

PLANNING COMMITTEE: 21st November 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/1283

LOCATION: Telecommunications Equipment , Kingsley Road

DESCRIPTION: Prior Notification for the proposed installation of a 17.5m monopole supporting 3no antenna, 2no dishes and associated ground based equipment cabinet and ancillary development

WARD: Trinity Ward

APPLICANT: CTIL & Telefonica UK Ltd
AGENT: Clarke Telecom

REFERRED BY: Councillor J Birch
REASON: Intrusive and overbearing

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to the conditions as set out below and for the following reason:

The proposed installation, on balance, is of an acceptable siting and appearance and is in conformity with the requirements of the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy and Saved Policy E20 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) is effectively a national grant of planning permission. It operates by giving deemed planning permission for certain development without the operator having to make a formal application to the Local Planning Authority. Schedule 2 of the GPDO grants planning permission for classes of development known as "permitted development". Part 16 of Schedule 2 of the GPDO grants permitted development rights to electronic communications code operators, subject to exclusions and conditions, for certain development including the installation of monopole masts, conditional upon the developer making a prior approval application to the Council in respect of the siting and design of the installation.

- 2.2 The proposed development in this instance comprises the introduction of 17.5m high monopole (which contains a variety of antenna and dishes) and supporting ground level equipment cabinet.
- 2.3 The monopole was originally of 20m height, but that has been amended to 17.5m over the course of the application.
- 2.4 It is understood that the proposal is intended to replace facilities currently installed on the roof of one of the university buildings and therefore needs to be removed once the university relocates to the new Waterside campus.

3. SITE DESCRIPTION

- 3.1 The application site consists of a grass verge located adjacent to a pavement area to the northern side of the Racecourse. The Racecourse is, of course, one of the main areas of public open space within the town and is located at the centre of the Kingsley Conservation Area. Furthermore, a significant number of the surrounding buildings are of a good quality design which contribute to a distinctive architectural character.

4. PLANNING HISTORY

- 4.1 None.

5. PLANNING POLICY

5.1 Statutory Duty

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

- 5.3 Paragraph 17 requires that planning seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 131 states that in determining planning applications, the desirability of sustaining and enhancing the significance of heritage assets should be taken into account. This is elaborated within Paragraph 132 which requires that great weight to be given to conservation of heritage assets, whilst Paragraph 134 states that less than substantial harm should be weighed against public benefits of the proposal.
- 5.4 In respect of telecommunications, Paragraph 42 states that high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Furthermore, local planning authorities should not impose a ban on new telecommunications development in certain areas or insist on minimum distances between new telecommunications development and existing development (Paragraph 44).

5.5 Furthermore, Paragraph 46 states that local planning authorities should not question the need for the development or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

5.6 **West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

5.7 Policy BN5 – Heritage assets and their settings should be conserved and enhanced in recognition of their individual and cumulative significance.

5.8 Policy S10 – requires that new developments be of the highest possible standard of design.

5.9 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

5.10 Policy E20 states that new developments should be of an appropriate design that ensures a good level of outlook, light and privacy.

5.11 Policy E26 – This policy requires that new developments preserve or enhance the character and appearance of Conservation Areas.

6. **CONSULTATIONS/REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NBC Conservation** - Object to the proposal as the monopole and the associated equipment would be unduly prominent and visually intrusive in views within Kingsley Conservation Area. Sharing of existing installations should be required.

6.2 **Environmental Health** – No objections, as the submitted documentation indicates that there will not be a significant health hazard and that the development is in conformity with the ICNIRP guidance.

6.3 **Cllr. J. Birch** – Object as at this point there are uninterrupted views onto the Racecourse and the monopole in this location would be intrusive and overbearing, which would be out of keeping with the surrounding landscape and would be inappropriate within its context. Called in the application.

6.4 17 letters of objection have been received. Comments can be summarised as:

- This is an inappropriate form of development.
- The proposal is out of keeping with the character of the Racecourse, which can be summarised as have a generally open and clutter-free nature.
- The site is within a Conservation Area, in which there are a number of restrictions regarding the type of development that can be carried out.
- The proposal would be taller than existing trees.
- The development is not needed.
- Alternative sites could be utilised for this proposal.
- The proposal would have an adverse impact on health.

- The installation could become the target of anti-social behaviour.

6.5 A further letter has been received stating that with the reduction in height, the proposal is more in keeping with the existing tree line.

7. APPRAISAL

7.1 This is a prior notification application and it is therefore not an application for planning permission. Consequentially, the matters that can be considered are much reduced. The National Planning Practice Guidance states that:

7.2 *“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.”*

7.3 The purpose of this application is to seek approval in respect of the development’s siting and design. In determining the application, the Council can only consider the siting and appearance of the proposed development. It has been established, through the GPDO, that the principle of installing a mast is not for consideration and for the Council to resist the proposal, it needs to identify an alternative location where the impacts would be lower.

7.4 Discussions have been ongoing between officers and the applicant in order to identify the search area for the proposed development. This is restricted by the fact that the development is intended to replace an existing installation and therefore it is designed to serve a specific geographical area. Furthermore, it is understood that the development is intended to maintain 4G coverage and that the geographical area that can be served by such a monopole diminishes in areas that are more heavily populated.

7.5 The applicant has submitted a list of alternative sites which have been discounted. In summary, a number of these are not suitable due to a lack of availability or, in the case of sites on buildings, not suitable for the installation of the required equipment. Officers have also considered a number of alternative sites. In essence, the area is limited to the junction between Kingsley Road and Kettering Road; a small section of Abington Grove; the north easterly sections of St Georges Avenue and Homestead Way; Kingsley Road leading to the junction with Fairway; Kettering Road leading to St Michaels Church; and the terraced residential streets north east of Kingsley Road. As the NPPF requires the provision of a strong network of infrastructure, consideration of alternative sites can only be limited to the aforementioned, small, search area.

7.6 In conclusion, it is considered that the construction of the development, and particularly, the potential impact of an alternative monopole within the terraced streets north east of Kingsley Road, Homestead Way, the relevant section of Abington Grove and the section of Kingsley Road north west of the junction with St Georges Way would be likely to result in development very close to residential properties, which would impinge upon the relevant properties’ visual amenity. Furthermore, in a number of these locations, the pavement width is relatively narrow and therefore such works would reduce the amount of space available to pedestrians, which would not be desirable and likely to discourage more sustainable means of travel.

7.7 In respect of the relevant section of St George’s Avenue, development would need to take place either in close proximity to residential properties, or on the Racecourse side of the road. It is noted that a key feature of the Racecourse at this point, is that the pavement deviates slightly from the pavement edge, which each side featuring trees. This creates a distinctive sense of place, which would be eroded to a significant degree. Furthermore, any of these scenarios are likely to result in development in close proximity to the Grade II Listed Newton Building (originally

constructed as the Northampton Grammar School for Girls), which would harm this building's setting.

- 7.8 The possibility of siting the development in Kettering Road has been considered, but this would place the monopole in close proximity to St Michael's Church, which would adversely affect the setting of this Grade II* Listed Building and would result in significant harm.
- 7.9 In addition, some consideration has been given as to whether the monopole could be sited on the north western side of the Racecourse, but close to the junction with St Georges Avenue. This would result in a greater separation distance between the site of the development and the White Elephant junction, which is of greater prominence. However, this is not a feasible alternative location given that the monopole would be likely to interfere with views of road signs and traffic lights.
- 7.10 Consideration has also been given as to whether it is possible for the proposed equipment to be installed as part of the existing installation towards the south eastern section of the Racecourse (close to the junction between Kettering Road and Abington Avenue). However, with reference to the criteria outlined in paragraph 7.4 above, this site falls outside of the search area and therefore has to be discounted.
- 7.11 With reference to the comments of the Council's Conservation section, it is recognised that the introduction of the monopole would cause harm to the character and appearance of the Conservation Area. However, the siting and scale of the monopole would have a less than substantial harmful effect on the appearance of the area and overall would preserve the character of the Conservation Area. The NPPF states that where development would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. The thrust of planning policies requires the provision of good network of telecommunications infrastructure. Given that the principle of the introduction of a telecommunications equipment is deemed acceptable through planning legislation and it would appear that, following a thorough review, there are no alternative sites for the proposed development that would generate less harm, the Council is therefore unable to realistically resist the introduction of the proposed equipment.
- 7.12 Weight also needs to be given to the requirements of national planning policies and in particular, the requirements of paragraph 46 of the NPPF (as discussed in paragraph 5.5 of this report), which highlights that the need for the development should not be questioned.
- 7.13 The proposed equipment cabinets are of a relatively small scale and are similar to others that commonly comprise part of the streetscene. As a result, it is concluded that this element of the proposed is of an acceptable design. In respect of the mast, as discussed previously, it is of a monopole design, which whilst of a significant height, does reduce the massing of the structure. Therefore, it is considered that the development is of an acceptable design.
- 7.14 In addition to the preceding conclusions, it is noted that the siting of the proposed installation is close to a layby, which provides an opportunity for service vehicles to park, without causing a detrimental impact upon the free flow of vehicular traffic and pedestrians within the vicinity.
- 7.15 The applicant has submitted an International Commission on Non-Ionizing Radiation Protection (commonly referred to as ICNIRP) declaration. This ensures that the proposed installation complies with the relevant regulations in respect of radiation and therefore, in line with the requirements of the NPPF, no additional consideration should be given to the impacts on health arising from the proposed development.

8. CONCLUSION

- 8.1 It should be noted that the planning system requires the creation of a good level of communications infrastructure, whilst also ensuring that the introduction of most equipment does not require planning permission. Instead developers should apply to the Local Planning Authority to ascertain whether the authority wishes to influence the siting and design. Following a review, it is apparent that there are no suitable alternative sites and therefore this and the need for the development outweighs the harm to visual amenity and less than substantial harm to the Conservation Area.

9. BACKGROUND PAPERS

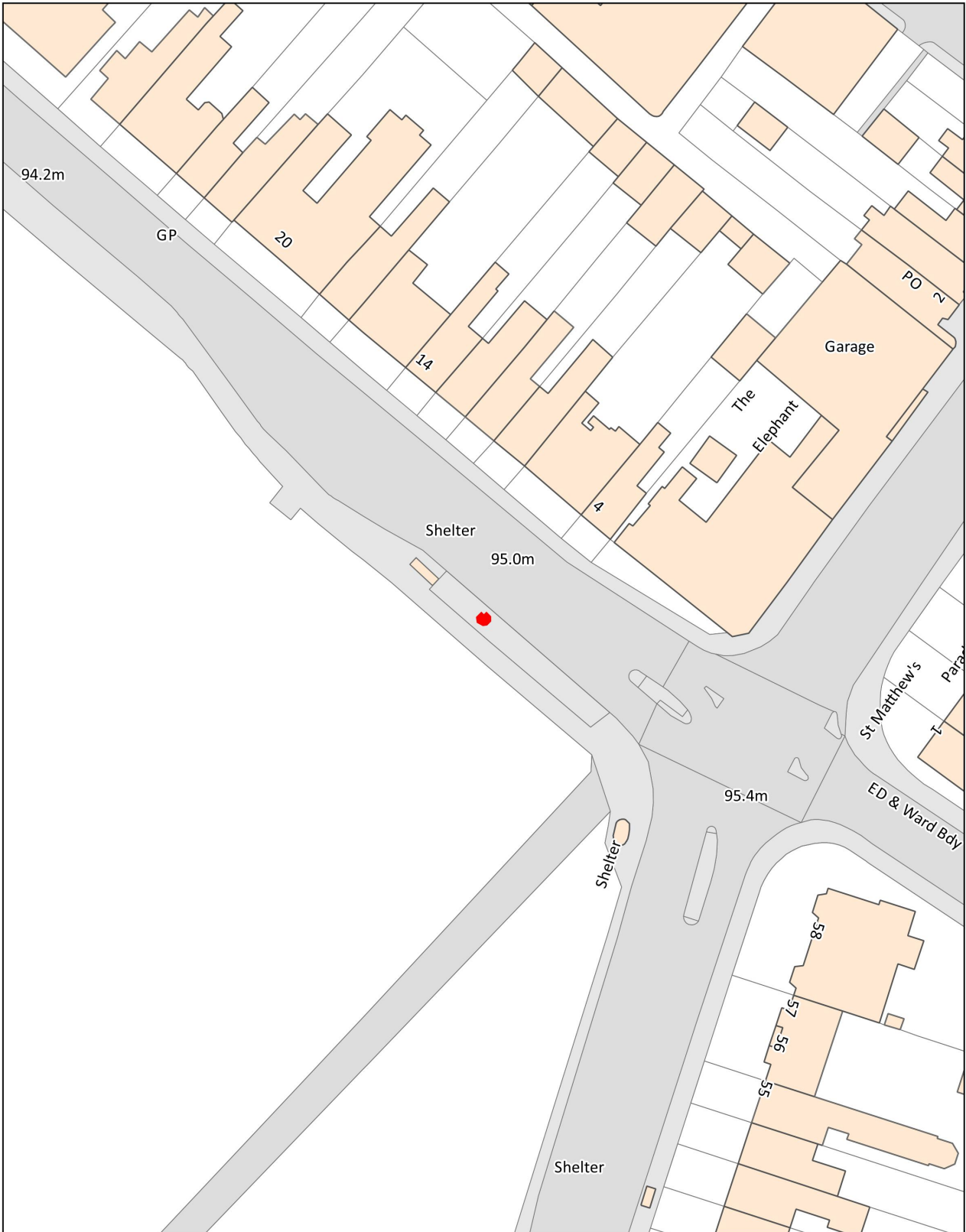
- 9.1 N/2017/1283.

10. LEGAL IMPLICATIONS

- 10.1 None.

11. SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Telecommunications Equipment, Kingsley Road**

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