

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**4 AUGUST 2010**

**REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**10/1661/TEL**

**Adopted Grass Verge on Greens Lane, Opposite Greens Grove, Hartburn**

**Prior approval application for installation of a replacement 15m slim line column supporting 3 no. antenna, 1 no. additional equipment cabinet and ancillary development**

**Expiry Date 19 August 2010**

### **SUMMARY**

**The applicant is seeking prior approval for siting and design for the installation of a 15 metre high slim-line column supporting 3. Integral antennas and 1 additional equipment cabinet (removal of existing 15 metre high mast). The proposed installation will be located on the adopted grass verge on Greens Lane opposite to the entrance to Greens Grove, Hartburn.**

**The main planning considerations of this application are the impact of the siting and design of the proposed scheme on the visual amenity of the surrounding area.**

**No objections have been received from The Acting Head of Technical Services, the Council's Landscape Architect or the Environmental Health Unit manager.**

**To date, 418 letters of objection have been received (of these 402 are pro forma letters) from neighbouring properties who object to the proposal on the grounds of its impact on the health and safety of residents, the impact on the visual amenity of the surrounding area, that the proposal will introduce an incongruous feature into the surrounding area and that the proposal will cause an obstruction to pedestrians. Other objections relate to insufficient pre-application consultation by the applicant, the impact on wildlife and the increase in vandalism/graffiti.**

**Letters of objection have also been received from Councillor Lupton and Councillor Laing to the proposal on the basis of its increased size (in diameter) and that the proposal will lead to a loss of visual amenity.**

**This application would normally be determined by Officers under the Council's scheme of delegation. However; a formal request for the application to be determined by the Planning Committee from one of the Ward Councillors whose Ward is directly adjacent to the application site has been considered under the Delegation Scheme with the outcome that the application is now before the Planning Committee for determination.**

**It is considered that the siting and design of the proposed installation is acceptable and will not lead to a significant loss in visual amenity. It is considered that the proposal accords with policy CS3 of the Adopted Stockton on Tees Core Strategy and PPG 8 and prior approval is not be required.**

## **RECOMMENDATION**

**That Prior approval for siting and design of application 10/1661/TEL is not required**

## **BACKGROUND**

1. Prior Approval was not required for the erection of a 15m high monopole (application reference 04/2986/TEL, dated April 2004) that is to be removed as part of this application ('O2' operator). Full planning permission was granted on 15th September 2008 for the erection of a 17m high slim line monopole and ancillary equipment (Vodafone operator), which has since be erected and is located approximately 250m to the south of the present application site.

## **PROPOSAL**

2. The applicant is seeking prior approval for the installation of a 15 metre high slim-line column supporting 3 integral antennas and 1 additional equipment cabinet (removal of existing 15 metre high mast).
3. The proposed slim-line column will have a maximum height of 15m x 0.48m in diameter (maximum). The column will differ in diameter at three different points: approximately 406 mm in diameter from the ground level to 6m in height; approximately 324 mm in diameter between 6m and 12.5m in height; and approximately 480 mm in diameter between 12.5m and 15m in height.
4. The applicant has confirmed that the diameter of the existing column also varies at three different points; approximately 273 mm in diameter between ground level and 6m in height; approximately 219 mm in diameter between 6m and 12.5m in height; and approximately 380 mm in diameter between 12.5m - 15m in height. Resulting in an increase of 13.3 cm (137 mm) in diameter from the ground level to 6m in height; approximately 10.5 cm (105 mm) in diameter between 6m and 12.5m in height; and approximately 10 cm (100 mm) in diameter between 12.5m and 15m in height.
5. The applicant has confirmed that the increase in diameter at the three different points of the proposed slim line column is 'essential in order to fit the additional antennas into the structure and remain hidden from view' thereby accommodating both companies to operate from the same apparatus.
6. The proposed slim line column will be located in the same position as the existing mast (to be removed). The 3 antennas will be concealed within a cylindrical shroud at the top of the column.
7. The proposed scheme also consists of the installation of an additional equipment cabinet that will be ancillary to the new column and will measure approximately 1580 mm x 380 mm x 1350 mm. The equipment will serve the operator 'Vodafone'. The existing 'O2' 'street cabinet' and 'electrical meter cabinet' are to be retained.

## **CONSULTATIONS**

The following Consultees were notified and comments received are set out below:-

### **Acting Head of Technical Services**

8. The proposed replacement column and additional cabinet does not have any highway implications therefore no objections are raised.

## Landscape & Visual Comments

9. No objections.

### **Environmental Health Unit manager**

10. This application is for an existing site and whilst it is for increased useage this will remain well within current, accepted standards. The application involves mast sharing by Vodafone and telefonica, which is in accordance with current recommendations and Health Protection Agency guidance is that the risk to health from the mast will be minimal.

11. The siting of the mast between two schools has previously created great concern with the public. Whilst re-siting to a less populated area would allay public concern regarding masts, there are no obvious alternative sites to provide the required coverage in this area.

12. There is therefore no Environmental Health grounds on which we would object to this application.

### **Councillor K A Lupton**

13. Please can you record my objection to the above planning application.

### **Councillor T Laing**

14. I would appreciate if you could record an objection to this proposed replacement column on the following grounds:

15. The original column was obtrusive on the local scene when installed. To increase the size of the column and increase the diameter would have an increased detrimental effect on the surrounding area and does not sit comfortable with our local community.

### **Councillor A Cockerill**

16. I am disappointed at the small scale of the consultation regarding the above planning application, and before I make any decisions I will be contacting the local residents, Hartburn Primary School and Elmwood community Centre to obtain views of the wider public.

17. When the previous mast was installed there was a great deal of objection from worried residents and parents/ pupils of Hartburn School. I sincerely hope we are not going down that route again.

### **Councillor P Broughton**

18. Councillor Broughton commented that owing to the high number of objections received for this application, that the application should be determined by planning committee.

### **Councillor M Perry**

19. No comments received

### **Councillor W Woodhead**

20. No comments received

## **PUBLICITY**

21. The application has been publicised by means of site notice, press notice and individual letters to the occupiers of adjacent neighbouring properties.

22. Four hundred and Eighteen (418) letters of written and electronic representation have been received to date, including letters of objection from the PAMT group \*(Precautionary

Approach to Microwave Technologies) . Of the 418 letters of objection received, 402 are pro forma letters. The grounds for objections to the proposal can be summarised as ;

- No need for the development
- The potential detrimental impact on the health and safety of the occupants of neighbouring residential properties and the local primary and secondary school within vicinity of the site. The concerns also relate to the fear of health and the subsequent impact on the amenity of residents
- Detrimental impact on the amenity of the occupants of properties within vicinity of the proposed site in terms of loss of views and outlook
- The proposal, which is wider than the existing mast, will form an obtrusive feature within the street scene, and will have a detrimental impact on the visual amenity of the surrounding area.
- The proposal will cause an obstruction to pedestrians due to its location adjacent to the pavement.
- The existing mast should be removed
- The proposal will lead to property devaluation
- The proposal will have an adverse impact on local wildlife
- The proposal will lead to graffiti to the equipment
- The applicants did not carry out sufficient pre-application submission consultation with local residents

## **PLANNING POLICY**

23. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP)

The following planning policies are considered to be relevant to the consideration of this application:-

### **24. Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change**

- All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.
- All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of `very good' up to 2013 and thereafter a minimum rating of `excellent'.
- The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.
- To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

- For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.
- All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.
- Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.
- Additionally, in designing new development, proposals will:
  - Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
  - Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
  - Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
  - Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.
- The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

## **25. Planning Policy Guidance Note 8 – Telecommunications**

Paragraphs 19-31 and Annex 1 Paragraphs 12-14

### **Mast and site sharing**

In order to limit visual intrusion, the Government attaches considerable importance to keeping the numbers of radio and telecommunications masts, and of the sites for such installations, to the minimum consistent with the efficient operation of the network.

The sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case. Authorities will need to consider the cumulative impact upon the environment of additional antennas sharing a mast or masts sharing a site.

Use should also be made of existing buildings and other structures, such as electricity pylons, to site new antennas. Local planning authorities may reasonably expect applicants for new masts to show evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure.

Authorities are encouraged to help applicants identify existing and potential sites by making suitable local authority owned property available to users and by encouraging others to do the same with their property.

With the closure of the analogue mobile phone network, the re-use of the existing sites is encouraged to minimise the need for new second and third generation base station sites.

## **Design**

In seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimise the impact of development on the environment. Particularly in designated areas, the aim should be for apparatus to blend into the landscape.

The telecommunications industry is encouraged to continue to develop innovative design solutions, in terms not only of the structure of masts and antennas but also the materials and colouring.

Operators are encouraged to provide to the local planning authority examples of different design solutions.

Local planning authorities and operators are encouraged to explore possible alternative approaches, particularly the opportunities for mast and site sharing and also in terms of the location and alternative design of the apparatus.

In considering the design of an individual development, and particularly any mast development, careful consideration should be given to screening and planting.

## **Health Considerations**

Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case.

However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.

The Government's acceptance of the precautionary approach recommended by the Stewart Group's report "mobile phones and health" is limited to the specific recommendations in the Group's report and the Government's response to them. The report does not provide any basis for precautionary actions beyond those already proposed. In the Government's view, local planning authorities should not implement their own precautionary policies e.g. by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.

Factors to be considered concerning the appearance of the mast and ancillary apparatus include materials, colour and design. The use of appropriate materials and colouration may allow a mast to blend more easily into its surroundings. Features of design which an authority may wish to consider include dimensions; overall shape; and whether the construction is solid or forms an open framework. They should also consider with the developer the availability of alternative designs which might be more suited to the local environment.

Factors concerning siting may involve:

the height of the site in relation to surrounding land;  
the existence of topographical features and natural vegetation;  
the effect on the skyline or horizon;  
the site when observed from any side, including from outside the authority's own area;  
the site in relation to areas designated for their scenic or conservation value;  
the site in relation to existing masts, structures or buildings, including buildings of a historical or traditional character;  
the site in relation to residential property; and  
any other relevant considerations.

In considering the siting and appearance of a mast together with its associated development, the scope for landscaping and screening to reduce the impact of the development on its surroundings will be an important consideration.

## **SITE AND SURROUNDINGS**

26. The proposed installation will be located on the adopted grass verge on Greens Lane opposite to the entrance to Greens Grove, Hartburn, To the east is the main highway of Greens Lane and No's 51 and 53 Greens Lane, to the west is an area designated as open space and to the south west are the residential properties along Auckland Way.

## **MATERIAL PLANNING CONSIDERATIONS**

### **Principle of Development**

27. It is important to note that this application is not a full planning application and the principle of development has already been established as being acceptable as laid out in PPG 8 and Part 24 of the General Permitted Development Order (1995). PPG 8 states that the main considerations when determining whether prior approval is required are siting and appearance. Issues relating to the appearance of the structure and its impact upon visual amenity will be addressed below.

### **Siting and design of the proposed scheme, and impact on visual amenity**

28. The proposed slim line column and associated ancillary equipment will be located on a grass verge adjacent to a public footpath (west) and the highway of Green Lane (east). There are several large mature trees and areas of dense shrub planting to the west of the site, creating a characteristic landscape background within this location
29. Whilst the proposed column will be no higher than the existing mast, it is acknowledged that the proposal will be wider in diameter by approximately 100 mm at the highest point of the mast (between 12.5m and 15m in height), and approximately 133 mm from the ground floor level to 6m in height. As noted above, the applicant has confirmed that the increase in diameter is due to the proposed mast accommodating antennas and equipment for both operators.
30. Given that the increase in diameter at ground level will be an increase of approximately 133 mm, where the views of the mast to passing pedestrians will be most prominent, and an increase of approximately 100 mm at the highest point, it is considered that the increases in

diameter are modest alterations in comparison to the design and scale of the existing mast. It is therefore considered that the proposed slim line column will not lead to an unacceptable loss of visual amenity as to warrant a refusal of this application.

31. In addition, given the established location of the existing mast that is to be removed, that there are a number of street lighting columns and a bus stop within immediate proximity of the site, it is considered that the slim line design of the monopole column and ancillary equipment is in keeping with the existing street furniture along Greens Lane and will not lead to a loss of amenity in terms of street clutter. The proposal will be seen in context with existing street lighting and other street furniture and it is not considered that the proposed scheme, including the ancillary equipment, will lead to a loss of visual amenity for the surrounding area or be prominent within the surrounding area at street level.
32. Given that the proposal will be located approximately 48m from the nearest neighbouring property to the north (No 49 Greens Lane), approximately 44m to the nearest neighbouring properties to the east (No's 51 and 53 Greens Lane) and approximately 52m from the residential properties to the south west of the site (Auckland Way) with mature tree planting in between, it is considered that the proposal will not lead to a significant adverse loss of visual amenity.
33. Overall it is considered that the design of the proposal, which is a slim monopole column, is in keeping with the existing lighting columns along Greens Lane. Furthermore owing to the siting of the existing mast that is to be removed, it is considered that the proposed scheme is acceptable in this location, will not lead to an adverse loss visual amenity for the surrounding area and will not introduce a significant obtrusive element in the street scene.
34. The applicant has further agreed to the proposed column and ancillary equipment being finished in the standard 'aircraft grey' colour to match that of the existing street lighting columns along Greens Lane. It is therefore considered that this will further reduce any impact on the visual amenity of the surrounding area.
35. The Council's Landscape Architect has raised no objections to the proposal. PPG 8 (Paragraphs. 19 and 20) states that 'in order to limit visual intrusion, the Government attaches considerable importance to keeping the numbers of radio and telecommunications masts, and of the sites for such installations, to the minimum, consistent with the efficient operation of the network. The sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case'. Given that two operators will share the mast, it is therefore considered that the proposal conforms to this guidance.

### **Issues related to health and the fear of harm from masts**

36. Whilst many letters of objection related to the adverse impact of the proposed scheme on health, national Planning Policy Guidance note 8 states that "it is the Governments firm view that the planning system is not the place for determining health safeguards. It remains central Governments responsibility to decide what measures are necessary to protect public health. In the Governments view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.
37. The House of Commons Select Committee on Science and the Environment has investigated the impact of telecommunication equipment on health and safety, and found that there is no harm. The High Court has also rejected appeals to revoke planning



permission for masts on the grounds of public danger. The Courts have held that genuine fears on the part of the public unless objectively justified, could never amount to a material planning consideration. This is because the primary task in determining a planning application where there is public concern is the acceptability of the risk. In the case of mobile masts and antennae, currently, there is no authoritative scientific evidence of harm and therefore planning permission cannot be unreasonably withheld on the basis of an unknown risk.

38. The Government has advised Local authorities not to place undue weight on the findings of individual research projects in determining applications for, or in proximity to, telecommunications apparatus. The Government has made it clear that the National Radiological Protection Board is the only expert body to consider and advise upon individual research reports as part of its role in providing advice on radiological protection matters. Consequently local authorities asked by members of the public to consider particular reports have to give particular regard to the expert advice of the National Radiological Protection Board which at this point in time, maintains that there is no justifiable safety concern about the siting of telecommunication masts
39. With regard to the fear of health and subsequent impact on amenity, the Government has specifically advised local planning authorities that they should not implement their own precautionary policies e.g. by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.
40. The Environmental Health Unit (EHU) Manager has raised no objections to the proposed scheme, commenting that whilst the application is for increased usage, 'this will remain well within current, accepted standards. The application involves mast sharing by 'Vodafone' and 'telefonica o2' which is in accordance with current recommendations and Health Protection Agency guidance is that the risk to health from the mast will be minimal'.
41. The EHU Manager has further commented that 'the siting of the mast between two schools has previously created great concern with the public. Whilst re-siting to a less populated area would allay public concern regarding masts, there are no obvious alternative sites to provide the required coverage in this area'.
42. Supporting information has been provided to show that the proposed telecommunications mast is compliant with the International Commission on Non-Ionising Radiation Protection (ICNIRP), as outlined in PPG 8: Telecommunications.

## **Residual Matters**

### Purpose/need of the mast and alternative sites

43. At present, an existing 17m high 'Vodafone' mast (approval 08/2330/FUL) is present approximately 250m to the south of the site. Several objections have queried the need for the proposed shared slim line column mast in such close proximity to the existing 17m high mast along Greens Lane.
44. PPG 8 states that Local Planning Authority 'should not question the need for the telecommunications system which the proposed development is to support' (Para 6). It does however note that 'operators may be expected to provide evidence regarding the need for the proposed development' (Para. 5). PPG 8 also states that 'each telecommunications system has different antenna types, siting needs and other

characteristics. Planning authorities should have regard to any technical constraints on the location and proposed development' (Para. 7).

45. With regard to the retained location at the site, the applicant has confirmed that the upgrade at the site is needed to 'provide improved capacity and coverage within the system for the sharer' 'O2 Telefonica UK Limited' and 'Vodafone'. The shared mast will allow both operators to provide 3G (third generation) coverage in the same location to the residential area around the Hartburn area.
46. The applicant has submitted details showing the existing and proposed coverage plots to provide an indication of the projected radio coverage provided by the sites surrounding the application site (if they were all operational). The applicant has noted that this identifies a gap on the coverage and therefore the proposed installation would fill an existing coverage gap to enable continuous coverage in the area for both operators.
47. The applicant has further confirmed that 'although there is some overlap' between the existing 17m high 'Vodafone' mast and the proposed shared slim line column, the existing 'Vodafone' site (approval 08/2330/FUL) provides a different required coverage 'and fills the coverage gap to the south'. The applicant has further confirmed that 'the gaps in coverage are due to both terrain, and blocking from the large deciduous trees adjacent to the sites...although they (the two operators) will work independently to each provide partial coverage, neither site alone will meet the full network requirement of the operators'.
48. The justification for the location and purpose of the proposed scheme is therefore considered to be acceptable. As noted above the siting and design of the proposal in this location are also considered to be acceptable.

#### Removal of existing mast

49. Some Letters of objection request that the proposed application should be removed and that the existing mast should be removed. However the existing mast has been lawfully approved by the Local Planning Authority in 2002 and there are no planning grounds for the Local Planning Authority to seek its removal.

#### Impact on highway safety

50. Objections have been received with regard to the proposal causing an obstruction to pedestrians due to its location of the footpath. The Acting Head of Technical Services has commented that the proposed replacement column and additional cabinet does not have any highway safety implications and therefore raises no objections to this application on highway or pedestrian safety grounds.

#### Timing of application submission, pre-submission consultations and other matters

51. Objections have been raised to the timing of the submission of the application close to the school summer holidays and the lack of pre-submission consultation on behalf of the applicant with local residents, ward councillors and schools. Whilst these comments are acknowledged, the pre-consultation undertaken by the applicant forms part of the statutory Code Use Operator consultation procedure that the applicant needs to comply with. However this issue is not a material planning consideration for the Local Planning Authority when determining a prior approval application.
52. With regard to the Local Planning Authority's consultation process, the application has been publicised by means of site notice, press notice and individual letters to the occupiers of

adjacent neighbouring properties. It is therefore considered that adequate consultation has taken place for this application.

53. In addition, whilst the objections related to property devaluation, vandalism, and the impacts on wildlife have been submitted, they are not material planning considerations when determining prior approval for a telecommunications installation.

## **CONCLUSION**

54. It is considered that the siting and design of the proposed installation is acceptable and will not lead to a significant loss in visual amenity. It is considered that the proposal accords with policy CS3 of the Stockton on Tees Core Strategy and PPG 8 and it is recommended that prior approval is not required.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Daniel James Telephone No 01642 528551**

## **IMPLICATIONS**

### **Financial Implications:**

As report

### **Environmental Implications:**

As report

### **Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

### **Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

### **Background Papers:**

Code of Best Practice Mobile phone Network Development (2002)

Planning Policy Guidance Note 8 - Telecommunications

## **WARD AND WARD COUNCILLORS**

**Ward Grangefield  
Ward Councillor Councillor P Broughton**

**Ward Grangefield  
Ward Councillor Councillor A Cockerill**