

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	21/00339/16	<b>Item</b>	<b>07</b>
<b>Date Valid</b>	01.03.2021	<b>Ward</b>	DEVONPORT
<b>Site Address</b>	Crosshill Plymouth PL2 IRT		
<b>Proposal</b>	Installation of a 20m high monopole, electronic communications mast to support 12 no. antenna and 2no. dishes with wrap-around cabinet at base. Additionally, 9 no. radio equipment cabinets to be installed in two blocks at the base of the mast.		
<b>Applicant</b>	Mr Will Osbourne		
<b>Application Type</b>	GPDO PT16		
<b>Target Date</b>	<b>26.04.2021</b>	<b>Committee Date</b>	<b>08.04.2021</b>
<b>Extended Target Date</b>	<b>N/A</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Mike Stone		
<b>Recommendation</b>	Prior Approval Required & Given		



This application comes before the Planning Committee after being called in by Cllr Coker.

### **I. Description of Site**

The site is an area of footway on Crosshill near the junction with Herbert Place. The footway has been extended out to form part of a traffic calming scheme with natural stone bollards fronting the road. On the east side there is a stone wall topped with a high palisade fence that protects a railway cutting carrying the main Plymouth to Penzance railway line. On the other side of the railway line, roughly 45 metres away, are blocks of four storey flats.

To the west is a parking bay for six or seven cars, the end flank wall of Herbert Terrace and the front elevation of Cross Hill Villas, a detached property containing 3 dwellings. To the south is the Salvation Army church and community centre and to the north is the top end of Herbert Terrace.

## **2. Proposal Description**

Installation of a 20m high monopole, electronic communications mast to support 12 no. antenna and 2no. dishes with wrap-around cabinet at base. Additionally, 9 no. radio equipment cabinets to be installed in two blocks at the base of the mast. The applicants have submitted an ICNIRP certificate to demonstrate the masts conformity with international standards on public exposure to electromagnetic fields.

## **3. Pre-application enquiry**

20/01818/MOR - Pre-application for the installation of a 20m monopole telecommunications mast and ancillary equipment to be housed in kiosks at the base of the mast - The Local Planning Authority agrees that the mast and ancillary equipment meet the conditions to be permitted development set out in Class A of Part 16 of the GDPO. In accordance with Paragraph 4 of Part A3, Prior Approval, the proposal is considered to be acceptable in terms of Appearance but the concerns raised by Network Rail will need to be addressed before they can be considered to be acceptable in terms of Siting.

## **4. Relevant planning history**

There is no planning history for this property.

## **5. Consultation responses**

Local Highway Authority - no objections.

Network Rail - any works on land adjacent to the railway will need to be undertaken following engagement with Network Rail Asset Protection.

Public Protection Service - do not need to comment on these types of application.

## **6. Representations**

The public consultation ends on 30th March.

Three letters of objection have been received. One letter objects on the grounds that the mast would be close a park where children play. The second letter objects to the size of the mast and associated equipment, the fact that the cabinets could become a focus for fly tipping and the possible loss of parking spaces and impact on pedestrians during installation. The third letter objects on the grounds that the mast is close to a school and the possible health impacts on children and vulnerable people.

## **7. Relevant Policy Framework**

This proposal has been assessed under Class A of Part 16 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which states that; "Before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development."

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. The Plymouth and South West Devon Joint Local Plan (the JLP) was adopted in March 2019.

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and South West Devon SPD (July 2020).

The Plymouth and South West Devon Supplementary Planning Document (SPD) has been prepared by Plymouth City Council (PCC), South Hams District Council (SHDC) and West Devon Borough Council (WDBC) to amplify and give guidance on the implementation of the policies of the Plymouth and South West Devon Joint Local Plan (JLP). The SPD was formally adopted by all three councils in July 2020.

## **1. 8. Analysis**

### **Siting**

The mast would be located on an area of footway that bows out into the road to form a traffic calming feature. For this reason the footway is significantly wider here. There are a number of parking bays opposite. The Local Highway Authority has not objected. The site is adjacent to the main railway line and an informative advising the applicants of their responsibility to work with Network Rail is recommended. Two letters of objection has been received that object to the proposal as the site is near a nursery and children's play park located to the north of Herbert Place. The applicants have submitted a certificate to demonstrate compliance with international standards on public exposure to electromagnetic fields.

2. Paragraph 114 of the NPPF says that;

"Local planning authorities should not impose a ban on new electronic communications development in certain areas...or insist on minimum distances between new electronic communications development and existing development."

3. Officers do not consider that the proposal would have a significantly harmful impact on the highway network, the public footway or on the amenity of neighbours.

### **Appearance**

4. A letter of objection has referenced the size of the mast and the associated cabinets. The proposed mast is a monopole, 20 metres high with cabinets at the base and to the side. Officers consider that the low density location, with the railway line behind and the parking area in front, would mean that there would be very little visual impact on neighbours. Only Cross Hill Villas would directly face the mast. There are a number of streetlights located along Cross Hill but the mast would be significantly taller. It is acknowledged that the mast would be higher than anything else in the area but it would also be slim in character. These types of structures are now a feature of the urban landscape. For these reasons, officers do not consider that the proposal would have a significantly harmful impact on the character and appearance of the area.

5. Officers consider the proposal to be acceptable and to be consistent with paragraph 112 of the NPPF which states that planning decisions "should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G)."

## **9. Human Rights**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## **10. Local Finance Considerations**

Not applicable.

## **11. Planning Obligations**

Not applicable.

## **12. Equalities and Diversities**

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

## **13. Conclusions and Reasons for Decision**

The proposed mast has been assessed by Officers and is felt to be acceptable in terms of its appearance and siting. Therefore, it is considered that prior approval was required and is given.

## **14. Recommendation**

In respect of the application dated 01.03.2021 it is recommended to Prior Approval Required & Given.

## **15. Conditions / Reasons**

The development hereby permitted shall be carried out in accordance with the following approved plans:

### **1      **CONDITION: APPROVED PLANS****

Site Location Plan 1576094\_79881\_PLY113\_001 Rev A received 22/02/21  
Proposed Site Plan 1576094\_79881\_PLY113\_001 Rev A received 22/02/21  
265 Max Configuration Elevation 1576094\_79881\_PLY113\_001 Rev A received 22/02/21

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

### **2      **CONDITION: COMMENCE WITHIN 5 YEARS****

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

Reason:

To comply with Paragraph A.3(10(a)) of Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### **3      **CONDITION: REMOVAL OF MAST****

The mast hereby approved shall be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its former condition.

Reason:

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

## **INFORMATIVES**

### **1      INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

### **2      INFORMATIVE: NETWORK RAIL**

The site of the proposed mast would be located adjacent to Network Rail land and the mainline railway through Plymouth. The applicants are strongly recommended to engage with the Asset Protection department of Network Rail to carry out the following:

Any works on this land will need to be undertaken following engagement with Network Rail Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).

The applicant must go through the process in the standard NR/L2/TEL/30066 and contact the Telecoms Clearance team: [TelecomsRFclearances@networkrail.co.uk](mailto:TelecomsRFclearances@networkrail.co.uk) to provide the necessary evidence.

### **3      INFORMATIVE: SUPPORTING DOCUMENTS**

The following supporting documents have been considered in relation to this application;

- Dalcour Maclaren Supporting Planning Statement dated 22nd February 2021.