only" and should not "set health safeguards different from the International Commission guidelines for public exposure".
- 5.14 The applicant has submitted an ICNIRP certificate, certifying that when operational International Commission guidelines would be met. Whilst noting the representations received in respect of health impacts no further assessment of the health impacts of the development can therefore be undertaken by the LPA.
- 5.15 OTHER MATTERS  
Other issues have been raised by local residents including noise issues from ancillary equipment, that the proposed mast would put off property buyers, devalue property, impact on views/outlook, attract vandals, prevent mobile phones from working, result in disruption during construction and that it would be out of character with the Conservation Area. This site is not within a Conservation Area and given that this is a prior approval application the only issues that the LPA can consider is siting and appearance of the proposed monopole.
- 5.16 A representation has been received which raises an objection in respect of the scope of the publicity undertaken for the application. The Council advertised the application in accordance with relevant legislative requirements and it is considered that the level of publicity undertaken was sufficient.
- 5.17 Further comments have been raised regarding the consideration of the application during the COVID-19 pandemic; it is unreasonable for the Council to refuse to determine an application on this basis.
- 5.18 Further representations state that alternative sites and existing masts should be considered. This matter to be considered by this application is whether the prior approval of the LPA is required for the siting and appearance of the mast proposed in this location. The LPA consider that the applicant has reasonably explored other options for the location of the development and it is not for the LPA to suggest and determine the acceptability of the proposed development in alternative locations.
- 5.19 A further representation has raised that the proposed plans are imprecise. The information submitted is considered to be suitably precise to understand the proposals and fulfils the requirements of Paragraph A.3 (5) of Class A of Part 16 of the GPDO.
- 5.20 Comments have been raised by the Council's Highways team in respect of concerns over the impact of the identified location of the cherry picker/crane upon traffic and highway safety during the construction/servicing of the development; in addition it has been requested that the cabinets are relocated

into the adopted verge to the rear of the footway. These comments are acknowledged however matters relating to the construction of the development are not material planning considerations and therefore cannot be taken into account in the assessment of this application for prior approval. Furthermore the cabinets do not themselves require the prior approval of the of the LPA and therefore their position is not being sought as part of this application.

## 6.0 CONCLUSION

6.1 The proposal does not exceed the limitations of Part 16, Class A of the GPDO and the application complies with the relevant conditions of that Class.

6.2 The proposed scheme has been assessed in relation to the siting and appearance of the apparatus and it is considered that the proposal would not have an unacceptable impact on the amenity of the area, in accordance with the NPPF, saved UDP policies ENV3 and DC2 and CSUCP policies CS13, CS14 and CS15.

6.3 It is therefore recommended that prior approval is required and approved.

## 7.0 Recommendation:

That Prior Approval is Required and APPROVED



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