

Item No: 5.1
Application No: 15/01881/FUL Author: Andrew Holmes
Date valid: 24 November 2015 ☎:
Target 19 January 2016 Ward: Battle Hill
decision date:

Application type: full planning application

Location: Telecommunications Mast On Grass Verge North East Of, 25 Addington Drive, Wallsend, Tyne And Wear,

Proposal: Upgrade of existing telecommunications base station comprising the siting of 1 no. radio equipment cabinet

Applicant: Telefonica UK Ltd, 260 Bath Road SLOUGH SL1 4DX

Agent: Galliford Try Communications, FAO Mr Paul Street Galliford Try Communications Crab Lane Fearnhead Warrington Cheshire WA2 0XR

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for this proposal are:

- Impact on visual amenity
- Impact on highway safety

2.0 Description of the Site

2.1 The application site is an area of grass verge on the south side of Addington Drive, directly north of 45 Ashburn Road and south of 1 Augusta Court. The application site is situated within a large, modern, residential estate with Hadrian Park Primary School to the north (approximately 80m to the boundary and 120m to the main building).

2.2 An existing 12.5m high telecommunications mast and one cabinet measuring 1.9m wide, 0.7m deep and 1.60m high and a smaller meter cabinet measuring 0.38m wide by 0.17m deep and 0.88m high are located on the site at present, having been permitted following an appeal decision in 2012.

3.0 Description of the Proposal

3.1 The application has been submitted for works comprising the installation of one additional cabinet measuring 1.25m wide, 0.8m deep and 1.7m high and the replacement of the six existing antenna within the shroud of the existing mast with three antenna. This work will not be visible as the equipment will remain behind the shroud and the height of the mast will not be increased. The applicant

has indicated that the additional equipment is required to upgrade the site to deliver 4G services.

3.2 The installation of an equipment cabinet less than 2.5m³ in size would normally benefit from permitted development rights granted in planning legislation to electronic communications code operators. However permitted development rights were removed on this site by the making of an Article 4 Direction in December 2014. The Council confirmed the Direction so that it could exercise more control over the expansion of this site in the interest of protecting local amenities. The Direction means that the operator has to seek full planning permission for certain works and this gives the Council the opportunity to consider proposals in more detail. In making the Order, the justification for its confirmation was to enable control over additional equipment on the basis of its impact on visual amenity. It was noted at that time that the impact of an additional cabinet and upgraded antenna on either health grounds or highway safety did not provide a robust justification to make a Direction.

3.3 Members of the Committee should be aware that where an Article 4 Direction has been made, the Local Planning Authority can be liable to compensation if it refuses permission for development which would otherwise have been permitted development or grants permission subject to more limiting conditions than permitted development rights allow. The grounds on which compensation can be claimed are limited to abortive expenditure or other loss of damage directly attributable to the withdrawal of permitted development rights.

4.0 Relevant Planning History

11/00725/TELGDO - 12.5m high joint operator street furniture telecommunications tower. 1no equipment cabinet. 1no meter cabinet – Refused 23.05.2011 on the following grounds:

‘Due to their siting the proposed telecommunications tower and associated cabinets are considered to have a detrimental impact on the highway safety and visual amenity of the surrounding area contrary to policies E11 and H13 of the North Tyneside Unitary Development Plan (March 2002).’

An appeal was subsequently lodged which was allowed 14.12.2011. The main issues identified by the Inspector were the effect on the character and appearance of the area and highway safety. The Inspector concluded that the proposed development would not appear prominent or obtrusive and would not harmfully change the outlook for the occupiers.

13/00881/ECREG5: Existing 6 no antenna to be replaced by 3 no new antenna on the existing mast and within the shroud. Addition of 1 no equipment cabinet. – objection raised 20.06.2013 (this was a consultation from the operator under the Electronic Communications Act not a planning decision)

Article 4 direction – Grass Verge at Addington Drive. Confirmed 19.12.2014

5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002).
Direction from Secretary of State under Paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP.

6.0 Government Policy

6.1 National Planning Policy Framework published 27 March 2012.

6.2 Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in the determination of this planning application. It requires local planning authorities to apply a presumption in favour of sustainable development.

6.3 National Planning Practice Guidance.

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues in this case for members to consider are:

- Impact of the additional cabinet on visual amenity; and
- Impact of the additional cabinet on highway safety

7.2 Members should consider the application on its individual merits. As with any other application, it must be determined in accordance with the development plan unless material considerations indicate otherwise and having regard to all material considerations and the relevant policy framework both local and national (found in the NPPF and the NPPG).

7.3 National Planning Policy

7.4 Specific advice on telecommunications development is set out in the National Planning Policy Framework. This notes that advanced, high quality communications infrastructure is essential for sustainable economic growth. Local Plans should support the expansion of electronic communications networks but should aim to keep the number of sites to a minimum to consistent with the efficient operation of the network.

7.5 Planning applications, which should be supported by evidence to justify development, must be determined on planning grounds. This means not preventing competition, not questioning the need for the system or determining health safeguards if proposals meet International Commission guidelines for public exposure.

7.6 Impact on visual amenity

7.7 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

7.8 UDP Policy H13 states that applications for non-residential development within or adjacent to residential areas will only be approved where the local planning authority consider that they would not adversely affect residential amenity.

7.9 In relation to the existing mast and cabinets, in considering visual impact, the appeal Inspector described the location as a “grass verge on a busy roadside in a predominantly residential area of mainly 2 storey houses. The proposed tower and cabinets would be situated close to the kerb ... Nearby are a post box, street lights, traffic signage and a bus stop.” Whilst residents have disputed the accuracy of this description, officer advice is that this does reflect the location of the site. He went on to state that “Approaching the appeal site from both directions along Addington Drive I consider the proposal would be seen against a concentrated array of street furniture. This would enable the tower and cabinets to be absorbed into the setting without appearing incongruous. Although partially seen against the skyline from most approaches, it would be viewed in conjunction with the street lights and given its slim profile would have no more impact than an additional lighting column. Consequently it would blend readily into the street scene and would not be detrimental to the visual amenity of pedestrians and other road users”.

7.10 In terms of immediate views of the equipment, the property to the south, 45 Ashburn Road, is 12m away and has a blank gable elevation facing the site with an area of open space with small trees separating the mast site from the gable elevation. To the north, on the opposite side of Addington Drive, the nearest property, 1 Augusta Court, also has its gable elevation facing the site and this property is 25m away. The main elevation of the house is set north of an attached side garage. There is a gable window facing towards the site at first floor level. There are small trees within the wide grass verge. The cabinet measures only 1.25x 0.8x1.7m. It is not considered that it will be highly visible from surrounding properties.

7.11 Five letters of objection have been received. Residents consider, among other matters, that the installation of the additional cabinet would have an impact on visual amenity.

7.12 The proposed additional cabinet would be located to the east of the existing mast and cabinets which are on site at present. The proposed cabinet would be smaller in scale than the larger of the existing cabinets and would be colour finished green to match both the existing. Having regard to the appeal decision which references the existence of other street furniture in the area and the scale of the additional cabinet, it is considered that the addition of the cabinet would not have a significant impact on the residential or visual amenity afforded to residents.

7.13 Objections refer to the mast site's overall appearance which residents consider has a negative impact on the visual amenity of the site. The existing mast has the benefit of planning permission and it is only the additional cabinet being considered at this time. Overall, officer advice is that the additional cabinet

would not have such significant impact on visual amenity to warrant the application being refused.

8.0 Impact on Highway Safety

8.1 The NPPF states that transport policies have an important role to play in facilitating sustainable development and also in contributing to wider sustainability and health objectives. The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

8.2 UDP Policy T9 states that the needs of pedestrians, including people with disabilities and special needs will be given a high priority when considering transport and development issues.

8.3 Objectors are concerned that the current mast site blocks pedestrians views of the highway and the addition of a further cabinet would add to this concern about residents crossing the road safely.

8.4 The New Developments Manager has been consulted on the application and he has outlined that the he has no objection in principle to the application. He refers to a road safety assessment which was undertaken in September 2013 in response to residents concerns. This assessment did consider the impact of an additional cabinet at the site. It concluded that the additional equipment would not radically change the existing situation in terms of the likelihood of driver distraction or the potential for personal injury to arise in the event of a vehicle strike and were not considered to present any problems in terms of road safety.

8.5 Taking into account the existing mast and cabinet located on site, it is considered that the proposed addition of one additional cabinet would not have an adverse impact on highway safety. It is officer opinion that there would be no highway safety basis on which to resist this proposal

9.0 Other Issues

9.1 Health and Wellbeing

9.2 Objectors have outlined their concerns with the health impacts of the mast and the electro magnetic radiation emitted by the current mast. The works proposed to the mast as part of this application would upgrade the site to be able to provide 4G services, and there is concern that the increased intensity of the emissions from the mast would have adverse health impacts on the surrounding residents and the school.

9.3 The operator has submitted an EMF Advisory Unit Radio Frequency Assessment which takes into account the non ionising radiation levels of the current mast compared to the levels following the proposed upgrading works. This shows that the current mast site operates at 23% of the non-ionising radiation levels permitted by the International Commission. Following the installation of the proposed additional cabinet, the assessment outlines that the maximum wave radio wave intensity is predicted to be 65% of the International Committee's approved level for non-ionising radiation. This remains, some 35%

lower than the maximum. This shows that with the additional equipment installed on the site to provide 4G services the mast site would comply with International Commission Guidelines. The report also outlines that the assessment is based on the mast site transmitting all channels at full power for 24 hours a day, but that this is a highly unlikely set of circumstances and that levels being emitted from the site would vary throughout the day. Therefore the assessment shows that even when operating at the maximum capacity the mast would comply with Internal Commission guidelines.

9.4 Having regard to the advice in para 46 of NPPF the assessment indicates that even with the upgrading works the equipment would comply with International Commission Guidelines. It is officer opinion that taking this into account, whilst residents may have concerns about the emissions from the mast, there are no planning grounds to refuse the application based on any health and wellbeing impact, and the development would comply with Para 46 of NPPF.

9.5 Other issues

9.6 Three objections received state that an independent professional has been employed by them who asserts that the 4G coverage from the site at Hadrian Park is sufficient. This has led residents to question the need for the mast upgrade.

9.7 As noted, para 46 of NPPF is clear that in determining planning applications, local planning authorities should not question the need for a telecommunications system. Whilst there is evidence that the Hadrian Park area does already benefit from 4G services, the operator has commented that improvements to base stations like these proposed at Addington Drive are necessary to meet customer expectations of speeds and capacity and to create network resilience.

9.8 In the context of advice in NPPF that high quality communications infrastructure is essential for sustainable economic growth, it is officer opinion that there would be no planning grounds to recommend that this application is refused based on lack of need given the existing capacity of mast and the existing 4G coverage at the Hadrian Park estate.

9.9 Residents also refer to the appeal decision being flawed such that the mast should not have been erected here. The appeal decision was not challenged and as such the mast does have the benefit of planning permission. It is officer advice therefore that the reference to the administration of previous planning decisions and appeal decision are not relevant to the consideration of this application.

9.10 Concerns have also been raised about the depressing effect that the mast has on residents which has led some residents not feeling able to construct extensions to their property. These are in essence health related concerns and the impact on health has already been addressed in this report. They also express concern that further equipment at the site will add to the industrial feel of the site, with equipment of different sizes and colours. The visual impact of the proposed cabinet has been considered in this report. In terms of the existing equipment, whilst the comments are noted, it is officer advice that the site

benefits from planning permission and the addition of an additional cabinet is not considered have such a significant impact to warrant the refusal of the application.

10 Conclusion

10.1 This proposal seeks planning permission for works to install an additional cabinet and replace the existing 6no antenna with 3no antenna within the existing shroud of the mast.

10.2 National Planning Policy Framework seeks to ensure that planning policies support the expansion of electronic communications networks. The proposed works would support the provision of 4G services in the Borough, Members need to weigh the benefits of the proposal against the impacts and determine whether or not to grant planning permission.

10.3 After carefully considering the proposal it is officer opinion that the works proposed would be acceptable and that the development would accord with relevant national and local planning policy and would therefore be acceptable.

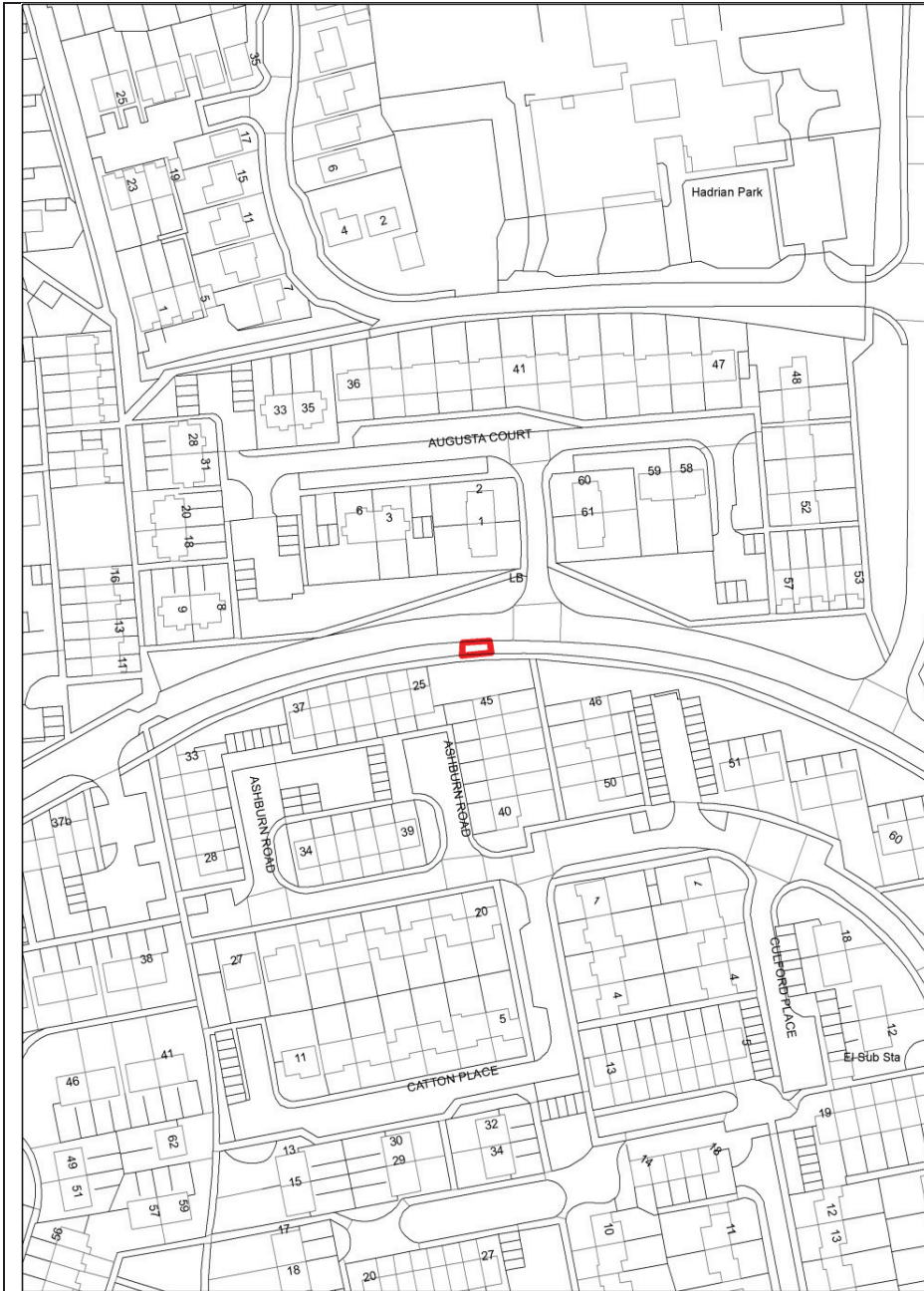
RECOMMENDATION: Application Permitted

Conditions/Reasons

- | | | |
|--------------------------------------|-------|---|
| 1. In accordance with approved plans | MAN01 | * |
| 2. Standard Time Limit 3 Years FUL | MAN02 | * |

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

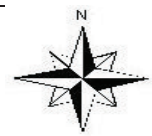
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.



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Not to scale
 Date: 18.01.2016

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Appendix 1 – 15/01881/FUL

Consultations/representations

1.0 Ward Councillors

1.1 Councillor Lesley Spillard has requested that this planning application is presented to Planning Committee for determination.

2.0 Internal Consultees

2.1 New Developments Manager

2.2 This application is for an upgrade of the existing telecommunications base station comprising the siting of one radio equipment cabinet. There is existing telecommunications equipment currently operating on the site that consists of a meter pillar, cabinet, mast & BT access. This proposal seeks to replace some of the existing equipment and add an additional cabinet.

2.3 In terms of highway safety, a road safety assessment was commissioned by the Authority in September 2013 in response to residents' concerns. This assessment considered the impact of an additional cabinet at the site. It concluded that the additional equipment would not radically change the existing situation in terms of the likelihood of driver distraction or the potential for personal injury to arise in the event of a vehicle strike and were not considered to present any problems in terms of road safety.

For these reasons and on balance approval is recommended.

Recommendation - Approval

2.4 Informative:

Highways have no objections in principle to this proposal.

All works must be RASWA/Chapter 8 compliant. For any further information on temporary highway closure and RASWA applicant can contact streetworks@northtyneside.gov.uk (0191) 643 6131

Dave McCall
Ext. 6107

2.5 Environmental Health

2.6 Raises no objections or comments.

3.0 Representations

3.1 Five letters of objection have been received (1 giving no comments). The objections are set out below:

- Regret that the application has been submitted only 180m from Hadrian Park Primary School.

- For four and half year residents have had to endure stress caused by the presence of the mast.
- Planning process was flawed when the original application was submitted and residents should have been allowed the right to speak to the planning inspector when he carried out his visit during the appeal in 2011.
- The original application for the site was listed under the wrong post code.
- After the Article 4 Direction was issued, Hadrian Park Residents Action Group employed a Technical Engineer and were informed they have adequate 4G coverage at Hadrian Park and the improvement to the mast is not required due to 5G technology coming forward shortly.
- The Residents Group now intends to pursue a Discontinuance Order Section 101 to try to remove the mast.
- The mast is situated opposite to windows and gardens, residents feel that they subjected to the stress of it every day.
- In the inspectors report for the appeal that was allowed in 2011 the inspector stated that the mast would blend in with the street furniture and compliment the trees. Residents do not consider this to be the case as trees are deciduous.
- Main reason for objection is that the location is so close to schools and homes. Frustration that the operator hasn't taken the opportunity to move the mast to a more a better suited location.
- A resident on Ashburn Road does not feel able to extend the front of their property due to the mast.
- Health concerns as a "4G signal can penetrate concrete". This could cause potential harm.
- The technology is unproven and profits are put before health and wellbeing.
- Disregard to the safety of children in the nearby school.
- Resident no longer has grandchildren to stay due to fear of the emissions from the mast.
- Operator does not know the long term impact of exposure.
- When visiting the planning minister accompanied by Mary Glindon MP he was genuinely horrified at the incompetence of the whole procedure.
- Arrogance of the operator.
- Inspector for Station Road appeal outlined that health matters must be taken into account.
- Additional equipment would make the site look more industrial.
- It will impair the view of the grass verges and visual amenity.
- The mast has a negative impact on residents outlook from this attractive housing estate.