



Report to Planning Committee 16 March 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planner, x 5326

Report Summary			
<b>Application Number</b>	22/01999/FUL		
<b>Proposal</b>	The proposed retention of a 20.00m monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, installation of 3 no. new equipment cabinets and ancillary development thereto (re-submission of 21/02456/FUL).		
<b>Location</b>	Telecommunications Monopole, Hawton Road, Newark On Trent		
<b>Applicant</b>	Mobile Broadband Network Limited and Hutchison 3G UK Ltd	<b>Agent</b>	Miss Dianne Perry
<b>Web Link</b>	<a href="#">22/01999/FUL</a>   <a href="#">The proposed retention of a 20.00m monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, installation of 3 no. new equipment cabinets and ancillary development thereto (re-submission of 21/02456/FUL).</a>   <a href="#">Telecommunications Monopole Hawton Road Newark On Trent (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	14.10.2022	<b>Target Date</b>	26.12.2022 EOT - 17.03.2023
<b>Recommendation</b>	That planning permission is REFUSED for the reason(s) outlined at Section 10 of this report		

The application is presented to the Planning Committee at the discretion of the Business Manager due to the number of neighbour objections (also expressed via the local MP's office) and due to a referral request from the neighbouring ward member Cllr K Girling. The reason for referral is concern the installation is sited in such a way that it obscures the view of motorists entering and leaving the junction.

### 1.0 The Site

The site lies within a grass verge on the public highway at the junction of Grange Road and Hawton Road in Newark. The area is mostly residential in nature with a bungalow, no. 179

Hawton Road, to the southeast of the site and a shopping precinct on the opposite side of Hawton Road. There are existing cabinets to the western side of Hawton Road, opposite the junction, as well as a lamppost and telegraph pole at the junction. The site is within the defined Newark Urban Area with the Devon Ward.

## **2.0 Relevant Planning History**

21/02456/FUL - Proposed retention of 20m monopole supporting 6 no. antennas with a wraparound equipment cabinet at base of column, 3 no. new equipment cabinets and ancillary development thereto. (Refused 31.08.2022).

### Reason for Refusal

In the opinion of the Local Planning Authority, insufficient information has been provided with the application submission to assess the suitability and safety of the proposal upon highway safety particularly with regards to visibility splays at the junction of Grange Road/Hawton Road which would appear to be compromised. In the absence of additional information which would comprise a speed survey and its methodology, which has been requested on several occasions but has not been forthcoming, and the objection by the statutory consultee Nottinghamshire County Council as Highways Authority, it is considered that the application has failed to demonstrate that the proposal accords with Spatial Policy 7 (Sustainable Transport) of the Newark and Sherwood Amended Core Strategy (2019) and is also contrary to guidance within the NPPF, a material planning consideration. It hasn't been possible to properly apply a planning balance because despite requests for the applicant to set out the benefits of the mast, insufficient information has been provided.

20/01127/TEL24 - The installation of a new 20.00m monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, installation of 3 no. new equipment cabinets and ancillary development thereto. (Approved 19.08.2020)

20/01055/TEL25 - The installation of a new 20.00m monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, installation of 3 no. new equipment cabinets and ancillary development thereto. (Approved 29.06.2020)

## **3.0 The Proposal**

The proposal seeks retrospective full planning permission for a 20-metre monopole supporting 6 no. antennas with wrap around equipment cabinet at the base of the column plus 3 new equipment cabinets and ancillary development.

## **4.0 Departure/Public Advertisement Procedure**

Occupiers of 53 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Site visit undertaken on 03.11.2022

## 5.0 Planning Policy Framework

### The Development Plan

#### **Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019)**

- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change

#### **Allocations & Development Management DPD (adopted July 2013)**

- Policy DM5 - Design
- Policy DM12 – Presumption in Favour of Sustainable Development

### Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance

## 6.0 Consultations

**Newark Town Council** – Opposes the application on the basis of concerns over the weakness of the speed methodology used in the applicant’s supporting documentation but the opposition is pursuant to the comments of the Highways Authority.

**JRC (Joint Radio Company)** – No objection, JRC does not foresee any potential problems based on known interference scenarios.

**NCC Highways – (Revised comments)** A speed survey has been submitted which has been carried out using a remote radar device at a suitable location. The results of this survey demonstrate that the visibility splay required for the 85<sup>th</sup> percentile approach speeds of 32.65mph is achievable, and furthermore, that actually available also slightly exceeds this. In consideration of the above, the Highway Authority have no objection to the siting of the telecommunication equipment.

A total of 7 interested party/neighbour comments were received with one interested party commenting twice as well as a petition containing 37 signatures of objection, The main issues raised are:

- The impact on highway visibility on the junction of Grange Road going onto Hawton Road
- The visual appearance of the mast and cabinets around it,
- The noise the cooling equipment makes and the disturbance upon residents especially in the summer months.
- The issue of impact on properties values was raised however this isn’t a material planning consideration.

## **7.0 Comments of the Business Manager – Planning Development**

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Members will note from the site history section that a 20m mast installation was previously approved through the prior approval process and there were no concerns raised over its siting and visual appearance. The installation was implemented but not in accordance with the approved plans, although the mast still appears to meet the criteria set out in the relevant legislation (the GPDO). However, telephone communications cannot benefit from the prior approval process after they have been built. Therefore, this mast as built has to be assessed through a full planning application and thus against the policies within the development plan.

### Principle of Development

The proposal is for the retention of a 20m monopole which supports 6 antennas with a wraparound equipment cabinet at the base of the column and has 3 new equipment cabinets.

The Development Plan, which has primacy in decision making terms, is silent on infrastructure development such as this with Policies CP9 and DM5, the generic design policies being most relevant. However, Section 10, paragraph 114 of the NPPF states: *'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology'* and paragraph 115 of the NPPF states *'The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings, and other structures for new electronic communications capability (including wireless) should be encouraged.'*

The applicant has provided information that justifies the need for a new mast. The mast would bring greater capacity capabilities to the network provider and faster network speeds through the use of the newer 5G technology. It is not possible to mast share with existing masts in the area as 5G masts are required to be taller. The mast over the road is shown to be removed on the plans in any event. The proposal is considered to fulfil national policy set out in the NPPF.

### Impact on Visual Amenities of the Area

Core Policy 9 and DM5 set out expectations in terms of general design and visual impacts.

It should be noted that an installation of a similar mast was previously approved through the prior approval process and there were no concerns over the siting and visual appearance which is a material consideration. In my view the retention of the mast will have little impact on visual amenity. It is sited on a grass verge on the corner of Hawton Road at the Grange Road junction and is relatively slimline in appearance. There is another smaller slimline mast on the corner of Riverside Road and there is also a mix of cabinets on the north-west side of the road. However, these are painted green to soften their impact and blend in against the hedgerows. The rest of the nearby surrounding buildings are a mixture of residential bungalows and houses. This is not a sensitive area, such as a conservation area. The mast and the associated cabinets are sited within a grassed verge, are painted green to help assimilate them into the verge and whilst there is some cluttering, this has been mitigated as far as possible. Some limited visual harm from the proposal is inevitable. However, it is not considered so harmful as to warrant a reason for refusal on visual amenity grounds particularly given its context set amongst the mix of commercial buildings, residential dwellings, flats, and other street furniture. It is considered the proposal is visually acceptable in accordance with the requirements of Policies DM5 of the A&DM DPD.

#### Impact upon Residential Amenity

Policy DM5 of the DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

It is not considered that the impact upon neighbours from the mast is detrimental; there are some visual implications due to its somewhat industrial appearance, however it is not considered to be overbearing to the neighbouring properties the nearest of which is approximately 17.5m away from the mast. The mast is of slimline construction and meets all the criteria in terms of size within the relevant legislation which I note applies to the prior approval process the reason for this application is because the mast was sited differently to what was previously approved this has been shown below on a plan with the light blue showing where the mast was previously approved under application 20/01127/TEL24, and the proposal shown in grey. The mast offers no worse impact than what was previously approved through the prior approval process. In any event the impact could not be described as detrimental to residential amenity such that it would warrant a reason for refusal.



### Impact upon Highway Safety

Spatial Policy 7 of the Core Strategy amongst other things seeks to ensure development is appropriate for the highway network in terms of ensuring that the safety, convenience, and free flow of traffic using the highway are not adversely affected.

Concerns have been raised in representations that the installation adversely impacts on highway visibility at the junction of Grange Road with Hawton Road and therefore compromises highway safety. Prior to installation the applicant was in direct, active negotiations with Nottinghamshire County Council (NCC) as Highways Authority, given that the development is sited on NCC owned land. As a statutory consultee for this application NCC Highways Authority commented on the siting of the mast stating that they required the applicant to demonstrate visibility splays at an 85th percentile speed so not to assume all drivers will be travelling at the posted speed limit. A speed survey was submitted to support the submitted visibility plan (Drawing Number 1085270\_NAS\_003\_55295\_NG0285\_M013 Rev E2). NCC Highways were consulted and have confirmed the speed survey was undertaken using a remote radar device at a suitable location and have confirmed that the speed survey is acceptable and does demonstrate that the impact of the mast upon visibility (sight lines) for drivers of the mast is acceptable, and their previous objection has now been retracted.

With the above in mind the applicant has demonstrated that highway visibility with the mast in this location is acceptable, and that the development is safe and therefore is considered to accord with Spatial Policy 7 and Policy DM5.

## **8.0 Implications**

In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

## **9.0 Planning Balance and Conclusion**

The proposal to retain the existing mast, as implemented, is considered acceptable in terms of design and amenity. The applicant has demonstrated that highway visibility for road users would be acceptable and has provided an appropriate speed survey to support their visibility plan. Therefore, the proposal to retain the mast does not compromise highway safety through restricting visibility for traffic emerging from the junction. The proposal is therefore considered to accord with Spatial Policy 7 of the Newark and Sherwood Amended Core Strategy (2019), Policy DM5 of the Allocations and Development Management Development Plan Document (2013) as well as the guidance within the NPPF, It is therefore recommended that the application be approve unconditionally. As the development has been completed, conditions are not considered to be required.

### Informatives

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

### BACKGROUND PAPERS

Application case file.

Committee Plan - 22/01999/FUL

