

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0773/21/TPN
Proposal: Application for prior approval under Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 for proposed TEF Hutchinson Engineering 20.0m high Orion Streetpole on proposed D9 root foundation. Colour to be light grey, RAL 7035. Proposed TEF GPS module mounted on top of proposed pole. Proposed 6 no. TEF antennas to be installed. Proposed 2 no. TEF 300mm dishes mounted on new mounting brackets and associated ancillary works.
Location: Mile End Road
South Shields
NE33 2EB

Site Visit Made: 05/08/2021

Relevant policies/SPDs

N/A

Description of the site and of the proposals

This application seeks prior approval under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of telecommunications equipment at Mile End Road, South Shields. The proposal seeks to enable Hutchinson 3G UK Ltd (H3G) deliver the latest 5G technologies and to provide additional coverage capacity for this area of South Shields town centre.

Proposed works comprise of the installation of a new 20 metre high monopole, and ancillary development including three other cabinets at the base of the monopole. The proposed monopole would be of light grey in colour. The proposed equipment housing would be of steel and grey in colour. Application details state that the proposal is required due to facilitate 5G in this area of South Shields. The application details state this proposal is a replacement mast for an existing site at the Masonic Hall, Wesley Street, South Shields, which would be removed.

It should be noted that as part of the application, the applicant has confirmed that they have notified the Council as landowner in accordance with Condition A.3 'Prior Approval' of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This was via correspondence sent to the Local Highway Authority.

Publicity / Consultations (Expiry date 26/08/2021)

34 neighbours sent direct letters of notification and three site notices posted.

1) Neighbour responses

None

2) Other Consultee responses

Traffic and Road Safety Team – No comments received.

Streetworks Team – Ongoing maintenance of the proposed facility is of concern given it's proximity to a busy junction which would in turn probably require temporary traffic management to conclude

any works in a safe manner. In addition, any major events would need to be avoided given that it is close to the town centre.

Case Officer note: The developer responded directly to the Streetworks Team noting with regards to maintenance the equipment can be maintained remotely with no requirement for regular visiting by an engineer. If an engineer was required to visit the site, there are many car parks nearby to the proposed site which they would be able to use, preventing any obstruction to the surrounding area and traffic flow. No further comments were received from the Streetworks Team in respect of this.

Assessment

The prior approval process

Before installing certain telecommunications apparatus under permitted development rights an electronic communications code operator must apply to the local planning authority for a determination as to whether their 'prior approval' of the siting and appearance of the development is required - as set in Schedule 2 Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A prior approval determination is therefore not the same as an application for planning permission in terms of decision making as the Council must only consider the siting and design of the development.

The Council must make its decision within 56 days of receiving the application on the acceptability of the siting and appearance, or the applicant may proceed to erect the proposal as permitted development.

Siting

The proposal would be located within a semi-residential area close to South Shields town centre. Application details state that the operator is limited in siting options due to constraints with ten other sites listed in the site selection process, discounted for various reasons including structural issues, lack of elevation and proximity to residential properties. The proposal would also be sited adjacent to, and subsequently screened by, mature trees, particularly from the east. The closest residential properties are approximately 30 metres to the west and north west of the site. The applicant's agent has confirmed that the rationale for the proposed siting, and is the only feasible site within the locality for the infrastructure.

Appearance

The main visual impact of the proposal would be the fact that the new monopole would be relatively high at 20 metres (and so approximately eight metres taller than the adjacent street lighting posts). However the site is located adjacent to mature trees and as such the bottom of an antenna should be above the top level of the trees, allowing greater height and some room for future tree growth and is why the mast is proposed as being 20 metres in height. The design of the column resembles as closely as possible other existing vertical structures within the immediate area, including lighting columns.

Despite the height of the monopole, it is considered that the proposal including the equipment cabinets and associated development would be of an acceptable appearance. Evidence has been submitted demonstrating that the proposed monopole would be of the least visually intrusive design possible (slim, vertical and of the minimum required height) to enable technologies to operate efficiently due to the existing topography and surroundings. The equipment cabinets would be small in scale and so would also have an acceptable visual impact. Whilst it cannot be denied that the 20 metre high monopole would have a visual impact due to its necessary height, as there are other, albeit smaller, vertical features in the vicinity (such as street lighting columns and a CCTV pole), its appearance would not be detrimental to warrant refusal of the application.

ICNIRP declaration

Paragraph 116 of NPPF (2019) clearly states that “*Local Planning Authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.*” Paragraph 116 of NPPF (February 2019) also clearly states that Local Planning Authorities should not set health safeguards different from the International Commission guidelines for public exposure.

The applicant has confirmed that the proposal conforms to current government guidelines regarding health safeguards. An ICNIRP declaration has been submitted with the application, which declares that the proposal is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure.

Summary

For the reasons articulated above, it is considered that the siting and appearance of the proposal would be acceptable. Prior approval is required and it is recommended that it be given.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Prior Approval Required & Given

Conditions

N/A

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

2 ALL DEVELOPMENTS WITHIN COALFIELD STANDING ADVICE AREAS

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

3 NOTE TO APPLICANT

The applicant is advised that any apparatus should be removed from the land on which it is situated as soon as reasonably practicable after it is no longer required for electronic communications purposes. Such land should be restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

List of approved plans for standard note

Plan Reference

Drg No. 100 Rev A received 21/07/2021

Drg No. 200 Rev A received 21/07/2021

Drg No. 300 Rev A received 21/07/2021

Case officer: Nick Graham

Signed: N. Graham

Date: 13/09/2021

Authorised Signatory:

Date:

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