

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0128/23/TPN

Proposal: Application for prior approval under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 for proposed telecommunications installation: installation of 15.0m Phase 8 monopole, supporting 6 no. antennas, 3 no. equipment cabinets and ancillary development thereto including 1 no. GPS module.

Location: Grass Verge Henley Way (near Hubert Street roundabout)
Boldon Colliery
West Boldon
NE35 9AB

Site Visit Made: 06/04/2023

Relevant policies/SPDs

1 DM1 - Management of Development

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 siting and appearance of works to erect a 15m high monopole and 3no. equipment cabinets at Henley Way, East Boldon. The proposal seeks to enable CK Hutchinson Networks Ltd to deliver improved network coverage and capacity particularly in relation to 3G, 4G & 5G services for this area of East Boldon.

The proposed works would comprise the installation of a new 15m high monopole, and ancillary development including three equipment cabinets at the base of the monopole. Application details state that the proposal is required to facilitate 3G, 4G & 5G in this area of East Boldon.

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: 27/04/2023)

1) Neighbour responses

Cllr Bell - objection

- The mast will dwarf the mature trees behind the application site.
- The site is unacceptable as it is next to a bus stop, a children's play park, a large public park and residential homes. It's also in a very prominent spot on the main entrance to Boldon Colliery.
- Suggestions of other locations.
- There is already a large mast and cabinets along Abingdon Way near retail outlets.
- There is an abundance of street light columns, billboards and lights associated with ASDA. There are many road signs adding to the aesthetic look of over crowding.
- We have more than our fair share of these masts having at least 5 in close proximity to the chosen location for this one.

2) Other Consultee responses

Transport & Development Officer

When assessing this application, the Highway Authority checks that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets.

The information submitted has been checked against the context outlined above. The proposed equipment cabinets and mast are to be located in the highway grassed verge area on the western approach to a roundabout on the B1298. As a result, extensive traffic management would be required to facilitate the installation, as well safety concerns for future maintenance, on a busy route on the Borough's road network. This would cause disruptions and delays, which could be negated by locating the facility elsewhere, at a less disruptive location.

Maintenance vehicles indicating to pull into a required layby parking space on the verge area may be misinterpreted as advance signalling for the roundabout further ahead resulting in shunt collisions with vehicles following to the rear on the B1298.

No provision has been made for the parking of a maintenance operative's vehicle to ensure that there is no obstruction on the highway network in the immediate vicinity, or to prevent damage caused to the highway verge areas or footways/kerbs from that vehicle.

The equipment cabinets are located very close to the carriageway edge and should be relocated at least 1m from the carriageway edge, with paving around the perimeter to assist grass cutting around the cabinets and avoid damage to the cabinets by the maintenance vehicle.

It will therefore be necessary for the existing scheme to be amended, accommodating the following:

- o Relocate the mast and equipment cabinets to an alternative location that does not impact on the traffic flows of the road network or prejudice highway safety in the immediate vicinity, unless the applicant can prove that installation and maintenance operations can be carried out safely.
- o Any finalised scheme should identify a parking space for maintenance vehicles that does not prejudice highway safety in the vicinity of the mast and equipment cabinets.
- o To assist grass cutting by a machine and avoid labour intensive strimming, a 300mm wide paved area is required to be laid around the perimeter of the cabinets and mast, at any location finally agreed upon.

Case Officer Comment: Concerns regarding the equipment cabinets are noted, however these could be erected under permitted development rights and so it would be unreasonable to refuse this application on these grounds.

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 out 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 at Henley Way, Boldon Colliery, the B1298 road, a classified road linking Boldon Colliery with the A19 road to the south-west and South Shields to the north-east. Application details state that the operator is limited in siting options as this is a highly constrained cell search area and that an additional mast is required in this area as the existing sites in this area are struggling to cope with demand and an increase in capacity is required to provide 3G, 4G & 5G technology.

Cellular networks are made up of several individual cell areas, each of which has a base station within it. The site at Henley Way would be part of the wider network and would provide the coverage and capacity for a number of dwellings and businesses within the vicinity of the site.

A Ward Councillor has raised concerns regarding its proposed location, considering it unacceptable as it is located on one of the main roads in Boldon Colliery opposite a busy ASDA supermarket, adjacent to a public park and children's play area, and close to residential properties. A Ward Councillor has also commented that there are numerous similar masts in the area and has suggested that other sites are explored however this application must only consider the proposal before it.

However, application details state that the site selection was progressed in accordance with the applicant's license obligations, guidance within the National Planning Policy Framework (NPPF) (February 2019) and the Code of Best Practice, and is the only feasible site within the locality. Six other sites were considered due to the cell search area, however these were discounted for various reasons including insufficient pavement width and the proposed site providing better coverage. The agent has further stated the proposed mast has been put forward in the only location possible as the search area is very small. The agent also notes there are other existing masts belonging to other operators not too far from the proposed location, although each operator has their own, separate requirement whilst deploying this key infrastructure. Finally, the agent notes the mast has to be sited close to its users, particularly in this case as it is a 5G mast and 5G signals travel less distance than 4G signals.

The Council as Highway Authority have commented on this application and have raised queries relating to no provision of parking for a maintenance operative's vehicle. It is noted that car parking is widely available in the area, however any dangerous parking would be a police matter. Furthermore, it is noted that the proposed equipment requires minimal maintenance which is usually carried out remotely rather than on site.

Given all of the above, the proposed siting of the infrastructure is not considered detrimental to warrant refusal of this application.

Appearance

South Tyneside LDF Policy DM1 states that proposals should be designed to convey sensitive consideration of their surroundings and where possible enhance local setting.

The main visual impact of the proposal would be the fact that the new monopole would be relatively high at 15 metres. 5G radio technologies operate in higher frequency bands than older technologies, and so attenuation of the radio signal is naturally higher. This means the frequencies do not travel as far as those frequencies currently in use and consequently not all of the existing sites can be upgraded. The design of the column resembles as closely as possible other existing vertical structures within the immediate area, including street 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 in and of themselves. Evidence has been submitted demonstrating that the proposed monopole would be of the least visually intrusive

design possible to enable technologies to operate efficiently due to the required cell search area. The equipment cabinets would be small in scale and so would also have an acceptable visual impact. Both the monopole and equipment cabinets would be of an acceptable colour (grey).

Notwithstanding the above, in 2022 the LPA approved an application (ref: ST/0732/22/TPN) for a 20m high monopole and associated equipment cabinets located adjacent to the proposed site. Both the approved and proposed applications are from the same applicant. Whilst it is noted that there are other masts within the area, none are in such close proximity to each other as the above-mentioned approved and proposed street poles. Should the previously approved street pole and this street pole both be implemented then it is considered that this could lead to clutter and in terms of appearance would be demonstrably harmful to the visual amenity of the locality. No legally binding assurance has been provided by the applicant that the previously approved street pole would not be erected if this current proposal was approved and as a result, it is not considered that this current application can be supported.

Furthermore, NPPF Paragraph 115 states in this regard, 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.

ICNIRP declaration

Paragraph 118 of the NPPF (2021) clearly states that *“Local Planning Authorities must determine applications in planning grounds only. 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 the Internal Commission guidelines for public exposure”*

The applicant had confirmed that the proposal confirms 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 not considered that this latest proposal would be acceptable. Prior approval is required, and it is recommended that it be refused.

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

Recommendation

Prior Approval Required & Refused

Refusal Reason:

Prior approval was granted to the applicant on the 27 October 2022 under application reference ST/0732/22/TPN for a 20 metre high street pole adjacent to the street pole the subject of this current prior approval application. No legally binding assurance has been provided by the applicant that the previously approved street pole would not be erected if this current proposal was approved and implemented and therefore it is not considered that this current proposal can be supported as if both this currently proposed street pole and that previously approved were implemented then this would give rise to visual clutter that would be demonstrably harmful in terms of appearance to the visual amenities of the locality contrary to Policy DM1 of the South Tyneside Local Development Framework and the NPPF.

Informatives

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- 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. However, the proposed development is contrary to the policies referred to in the reason(s) for refusal and it has not been possible to reach an agreed solution in this case.

List of plans for standard note

Plan Reference

Existing Site Elevation Drg No. 150 received 27/02/2023

Proposed Site Plan Drg No 210 received 27/02/2023

Existing Site Plan Drg No. 100 received 27/02/2023

Proposed Elevation Drg No 260 received 27/02/2023

Case officer: Seán Gallagher

Signed:

Date: 04/05/2023

Authorised Signatory: G.Horsman

Date: 04/05/2023

«END»