

**Committee Report**

<b>Application No:</b>	<b>DC/19/00037/HHA</b>
<b>Case Officer</b>	<b>Josh Woollard</b>
<b>Date Application Valid</b>	<b>24 January 2019</b>
<b>Applicant</b>	<b>Mr Leslie Oxberry</b>
<b>Site:</b>	<b>7 Kays Cottages Gateshead NE10 9ST</b>
<b>Ward:</b>	<b>Windy Nook And Whitehills</b>
<b>Proposal:</b>	<b>Installation of 2 antennae on chimney stack and 1 antennae on side of house</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Householder Application</b>

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

The site is located within High Felling. The property is one of sixteen dwellings located in a block of sheltered housing known as Kay's Cottages. The dwellings are built in a square with a communal garden in the centre. Number 7 is located in the south-east corner of the block and is bounded on all sides by other residential properties.

1.2 Access into the communal garden is provided by a small vehicular access road to the north-east.

1.3 The properties are constructed from red brick with a red slate roof.

**1.4 DESCRIPTION OF THE APPLICATION**

The application seeks planning permission for the installation of 3 no. antennae on the dwellinghouse, 7 Kay's Cottages.

1.5 One antenna, the Chameleon V1 Antenna, would be 2m in length, mounted onto a 3m long aluminium pole which would be secured to the rear elevation of the dwelling by 2 stand-off brackets. The antenna would project 2m above the eaves of the dwelling.

1.6 Two further antennae are proposed to be mounted on 50cm long aluminium poles, attached to the chimney stack by 2 lashing kits with antenna brackets. The X2 UHF CHF Colinear Antenna would be 1m in length and would project 60cm above the chimney stack whilst the ADS-B Colinear Antenna would be 70cm in length also projecting 60cm above the chimney stack.

**2.0 Consultation Responses:**

None received.

**3.0 Representations:**

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 One petition has been received with 24 signatories. The petition states 'we the undersigned wish to object very strongly to the proposed planning application (No. DC/19/00037/HHA'.
- 3.3 In addition, Councillor Tom Graham has objected to the application and has requested to speak at Planning Committee. His grounds for objection are the antenna are out of character with the area and interfere with resident's television reception.
- 3.4 One representation has been received raising concerns regarding potential illegal broadcasting. This is not relevant and has not been considered further in the assessment of this planning application.

#### **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

HAESPD Householder Alterations- Extensions SPD

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

- 5.1 The key issues to be considered in the determination of this planning application are considered to be visual amenity and residential amenity.
- 5.2 VISUAL AMENITY  
When considering planning applications for telecommunications, paragraph 113 of the NPPF states that 'where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
- 5.3 Saved policy ENV3 of the UDP requires the design, density and scale of new development to make a positive contribution to the established character and

identity of its locality. All development will be expected to recognise established design principles with regard to such factors as scale, massing, height, materials, density, legibility, views and vistas. The relationship between buildings and the spaces around and between them must be handled in a sensitive manner.

- 5.4 All three of the proposed antennae can be described as a slender pole with limited equipment attached to the top. It is not considered that they appear overly bulky or prominent.
- 5.5 With regard to their siting and the impact on views and vistas, whilst being taller and longer than most domestic television aerials, the longest of the three antennae (2m in length) will be attached to the rear elevation of the dwellinghouse just below the eaves. The rear elevation faces inwards onto a communal garden. The roof of the dwellinghouse will therefore provide a significant level of screening for those standing outside of the housing block. Moving to the two antennae which will be attached to the chimney stack, there is already an existing aerial on the chimney stack. Given the existing aerial on the chimney stack and the existing satellite dish installed on the south-east elevation facing towards Garvey Villas, it is considered that the proposal would not be out of character. It is also considered that there would not be an over-proliferation of antennae on the chimney as a result of the proposal.
- 5.6 Given the above, the design and siting of the antennae is sympathetic to the surrounding character of the area in compliance with paragraph 113 of the NPPF. It is considered that the proposal would be acceptable and compliant with policy CS15 of the CSUCP and Saved policy ENV3 of the UDP.
- 5.7 RESIDENTIAL AMENITY  
Policy CS14 of the CSUCP seeks to ensure the wellbeing and health of communities will be maintained and improved by:
1. Requiring development to contribute to an age friendly, healthy and equitable living environment through:
    - i) Creating an inclusive built and natural environment
    - ii) Promoting and facilitating active and healthy lifestyles
    - iii) Preventing negative impacts on residential amenity and wider public safety from noise, ground stability, ground and water contamination, vibration and air quality
- 5.8 Saved policy DC2 of the UDP states that planning permission will be granted for new development where it:
- a) Does not have an adverse impact on amenity or character of an area, and does not cause undue disturbance to nearby residents or conflict with other adjoining uses;
  - b) Safeguards the enjoyment of light and privacy for existing residential properties;

c) Ensures a high quality of design and amenity for existing and future residents

5.9 As previously outlined in the preceding section, all three of the antennae are slender poles which lack bulky additions. Given their shape, it is not considered that they would have an unacceptable impact on the residential amenity of neighbouring properties. The proposal is considered to be compliant with the NPPF, policy CS14 of the CSUCP, and Saved policy DC2 of the UDP.

#### 5.10 OTHER MATTERS

Representations received which object to the proposal raise the issue of potential interference with television signals. The applicant has submitted further information providing measures to be taken to avoid potential interference.

5.11 Paragraph 112 of the NPPF states that planning policies and decisions should support the expansion of electronic communication networks, including next generation mobile technology (such as 5g) and full fibre broadband connections.

5.12 In assessing applications for telecommunications, paragraph 116 requires local planning authorities to determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

5.13 When dealing with the matter of interference within planning applications/appeals, the Planning Inspectorate has previously found that 'the potential noise from the equipment cabinets, the effect on TV signals, potential reduction in property values and a loss of view all fall outside of the matters to which I can have regard in reaching my decision' (APP/D0840/W/17/3183876).

5.14 A further Inspector found that 'reference has been made to the potential nuisance and electrical interference that could arise from the use of antennas... Having regard to the licensing requirements to operate an amateur radio system, the potential risks could be addressed by other legislation, and I am not convinced that the effect on living conditions would warrant dismissal of the appeal' (APP/W3520/D/18/3197199).

5.15 Given the above, Council officers are satisfied that interference is covered by other legislation (The Wireless Telegraphy Act 2006), and the licensing of amateur radio and the enforcement against undue interference is regulated by other bodies (OFCOM).

## 6.0 CONCLUSION

6.1 Taking into account the above assessment, representations received, and all relevant material planning considerations, it is considered that the proposed development would be compliant with the relevant national and local planning policies.

**7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

Location Plan

Antenna Location - Back of 7 Kays Cottages

Antenna Location on Chimney Stack

ADS-B Colinear Antenna

Chameleon V1 Antenna

X30 UHF VHF Colinear Antenna

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.



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