

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	22/01643/TELE56 Newbury	01/09/2022 <sup>1</sup>	<p>Application to determine if prior approval is required for a proposed: Development by or on behalf of an electronic communications code operator for the purpose of the operator's Electronic Communications Network in, on, over or under land controlled by that operator or in accordance with the electronic communications code - The installation of a new 15m monopole tower to support antenna, associated radio-equipment housing and ancillary development hitherto.</p> <p>Junction of Stoney Lane and Turnpike Road</p> <p>Newbury</p> <p>Hutchinson 3G UK Limited</p>

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/01643/ TELE56>

**Recommendation Summary:** To grant approval of the siting and appearance

**Ward Member(s):** Councillor Jeff Beck  
Councillor Jeff Cant

**Reason for Committee Determination:** 5 or more objections on Council owned land.

**Committee Site Visit:** 25<sup>th</sup> August 2022

#### Contact Officer Details

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## **1. Introduction**

- 1.1 This application is seeking a determination whether prior approval under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 16, Class A as amended is required for the siting of a new 15 metre high monopole to support antenna, together with radio equipment housing and ancillary development.
- 1.2 The application site is within the pedestrian footway, which forms part of the junction between Turnpike Road and Stoney Lane. The application site is on the north-western section of the junction, with the proposed monopole mast being proposed to be sited against the footway edge. The area around the site is primarily residential with a mix of bungalows and two storey dwellings.
- 1.3 The proposal is for a monopole with an overall height of 15 metres, which includes the antennas at the top of the pole. The policy is proposed to be light grey. In addition to the pole, three cabinets are also proposed one is 1.75 metres high, one at 1.6 metres high, and the third is 1.15 metres high. The cabinets are also proposed to be grey. The pole and ancillary cabinets are considered to be permitted development, and so approval is being sought for the siting and appearance of the development.

## **2. Planning History**

- 2.1 There have not been any previous applications on the site.

## **3. Procedural Matters**

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 The application was advertised by means of a site notice displayed on 21<sup>st</sup> July 2021 at the site; the deadline for representations expired on 11th August 2021.
- 3.3 The proposal does not fall within a use class of development for which Community Infrastructure Levy (CIL) is liable.

## **4. Consultation**

### ***Statutory and non-statutory consultation***

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Newbury Town Council:</b>	<p>This should require a full planning application.</p> <p>The mast does not comply with the Code of Practice for Wireless Network development in England (DCMS 2022) or the NPPF. The light grey colour is out of character with the surrounding area, harming visual amenities, and should be green (or more camouflaged) and the harmful visual impact of the cabinets should be mitigated (potentially by fencing).</p>
<b>WBC Highways:</b>	No objections
<b>Environmental Health</b>	No objections

### ***Public representations***

- 4.2 Representations have been received from 5 contributors, 0 of which support, and 5 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Overbearing
  - Not in keeping with surroundings, 3 times taller than surrounding bungalows, twice the height of the lamp post.
  - Distraction to road users
  - Obscure sight lines exiting Stoney Lane
  - Dangerous location during installation and maintenance
  - Detrimental to visual amenities of nearby residential properties
  - Impact on health
  - Other sites particularly the nearby industrial sites would be more appropriate, with similar coverage
  - Devaluation of property
  - Increased risk of lightning strikes
  - Cabinets will attract graffiti
  - Other mast sites generate and unacceptable consistent and noisy hum.
  - Shadowing to the adjacent residential property
  - Difficult to maintain boundary
  - Does not comply with Code of Practice for Wireless Network Development in England
  - The colour should be green not grey
  - There should be fencing to disguise the cabinets

## **5. Planning Policy**

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADPP1, ADPP2, CS13 CS14, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Newbury Town Design Statement (2018)

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- The principle of the proposal
- Siting and appearance of the development

### ***Principle of development***

6.2 The proposal is considered to be permitted development by virtue of the provision of The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 16, Class A as amended, which allows for the installation of a new mast up to 20 metres in height, the current proposal is for a mast of 15 metres in height. This establishes that the principle of the mast is acceptable, and this application is seeking a prior approval of the siting and appearance of the mast. Chapter 10 of the NPPF sets out the national policy for telecommunications, and paragraph 114 says that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Paragraph 118 says that planning authorities should not question the need for the electronic communication system, prevent competition between operators or set health safeguards which are different from the International Commission on Non-Ionizing Radiation Protection (ICNIRP). A certificate has been submitted with the application to confirm that the proposal would conform with the ICNIRP guidelines. The matters for consideration in this application are whether the siting and appearance of the mast is acceptable.

### ***Siting and appearance***

6.3 Policy CS14 requires development to demonstrate high quality and sustainable design, and goes on to say that good design relates not only to the appearance of development, but the way it functions, and that considerations of design and layout must be informed by the wider context. The proposal is to locate the mast on a corner site where there is a wider footpath, which includes spaces to accommodate the ancillary equipment cabins, as well as being within a location that will provide enhanced network coverage, including 5G to the surrounding area. The supplementary information submitted provided alternative locations which were considered to site a mast, however these were discounted due to technical concerns, and proximity to visibility splays at road junctions. The Highways Officers have not raised any objections to the location of the mast at the application site. The proposed location, whilst on a prominent road within the residential area will be set back within the street scene. There have been objections about the siting within the residential area, rather than the nearby industrial areas. However, the supplementary information provided has indicated that the mast is required to provide increased coverage to users within their homes, and in response to the changes to home and hybrid working. A concern has been raised about the ability to maintain property due to the proximity of the equipment to a boundary, however, this would be a private matter between the parties involved.

- 6.4 The application is proposing a 15 metre high monopole mast with antenna at the top. This is a slim-line design, and the applicants have indicated that this is the slimmest mast available, and so has been designed to limit the visual impact. The permitted development rights are applicable to masts up to 20 metres in height, and so the developer has not utilised the full rights in this instance. The proposed mast will be taller than the surrounding trees, which have been indicated as being 11 metres in height. There have been objection to the appearance of the mast within the street scene, due to its height and appearance. It is acknowledged that it will be visible, and there is a functional requirement for it to be taller than the trees. Within this location, some of the views of the pole itself will be filtered by the trees. The pole is also close to existing lamp posts, which are 6 metres in height. The mast will be visible within Turnpike Road, and from residential properties and surrounding streets. However, the mast has been designed to be as slim as is technically feasible, to minimise the visual impact as far as possible. The mast is proposed to be light grey, which is similar to the surrounding lamp posts. Whilst a concern has been raised about this colour, and suggestion that green would be a more appropriate give the colour of the existing street furniture, then this may be the most appropriate colour, as the headframe would also be grey against the backdrop of the sky. Whilst cabinets are often green, given the grey mast, it would seem appropriate for all equipment to be the same colour. The monopole mast will be visible, however, the siting is such that some of the pole will be filtered in views from the north and east, the colour and design are such that the visual impact has been minimised, and whilst visible it will be appropriate within the street scene. It has been suggested that the cabins are screened by fencing. However, this would increase the amount of development, and take up further space within the footway which would further reduce the amount of available footway for pedestrians.

### ***Other Matters***

- 6.5 There have been objections raised about the safety implications form potential radiation. There have been no objections to the proposal from Environmental Health, and the NPPF makes very clear in paragraph 118 that planning decisions can only be made on planning grounds, and that planning authorities should not set health safeguards which are different form the ICNRP guidance. There was also a concern about low level humming from the mast, again Environmental Health have not raised any objections to the proposal. There issues of potential graffiti was also raised, as we a as potential devaluation of property and potential for lightning strikes. However these are not matters for consideration of this application for prior approval of the siting and appearance of the mast.
- 6.6 There was an objection raised that the application does not comply with the Code of Practice for Wireless Network Development in England. This is not planning guidance but a code of guidance which sets out guidance for Mobile Network Operators, planning authorities and stakeholders for carrying out their roles and responsibilities when installing wireless network infrastructure. The application has been submitted with the Supplementary Information Form as recommended by the guidance, which sets out consideration of over sites, masts or the use of buildings, and measures to mitigate the appearance of the development, and any pre-application consultation. It is considered that the applicant has discharged their obligations under this guidance.

## **7. Planning Balance and Conclusion**

- 7.1 The application is seeking a determination of whether prior approval is required for the siting and appearance of the monopole mast, under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 16, Class A as amended. The location which is being proposed does not raise any objections from the Highways Officers with regards to pedestrian and highway safety.

It is located close to a road junction, also close to trees which will provide some element of screening, as well as being set back from the main road edge to minimise the visual prominence. The mast at 15 metres in height will be evident in the street scene and from surrounding residential properties and nearby streets. However the colour and degree of screening, and design are such that whilst visible will not be harmful. The proposal is required to provide additional 5G connectivity which is considered to be important for economic and social wellbeing. Whilst the mast will be evident within the street scene, there will be additional benefits to residents from improved signal strength and 5G provision, as encouraged by the NPPF and which will outweigh the harm from caused by the visual prominence of the mast. The details of the siting and appearance are considered to be acceptable.

## 8. Full Recommendation

- 8.1 To delegate to the Service Director of Development & Regulation to GRANT PRIOR APPROVAL OF THE SITING AND APPEARANCE subject to the conditions listed below.

### **Conditions**

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be carried out no later than the expiration of 5 years beginning with the date on which the approval was given.</p> <p>Reason: To accord with Paragraph A.3(11(a)) of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Site Location Plan Drawing No WBE21726_WBE166_86360_RG6915_GA_REV A received on 8<sup>th</sup> July 2022;  Proposed Site Plan Drawing No WBE21726_WBE166_86360_RG6915_GA_REV A received on 8th July 2022; and  Proposed Site Elevation Drawing No WBE21726_WBE166_86360_RG6915_GA_REV A received on 8th July 2022;</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Removal of Apparatus</b></p> <p>Any electronic communications apparatus or structure shall be removed from the land, building or structure on which it is situated as soon as reasonably practicable after it is no longer required for electronic communication purposes. The land or building shall be restored to its condition before development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.</p>

	Reason: To comply with Paragraph A.2(2) of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
4.	<p><b>Materials</b></p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>