

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/00025/PNT
FULL APPLICATION DESCRIPTION:	Prior approval for siting and appearance of 14.8m high monopole with 2 no. associated equipment cabinets
NAME OF APPLICANT:	Vodafone UK
ADDRESS:	Land At Broomside Lane, Belmont, Durham
ELECTORAL DIVISION:	Gilesgate Steven Pilkington Planning Officer
CASE OFFICER:	03000 263 264 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of grassed highway verge adjacent the adopted Public Highway Broomside Lane, Belmont. The site is surrounded by commercial units to the north while residential properties lie to the south across the adopted highway Broomside Lane.

The Proposal

2. In accordance with Part 24 of Town and County Planning (General Permitted Development) Order 1995, prior approval in terms of siting and appearance is sought for the erection of a 14.8m high telecommunications monopole with associated equipment cabinets. The monopole, to be shared between two networks, and equipment cabinet would be positioned against a 1.4 m high wooden boundary fence within an area of narrow highway verge adjacent a the public highway.
3. The proposed mast would measure some 0.275m in diameter with a 0.49m shroud at a height of 12.1m extending up to a maximum of 14.8m in height, containing 6no. antennas. The equipment cabinets would measure 1.8m in length by 0.75m in width with a maximum height of 1.7m. A second cabinet would measure 0.2m by 0.2m at a height of 0.8m above ground level is also proposed
4. This application is reported to Planning Committee due to its potentially controversial nature and the scheduling of planning committee limited by the need to determine within the 56 day period.

PLANNING HISTORY

5. There is no specific planning history to this site however permission was refused in 2001 for the erection of a phone mast adjacent 1 to 2 Peel Avenue Gilesgate (11/00012/PNT) and at the Travellers rest Public House on Broomside Lane (11/00185/PNT)
6. These applications were refused principally due to the residential character of the area and the visual appearance of the mast.

PLANNING POLICY

NATIONAL POLICY

7. National Planning Policy Framework (NPPF) - In July 2011 The Government published the NPPF in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
8. *Planning Policy Statement 1: (PPS1) Delivering Sustainable Development* sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.
9. *Planning Policy Guidance 8: (PPG8) Telecommunications*, gives guidance on planning for telecommunications development, including radio masts and towers, antennas of all kinds, radio equipment housing, public call boxes, cabinets, polls and overhead wires. The PPG sets out planning policies on telecommunications, including: environmental considerations, such as mast and site sharing and design issues, health considerations and public concern; and pre-application discussions and public consultation

REGIONAL PLANNING POLICY

10. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format and forms part of the Development Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. Central to the RSS is a key principle of delivering sustainable communities.
11. However, The Secretary of State for Communities and Local Government's letter dated 27th May 2010 announced the Government's intention to abolish Regional Strategies and return decision making powers on housing and planning to local councils. This intended future abolition must also be given material weight in planning decision making.
12. *Policy 1 – North East Renaissance* – Seeks to encourage sustainable and inclusive economic growth and deliver sustainable communities
13. *Policy 8 – Protecting and Enhancing the Environment* – Sets out to ensure that all developments promote a high quality design that it is sympathetic to its surroundings.

LOCAL PLAN POLICY:

14. *Saved Policy U1 Telecommunications* – Sets out that in considering applications for telecommunications equipment the council will grant planning permission where the benefits arising for the development would outweigh any environmental damage.
15. *Saved Policy H13 – The Character of Residential Areas* – Sets out that planning permissions will not be granted for new developments which have an adverse affect on the character or appearance of residential areas.

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 <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

16. *The Highways Authority* – Consider that the location of the mast is unlikely to have an impact on highway safety given that it is set back from the highway and does not interfere with site visibility lines or highway signage. (verbally)

INTERNAL CONSULTEE RESPONSES:

17. *Arbrocultural Officer* – Raises concerns in regards to the proximity of surrounding trees and damage caused during construction.

PUBLIC RESPONSES:

18. Neighbouring residents have been notified by individual notification letters and site notice to date three letter of objection have been received in relation to the mast's proximity to residential properties and encouraging other locations and options such as mast share. However this consultation period has yet to expire, indeed will still be open at the time of the Planning Committee Meeting. Members are therefore requested to make a determination on this application in principle and to agree that if any new material issues are raised then these be reported to the Chair and Vice Chair with officer's recommendations for their final determination on the application.

APPLICANTS STATEMENT:

19. The proposed site has been identified as the most suitable option that balances operational need of increased 3G coverage with local planning policies and national planning guidance. A number of alternative sites have been considered for different technical and environmental reasons. The vegetation adjacent the site screens the development and assimilates the mast into the landscape.

<http://217.23.233.227/WAM/showCaseFile.do?action=show&appType=planning&appNumber=12/00025/PNT>

PLANNING CONSIDERATIONS AND ASSESSMENT

20. This application has been submitted in accordance with Part 24 of the General Permitted Development Order (GPDO). This procedure allows telecommunication operators to utilise permitted development rights to undertake development without formal planning permission. For certain types of development such as in this

instance; undertakers are required to inform the Local Planning Authority prior to carrying out the works. On notification the LPA are required within 56 days to advise whether their Prior Approval is required for the siting and appearance of the proposed development.

21. In this instance due to the prominent location and it is considered appropriate to require prior approval of the siting and appearance of the mast and cabinet, the applicant has been advised of this. These issues are addressed below having regard to the aforementioned planning policies.
22. Policy U1 of the Local Plan states that the Council will consider proposals for telecommunications developments favourably where the benefits arising from the proposals outweigh any environmental damage. The policy also states that regard should be had to the specific operational requirements of the operator; the significance of the proposal as part of the national network; alternative sites; shared use of equipment; and, the relationship between the equipment and its surroundings.
23. The applicants have submitted supporting technical information detailing the extent of and levels of 3G coverage in the surrounding areas as existing and as proposed. At present 3G coverage is limited in the surrounding area, largely being unavailable to the south of the proposed mast site. The erection of the proposed mast would result in significantly improved 3G coverage for the residential housing development to the south with modest improvements to the industrial estate to the north.
24. In terms of alternative sites, the applicants have provided details of sites discounted, a total of 21 alternatives. The alternative sites are largely clustered along Broomside Lane, in the vicinity of the application site and around the northern end of Dragonville Industrial Estate. However the sites around Dragonville have largely been discounted due to the location of residential properties, highway safety issues and for technical reasons. On paper it is considered that the proposed area adjacent to the industrial estate would provide for a suitable location. However as pointed out by the objectors it would be logical to set the mast inside of Broomside Industrial Estate. Consideration of this has been given by the applicant, however alternative sites in the immediate vicinity of the mast have been discounted for technical reasons or because the land owner was unwilling to agree the siting of a mast.
25. Therefore in considering the visual impact of the mast on the surrounding area and after visiting the site, it is identified that Broomside Lane provides a natural separation of the residential area of Gilesgate Moor to the South and Broomside Industrial Estate to the North. This is reinforced due to the width of the highway and the presence of highway verge which is partially lined by mature vegetation. It is therefore considered that when travelling up and down the highway the mast would not create an incongruous feature. Although the mast would project above the trees adjacent to the site they would largely screen its view and that of the proposed cabinets.
26. Views of the mast would however be visible from the residential properties to the south of the site, although this would be at a minimum distance of 56m. The mast would also be set against the vegetation and against the backdrop of the industrial estate. It is therefore considered that on balance, while the concerns of the objectors are fully appreciated, the siting and appearance of the mast in this respect is considered acceptable.
27. Concerns have been raised by the council's Arboricultural Officer with relation to the potential impact on trees which are sited directly behind the application site, with particular reference to the siting of the streetworks cabinet and any foundations

required. However in giving this issue some consideration the suitability of the site outweighs the potential impact on these trees, particularly given their maturity and their density and absence of any special protection. Furthermore, it has been identified by the applicant that there are service runs within the highway verge to which the mast would be sited. The size of the base cabinet is not likely to require any significant foundation works while the presence of the service runs indicated intrusion already below ground. It is also worth bearing in mind that the apparatus is well outside the canopy of the tree, further reducing the potential for root damage. Unfortunately the nature of this application precludes the Authority attaching conditions in relation to a construction and root protection methodology. On balance it is not considered to refuse the application on these grounds.

28. Neighbouring residents have raised concerns regarding the sighting of the mast and the potential impact on highway safety, distracting motorists and creating a hazard adjacent to the highway. However no objection has been received from the Councils Highway officer given the mast location on this highway verge set back from the carriageway further than adjacent lampposts

Other Issues

29. Concerns have been raised in relation to health grounds, however PPG8 at paragraphs 29 and 30 in particular set out that whilst health considerations can in principle be material considerations in determining applications for prior approval, whether such matters are material in a particular case is ultimately a matter for the courts, it is for the local planning authority to determine what weight to attach to such considerations in any particular case. However, the Governments firm view is that the planning system is not the place for determining health safeguards, and as such it remains the Governments responsibility to decide what measures are necessary to protect public health. If a proposed mobile phone base station meets the ICNIRP guidelines for public exposure, as is the case here, it should not be necessary for the local planning authority to consider the matter further.
30. As an aside Members will be aware that should the application not be determined within the 56 day prior notification period then the operator automatically has deemed consent to erect the mast regardless of whether thereafter the application was then determined. This is because unlike other planning application prior approval is a procedure enshrined within the Permitted Development Order, and in effect the Local Planning Authority are commenting on permitted development.

CONCLUSION

31. The proposed development has been considered against the above policies and the siting and appearance of the mast is considered to have an acceptable impact on the visual amenity of the surrounding area, the residential amenity of neighbouring residents while safeguarding highway safety.
32. In relation to the objections received in this instance these are not considered sufficient to refuse the application given the demonstrated need for the mast and its location, offset from the residential environment.
33. There are no material considerations which indicate a decision should be otherwise and therefore it is recommended that prior approval is granted.

RECOMMENDATION

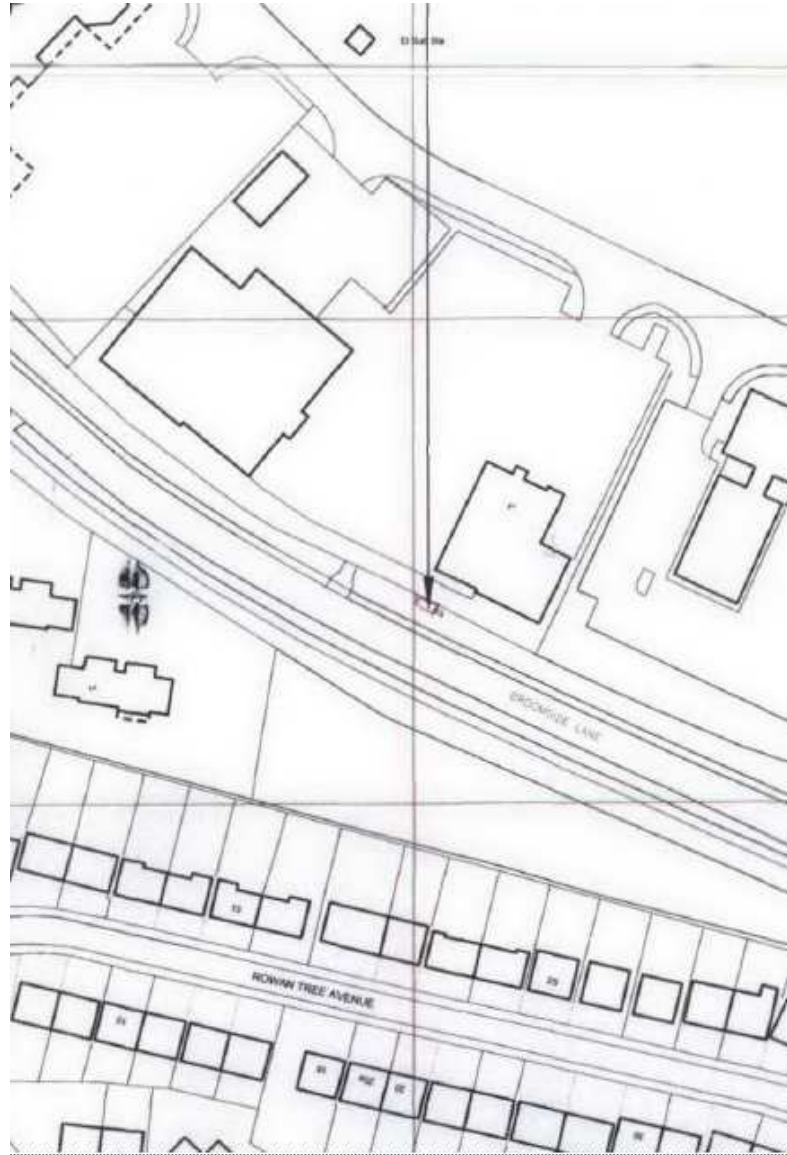
34. That prior approval be granted subject to:
1. no new material considerations being raised by the expiry of the consultation period;
 2. or should any new material objections be received by the expiry of the consultation period delegation be given to the Chair and Vice Chair to determine the application.

REASONS FOR THE RECOMMENDATION

1. The proposed development has been assessed against policies H13 and U1 of the Durham City Local Plan and Policies 1 and 8 of the Regional Spatial Strategy for the North East of England and the siting and appearance of the mast is considered to be acceptable, having regard to all other material considerations.
2. In particular the key material planning considerations with relation to the appearance of the mast on the visual amenity of the surrounding area, residential amenity and highway safety.
3. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval. A copy of the officers Committee Report is available on request.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Technical Information
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements and guidance 1 and 8
Response from Highway Authority
Response from the councils Archaeological Officer
Public Consultation Responses



Broomside Lane, Phone Mast Location
12/00025/PNT



Planning Services

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Comments

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