

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/23/03850/TEL
<b>FULL APPLICATION DESCRIPTION:</b>	Installation of mast and associated apparatus
<b>NAME OF APPLICANT:</b>	EE Limited
<b>ADDRESS:</b>	Land West Of 8A Church Close Peterlee SR8 5QT
<b>ELECTORAL DIVISION:</b>	Peterlee East
<b>CASE OFFICER:</b>	David Richards Planning Officer 03000 261955 <a href="mailto:david.richards@durham.gov.uk">david.richards@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site relates to a grassed area off O'Neill Drive in a predominantly residential area to the south of Peterlee Town Centre. Quinn Close is situated to the west, Church Close to the east and The Sunshine Day Nursery is approximately 20 metres to the north. An area of woodland is situated to the east and southeast which forms part of an Area of Higher Landscape Value.

### The Proposal

2. Prior notification is given to the Local Planning Authority of the applicant's intention to install a 20-metre-high Phase 7 streetworks monopole, together with 3 cabinets and other associated infrastructure. The colour of the mast and ground-based equipment would be fir green RAL 6009. The supporting information states that the proposed installation is required to replace an existing installation at Ridgemount House due to redevelopment of this building to maintain and subsequently improve coverage in the area.
3. Notwithstanding the above, under provisions of the prior approval process detailed through Part 16 of the GDPO, the Local Planning Authority (LPA) are only able to determine whether the prior approval of the LPA will be required as to the siting and appearance of the development, not the principle of development itself, as this is established by The Town and Country Planning (General Permitted Development) (England) Order 2015. The current application before the committee therefore relates

solely to considering whether prior approval is required in relation to the siting and appearance of the proposal and if so, whether such prior approval should be granted or refused. In determining the application, the LPA must consider any representations made to them as a result of consultations and those notices undertaken.

4. The application is reported to Planning Committee at the request of Councillor Diane Howarth who considers that due to the scale, appearance and impact on the character and appearance of the area the application should be considered by the committee.

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## **PLANNING HISTORY**

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5. No relevant history

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

#### National Planning Policy Framework

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. 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.
8. 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.

*<https://www.gov.uk/guidance/national-planning-policy-framework>*

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

9. The Government has consolidated several planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; historic environment; design process and tools; determining a planning application; healthy and safe communities; neighbourhood planning; noise; and use of planning conditions.

*<https://www.gov.uk/government/collections/planning-practice-guidance>*

### **LOCAL PLAN POLICY:**

#### The County Durham Plan

10. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:

11. Policy 27 Proposals will be permitted for new or extensions to existing energy generation, utility transmission facilities, telecommunication masts or other broadcast and broadband equipment which facilitate the electronic transfer of data where:
  - a. it can be demonstrated that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects;
  - b. it is located at an existing mast or transmission site, where it is technically and operationally feasible and does not result in visual clutter. Where a new site is required applicants must demonstrate to the council's satisfaction that the use of existing sites in the area have been fully explored and are not feasible. Equipment must be sympathetically designed and camouflaged and not result in visual clutter; and
  - c. where applicable, it does not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation operated in the national interest.
12. 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
13. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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14. Peterlee Town Council – The Town Council offer their objection to this application on the grounds of it being an inappropriate location and recommending that an alternative non-residential site be identified.
15. Cllr Louise Fenwick - I strongly object to the proposed communications mast and associated apparatus at O'Neill Drive.

It will undoubtedly change the landscape and aesthetics of this green and pleasant area and it will dominate the skyline, basically it will stick out like a sore thumb and will have a detrimental effect on the whole housing estate being the first thing to greet you as you enter.

I agree with other objectors regarding the ample alternative locations for the mast on any of the commercial land that surrounds us, the police station, the Magistrates Court and the large plot of land at the leisure centre on St Cuthberts Way. The cheapest, easiest option is not always the best for everyone.

I was part of the community improvement group, Community Spirit that a few years back, along with many neighbours, took part in raising funds to purchase spring bulbs to plant to enhance our environment. Some of the planting took place in the exact spot that the mast is proposed to be. Every year about this time we all look for the first signs of the bulbs sprouting up and every year we all proudly admire our hard work and toil as the bulbs open up into beautiful crocus flowers. The positioning of the mast will completely ruin the whole ethos of our original idea of improving our environment.

I cannot accept that this is the best position for a 20m high mast! Please take time to consider how this will impact on residents.

### **Internal Consultee Responses:**

16. DCC Highway Authority - This application raises no concerns over road safety.
17. DCC Landscape Section - The proposal will be built close to the carriageway. The Sunshine Day Nursey, a single storey building, and its car park are located to the north of the site. The immediate surrounds are otherwise generally residential in nature with the housing estate opposite characterised principally by two storey semi-detached properties. The wide grass verge and trees associated with Castle Eden Dene (Area of High Landscape Value) to the east of O'Neill Drive contribute positively to a verdant character and visual amenity of road.

The development will be visible within the street scene and will be seen from multiple receptors, although due to the screening effects of the trees it will not be seen from within the AHLV.

The proposed development would be of functional appearance, typical of telecommunications equipment seen in urban environments and whilst in views along O'Neill Drive, in both directions, the proposal would be seen in the context of and viewed alongside the streetlighting columns and other items of street furniture, due to its height (20m) being considerably higher than these existing vertical features and its siting within the verge, the proposed mast and associated apparatus would be a prominent feature in the street scene and would be somewhat at odds with the prevailing residential and verdant character of O'Neill Drive.

The proposal would however be read partly against the backdrop of the adjacent trees (approx.. 15m in height), and together with its proposed colour of Fir Green (RAL6009) would assist in its assimilation of the mast into the street scene.

18. Whether these mitigating factors outweigh the effects of the development and the extent to which they would be in conflict with Policies dealing with these matters, I defer to the judgement of the case officer.
19. DCC Trees Officer - I have viewed the application details to consider potential impacts on trees. It does not appear the scheme will have any direct impact and I therefore make no objection, however I would recommend the adjacent tree belt is protected by installing a protective fence, e.g. herras type along the woodland edge to exclude all associated activities directly adjacent to the trees, e.g. prevent dumping of waste/spoil etc, maintain a buffer to keep all works away from the trees and vegetation, e.g. position herras fence 1m from woodland edge adjacent to all proposed construction/access areas.
20. DCC Ecology Section – No objection.

## **PUBLIC RESPONSES:**

21. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents.
22. To date, 32 letters of objection have been received (including a letter from Grahame Morris MP). The letters of objection raise the following concerns:
  - Not suitable for a residential area or close to nursery
  - The monopole is unsightly out of character with the area
  - Impact on property value
  - More appropriate sites available including on existing buildings in the town centre
  - Noise from the mast
  - Impact on health
  - Recent mast erected adjacent to the William Brown Centre, so why is another one needed
  - New mast and ancillary equipment could be vandalised
  - Impact from construction vehicles during installation
  - Overshadowing of nearby properties

*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/simpleSearchResults.do?action=firstPage>*

## **APPLICANT'S STATEMENT:**

23. None received. Applicant notes within cover letter with application that there is an existing site located at the Ridgemount House, off Bedeway, Peterlee, that provides sufficient network coverage to the area. However, following landowner redevelopment plans to redevelop the vacant office block that currently hosts the infrastructure, there is an urgent requirement to decommission and remove the existing installation. Therefore, a new location for a replacement installation in order to maintain and improve coverage to this area is required. Further details contained within 'Design, Access and Supporting Statement' received 22 December 2024 in support of the application.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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24. Under the prior approval route as provided under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, the Local Planning Authority (LPA) are only able to determine whether the prior approval of the LPA will be required as to the siting and appearance of the development, not the principle of development itself, as this is established within The Town and Country Planning (General Permitted Development) (England) Order 2015.
25. In determining the application, the LPA must take into account any representations made to them as a result of consultations and notices undertaken.
26. Part 10 of the NPPF supports high quality communications. Paragraph 118 advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Paragraph 119 states that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

27. Paragraph 121 advises that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) 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; and
  - 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.
28. Paragraph 122 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.
29. Policy 27 of the County Durham Plan (CDP) states that proposals for new telecommunications masts will be permitted where:
  - a. it can be demonstrated that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects;
  - b. it is located at an existing mast or transmission site, where it is technically and operationally feasible and does not result in visual clutter. Where a new site is required applicants must demonstrate to the council's satisfaction that the use of existing sites in the area have been fully explored and are not feasible. Equipment must be sympathetically designed and camouflaged and not result in visual clutter; and
  - c. where applicable, it does not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation operated in the national interest.
30. In addition, CDP Policy 29 relates to sustainable design and states that all proposals will be required to create spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
31. As outlined above the local planning authority are only able to determine whether prior approval will be required as to the siting and appearance of the development, not the principle of development itself, as this is established within The Town and Country Planning (General Permitted Development) (England) Order 2015.

Siting and appearance

32. 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, Part 12 of the NPPF requiring good design is applicable, whereby planning decisions should address the integration of new development into the natural and built environment (Paragraph 135). Paragraph 139 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.
33. As already discussed, Policy 27(a) of the CDP requires proposals to demonstrate that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects. Paragraph 5.272 of the supporting text of CDP Policy 27 advises that, in accordance with the NPPF, all new infrastructure installations should, where possible, minimise the number of masts and new sites required and be sympathetically designed and camouflaged where appropriate. Policy 29 requires development proposals to achieve well designed buildings and places and to create spaces that are adaptable to changing social, technological, economic and environmental conditions.
34. The monopole is proposed to be 20m high and located on a grass verge off O'Neill Drive. Whilst O'Neill Drive is not a main route through Peterlee, the monopole would still be in a prominent location given its proximity to the roundabout to the northwest. The applicant has stated that the proposed site will benefit from the adjacent tree belt that runs along the east side of O'Neill Drive by screening the development and providing a natural vertical context for the site to assimilate. They go on to say that consideration is given to the existing highways infrastructure around Peterlee which provides good visual and utilitarian context against the mast which would be viewed within, and the proposed 'streetworks streetpole' structure will be of a similar appearance to the existing street lighting columns along O'Neill Drive.
35. Whilst it is acknowledged that the tree belt would provide some screening in views of the site from the east, the site would still be highly visible from views approaching from the west and south and short-range views from many residential properties near to the site. The site, whilst close to the town centre, is not within it and so would not be viewed within this 'utilitarian context'. The context is different despite its proximity to the larger commercial buildings to the northeast, being in a typical residential suburb. Indeed, the surrounding buildings comprise of single storey and two storey residential properties, and the single storey Sunshine Day Nursery to the north. The monopole would tower above all these buildings and would also surpass the height of the established tree line. Furthermore, it is not considered that the monopole would be a similar appearance to the existing lighting columns which are 10m in height, given that the monopole would be 20m in height and also the headframe and width of the column would be considerably greater than any of the existing street furniture in the area.
36. Of relevance is a recent appeal decision related to another proposed 20m high mast in St Cuthberts Road which was refused by the LPA and subsequently dismissed at appeal. The inspector concluded that as the pole would be double the height of existing streetlamps and would be significantly taller than surrounding buildings, the monopole would be an incongruous addition in a prominent location harming the character and appearance of the area. Whilst the application site is not considered as prominent as the appeal site, it is still considered prominent, and similarly to the appeal site, the monopole would be significantly higher than surrounding buildings and existing street furniture.
37. Apart from the street light columns and loading restrictions signs, O'Neill Drive is otherwise free from visual clutter. In this setting, the proposed monopole would appear

as an incongruous addition in a prominent location, and painting the structure green would not overcome these concerns.

38. The application site comprises the centre of a grassed highway verge that is located away from tall buildings in a residential suburb. There is currently no telecommunications equipment at the site or in the immediate vicinity. The site has a prominent location within the streetscene, and the 20m high monopole would be at a significantly greater height than the buildings and street furniture in the vicinity. Therefore, the mast is considered to have a significant adverse impact upon the character and appearance of the surrounding area, contrary to CDP Policy 27 and 29 and Part 10 and 12 of the NPPF.

#### Applicant's case and justification

39. In consideration of the points above, particularly relating to consultations with organisations, it is appreciated that the development is not within a statutory safeguarding zone and the applicant confirms within their Site-Specific Supplementary Information Document (SSSI) that Sunshine Day Nursery (approximately 20m away) were notified of the proposal prior to the submission of the application and no response was received.
40. In line with NPPF Paragraph 121, the applicant has provided a certificate of conformity with ICNIRP Public Exposure Guidelines and as such officers do not raise concerns in relation to the development impacting upon the health of residents. It is acknowledged that objections have been received from residents in relation to the potential impacts of the development on public health. However, the NPPF is clear that local planning authorities should not determine health safeguards or set health safeguards different from the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure. The applicants have confirmed that the proposal would be in full compliance with these guidelines, and this is accepted by the LPA.
41. Paragraph 119 of the NPPF advises that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. As already noted, Paragraph 121 advises that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development.
42. The application is supported by a SSSI and Design and Access Statement which provides justification for the proposed siting and a list of discounted sites. The Site Specific Supplementary Information states that there is an existing site located at Ridgemount House that has historically provided network coverage to the area, however due to redevelopment plans of the building that hosts the infrastructure there is a requirement to remove the existing installation and find another site to maintain and improve coverage to the area. However, within the same document there is a contradiction as it states that 'there is currently an adequate provision of EE service in this area provided by the existing site. However, two sites are required in order to maintain and subsequently improve vital services to the area.'
43. In terms of providing the 'necessary evidence to justify the proposed development' along with 'evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure' (NPPF para. 121) it is considered that the supporting information falls far short of this requirement.



44. Policy 27 of the County Durham Plan (CDP) states that proposals for new telecommunications masts will be permitted where: it is located at an existing mast or transmission site, where it is technically and operationally feasible and does not result in visual clutter. Where a new site is required, applicants must demonstrate to the council's satisfaction that the use of existing sites in the area have been fully explored and are not feasible.
45. The Design and Access Statement contains a list of 16 discounted sites with a map showing their locations and a very brief summary why each site was discounted. D13 relates to a site on St Cuthbert's Road which was discounted because the Network Planner confirmed this site would not provide the required coverage to the target area. However, the LPA recently determined an application that prior approval was required and approved for a mast on St Cuthbert's Road (DM/23/01976/PNT) very close to the discounted site and approximately 190 metres from this application site. Therefore, it is not clear why this existing mast cannot be used in line with the NPPF paragraph 121. No information has been provided why it is not technically and operationally feasible to use this mast in line with CDP Policy 27. D15 relates to Peterlee Leisure Centre which was discounted due to 'likely lengthy acquisition timescales involved along with proposed redevelopment plans for the leisure centre'. However, other buildings nearby including Peterlee Job Centre and ASDA supermarket were not explored as options as required by the NPPF.
46. Site D8 (Castle Dene Shopping Centre) was discounted due to the site not providing the required coverage of the target area. However, it is noted that the existing site (Ridgemount House) is situated close to the east, so it is not clear why this would be the case. Other sites discounted include D7 (Yoden Way) and D16 (St Adens Way) which were both dismissed due to greater visual impact on adjacent properties. However, given the proximity of the application site to residential properties, the application site has similar constraints as those discounted sites.
47. The SID states that the option put forward is identified as the optimum location in both planning and technical terms, however as discussed above the justification for the discounting of some sites is far from comprehensive which casts doubt over the site selection process.
48. Given the discrepancies identified with the submitted information and the potential alternatives discussed, the list of discounted sites is far from exhaustive, and the applicant has not satisfactorily demonstrated that there are no preferable locations for the proposal which would give rise to less harm in respect of the effects on the character and appearance of the area. Therefore, the application fails to meet the requirements of CDP Policy 27 b.

#### Other matters

49. Other issues raised by objectors include vandalism, overshadowing of nearby properties, noise from the mast, impact during construction period and property values. Whilst the concerns are noted in respect of vandalism, this issue could happen in any location in Peterlee and would be a criminal matter if it did occur. It would therefore not be considered a reason to justify refusal of the application in this location. The impact of the proposal on property values is not a matter which can be taken into consideration.
50. Disruption during the construction period was also raised by objectors. However, any impact from construction would likely be short term and not significant enough to warrant a refusal of the application. Regarding overshadowing, whilst the monopole

would be larger than existing street furniture, it is not considered that the structure would be large enough to cause any significant impact in this regard.

51. With respect of noise impact, the Framework is clear that local planning authorities should not determine health safeguards or set health safeguards different from the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The applicant has confirmed that the proposal would be in full compliance with these guidelines.

#### Public Sector Equality Duty

52. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
53. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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54. The Local Planning Authority is mindful of the importance and benefits of required improvements to the Services Networks. However, having assessed the details submitted in support of the application, the development is considered to be poorly sited, appearing as a visually incongruous and dominant feature that would be harmful to its surroundings.
55. The proposal is considered to be contrary to Part 10 of the NPPF, which requires, amongst other things that equipment on new sites to be sympathetically designed and camouflaged where appropriate. It would also be contrary to the requirement that the applications for electronic communications development should be supported by the necessary evidence.
56. The proposal is also considered to be contrary to Policy 27 of the County Durham Plan which outlines that telecommunications development will be permitted where it will not cause significant adverse impacts and equipment must be sympathetically designed and camouflaged; and that where a new site is required, applicants must demonstrate to the council's satisfaction that the use of existing sites in the area have been fully explored and are not feasible.
57. Overall, the benefits of the development in terms of improvement to network coverage are not considered to be sufficient to outweigh the harm arising by reason of the identified policy conflicts.
58. On that basis, it is considered that the prior approval of the LPA is required in relation to the above matters, however, for the reasons above, should be refused.

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## **RECOMMENDATION**

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That Prior Approval is required for siting and appearance of the development and **REFUSED for the following reasons:**

1. The installation of the mast would appear as an incongruous and dominant addition in the street scene that would adversely affect the character and appearance of the area, contrary to policies 27 & 29 of the County Durham Plan and parts 10 and 12 of the National Planning Policy Framework;
2. Insufficient information has been provided to demonstrate to the Council's satisfaction that the use of existing sites, has been fully explored and are not feasible, contrary to Policy 27(b) of the County Durham Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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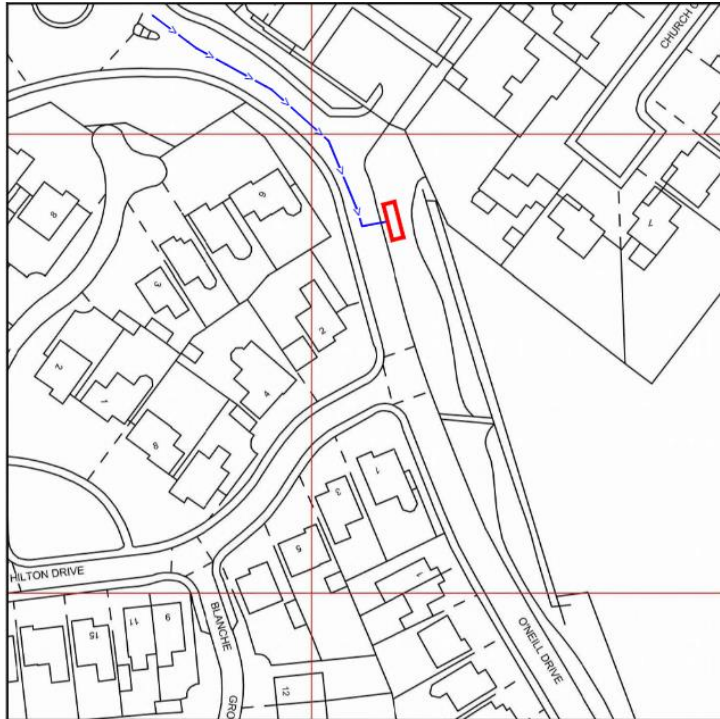
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering 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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- Submitted application form, plans, supporting documents.
- Statutory, internal and public consultation responses
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
- Residential Amenity Standards SPD (2020)



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<p><b>Planning Services</b></p>	<p>Land West Of 8A Church Close Peterlee SR8 5QT</p>	
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	<p><b>Date</b></p>	<p><b>Scale</b> NTS</p>