

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	22/01541/TELE56 Purley-on-Thames	18 th August 2022 ¹	<p>Application to determine if prior approval is required for a proposed 15m monopole tower to support antenna, associated radio-equipment housing and ancillary development thereto.</p> <p>Oxford/Reading Road (opposite junction with New Hill), Purley-on-Thames, Reading</p> <p>Dalcour Maclaren on behalf of Hutchison 3G (UK) Ltd</p>
¹ Extension of time agreed with applicant until 31 st August 2022			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/01541/TELE56>

Recommendation Summary:	Grant prior approval subject to conditions
Ward Member(s):	Councillors Rick Jones, Thomas Marino and Andrew Williamson
Reason for Committee Determination:	The land in question is owned by the Council and there are more than 5 objections
Committee Site Visit:	17 th August 2022

Contact Officer Details	
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1. Introduction

Application site and proposal

- 1.1 This application seeks to determine whether prior approval is required and given for the proposed installation of a 15.0 metre monopole tower to support antenna with associated radio-equipment housing and ancillary development thereto.
- 1.2 The application site is located on a grass verge on the west-side of the A329 (Oxford/Reading Road). The verge is located between the junction with New Hill and the junction with Long Lane in Purley-on-Thames. The grass verge currently accommodates a highway sign and vegetation which screens the residential properties at Clairmore Gardens and Cecil Aldin Drive from the A329. The application site is within the settlement boundary of the Eastern Urban Area (Purley-on-Thames, Tilehurst and Calcot).
- 1.3 The proposed telecommunications development includes one monopole with antennae that will be 15 metres high and painted Grey (RAL 7001). To the north of the monopole is 3 radio-equipment housing that are also proposed to be painted in 'Fir Green' (RAL 6009). Ancillary works including cables and paving slabs are included.

What the Local Planning Authority must determine

- 1.4 Development does not in all instances require a planning application to be made for permission to carry out the development. In some cases development will be permitted under national permitted development rights. Prior approval is required for some permitted development rights, including the installation of telecommunications equipment. The matters which must be considered by the local planning authority in each type of development are set out in the relevant Parts of Schedule 2 of the General Permitted Development Order.
- 1.5 The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established. It is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system.
- 1.6 For some permitted development rights, including prior approval for telecommunication equipment, if the local planning authority does not notify the developer of their decision within the specified time period, or an agree extension of time, the development can proceed.
- 1.7 Schedule 2, Part 16 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (now referred to as GPDO for the rest of the report) provides permitted development rights for development by telecommunications code system operators. Condition A.2(3)(c)(i) requires the prior approval notification process to be carried out for the installation of a new mast on unprotected land. Therefore, the developer is required to apply to the local planning authority for a determination as to **whether the prior approval of the local planning authority is required for siting and appearance of the development.**
- 1.8 As such, in considering this application the Committee should not consider the principle of the proposed development, but limit their considerations to the siting and appearance of the proposed development.

2. Planning History

2.1 No relevant planning history for the application site.

3. Procedural Matters

3.1 **EIA:** 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 (Environment Impact Assessment) Regulations 2017. As such, EIA screening is not required.

3.2 **Publicity:** The GPDO requires that the local planning authority to give notice of the proposed development by- (i) By site notice display in at least one place on or near the land the application related for not less than 21 days, or (ii) by serving notice on any adjoining owner or occupier. Site notices were displayed on 13 July 2022 at the New Hill and Long Lane junctions; the deadline for representations expired on 03 August 2022. This duty was discharged.

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.

Purley-on-Thames Parish Council:	<ul style="list-style-type: none">• Requests for decision to be taken publicly if the proposal is on land owned by WBC.• Concerns with pre-application consultation and public consultation.• Concerns raised with the potential health risks.• Impact to the value of nearby properties.• Impact to views, overbearing and overshadowing to neighbouring properties.• Loss of trees thereby losing screening.• Impact to Green Corridor (creates precedent for development).
WBC Highways:	<ul style="list-style-type: none">• Council's Streetworks team consider location is acceptable, but there are some concerns with traffic management during the works which will need to be carefully considered- this would be dealt with under the submission of relevant permits to Streetworks when installing the equipment.• Clarification required on who will maintain the slabs once installed.

WBC Environmental Health:	<ul style="list-style-type: none"> • No objections
Ward Members:	<ul style="list-style-type: none"> • No comments received at time of writing of report.

Public representations

- 4.2 Representations have been received from 17 contributors, all 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:

Siting:	<ul style="list-style-type: none"> • Within Green Corridor unacceptable impact to character and wildlife • Residential location (near private gardens, nursery) • Loss of trees (impact to character of the area, provide a noise barrier) • Impact to natural beauty of location • Suitability of the site (why the site was chosen, more suitable locations, more information on site selection should be provided, a cost effective decision) • Local planning authorities can set distance of masts from residential properties
Appearance:	<ul style="list-style-type: none"> • Visually intrusive (unsightly and an eyesore) • Incongruous to area (existing lighting) • Height • Overbearing impact
Other Matters:	<ul style="list-style-type: none"> • De-valuing house prices • Health and safety during construction • Health impacts and fear of these impacts • Lack of consultation by developer (sufficient for policy? No evidence this was undertaken and residents do not want mast) • Stability of mast (drainage problems and high winds)

	<ul style="list-style-type: none"> • Concerns with the submissions (who produced the information, references to public consultation) • Need for mast (already masts in area, no issues with connectivity in area, sufficient coverage) • Loss of views • Appeal cases (proposal should be assessed on own merits)
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5. Planning Policy

5.1 The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1 (Spatial Strategy), ADPP4 (Eastern Area), CS5 (Infrastructure Requirements and Delivery), CS13 (Transport), CS14 (Design Principles), CS18 (Green Infrastructure), CS19 (Historic Environment and Landscape Character) 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)
- WBC Quality Design SPD (2006)

6. Appraisal

6.1 The main issues for consideration in this application are:

- National Planning Policy Framework
- Compliance with the GPDO
- Siting & Appearance
- Other Matters

National Planning Policy Framework

6.2 Chapter 10 of the NPPF acknowledges that advanced, high quality communications infrastructure is essential for sustainable economic growth (an issue also given great weight by the NPPF). The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities.

6.3 The proposed development seeks to provide 5G coverage to the area. Paragraph 114 states that planning decisions should support the expansion of electronic communications including next generation technology such as 5G.

6.4 Paragraph 117 of the NPPF advises that applications for electronic communications development (including prior approval under the GPDO) should be supported by necessary evidence to justify the proposed development:

- The outcome of consultations with organisations with an interest in the proposed development has been provided, 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;
 - A statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guideline has been provided;
 - Evidence is also provided that other locations for erecting the apparatus was considered.
- 6.5 It is noted that letters of representation raise concerns with the submissions including the lack of consultation pre-submission, the need for the mast, the site selection for the mast and health matters.
- 6.6 The applicants have submitted evidence in accordance with paragraph 117 of the NPPF to justify the proposed development.
- 6.7 Paragraph 118 of the NPPF advises that local planning authorities must determine applications on planning grounds only, and should not seek to prevent competition between different operators or question the need for an electronic communications system. They should not seek to determine health safeguards if the proposal meets International Commission guidelines for public exposure.
- 6.8 Therefore, whilst the concerns in letters of representation are noted justification has been provided in accordance with the NPPF and therefore cannot be refused on these grounds. It is demonstrated that national policy provides support for telecommunications development.

Compliance with Part 16 of the GPDO

- 6.9 Firstly, the proposed development is assessed against the GPDO to confirm that the proposal would comply with the permitted development rights for telecommunications (Schedule 2, Part 16, Class A). Permitted development rights are subject to national limitations and conditions provided in the GPDO legislation.
- 6.10 The proposed development is *“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, consisting of (a) the installation, alteration or replacement of any electronic communications apparatus and (c) development ancillary to radio equipment housing”*
- 6.11 Section A.1 sets out the limitations of telecommunications permitted development. The relevant paragraphs are:
- A.1(1)(c): *“in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of (i) 30 metres above ground on unprotected land or (ii) 25 metres above the ground level on article 2(3) land or land which is on a highway.”* PASSES: the monopole is 15 metres in height.
 - A.1(9)(a): *“development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if— the development is not ancillary to the use of any other electronic communications apparatus.”* PASSES: cabinets for ancillary purposes to mast.
 - A.1(9)(b) *“development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if— the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a*

building, the cumulative volume of such development would exceed 30 cubic metres". PASSES: cumulative volume does not exceed 90 cubic metres.

6.12 Section A.2 sets out the conditions of telecommunications permitted development. The relevant conditions are:

- A.2(1)(d) Class A(a) and A(c) development is permitted subject to the condition that— the siting of any development is such that it (i) does not prevent pedestrians from passing along a footway, (ii) does not prevent access to premises adjoining a footway; and (iii) is determined having regard to (aa) the needs of disabled people; and (bb) the guidance document “Inclusive Mobility” issued by the Department for Transport in December 2021. *PASSES: the development is located on a grass verge. No objections raised by the Highways Officer.*
- Any development granted prior approval would be subject to A.2(2) condition which requires the apparatus to be removed when it is no longer required for electronic communication purposes.

6.13 The proposed telecommunications mast and ancillary works comply with the national limitations in Schedule 2, Part 16, Class A of the GPDO.

Siting & Appearance

6.14 It was determined that under Paragraph A.2(3)(c)(i) that the proposed development would require prior approval and therefore the local planning authority are able to assess siting and appearance of the telecommunications development.

6.15 Policy CS14 of the Core Strategy seeks development that must demonstrate high quality design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. Policy CS19 of the Core Strategy seeks that proposals will have a particular regard to the location, scale, design of the development in the context of the existing settlement form, pattern and character.

6.16 Accompanying the application is a Supplementary Information Form which seeks to demonstrate that siting and appearance of the development would neither harm the visual amenity of the area nor the living conditions of neighbouring development.

6.17 The application site is a suburban grass verge which contributes to the green character of the area. It is also acknowledged that the Oxford Road does form part of a green corridor in which the grass verge and trees would contribute to. However, the verge contains a highway sign and a cover for inspection chamber. On the opposite side of the road is street lighting for the A329. The monopole has a slim design (width 0.4 metres – 0.8 metres approximately) and the equipment housing has a low volume and ground coverage. As a result of the existing street furniture and the design of the telecommunications equipment it is considered that the monopole and cabinets would not appear incongruous within the street scene nor be significantly harmful to the green corridor.

6.18 Concerns were raised that the trees would be removed or cut to accommodate the development. However, Dalcour Maclaren on 14.07.2022 advises:

“There is no suggestion within these drawings, within the application on the whole, or within the planning statement, that any of the adjacent trees will be felled as a consequence of this development. As outlined above, this site has been specifically selected to utilise the natural environment to the best effect, with the main focus being on the mature trees which offer excellent screening to the proposed development.”

- 6.19 It is also noted in the planning history for the erection of the dwellings at Clairmore Gardens it is identified that the existing leylandi that forms part of this boundary is protected by condition 7 of planning permission 155775 which states that these shall not be lopped, topped, felled, lifted, removed or disturbed in any way without prior permission in writing of the local planning authority. Therefore the developer would need to seek approval for any works to this vegetation, and any such request would be assessed on its own merits. With the retention of the trees it is considered that the green corridor character in this location would not be harmfully impacted.
- 6.20 It is acknowledged that there are residential properties to the west of the proposed development. It is considered that the equipment is positioned away from the boundary of the residential properties (minimum of 7.6 metres approximately). The retained trees and hedges provide screening. On balance, this would reduce impact in terms of overbearing impact and overshadowing impact on the neighbouring properties. The slim design also assists in reducing the impact on the living conditions of neighbouring properties.
- 6.21 It is noted objections to the height of the structure are made including that it is visually intrusive. However, whilst, it is a tall structure and would have a visual impact it would be well within the permitted development limits and the design reduces the bulk to ensure it would not be harmful to visual amenity. It is considered that the original choice of colour RAL 8016 (Brown) would create a more prominent feature. It was suggested that the monopole is painted Grey (to match existing street furniture) and 'Fir Green' equipment cabinets to blend into the existing grass verge. This was confirmed by the Dalcour Maclaren on 11.08.2022.
- 6.22 No objections were received from the Highway Authority for siting the telecommunications apparatus on the grass verge.
- 6.23 With the amendments to the colour of the telecommunications apparatus it is considered that the siting and appearance of the proposed development is acceptable.

Other Matters

- 6.24 **Site Selection:** The application is accompanied with evidence that other sites were considered. The applicant advises that they have put forward the best site. The applicant states on 14.07.2022: *"The alternative options we identified within the planning statement fall into the localised area and it is considered that the best, and most effective, town planning solution has been brought forward as part of this application. Furthermore, clear precedent has been set by the Planning Inspectorate that, as part of the GPDO Prior Approval process, there is no requirement to select the best possible site, with the following being included in two recent Inspectors Reports"* (these can be viewed online) As a result of the advice contained within the NPPF and the assessment of the siting it is considered that no further evidence was required for the site chosen.
- 6.25 **Other matters raised in representations:**
- Local planning authorities can provide parameters for the siting of telecommunications development: The NPPF advises in Paragraph 116 *"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."*
 - Wildlife: Due to the nature and scale of the development is not considered that wildlife would be materially impacted.

- Devaluing properties and the loss of a view: are not material planning considerations and therefore cannot be assessed as part of this prior approval.
- Matters of stability and health and safety matters during construction: These do not fall within the two issues the local planning authority can assess. However, the Council's Streetworks Team have advised that as part of a permit matters of construction would be agreed.

7. Planning Balance and Conclusion

- 7.1 Prior approval was required for the siting and appearance of the proposed development (15 metre monopole supporting antenna, ancillary radio-equipment housing and ancillary development thereto). A high level of objection to the proposed development has been received. However, weight is given to the NPPF which is in support of telecommunications development due to the sustainable economic benefits. Furthermore, the local planning authority can only assess the prior approval on siting and appearance which for this development which for the reasons provided in the report are considered to be acceptable.
- 7.2 It is recommended that prior approval is given.

8. Full Recommendation

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

Conditions

1. **Commencement of development**

The development hereby permitted must begin no later than the expiration of 5 years beginning with the date on which the approval was given.

Reason: To accord with Paragraph A.3 (11(a)) of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. **Approved plans**

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- WBE21856_WBE169_86384_RG6928_GA_REV_A 002 A (Site Location Plan) received on 24.06.2022;
- WBE21856_WBE169_86384_RG6928_GA_REV_A 215 A (Proposed Site Plan) received on 24.06.2022;
- WBE21856_WBE169_86384_RG6928_GA_REV_A 265 A (Proposed Site Elevation) received on 24.06.2022;
- Notwithstanding, the details contained in the plans the monopole will be Grey (RAL 7001) and the radio equipment housing shall be Fir Green (RAL 6009) as per the email from Dalcour Maclaren received on 11.08.2022.

Reason: To accord with Paragraph A.3 (9(a)) of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3. **Siting**

Class A(a) and A(c) development is permitted subject to the condition that—
The siting of any development is such that it—

- (i) Does not prevent pedestrians from passing along a footway;
- (ii) Does not prevent access to premises adjoining a footway; and
- (iii) Is determined having regard to- (aa) the needs of disabled people; and (bb) the guidance document “Inclusive Mobility” issued by the Department for Transport in December 2021.

Reason: To accord with Paragraph A.2 (1(d)) of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4. **Removal (when no longer required)**

Class A development is permitted subject to the condition that—

- (a) Any electronic communications apparatus provided in accordance with that permission is removed from the land or building on which it is situated—
 - (i) If such development was carried out in an emergency, at the expiry of the relevant period; or
 - (ii) In any other case, as soon as reasonably practicable after it is no longer required for electronic communications purposes; and
- (b) Such land or building is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

Reason: To accord with Paragraph A.2 (2) of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives

1. **Proactive**

In attempting to determine the prior approval application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Schedule 2 of the General Permitted Development Order, the National Planning Policy Framework and Development Plan policies. In this application there has been a need to balance conflicting considerations, and the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. **Applicant’s attention drawn to permission 155775**

Condition 7 of permission 155775 requires written permission to be obtained from the local planning authority for works to the existing trees (leylandi) including lopping, topping, felling, lifting, removing or disturbing in any way.

3. **Streetworks**

Please contact the Streetworks Team at Streetworks@westberks.gov.uk to obtain relevant permits before carrying out the proposed development.