

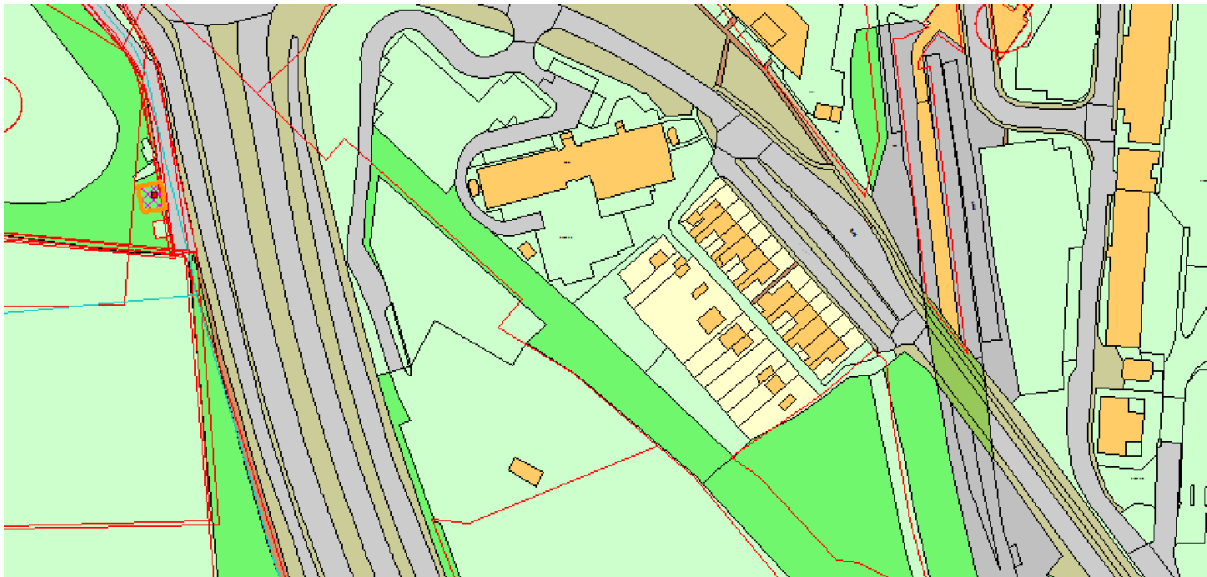


Northumberland County Council

Castle Morpeth Local Area Planning Committee 11th November 2019

Application No:	19/03725/FUL		
Proposal:	Removal of an existing 15 metre-high telecommunications monopole and associated ground-based equipment and fenced compound. Installation of a 20 metre-high monopole and associated ground-based equipment within a fenced compound.		
Site Address	Land South West Of Airport Roundabout, Ponteland, Northumberland,		
Applicant/ Agent	Mr Nick Allan Waldon Telecom Ltd, Phoenix House, Pyrford Road, West Byfleet KT14 6RA Surrey		
Ward	Ponteland East And Stannington	Parish	Ponteland
Valid Date	3 rd September 2019	Expiry Date	29 th October 2019
Case Officer Details	Name: Mr Adam Ali Job Title: Planning Technician Tel No: 01670 623948 Email: adam.ali@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

- 1.1 It has been confirmed that the application should be referred to the Committee for determination. In line with the Council's Scheme of Delegation, where a Parish or Town Council has made a bona-fide planning objection to an application recommended for approval, and when a 'Made' Neighbourhood Plan is in place, the application will be considered at the Local Area Council Planning Committee.

2. Description of the Proposals

- 2.1 Planning permission is sought for the removal and replacement of an existing 15 metre-high telecommunications monopole and associated ground-based equipment and fenced compound with the Installation of a 20 metre-high monopole and associated ground-based equipment within a fenced compound. The existing monopole would not be replaced on an exact like-for-like basis; the new monopole would be sited approximately 4.5m north of the existing site and would have an overall increase in massing.
- 2.2 The existing monopole was in the past flanked by two other monopoles but as the mobile operators consolidated their networks to share installations, these monopoles were decommissioned and removed.
- 2.3 The new monopole would be 5 metres taller in height and would provide improved 2G, 3G, 4G and new 5G coverage to the surrounding area. The additional height of the proposed structure will allow for the provision of improved 3G and 4G as well as providing new 5G coverage.
- 2.4 To help mitigate the increased 5m height of the replacement pole, mature tree coverage tree coverage at the site would act as a partial screen.

3. Relevant Planning History

- 3.1 None relevant.

4. Consultee Responses

Highways England	"Highways England would not wish to offer any objection to the proposals."
Newcastle City Council	No response received.
Ponteland Town Council	"The Planning Committee wish to object to this application on the grounds of Health and Safety."
Highways	"The proposed application site may be located within the NCC Boundary lines but is located along a section of the A696 which is managed and maintained by Highways England. In this case, the Local Highway Authority do not have any jurisdiction over this section of highway and Highways England will need to be consulted."
Public Protection	"Public Protection have no comment to make as mobile phone masts are below our risk appetite"

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	0
Number of Objections	3
Number of Support	0
Number of General Comments	0

Notices

General site notice, 18th September 2019

No Press Notice Required.

Summary of neighbour objections:

- The approval of such a mast implies further planning permission for the necessary booster arrays that are required to allow full transmission without interruption. That requires the use of most lampposts and poles to facilitate those booster amps.
- The approval of such a mast also implies as with adjacent LAs the extensive cutting down of thousands of trees to also facilitate uninterrupted transmission. By allowing this mast predicates the necessary planning approval for multiple booster arrays in every street for that reception, and predicates the demolition of trees in every street that interferes with that transmission
- 5G needs to be to be suspended until such time that the technology is considered safe.

The above is a summary of the comments. The full written text of the objections is available on our website at:

<https://publicaccess.northumberland.gov.uk/online-applications//search.do?action=simple>

6. Planning Policy

6.1 Development Plan Policy

Ponteland Neighbourhood Plan (2017):

PNP 1: Sustainable Development Principles

PNP 2: High Quality and Inclusive Design

Castle Morpeth District Local Plan (2003)

C1: Settlement Boundaries

C45: Network Telecommunications

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2019)
NPPG - National Planning Practice Guidance (2019, as amended)

6.3 Emerging Policies/Other Documents

Northumberland Local Plan Publication Draft Plan (Regulation 19) (2019)
Policy STP 2: Presumption in favour of sustainable development
Policy STP 7: Strategic approach to the Green Belt
Policy STP 8: Development in the Green Belt
Policy QOP 1: Design Principles
Policy QOP 2: Good design and amenity
Policy ICT 1: Planning for high quality communications infrastructure

7. **Appraisal**

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Ponteland Neighbourhood Plan (made version 2017) and Castle Morpeth District Local Plan (2003, saved policies 2007). The main considerations in the assessment of this application are:

- Principle of the development (Green Belt)
- Design and visual impact
- Impact on amenity

In accordance with paragraph 48 of the NPPF, local planning authorities (LPA's) may also give weight to relevant policies within emerging plans depending on the stage of preparation, extent of unresolved objections and the degree of consistency with the NPPF. Policies contained within the Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications (May 2019) can therefore be given some weight in the assessment of this application.

Principle of development

Green Belt

7.2 The site is located within the Green Belt. As stated in the NPPF (2019), “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open”. The NPPF goes on to state; “inappropriate development in the Green Belt should not be approved except in very special circumstances”. Specifically, paragraph 144 of the NPPF (2019) states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green

Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

- 7.3 The NPPF (2019) clarifies development which is and is not likely to be acceptable within the Green Belt, and mobile network equipment does not factor in either category. The main consideration therefore refers back to the openness within the Green Belt and how any development should ensure this is preserved. certain other forms of development are not considered to be inappropriate development in the Green Belt provided they preserve its openness (paragraph 146).
- 7.4 Policy STP 8 of the emerging Northumberland Local Plan states:
“in assessing development proposals within the Green Belt;
- a) development that is inappropriate in the Green Belt, in accordance with National Planning Policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal (and that)
 - b) development which is appropriate in the Green Belt, as defined in National Planning Policy”
- 7.5 Policy ICT 1 of the emerging Northumberland Local Plan states Infrastructure delivering wireless telecommunications and the enhancement/extension of such Infrastructure will be supported provided that the following criteria (in this case) are met:
- a) “The siting and appearance of the proposed apparatus, infrastructure and any associated structures and access routes are located and designed to minimise their impact on the accessibility and visual amenity, character and appearance of the surrounding area; and:
 - c) The proposal is certified to be in conformity with the latest national guidelines on radiation exposure.”
- 7.6 As stated in section 2 of this report, the proposed 20m high telecommunications pole would effectively replace the existing 15m high pole, albeit on a slightly different site. The site previously had 3 poles but 2 poles either side of the existing pole were previously decommissioned and removed.
- 7.7 Policy C45 of the Castle Morpeth District Local Plan states telecommunications development will not be permitted in the Green Belt unless the Council is satisfied that no suitable alternative site is available. Given the well-established use of the original site for the siting of telecommunications pole, the new and close-by neighbouring site is considered to be acceptable for its intended use without the need for the consideration of other sites. Whilst within the Green Belt, the site is isolated in that it is not located within proximity to any buildings of any nature, to the extent it has a rural feel when viewed in context with its surroundings.

- 7.8 Furthermore as stated in the applicant's supporting documents submitted with the application the site is also considered to be suitable "to provide new 5G coverage to this area of Newcastle, specifically Newcastle International Airport, and the hotels that service the airport, and the surrounding areas", adding more widespread benefits that can presently be offered. As such, the public benefit of the replacement monopole is also recognised.
- 7.8 With regard to point c) of Policy ICT 1 of the emerging Northumberland Local Plan, the applicant has submitted an ICNIRP Certificate (publicly available to view at: <https://publicaccess.northumberland.gov.uk/online-applications//search.do?action=simple>) confirming the proposal is in compliance with public exposure guidelines as expressed in EU Council. Furthermore, on the issue of public health and safety, which is not considered to be a material planning consideration, the Council's Public Protection team were consulted however they responded stating they have no comment to make.
- 7.9 The principle of the proposal has been assessed against the Development Plan and the NPPF. The proposal is not introducing something alien to the area given the long-standing presence of the existing monopole and, as such, it is not considered to be inappropriate development in the Green Belt. The principle of the development is therefore considered to be acceptable and in accordance with relevant policies of the development plan and the NPPF.

Design and visual impact

- 7.10 Policy PNP 2 of the Ponteland Neighbourhood Plan states proposals which demonstrate high quality and inclusive design will be supported. This policy goes on to state proposals will be supported where development: "respects the character of the site and its surroundings in terms of its location, layout, proportion, form, massing, density, height, size, scale, materials and detailed design features"
- 7.11 While it is accepted that the proposed telecommunications pole would be 5m greater in height than the existing pole, when viewed in context with the surrounding area and the trees partially screening the site, the increased massing and size of the monopole is not considered to be to a degree that would be overly impacting or visually intrusive.
- 7.12 With regard to design, policy ICT 1 of the emerging Northumberland Local Plan states wireless telecommunications infrastructure will be supported provided the following criteria are met: The siting and appearance of the proposed apparatus, infrastructure and any associated structures and access routes are located and designed to minimise their impact on the accessibility and visual amenity, character and appearance of the surrounding area
- 7.13 The proposed telecommunications pole and associated ground-based equipment within a fenced compound would be partially well screened by the mature growing trees at the site. It should also be noted that the equipment is designed to be as minimalistic as it can be when balanced against the service

it provides. Mobile phone use is a global practice that continues to intensify and, as a consequence of that, supporting apparatus is essential in that growth. On that basis, the proposal has been assessed on design grounds and whilst the overall massing of the replacement monopole is greater, it is considered to be acceptable in accordance with design related policies of the development plan.

Impact on amenity

- 7.14 Policy PNP 2 of the Ponteland Neighbourhood Plan states proposals will be supported provided there is no unacceptable adverse impact on the amenities of nearby properties. In terms of radiation, as discussed above, the radiation exposure appears to be acceptable as demonstrated with the submitted ICNIRP Certificate. Furthermore, in terms of the amenities of neighboring properties, the proposal is considered to be acceptable as it would not result in any adverse impact on the living conditions of the nearest residents. The proposal is therefore also considered to be acceptable on amenity grounds.

Other matters

Equality Duty

- 7.15 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

- 7.16 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications:

- 7.17 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.18 For an interference with these rights to be justifiable the interference (and the

means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

- 7.19 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Recommendation

That this application be GRANTED planning permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

1. Drawing numbered: 991896_CMP001_54012_NE0345_M004, titled: 215 Max Configuration Site Plan (Received: 3rd September 2019)
2. Drawing numbered: 991896_CMP001_54012_NE0345_M004, titled: 265 Max Configuration Elevation (Received: 3rd September 2019)
3. Supplementary information (Received: 3rd September 2019)
4. ICNIRP Certificate (Received: 3rd September 2019)

Reason: Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

Informatives

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits);

shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Date of Report: 25.0.2019

Background Papers: Planning application file(s)