

**Committee Report**

<b>Application No:</b>	<b>DC/21/00869/TDPA</b>
<b>Case Officer</b>	<b>Rebecca Norman</b>
<b>Date Application Valid</b>	<b>9 July 2021</b>
<b>Applicant</b>	<b>CK Hutchison Networks (UK) Ltd</b>
<b>Site:</b>	<b>Land At The Junction Of Ashtree Lane And Hookergate Lane High Spen Rowlands Gill NE39 2BE</b>
<b>Ward:</b>	<b>Winlaton And High Spen</b>
<b>Proposal:</b>	<b>DETERMINATION OF PRIOR APPROVAL: Proposed 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works (amended plans and description 23.08.2021)</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 an area of highway land at the junction of Ashtree Lane and Hookergate Lane, High Spen.

1.2 The area surrounding the site is predominately residential in character with dwellings on all sides, in addition to The Bute Arms Public House to the north west, beyond Hookergate Lane.

1.3 The site is situated within the High Spen Area of Special Character

**1.4 DESCRIPTION OF APPLICATION**

The application seeks determination of prior approval for a new telecommunications installation. The installation consists of a 15 metre high Phase 8 monopole with a wraparound cabinet at the base and 3no. associated cabinets that would provide improved 5G capacity and coverage for the Three network. The monopole is proposed to be painted grey.

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

1.6 The application is supported by the following documentation:

- Existing and proposed plans
- ICNIRP Certificate
- Supplementary information

- Developer notice letter and covering letters

1.7 The application has been amended during its course to reduce the height of the proposed monopole from 20 metres to 15 metres.

1.8 RELEVANT PLANNING HISTORY  
None relevant to this application.

## **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 including the display of a site notice.

3.2 An objection has been received from Councillor Charlton which raises concerns relating to the proximity of the proposed development to residential dwellings and the footpath used by children walking to/from school in accordance with the new High Spen road layout and routes to school planning, and also that future residents of new houses north of the application site will not be aware of the proposed development.

3.3 An objection has also been received from Councillor Simpson which states that the proposed development is surrounded by residential properties and will have a detrimental effect on the surrounding area.

3.4 A total of 5no. further letters of objection have been received which raise the following points:

- Out of character with streetscene
- Detrimental impacts upon visual amenity of the area
- The proposed equipment would be an eyesore/visually intrusive
- Overdevelopment
- The proposed development would dominate the streetscene as there is nothing of this height in the village
- The approval of the application would contradict nearby planning approvals, which required the use of sympathetic materials and to prevent detrimental impact upon visual amenity
- The approval of the application would counteract efforts to improve the appearance of the village
- The proposed equipment will be visible from neighbouring residential properties
- The proposed development is too close to residential properties
- The proposed equipment would be intrusive and overbearing to nearby residential properties
- Traffic/highways concerns

- Inadequate car parking
- The proposed cabinets will make the footpath narrow, leading to pedestrian safety concerns
- The proposed cabinets may affect lines of site and will temporarily obscure the view of traffic for users of the road junction
- The application site is opposite the local public house and is used for parking, and the proposed development will worsen this situation
- Servicing and maintenance works will block the pavement and there is nowhere for service vehicles to parking during maintenance
- The proposed cabinets will prevent maintenance of the adjacent hedge and exacerbate the line-of-site issue
- The proposed access route is not a viable option for installation of the equipment as Ashtree Lane is not suitable for long vehicles
- Out of character with Conservation Area
- Loss of trees
- Alternative sites should be considered
- Generators will cause noise
- The proposed development will attract vandals
- Negative impacts upon property prices
- Health concerns

3.5 A total of 3no. letters of support have been received which raise the following points:

- The proposed development would improve poor mobile signal in the village and in dwellings
- The proposed development is necessary to modernise the village, especially as there will more mobile phone users following completion of new housing developments

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP23 Areas of Special Character

MSGP24 Design Quality

## **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 of 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.
- 5.3 The proposed development has been assessed and it is considered that this falls within the scope of telecommunications development subject to the prior approval process. Under the prior approval process, the LPA can only consider the matters of the siting and appearance of the proposed development.
- 5.4 Certain other forms of minor development (including the installation of equipment cabinets) that meet the criteria defined within the GPDO are classed as permitted development without the requirement for prior approval to be sought from the LPA. The proposed cabinets shown on the submitted plans meet the relevant criteria and are therefore not subject to consideration as part of this application as they are permitted development. The application therefore relates to the proposed installation of 15m high monopole only.
- 5.5 **SITING AND APPEARANCE**  
The supporting statement identifies that there is a requirement to upgrade the Three network to provide improved coverage and capacity, most notably in relation to the provision of new 5G coverage in the area of High Spen. As detailed in the supporting information the cell search areas for 5G are extremely constrained, with a typical cell radius of approximately 50m, meaning that it would not be feasible to site the proposed monopole outside of this area.
- 5.6 As part of the application process the applicant has investigated a number of alternative sites within the area, as detailed in the supporting documentation, which have been discounted for both for technical operational reasons and physical limitations relating to the sites themselves. The supporting statement also details that the 5G cell search area in this instance is very restricted and there are therefore extremely limited options within this for the proposed development which would provide the necessary 5G coverage; the supporting statement therefore details that the proposed site represents the only viable solution in this case.

- 5.7 Based on the information submitted Council Officers consider that the approach taken by the applicant is reasonable and appropriate and are in agreement that the site is the most appropriate location for the proposed equipment.
- 5.8 The proposed development has been amended during the course of the application in order to reduce the height of the proposed monopole from 20 metres to 15 metres in order to seek to respond to concerns raised in relation to the proposals.
- 5.9 The application site occupies a roadside location at the corner of Ashtree Lane and Hookergate Lane next to a large coniferous hedge within a predominantly residential area which contains other structures such as telegraph and streetlighting poles and road signage. Officers acknowledge that at 15 metres in height the proposed monopole would be a tall structure that would exceed the height of other nearby structures, and in the absence of tree screening within the immediate vicinity that this would be visible from within the streetscene. The proposed monopole is not however of a particularly unusual or striking design and therefore Officers consider that, whilst visible, this would not appear out of keeping or unduly prominent within its setting to an unacceptable degree. As such, Officers consider that the proposed development would not have an unacceptable impact upon the visual amenity of the surrounding area.
- 5.10 The site is located within the High Spen Area of Special Character. The Gateshead Placemaking Supplementary Planning Document (SPD) identifies High Spen as an old mining village with some notable buildings of townscape interest and provides design guidance which seeks to resist the conversion of shop units to residential uses and encourage improvements to housing stock and the village centre. It is considered that the proposed development would not have an unacceptable impact upon the identified character of the area and would therefore accord with Local Plan policy MSGP23.
- 5.11 The closest residential properties to the application site are Newholme (directly to the south) and 3 Ashtree Lane (to the north, beyond Ashtree Lane); neither property would however directly face the proposed monopole and their occupants would therefore generally be afforded oblique rather than direct views of the structure. There are also further residential properties to the western side of Hookergate Lane which would face towards the application site however these are situated around 30m or more from the site. Officers accept that the proposed monopole would be both visible from and within the context of all of these residential properties; these are not however reasons in themselves to refuse prior approval. 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 overbearing or overly intrusive impact, noise or loss of privacy or outlook so as to warrant refusal of the scheme.

- 5.12 In addition to the above Officers are of the opinion that the siting of the proposed monopole would not harm the visibility of highway users or form a distraction to motorists.
- 5.13 Based on the information submitted it is considered that the proposal would be acceptable in respect of the matters of siting and appearance.
- 5.14 **HEALTH AND SAFETY ISSUES**  
The National Planning Policy Framework (NPPF) at Paragraph 117 offers guidance on health and safety considerations in relation to mobile phone masts.
- 5.15 In accordance with the NPPF, applications for a new mast 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.
- 5.16 NPPF Paragraph 118 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".
- 5.17 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.
- 5.18 **OTHER MATTERS**  
In reviewing the application Highways Officers have observed that the proposed development as a whole would introduce a new obstruction on the footway and have therefore recommended that the equipment be relocated in order to reduce the potential impact on pedestrian flows and allow a footway width of 2m to be retained.
- 5.19 Notwithstanding the above and on the basis of the submitted supporting information which details that there are no viable alternative sites for the proposed development, Highways Officers have however raised no objections to the development as a whole (including the equipment cabinets) on highway safety grounds, having identified that the proposed equipment would result in a minimum footway width of 1.5m over a distance of 5m which is acceptable in accordance with national Inclusive Mobility guidance.
- 5.20 The applicant has been made aware of the comments raised by Highways Officers in respect of the potential relocation of the proposed development; it is however again noted that the supporting statement details that this is the only viable site for the proposed development in this location and also that the

proposed cabinets are permitted development and are therefore not subject to consideration as part of this prior approval application. Confirmation has also been requested from the applicant as to whether consideration was given to the siting of the proposed equipment at the adjacent corner of Ashtree Lane and Ashfield Court where the footway is wider and it is understood that this location was previously considered but discounted due to this being in direct view of adjacent residential dwellings.

- 5.21 A number of other matters have been raised within letters of representation including the potential for the development to attract vandals and the devaluation of property however these are not material planning matters and therefore cannot be taken into consideration in the assessment of this application. Further concerns have been raised relating to noise issues from ancillary equipment however this does not fall within the scope of matters to be considered by this application.
- 5.22 Comments have also been received which raise concerns relating to the proposed access route for installation of the proposed monopole and future servicing/maintenance arrangements. These comments are acknowledged however these are not material planning matters that can be taken into consideration in the assessment of this prior approval application.
- 5.23 Comments have been received which raise concerns about a loss of trees and impacts upon the Conservation Area however the application site is not within a Conservation Area and would not result in any loss of trees.
- 5.24 One letter of representation received states that the application site is used for parking associated with the nearby public house which has led to a number of near misses between which the proposed development would make worse; there is however no evidence that this would be case and it is therefore considered unreasonable to refuse prior approval on this basis.
- 5.25 One letter of representation received states that any approval of the application would contradict nearby planning approvals, which required the use of sympathetic materials and to prevent detrimental impact upon visual amenity. Each application is however to be considered on the basis of its own merits and Officers do not consider the proposed scheme to be unacceptable in terms of siting and appearance.
- 5.26 Concerns have been raised in respect of the scope of the publicity undertaken for the application, in particular in relation to future occupants of properties being constructed to the north of the site. The Council has however advertised the application in accordance with relevant legislative requirements and it is considered that the level of publicity undertaken was sufficient.
- 5.27 A number of representations received state that alternative sites should be considered. The matter to be considered by this application is whether the prior approval of the LPA is required and should be granted for the siting and appearance of the monopole proposed in this location, rather than suggesting alternative sites. 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.

## 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 and is considered to be acceptable in relation to the siting and appearance of the apparatus and would not have an unacceptable impact on the amenity of the area, in accordance with the NPPF and policies CS13, CS14, CS15, MSGP15, MSGP17, MSGP23 and MSGP24 of the Local Plan for Gateshead.

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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