

Committee Report

Application No:	DC/17/00043/TDPA
Case Officer	Tracy Long
Date Application Valid	11 January 2017
Applicant	CTIL – O2
Site:	Land Adj The Red Kite Spa Well Road Winlaton Mill NE21 6RU
Ward:	Winlaton And High Spen
Proposal:	Proposed 15 m high stack column telecom mast and associated equipment including two 300mm dishes (amended and additional information received 25/01/17).
Recommendation:	PRIOR APPROVAL IS REQUIRED AND APPROVED
Application Type	Telecommunications DPA

1.0 The Application:

1.1 DESCRIPTION OF THE APPLICATION SITE

The application relates to an area of grass verge, adjacent to the footpath running along the eastern side of Spa Well Road in Winlaton. The site is to the south of the Red Kite Pub, where there is an existing traffic light crossing.

1.2 The site is level and is immediately surrounded by the Red Kite Pub to the north, trees and fields to the east, trees and fields to the south and housing along Naylor Avenue to the west.

1.3 The site is also situated within the Green Belt on the Council's Local Plan Policies Map 2015.

1.4 DESCRIPTION OF THE APPLICATION

This is a "Determination of Prior Approval" application seeking consent for the installation of a 15 metre high telecoms column/mast and associated equipment.

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

1.6 The application proposes the installation of a 15 metre high stack column mast (to be painted black) with two dishes positioned on the mast at a height of 11.2 metres. Three equipment cabinets are also proposed at ground level, adjacent to the mast (to be painted dark green). Two of the equipment cabinets measure 1.3 metres by 0.7 metres by 1.4 metres high. The third equipment cabinet measures 0.5 metres by 0.5 metres by 1.4 metres high.

1.7 The application is supported by the following documentation:

- * Application form
- * Developer notice letter
- * Existing and proposed plans
- * ICNIRP Certificate

1.8 PLANNING HISTORY
None relevant.

2.0 Consultation Responses:

None

3.0 Representations:

3.1 The Council sent 222 neighbour notification letters to surrounding properties and also displayed a site notice at the site.

3.2 2 letters of objection has been received from local residents at Noel Terrace and Naylor Avenue objecting to the proposal on the following grounds :

- concerns over health issues
- out of character with Conservation Area
- out of character with street scene
- overbearing
- overdevelopment
- traffic and highway concerns
- may deter wildlife
- will lower property values in the area

3.3 A petition has also been received signed by 74 local residents objecting to the proposal on the following grounds :

- concerns over health
- it is in an unspoilt Green Belt area which is of local and national historical interest as part of the Land of Oak & Iron Project
- it will be an enormous ugly 15 meter tall mast looming above the trees

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS19 Green Belt

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 telecommunications development.
- 5.2 Given the application is a prior approval application and not a full planning application, the only planning issues that the LPA can consider under an application for prior approval are those concerning the siting and appearance of the proposed development.
- 5.3 Factors concerning siting may involve the height of the site in relation to the surrounding land, topography of the site, vegetation, openness and visibility of the site, the site in relation to existing masts, structures or buildings and proximity to residential properties.
- 5.4 With regards to appearance this can include details such as materials, colour, design, dimensions and overall shape.
- 5.5 No other factors can be considered by the LPA for this type of application.
- 5.6 **PROCEDURAL MATTERS**
Telecommunications code system operators are generally entitled to planning permission 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.
- 5.7 This allows an operator to carry out development permitted by Class A of Part 16, subject to the exclusions in paragraph A.1 and the conditions in paragraph A.2 and A.3, without having to submit a full planning application to the LPA.
- 5.8 However, under paragraph A.3 (3 and 4) certain development permitted under Part 16 is conditional upon the operator making a prior approval application to the LPA.
- 5.9 In light of this, due to the specifications of the proposal it can be confirmed that prior approval is required for this development, given its siting and design would impact on the visual amenity of the area. As a result, the Council is only permitted to consider siting and appearance and not the principle of development.

5.10 NATIONAL PLANNING POLICY FRAMEWORK

Paragraph 44 of the NPPF advises local planning authorities to plan favourably for advancements in telecommunications and recognises this to be a factor in achieving sustainable economic growth. Its guidance encourages mast sharing and the use of existing buildings and structures. The NPPF advises telecommunication operators to demonstrate that equipment will not cause significant and irremediable interference with other electronic equipment, air traffic services or instrumentation operated in the national interest; operators have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services.

5.11 The NPPF advises that telecommunications applications should be supported by evidence to justify that the applicant has explored using and sharing other buildings.

5.12 SUPPORTING INFORMATION

The information submitted with the application explains that this application has been submitted to improve the telecommunications coverage in the area.

5.13 The NPPF (at paragraph 45) encourages a sequential approach to the siting of telecommunications installations, looking first at existing masts, structures or buildings in the area before new telecommunication sites are proposed. The information in support of the application states that alternative sites were considered in order to improve the telecommunications coverage in the area.

5.14 The supporting information explains that an existing structure – Northern Power Grid pylons at Hagg Hill in Winlaton were considered. These were discounted by the applicant though as although the ground height is reasonably good the surrounding trees would limit the ability of the site to provide adequate coverage.

5.15 The car park at Derwent Country Park was also considered by the applicant. This was discounted though as the Council advised the applicant that this site was part of a Council scheme to develop the Country Park for a heritage centre as part of the Land of Oak and Iron project. The area of land considered was where the Council was intending to provide a coach turning area for the new heritage centre.

5.16 Council officers therefore agree and accept that the approach taken by the applicant is both reasonable and appropriate given the nature of the development.

5.17 HEALTH AND SAFETY ISSUES

The NPPF at paragraph 45, offers guidance on matters relating to health and safety considerations in relation to mobile phone masts. The NPPF was drawn up following publication of the Stewart Report, an independent report on mobile phones and health, commissioned by the Government. The report concluded that the balance of evidence indicated that there is no general risk to the health

of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines.

- 5.18 Therefore the NPPF states that applications should be submitted with a 'statement that self-certifies that, when operational, International Commission guidelines will be met.' These guidelines are designed to protect the general population from a known adverse health effect of radio waves, (i.e. heating). The guidelines are formulated to protect people of all ages, in all states of health and for continuous exposure. Public concern about the effects of radio wave emissions may be a material planning consideration. Any submission should address this by including supporting evidence that 'no demonstrable harm' would arise from the proposal.
- 5.19 An ICNIRP Certificate has been submitted as part of this application which confirms the proposed development to be compliant with the guidelines. Given that the information submitted with this application confirms that the proposed development meets the ICNIRP guidelines for public exposure it should not be necessary for the LPA to consider further the health aspects or concerns about them further.
- 5.20 VISUAL AND HIGHWAYS IMPACT OF THE PROPOSAL IN RELATION TO ITS SITING AND APPEARANCE
A balance must be struck between the protection of amenity in both town and country and the need for this technology. The visual intrusion of development should be minimised by sympathetic design and camouflage, including screening and planting, particularly in high-quality landscapes and urban areas of high visual quality or historic character, in order that the apparatus blends into the environment.
- 5.21 Policy CS15 of the Core Strategy and Urban Core Plan (CSUCP) and saved policy ENV3 of the Unitary Development Plan (UDP) requires the design, scale and density of new development to make a positive contribution to the identity and character of its locality with regard to factors such as scale, massing, height, views and vistas. Policy CS13 of the CSUCP looks to safeguard highway safety through promoting sustainable and sympathetic developments. Policy CS19 of the CSUCP also seeks to protect the Green Belt from inappropriate development and to maintain its openness.
- 5.22 It is therefore important that telecommunications development is carried out in a way, which keeps environmental, residential and visual intrusion to a minimum. The overall aim is to protect both the visual and residential amenity of the area with the use of sympathetic design to minimise the impact of development on the environment.
- 5.23 The closest residential properties are to the west of the site located along Naylor Avenue at just over 40 metres away from the proposed mast. The proposed telecoms column would have a maximum height of 15.0 metres, the site is also located at a lower level than the nearest houses along Naylor Avenue.

- 5.24 The view of the proposed telecoms column and equipment would be partially screened from view for a number of the properties along Naylor Avenue by high trees running along their rear gardens. It is therefore considered by Officers that there would be a limited impact on residents.
- 5.25 The proposed telecoms column and associated equipment would be viewed in a grass verge against 11 metre high trees. The proposed telecoms column would also be viewed in the street scene along Spa Well Road in context with other vertical street furniture including, street lighting (around 10 metres high), traffic lights, a telegraph pole and traffic signs.
- 5.26 The proposed telecoms mast is to be painted black and the proposed equipment cabinets are to be painted dark green to help them blend in with their surroundings.
- 5.27 It is therefore considered by Officers that the proposed telecommunications equipment in terms of its siting and appearance would have a limited impact on adjacent residents, would not be out of character with the street scene and would not impact on the openness of the Green Belt. It is therefore considered that the siting and design of the proposed telecommunications equipment is appropriate in the context of the Green Belt, street scene and surrounding area.
- 5.28 In addition it is considered that the mast would not have a detrimental impact on highway safety, given that Officers are of the opinion that the proposal would not harm the visibility of highway users or form a distraction to motorists.
- 5.29 Given the above, it is considered that the siting and appearance of the proposed telecommunications equipment accords with the aims and objectives of the NPPF, saved policy DC2 and EV3 of the Council's Unitary Development Plan and policies CS13, CS14, CS15 and CS19 of the Council's Core Strategy and Urban Core Plan.
- 5.30 **OTHER ISSUES**
Other issues have been raised local residents including the proposal will lower property values in the area, it will deter wildlife and it will be out of character with the Conservation Area. This site is not within a Conservation Area. Given that this is a prior approval application the only issues that the LPA can consider is siting and appearance.
- 5.31 Concerns have also been raised by local residents in the petition that the proposal is in an area of local and national historical interest as part of the Land of Oak & Iron Project. Council officers however are of the opinion that the siting and appearance of the proposal will not have cause any harm to the Land of Oak and Iron Project to justify recommending that prior approval is refused.

6.0 CONCLUSION

- 6.1 It is considered that the proposed siting and design of the proposed telecommunications equipment is acceptable and accords with both national and local planning policies - as it provides improved telecommunications

coverage whilst minimising visual impact. It is therefore recommended that prior approval is required and granted.

7.0 Recommendation:

That Prior Approval is Required and APPROVED:



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