DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0371/23/TPN
Proposal: Application for prior approval under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the installation of 16m high slim-line phase 9 monopole, supporting 4 no. antennas, 3 no. equipment cabinets and ancillary development thereto including 1 no. GPS module.
Location: Grass Verge at Stoker Avenue (adj. to Dame Flora Robson Avenue) South Shields NE34 9QZ

Site Visit Made: 17/07/2023

Relevant policies/SPDs

1 DM1 - Management of Development

2 LDF CS EA1 - Local Character and Distinctiveness

Description of the site and of the proposals

This application seeks prior approval under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of works as set out above and shown on the submitted details. 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 South Shields.

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: 12/07/2023)

1) **Neighbour responses**

None received

2) **Other Consultee responses**

Transport Development Officer
The position of the mast is acceptable.

However, the submission does not take account of pedestrian inter-visibility (DMRB) at the pedestrian dropped kerb crossing point and the equipment cabinets obstruct the necessary splay. I therefore object to the cabinets. Appreciating that the cabinets do not form part of the planning application consideration, I would appreciate it if you could advise the applicant of the need to relocate the cabinets further away from the Dame Flora Robson Avenue carriageway, even just by 1m.

Assessment

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

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 (unless as otherwise has been previously agreed with the applicant), or the applicant may proceed to erect the proposal as Permitted Development.

Siting

The proposal would be located at the junction of Dame Flora Robson Avenue and Stoker Avenue, South Shields. The proposed location would be upon a triangular grassed verge.

To the north and west & east of the site lie houses on Stoker Avenue and Dame Flora Robson Avenue respectively. To the south lie shops.

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 application site 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.

The applicant's agent has confirmed that the site selection was progressed in accordance with the applicant's license obligations, guidance within the National Planning Policy Framework (NPPF) and the Code of Best Practice. Six other sites were considered due to the cell search area, however these were discounted for various reasons including residential amenity issues, visual amenity issues and unsuitable pavements.

Notwithstanding all of the above, it is noted the proposed equipment cabinets do not require planning permission, as they can be installed utilising the operator's permitted development rights (and where those rights do not require prior approval) once the radio base station (i.e. the 16m pole and apparatus directly attached to it) is built, however these have been shown on the plans by the applicant for transparency purposes.

The Council's Transport & Development Officer has commented in their capacity as Highway Authority and raise no objections regarding the mast. The concerns raised by the Transport & Development Officer regarding the loss of pedestrian inter-visibility are noted however the planning officer view is that bearing in mind the extent to which the proposals are set back from Stoker Avenue and Dame Flora Robson Avenue that visibility would not impinged to such an extent that would cause a danger to road users. Given this, the cabinets, which cause the majority of any such obstruction, could be erected under

existing permitted development rights as set out above and so it would be unreasonable to refuse the application on these grounds.

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. South Tyneside LDF Policy EA1 seeks to conserve the best qualities of South Tyneside's built and natural environment.

The main visual impact of the proposal would be the fact that the new monopole would be 16 metres high and would be installed at a site where there is no existing telecommunications equipment. The operator has stated that 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; albeit it is somewhat taller than those.

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 (and as previously mentioned the cabinets could be permitted developments that do not require prior approval). Both the monopole and equipment cabinets would be of an acceptable colour (grey RAL 7035).

The proposed monopole would be viewed within the context of built development and nearby lighting columns and views of the monopole would in part be screened by such features in terms of views from the surrounding area. Furthermore, habitable room windows in nearby dwellings would not directly overlook the proposed monopole and therefore it is not considered that the installation would be visually intrusive when viewed from these properties.

Whilst it cannot be denied that the 16 metre high monopole would have some visual impact due to its height, bearing in mind the above, its appearance is not considered to be so detrimental as to warrant refusal of the application.

ICNIRP declaration

Neighbour representations have been received from residents raising concerns with the proposal being a potential risk to health. 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".* Paragraph 118 of the NPPF 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. Whilst noting the representations received in respect of health impacts no further assessment of the health impacts of the development can therefore be undertaken by the Local Planning Authority.

Conclusion

In conclusion, the proposed appearance and siting of the proposed development are considered to be acceptable and it is therefore recommended that prior approval is required and given.

Recommendation

Prior Approval Required & Given

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.

Case officer: Seán Gallagher
Signed:
Date: 08/08/2023

Authorised Signatory: G.Horsman
Date: 09/08/2023

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