

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/21/00952/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed upgrade to the existing base station telecommunications apparatus. Replacement 20m streetpole and associated ancillary works.
<b>NAME OF APPLICANT:</b>	Cornerstone
<b>ADDRESS:</b>	Land South West of 2 Humber Hill, Stanley.
<b>ELECTORAL DIVISION:</b>	Stanley
<b>CASE OFFICER:</b>	Louisa Ollivere Planning Officer Telephone: 03000 264878 <a href="mailto:louisa.ollivere@durham.gov.uk">louisa.ollivere@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The site is an existing telecommunications mast site located just south east of the Wear Road junction with Humber Hill roadway just before Wear Road becomes Durham Road and descends towards The Middles before ascending to Craghead. Due to the width of the carriageways, the additional splays at the road junction and the expanse of grass verge on both sides of the road, the character of the immediate townscape here is dominated by highways. The site involves a triangular section of grass between two footpaths that features a 12.5m high streetpole presently on the site. There are three existing equipment cabinets on the footpath behind the current pole. There is a mature tree to the south of the current pole. The wider area characterised as residential with properties within 20m of the current pole to the east of the site, there are also residential properties within 50m to the north and south of the site and residential properties 70m to the west.

#### The Proposal

2. Permission is sought for upgrading works which involve the removal of the existing 12.5 streetpole and 3 cabinets and replacing this equipment with a 20m high streetpole in a light grey colour 2m south east of the current position. The pole would accommodate 6 antennas in an upper and lower stack. Ancillary works include 3 new radio base stations and a new enclosure cabinet in Fir Green. The new equipment would provide enhanced 5G coverage and capacity in a sharing agreement for Vodafone and O2 in the Stanley area

3. This application is reported to Committee upon the request of Councillor Carl Marshall to enable further consideration of the impacts to health and other concerns raised by local residents.

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## **PLANNING HISTORY**

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4. 1/2008/0371 Prior approval application for the erection of one 12.5 metre high O2 uk ltd base station (Application refused but allowed on Appeal)
5. 1/2009/0715 Prior approval application for the erection of one 12.5 metre high O2UK shareable telecommunications column and two ground based cabinets (Prior approval not required).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The NPPF requires local planning authorities to guide development towards sustainable solutions whilst taking local circumstances into account, to reflect the character, needs and opportunities of each area.
8. In accordance with paragraph 213 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
9. The following elements of the NPPF are considered relevant to this proposal;
10. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
11. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions

of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

12. *NPPF Part 6 - Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
13. *NPPF Part 8 - Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *NPPF Part 10 - Supporting high quality communications.* The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
15. *NPPF Part 12 - Achieving well-designed places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate. Amongst other aims decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site to impacts that could arise from the development. Noise should be mitigated and reduced to a minimum potential adverse impact to avoid noise giving rise to significant adverse impacts on health and quality of life. Decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development the applicant should be required to provide suitable mitigation.

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

17. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.

18. *Design: process and tools* – sets out guidance for well-designed places, advises how to make decisions about design, details tools for assessing and improving design quality and promotes effective community engagement on design.

#### **LOCAL PLAN POLICY:**

19. The following policy in the County Durham Plan 2020 are relevant to the consideration of this application.
20. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
21. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure* - supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
22. *Policy 29 – Sustainable Design* - requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period. Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area Provision for signage, adverts, street furniture and public art to be appropriate and sympathetic to users and local setting and not detrimental to visual amenity or public highway safety Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users. Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.
23. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where

adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <https://www.durham.gov.uk/cdp>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

24. *Highways Authority* – Has no objections to these proposals.
25. *High Moorsey Meteorological Office* – No objections.

### **INTERNAL CONSULTEE RESPONSES:**

26. Trees Officer: Comments awaited.

### **PUBLIC RESPONSES:**

27. 292 letters of consultation were sent out to surrounding residents and a site notice posted. This has resulted in 18 letters of objection from 12 local residents and a petition against the mast signed by 53 residents.
28. The concerns of local residents are summarised as follows:
  - There is clinical evidence that such developments are detrimental to biological matter within its range.
  - The current mast already emits unsafe levels of radiation 24 hours a day.
  - RF radiation has long term effects such as cancer and heart disease amongst any other illnesses/conditions.
  - Humber Hill and Wear Road have a massive cancer cluster and lots of people have died or have unexplained illnesses.
  - The mast is too close to residential properties. There are seven residential properties and a community building within the exclusion zone of the ICNIRP.
  - ICNIRP guidelines state that the 'safe' levels for 5G are only applicable to 6 minutes of continuous exposure to this frequencies.
  - Impacts to property value.
  - 5G will erode freedoms and could be used as a weapon.
  - There is no need for a 5G mast in respect of local residents, schools or business.
  - The proposal should be assessed by the Director Public Health or an Environmental Health Officer.
  - The mast will an eyesore and not at all in keeping with the surroundings.
  - Being sensitive to microwave radiation means I will have to move away.
  - Approving will leave the local authority open to claims from the public in relation to impacts to future property, injury or health.
  - The proposal is contrary to Paragraph 180 of the NPPF.
  - The application does not provide the relevant risk assessment or relevant exclusion zones which should be made available for public scrutiny.
  - The proposal is an incompatible and unacceptable use of land and that is a material planning consideration.

- The application is unsustainable under the NPPF Social sustainability objective as there is no net benefit therefore the application should be refused.
- This is not an upgrade but a new mast and should be assessed as such.
- Lack of publicity and issues with site notice placement.

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QQ68GDGDMKU00>

## **APPLICANTS STATEMENT**

29. We consider the development complies with both central government and local planning policy guidance where the underlying aim is to provide an efficient and competitive telecommunication system for the benefit of the community while minimising visual impact.
30. Taking into account the factors of technical constraints, available sites and planning constraints we consider that this site and design clearly represents the optimum environmental solution.
31. On the basis of a recognised need to expand and promote telecommunications networks across the region, it is considered that the proposal fully accords with the requirements of the National Planning Policy Framework and the Council's Local Plan Policies.
32. This monopole will facilitate 5G which the current equipment does not and cannot.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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### The Principle of the Development

33. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development in this location and the visual impact upon the surrounding area.

### The Principle Issues

34. Policy 27 of the CPD supports telecommunications proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects. For masts at an existing site the policy advises that masts should be located where they are technically and operationally feasible and do not result in visual clutter. For new sites it must be demonstrated that existing sites have been explored and are not feasible. In all cases the policy requires the equipment to be sympathetically designed and camouflaged and to not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

35. Part 10 of the NPPF supports high quality communications. Paragraph 112 advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Paragraph 113 states that where new sites are required such as for new 5G networks, equipment should be sympathetically designed and camouflaged where appropriate.
36. Para 115 of the NPPF advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. This should include:
  - a. the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area;
  - b. for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
  - c. for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
37. Para 116 of the NPPF goes on to advise that Local planning authorities must 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.
38. Policy objectives within the NPPF are clear that sites for mast installation should be kept to a minimum consistent with efficient operation of the network and applications should be determined on planning grounds. On this basis, Policy 29 of the CDP is also applicable which requires proposals to achieve well designed places and Part 12 of the NPPF whereby planning decisions should address the integration of new development into the natural and built environment (Paragraph 127). Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 128 further states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

#### Site suitability versus other sites

39. The site is approximately 2m from the existing monopole which is to be removed from the site and which is within the control of the operator and will be defunct once the new pole is installed. Removal of the existing monopole will be ensured by way of condition. Given the above it is not necessary to assess alternative sites in line with Paragraph 113 of the NPPF and Policy 27 of the CDP, nonetheless it has been identified that given the height that is required for 5G site sharing that there is a lack of available rooftops to accommodate alternative equipment. Furthermore, given the constrained 250m cell radius area that is required for the proposal other sites would involve quieter amenity space beside Humber Hill which is a largely residential area. There is therefore no conflict with both national and local plan policy in this respect.

## Design and visual impact considerations

40. Policy 27 of the CDP requires telecommunications equipment to be sympathetically designed and camouflaged and to not result in visual clutter. In respect of design policy 29 of the CDP requires all proposals to achieve well designed places. Policy 39 of the CDP requires there to be no unacceptable harm to landscapes and that proposals mitigate any adverse visual effects.
41. Residents consider that the taller and wider replacement mast would appear visually intrusive in relation to the character and appearance of the area. It is accepted that the structure would be seen, however it would be seen amongst the utilitarian streetlights and beside the wide carriageways of a busy road. It is not considered that it would appear particularly intrusive in such a context. Although views of the Durham countryside are evident beyond the estates cascading down the slopes of South Stanley, it is nonetheless considered that highways dominate the townscape here. This impression is accentuated by the absence of visual enclosure due to the wide separation of the modest bungalows beside the intervening expanse of carriageway and grass. Furthermore, the mast has been carefully positioned to face a blank gable end of the nearest dwelling and to either present only an oblique view or to be at least 45m from any of the surrounding dwellings that have views to it.
42. The physical appearance of the pole was chosen to reflect the appearance of streetlights, to this end it is considered more appropriate that the colour reflect that of the current streetlights and mast than the grey colouring proposed, this can be ensured via condition. Whilst it is a prominent location, the current mast that is being replaced is now commonly accepted as a normal item of street furniture along this streetscape. Therefore, siting a new mast in a slightly different position would not appear as out of place or significantly detract from the character of the local area in accordance with Policy 27 of the CDP.

## Consultation and Interference

43. The proposal is not in a safeguarding zone in relation to air traffic services or other instrumentation in the national interest. Nor is it considered in a site likely to cause electrical interference. The applicants have submitted a statement that self-certifies that, when operational, International Commission guidelines will be met, in accordance with the requirements of Paragraph 115 of the NPPF.
44. The nearest schools are some distance away and in consideration of the 'Code of Best Practice on Mobile Network Development in England' (published 24 November 2016) (CBP) it is accepted that consultation with school(s) is not required).

## Building a strong, competitive economy

45. Part 6 of the NPPF advises that significant weight should be placed on the need to support economic productivity. Paragraph 112 of the NPPF recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth. It advises that decisions should support the expansion of electronic communications networks, including next generation technology such as 5G. The proposal gains positive weight in this respect.

## Impacts to trees

46. Policy 40 of the CDP requires the protection of trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. The position of the mast will be closer to a tree that forms part of the streetscene than the current mast. The developer considers that there would be no impacts to this tree. Views of the Council's arboricultural Officer are awaited and will be reported to members.

## Highways Considerations

47. Policy 21 of the CDP requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development must also have regard to Parking and Accessibility Supplementary Planning Document. There are no concerns over highway safety in respect of the proposal therefore the proposal accords with the above policy

## Other Issues

48. Many residents clearly have deep concerns over possible negative health impacts from the proposed and current mast and have requested further assessment from Public Health England and Environmental Health.
49. Paragraph 180 of the NPPF advises that decisions should ensure that new development is appropriate for its location considering the likely effects of pollution on health, living conditions and that natural environment. Health considerations and public concern can, in principle, be material considerations in determining applications for planning permission. It is for the decision-maker to determine what weight to attach to such considerations in any particular case. The LPA have seen no substantiated evidence in relation to negative health impacts therefore they carry little weight.
50. It is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure it should not be necessary for a LPA, in processing an application for planning permission, to consider further the health aspects and concerns about them as stated in Paragraph 116 of the NPPF. All new and replacement mobile phone base stations are expected to meet the ICNIRP guidelines. However, all applicants should include with their applications, a statement that self-certifies to the effect that the mobile phone base station, when operational, will meet the guidelines. A ICNIRP Certificate has been supplied as part of supporting information. The likely effects of non-ionizing radiation on health and living conditions are therefore not significant and would not warrant further consultation with Public or Environmental Health Teams.
51. It is noted that residents are concerned that the mast is too close to residential properties and that there is no detail or risk assessment in relation to the exclusion

zone of the ICNIRP and impacts upon health of nearby residents. However, the government does not require operators to notify owners, site neighbours or the public of these exclusion zones areas only that most operators provide a self-certificate of compliance when they make a planning application. Ofcom have taken many exposure measurements in the UK at publicly accessible locations near to base stations and these have consistently been well within the ICNIRP guideline levels. As a result, the Local Planning Authority have no reason to question the health impacts of the proposed replacement 5G mast and associated equipment cabinets in accordance with the requirements of Paragraph 116 of the NPPF in this regard.

52. It is noted that residents have concerns over impacts to property value however this is not a material planning consideration.
53. Security concerns are noted however 5G cell towers cannot produce the power of frequency to be used as a military weapon and the basic security measures that have been used for 3/4G also apply to 5G, with the proper use of encryption to ensure the confidentiality and integrity of data. The problem is greater than any operator and more attributable to companies encrypted applications and governments which host those companies.
54. It is acknowledged that local residents feel that there is no need for a 5G mast in respect of residents, schools, or business. Paragraph 116 of the NPPF advises that Local planning authorities must determine applications on planning grounds only. They should not question the need for an electronic communications system.
55. Residents have raised concerns about the effects of radiation on the environment, particularly on wildlife populations, however there is currently no evidence that human-made radiation at realistic field levels has population level impacts on either animals or plants.
56. Concerns raised with regards to publicity were noted early in the application process and significant further public consultation was undertaken. A site notice was posted in line with statutory requirements.

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## **CONCLUSION**

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57. The siting of a replacement streetpole is considered justified in this location. There will be no significant adverse impacts to health or to the visual amenity of the area. The proposal offers benefits in terms of providing advanced, high quality and reliable communications infrastructure which is essential for economic growth and social well-being. The proposal is therefore considered to accord with CDP Policy 27 and Parts 10 and 15 of the NPPF. Paragraph 11 of the NPPF advises that development proposals that accord with an up-to-date development plan should be approved without delay therefore approval is recommended. There are no material considerations in this particular case that indicate that the plan should not be followed.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 27 of the County Durham Plan and Part 10 of the NPPF.

3. Notwithstanding the details shown on the approved plans the colour of the streetpole is not approved. The colour of the equipment pole shall be dark green and retained this colour in perpetuity.

Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy 27 of the County Durham Plan and Part 10 of the NPPF.

4. Within 6 months of the erection of the new monopole hereby approved, the existing monopole shall be removed from site.

Reason: To ensure that the visual appearance of the area is not overly cluttered in accordance with Policy 39 of the County Durham Plan and Part 15 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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County Durham Plan 2020  
The National Planning Policy Framework (2019)  
Internal and public consultation responses  
Submitted forms, plans and supporting documents



**Planning Services**

DM/21/00952/FPA

Proposed upgrade to the existing base station telecommunications apparatus. Replacement 20m streetpole and associated ancillary works.

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**Comments**

**Date** 15.06.2021

**Scale** NTS