

## Planning and EP Committee 30 July 2020 – Item 1

**Application Ref:** 20/00767/PRIOR

**Proposal:** Proposed telecommunications installation: Proposed 18m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works

**Site:** Verge South Of War Memorial And Adjacent To Slip Road, Eastfield Road, Peterborough,

**Applicant:** HUTCHISON 3G UK LTD  
HUTCHISON 3G UK LTD

**Agent:** Mr Ryan Marshall  
WHP Telecoms Ltd

**Referred by:** **Councillor Ash**

**Reason:** Impact on siting and appearance of the area

**Site visit:** 07.07.2020

**Case officer:** Mr Asif Ali

**Telephone No.:** 01733 4501733 207123

**E-Mail:** asif.ali@peterborough.gov.uk

**Recommendation:** **Prior Approval required and GRANTED**

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### 1 Description of the site and surroundings and Summary of the proposal

#### Site Description

The proposed site is a grass verge located on Eastfield Road, close to the junction with Eye Road and within approximately 70m of the A1139 (Frank Perkins Parkway). The application site is adjacent a footway and cycle path, and is opposite the War Memorial. To the southwest of the site there are residential properties, with the closest residential property to the southeast being 435 Eastfield Road location approximately 33m away at the closest point. To the north of the application site, there are residential properties of Eastfield Road and Eye Road, the closest being 408 Eastfield Road located approximately 48m away at the closest point. To the east and southeast of the site separated by the Frank Perkins Parkway, there are some commercial units and a large car park.

#### Proposal

The application seeks determination as to whether the prior approval of the Local Planning Authority is required for the installation of an 18m Phase 8 monopole c/w wrapround cabinet at base and associated ancillary works.

The original scheme submitted was for a 20m monopole, but after discussions between the LPA and the Agent this has been reduced to 18m.

It should be noted that this report has been written prior to the expiration of the consultation period for comments from the public which ends on 28/07/2020 and the consultation period for the Local Highways Authority which ends on 14/07/2020. Officers will include any additional consultation responses that are received through the consultation process in the update report.

### 2 Planning History

No relevant planning history

### **3 Planning Policy**

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

#### **Town and Country Planning (General Permitted Development) (England) Order 2015**

##### **Part 16 – Class A Electronic communications code operators**

#### **National Planning Policy Framework (February 2019)**

##### **Section 10. Supporting high quality communications.**

112. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

113. 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. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

114. Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:

- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

115. 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 34 and a statement

that self-certifies that, when operational, International Commission guidelines will be met.

116. 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

### **Peterborough Local Plan (2019)**

#### **LP16 - Urban Design and the Public Realm**

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

## **4 Consultations/Representations**

### **PCC Peterborough Highways Services (09.07.20)**

Objection - The LHA makes the following comments:

- The revised scheme involves the installation of an 18m high monopole in close proximity to a busy highway junction
- There is no information about how the installation of the equipment and future maintenance will be carried out
- It is essential in this location that a grasscrete (or similar surfaced) parking bay is provided for use by the vehicle associated with the installation and future maintenance of this equipment.

In the event that you are minded to determine the application as it stands, the LHA would have to recommend the refusal of this application for the following reasons;

RR1 It has not been demonstrated that future maintenance of this installation could be carried out without causing an obstruction on the highway in close proximity to a busy junction. To the detriment of the safety of users of the public highway.

RR2 It has not been demonstrated that this equipment could be installed without causing a detriment to the safety of highway users during the period of installation.

### **Local Residents/Interested Parties**

Initial consultations: 133  
Total number of responses: 6  
Total number of objections: 6  
Total number in support: 0

As of 08/07/2020, six **objections** have been received from four different addresses. The **objections** are summarised as below:

- The application says there are no nearby educational establishments. Newark Hill Academy Primary School is approximately 250m away and New Ark Play Associated is within 100m.
- Properties on Eastfield Road, Nos 400 to 410 (even), do overlook the site
- Given its height and scale it is difficult to imagine how a 65ft tall pole will blend into the surrounding area
- Further thought should be given to find alternative sites as the proposal, as it stands, is

unacceptable and inappropriate

- It is stated that the existing street furniture will help the site blend into the surrounding area, the street lamps are 8m tall whilst the monopole is 20m
- There are other telecoms in the vicinity but the proposed unit is of a much larger size
- No details are given regarding the discounting of the alternative sites
- No information has been included regarding possible radiation/electromagnetic strengths or dangers to nearby residents

## **5 Assessment of the planning issues**

The development is proposed under the provisions of Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

A.1(1)(c)(i) and (ii) of Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) state:

### ***Development not permitted: ground-based apparatus***

*A.1-(1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if-*

*(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of-*

*(i) 25 metres above ground level on unprotected land; or*

*(ii) 20 metres above ground level on article 2(3) land or land which is on a highway;*

The proposal does not exceed the limitation set out and is therefore Permitted Development. However, as per A.2(3) of Class A of Part 16, development under Class A of Part 16 is permitted subject to the conditions set out in paragraph A.3 (prior approval). Paragraph A.3 sets out that before beginning the development, i.e. the installation of the monopole, the developer must write to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

The Local Planning Authority has judged that Prior Approval will be required for this application. Accordingly, the only matters that may be considered are the siting and appearance of the development as stated by Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Officers also note Paragraph 116 of the NPPF (2019) which states:

*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.*

### **a) Siting and appearance**

To begin with, the proposal is not considered to not exceed the requirements specified in Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Paragraph 112 of the NPPF (2019) states that advanced communications infrastructure is essential for economic growth and social well-being, and planning policies and decisions should support the expansion of the electronic communications networks. Whilst Paragraph 113 does state that the number of masts should be kept to a minimum consistent with the needs of consumers, Officer consider that the proposed site would not result in a proliferation of masts with

the surrounding area. Officers also consider that given the specific context of the immediate surrounding area which includes multiple traffic lights, street lamps, telephone masts, cabinets and so on, the proposal would not result in a proliferation of infrastructure given the context of the immediate site.

The proposed monopole, even at the reduced negotiated height of 18 metres, would be readily visible within the surrounding street scene and wider vistas. Although it would be prominent, the proposal has been sited at a busy junction which does not have any significant positive attributes in terms of the street scene. Officers are of the view that mitigation to the prominence of the proposed development is provided by existing street furniture as well as the additional screening provided by the surrounding trees and vegetation.

In order to further mitigate the impact on the siting and appearance of the site and surrounding area, Officers would recommend the inclusion of a condition to secure the colour of the mast and cabinets to a colour such as dark green so that the proposal would be less intrusive in the street-scene when viewed against and within the surrounding vegetation and would not appear as a stark feature within the wider surrounding area. Officers consider that the proposal will be in accordance with Policy LP16 of the Peterborough Local Plan (2019).

To the southwest of the site there are residential properties, with the closest residential property to the southeast being 435 Eastfield Road location approximately 33m away at the closest point. No.435 is separated by the footway and cycle path as well as trees and vegetation from the proposed site. It is considered that the separation distance and securing by way of condition the colour of the monopole will serve as sufficient mitigation to ensure that the resulting impact will not be to a unacceptable level.

To the north of the application site, there are residential properties of Eastfield Road and Eye Road, the closest being 408 Eastfield Road located approximately 48m away at the closest point. It is considered that the separation distance and the existing street furniture would mitigate any unacceptable impact on the siting and appearance of the site and surrounding area.

The site is not located in a Conservation Area and it is not considered that the proposed monopole plus housing equipment would impact of the setting or appearance of any significant buildings.

It is not considered that the cabinets would adversely impact upon the appearance of the surrounding area given their scale and form would appear as subservient additions within the street scene.

In light of the above, the proposal on balance is considered to be in accordance with Policy LP16 of the Peterborough Local Plan (2019).

#### **Other matters not raised above:**

Whilst siting and appearance are the only planning considerations that can be assessed, for the avoidance of doubt, the LHA were consulted as to whether the monopole's siting and appearance would unacceptably impact upon highway safety.

The LHA have objected to the proposal due to the insufficient information submitted regarding the installation and maintenance of the proposed monopole. The LHA raised two reasons for refusal, first was that it has not been demonstrated that future maintenance of this installation could be carried out without causing an obstruction on the highway in close proximity to a busy junction. The second reason for refusal was that it has not been demonstrated that this equipment could be installed without causing a detriment to the safety of highway users during the period of installation.

Whilst the LPA can consider any material considerations raised by the LHA over whether the monopole's siting and appearance would unacceptably impact upon highway safety, it is considered that the LHA have raised objections over potential highway impact which would be

restricted to the period of installation and any periods of maintenance caused by vehicles associated with the monopole. It is noted that the LHA objections are not raised to the impact of the monopole's siting appearance impact upon highway safety, but rather associated vehicles and during the periods of maintenance and installation.

As stated above, the LPA can only consider the impact on siting and appearance on this PRIOR application as stated in Class A of Part 16, therefore the LPA is not able to consider anything beyond this. It is considered that whilst the comments raised are reasonable and in the interest of public highway safety, they are beyond what the LPA can take into account as laid out in legislation therefore a refusal on this basis would not be sustained at appeal stage.

### **Health:**

Concerns have been raised regarding the potential for impact on public health from the proposal.

As advised above, the only matters that can be considered in the determination of this application are appearance and siting, the local planning authority cannot take health considerations into account when determining such mast proposals.

All proposals for telecommunications development should be submitted with an International Commission on Non-Ionising Radiation Protection (ICNIRP) Certificate. This certificate confirms that the mast meets the guidelines for public exposure. A copy of the certificate for this has been submitted with the application. Beyond this, the health effects in relation to the development or concerns about them, cannot be considered further by the Local Planning Authority.

## **6 Conclusions**

Upon assessment of the proposal, it is considered that the proposed development will not result in an unacceptably harmful impact in terms of its siting and appearance. As such, in accordance with Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the prior approval of the Local Planning Authority is required and it is granted subject to the following conditions set out below.

## **7 Recommendation**

The Executive Director of Place and Economy recommends that Prior Approval is **Prior Approval is REQUIRED AND GRANTED** subject to the following conditions:

C 1 The development shall be begun no later than the expiration of 5 years from the date of this permission.

Reason: In accordance with paragraph A.3 8(b)(i) of Class A of Part 16 of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

C 2 The development shall be carried out in accordance with the following approved plans:

- 002 Site Location Plan (Drawing number PBO12858\_M002, Issue B)
- 210 Proposed H3G Site Plan (Drawing number PBO12858\_M002, Issue B)
- 100 Existing Site Plan (Drawing number PBO12858\_M002, Issue B)
- 150 Existing Elevation A (Drawing number PBO12858\_M002, Issue B)
- 260 Proposed H3G Elevation (Drawing number PBO12858\_M002, Issue B)
- 305 Equipment Schedule & Support Structure Details (Drawing number PBO12858\_M002, Issue B)

- 303 Proposed H3G Antenna Schedule & Line Configuration (Drawing number PBO12858\_M002, Issue B)

Reason: For the avoidance of doubt and in the interests of proper planning, as well as in accordance with paragraph A.3 9(b) of Class A of Part 16 of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- C 3 The development shall be removed as soon as reasonably practicable after it is no longer required for electronic communication purposes and the land restored to its condition before the development took place.

Reason: In accordance with the requirements specified under paragraph A.2 (2)(b) of Class A of Part 16 of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- C 4 The monopole and cabinets hereby permitted shall be finished in a colour of dark green (RAL 6009) and shall remain so during the full duration of the period of time that the development remains on the land.

Reason: In the interests of the visual amenity of the surrounding area, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

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