
Case Number	19/00405/TEL
Application Type	Telecommunications Prior Notification
Proposal	Erection of 12.5m monopole (Application for determination if approval required for siting and appearance).
Location	Land Adjacent 1 Sandygate Grange Drive Sandygate Road Sheffield S10 5NH
Date Received	31/01/2019
Team	West and North
Applicant/Agent	WHP Wilkinson Helsby
Recommendation	Grant Conditionally Prior Notification

Subject to:

- 1 The development shall be begun not later than the expiration of five years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Attention is Drawn to the Following Directives:

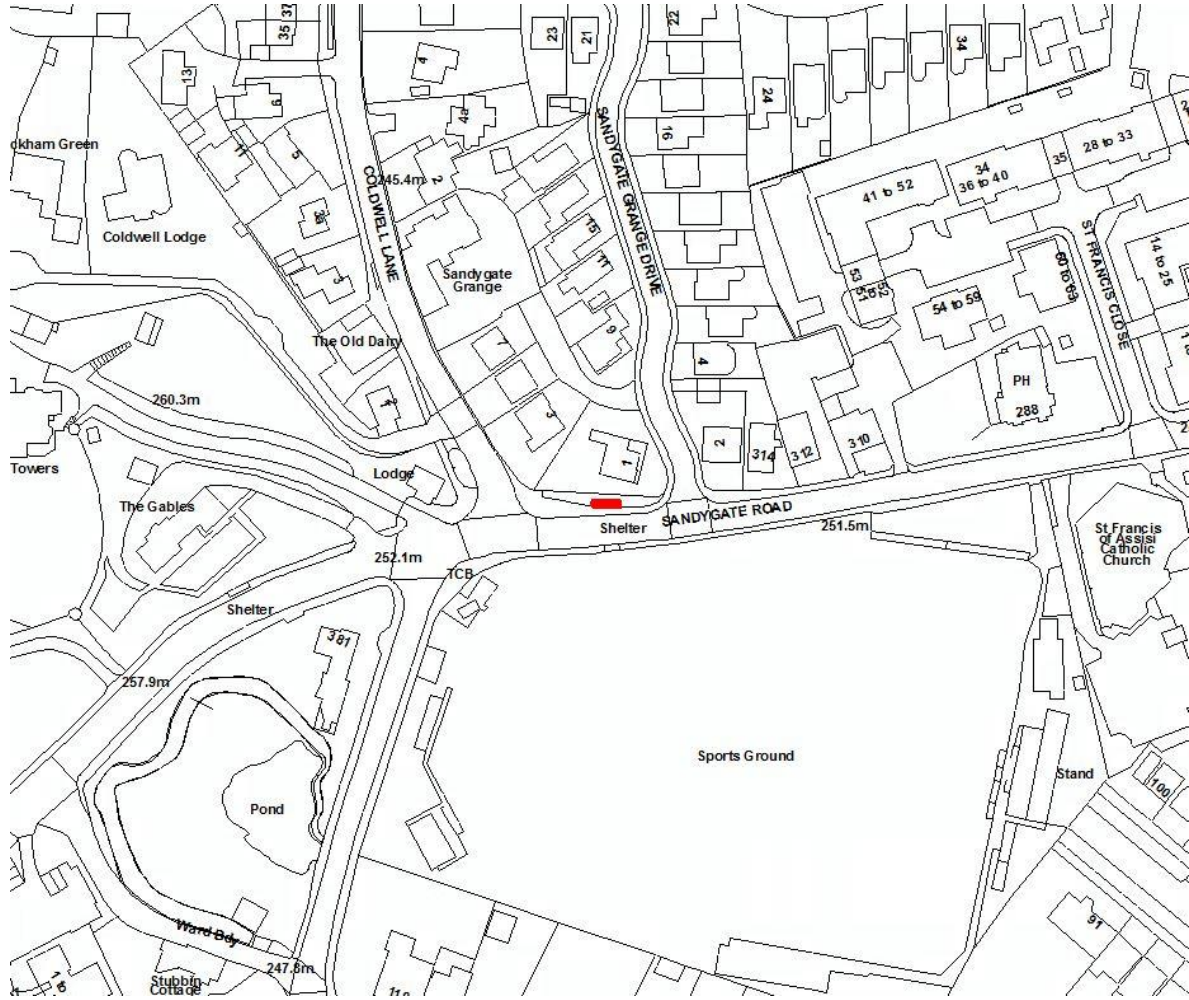
1. The applicant is advised that under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended); that when no longer required or viable, the equipment shall be removed from the site and it shall be returned to its former condition.
2. The following drawings constitute the approved plans for this application:

002 Site Location Plan Issue D
200 Proposed Site Plan Issue D
250 Proposed elevations A Issue D
330 Cabinet Layout Issue D

- Published 22.05.2019

3. The applicant is advised that the street cabinets and associated equipment are permitted development under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as the base of each structure is not more than 1.5 square metres in area.

Site Location



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LOCATION AND PROPOSAL

The application site is on an area of grass verge on the northern side of Sandygate Road between the Coldwell Lane and Sandygate Grange Drive junctions, adjacent to the side boundary of number 1 Sandygate Grange Drive, which is marked by a low stone wall with high close boarded timber fence at the back edge of the verge. A single 8 metre high black street lamp column currently exists adjacent to the verge, together with a dropped crossing which serves to aid pedestrians crossing to the bus shelter on the opposite side of the road.

The surrounding area is predominantly residential, however directly opposite are the premises of Hallam Football Club which are bounded by a high stone wall and substantial boundary trees. The site is allocated as a Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP).

Prior approval is sought for the erection of a 12.5 metre high monopole. This represents an amendment from the original submission which was for a 15 metre high monopole.

The application has been submitted under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) and in accordance with the electronic communications code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003. The development is permitted development under Part 16 of the GPDO, subject to condition A.3; which requires the developer to apply to the Local Planning Authority for a determination as to whether prior approval is required for the siting and appearance of the development only.

The provision of the associated street cabinets and equipment is permitted development under Schedule 2, Part 16 of the Order as the base of each structure is not more than 1.5 square metres in area.

The principle of the development is accepted by the provisions of the GDPO. The impacts of the proposal in terms of siting and appearance are addressed within the following report.

RELEVANT PLANNING HISTORY

There is no planning history which is directly relevant to this proposal.

SUMMARY OF REPRESENTATIONS

The proposal has been advertised by way of neighbour notification letters and site notice.

A total of 80 letters of representation have been received from 56 households following two rounds of notification.

1 letter of support has been received in favour of the proposal in order to maintain good mobile phone coverage in the area.

Original Submission

The representations received following notification of the original submission raised the following concerns:

- Impact on the nearby listed buildings
- Impact on the character and appearance of the area
- Impact on green space and planting
- Appearance and finish - the white finish would stand out against existing street furniture
- Loss of visual amenity for local residents
- Impact on views
- Overbearing impacts
- Proximity to residential properties
- Impact on house values
- Proximity to the Ranmoor Conservation Area
- Impact on historical assets including Hallam FC, the oldest football club
- Impact on The Plough Inn's designation as an Asset of Community Value
- Highway safety impacts
- Impact on highway line of sight when emerging from side adjacent roads on to Sandygate Road
- Health impacts
- Another mast in the area considered to be unnecessary
- Lack of evidence that other options have been properly considered such as sharing existing masts and alternative locations (as required by the NPPF)
- Concerns that the correct application procedure has not been followed with regards to notification of the land owner and public consultation
- Concerns regarding impacts over the construction period and subsequent maintenance
- Query regarding the cabinets being permitted development
- Impact on TV signals in the immediate area
- Potential interference with other electrical equipment, including implanted medical equipment
- Inaccuracies in the applicant's submission

Revised Submission

The representations received following notification of the amended submission raised the following additional concerns:

- The revised height is considered to be cosmetic, failing to mitigate the issues.
- Question raised regarding the acceptability of a 12.5 metre high mast when a 15 metre high mast hasn't been deemed acceptable.
- The revised position would not comply with ICNIRP guidelines and concern that a valid ICNIRP certificate for the proposed location would be approved.
- The revised siting will decrease physical distance between the proposed antenna and people and thus will worsen potential health effects.
- The plan labels cite the wrong address.
- Concerns that the proposed stone wall and boundary fencing in the area has been represented at the wrong heights.

- Vertical elements such as telegraph poles have been resisted in the area and so are not in keeping with the local character.
- Concern that a Proximity to schools will impact on the health of children
- Proposals would inhibit the “right to peaceful enjoyment of all their possessions” as protected under the Human Rights Act 1998
- Concern regarding the obstruction of visibility for emergency vehicles attending the nearby hospital.
- Lack of evidence to demonstrate that the existing siting at The Plough Inn is no longer required.
- Statement that the proposal is “crucial due to the need to ensure the Emergency Services Network” is misleading and lacks evidence.
- Claim that the LPA has dealt with the application in a positive and proactive manner in accordance with the NPPF cannot be substantiated.

Conservation Advisory Group (CAG)

At the request of a Member of the public the proposal was considered at the CAG meeting on 21 May. The minutes from the meeting note that their comments were as follows:

The Group considered that the siting of the mast at the proposed location would have an adverse effect on the views of the nearby listed Towers and Lodge and was not therefore acceptable. The Group recommended that the mast and associated boxes be sited in a less sensitive position and a site on the other side of Sandygate Road might be preferable.

RESPONSE TO REPRESENTATIONS

The comments made in respect of the siting and appearance of the equipment are covered in the main body of the report as these are the key considerations in this case.

Members are advised that the prior notification procedure only allows for the consideration of the siting and appearance of the telecommunications mast. This is set out in Under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The potential health impacts of a proposal are not covered by the Prior Notification Procedure. In any event the application is accompanied by an ICNIRP Declaration, which has been revised following the submission of the revised proposal, and so there is no compelling reason to warrant withholding planning permission on the grounds of a perceived risk to public health.

It is accepted that there were some minor inaccuracies in the submitted materials (specifically in relation to the depicted height of the existing street light column and boundary fencing / walls; and an inaccurate statement about the presence of existing telecoms equipment) but your officers consider that it has been possible to undertake a thorough and accurate assessment of the application. Additional supporting documents, such as photomontage images, together with further discussions with the applicant and a number of site visits have aided in reaching a conclusion and recommendation in this case. In response to the comment regarding

labelling of the plans; all drawings have now been amended to ensure the correct address is cited.

Notice was served on the owner of the land (the Council's Highways Service as the verge forms part of the adopted highway) on 26 September 2018 explaining that the application was to be submitted, in line with the requirements of the GPDO.

The applicant has confirmed that the mast will operate on its own secure bespoke frequency band so will not interfere with other electronic devices in the area.

The proposed development site is not within the Ranmoor Conservation Area and, as such is not considered to be a threat to its appearance or character.

A planning application has recently been lodged (reference 19/02130/FUL) to demolish the existing Plough Inn (where there is a current telecoms installation) and replace it with 8 dwellings. Whilst the assessment of this recent application has not been concluded this is a clear indication that an alternative location for telecommunications equipment in the area needs to be found, in line with the applicant's need argument.

Members should note that the proposed re-siting of the telecommunications equipment does not have any bearing on the Asset of Community Value designation at The Plough Inn.

Members are advised that impact on property values and loss of views are not material planning considerations.

PLANNING ASSESSMENT

Applicant's Case / Need

Whilst it is not a requirement for the applicant to provide a justification for the need for the installation, they have nevertheless explained their case. They have been given a Notice to Quit (NTQ) their current site at the Plough Inn on Sandygate Road, which is a building mounted installation approximately 100 metres to the east of the application site. As a result of this NTQ they urgently need to find a new site in the locality in order to maintain coverage for EE Ltd and H3G LTE; together with the Emergency Services (i.e. it is a shared facility). They have stated that the location has been identified because it meets the specific technical and operational requirements of the operator as it is near central to the search area. As explained above, the Council has now received an application to redevelop the site of the Plough Inn, although it is accepted that it is in its very early stages of assessment.

Policy

The National Planning Policy Framework (NPPF) states that "Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections."

It then goes on to state that “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... Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate”

Paragraph 115 of the NPPF imposes certain requirements in respect of both planning applications and prior approval applications. This includes a requirement for the developer to submit a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection and evidence to show that they have “explored the possibility” of installing antennae on a building, mast or structure that already exists.

Paragraph 116 of the NPPF states that: “Local Planning Authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”.

These issues will be addressed in the following report.

The site is located in a Housing Area as designated in the adopted Sheffield Unitary Development Plan. Telecommunications installations are not specifically mentioned within the main policies relating to development within Housing Areas and therefore must be determined on their own merits and in line with UDP Policy BE14 and the guidance contained in the NPPF.

UDP Policy BE14 ‘Telecommunications’ is relevant and states that telecoms development should be sited and designed so as to minimise its visual impact, subject to technical and operational considerations and new equipment should share masts or be sited on existing structures where this is technically and economically possible.’ This is in line with the guidance contained in the NPPF.

Site selection

The applicant has submitted site specific supplementary information in respect of the site selection rationale and the requirements to develop in the S10 area to maintain coverage. This information includes an assessment of alternative sites (namely: Church of St Francis; Carsick Hill Road; Coldwell Lane and Ringstead Crescent) and explains why they have been discounted. This is in line with the requirement of the NPPF to show that the operator has explored the possibility of installing the equipment elsewhere. They have not identified any sites suitable for sharing on existing structures or buildings in the cell search area that would perform the required coverage. Concerns expressed by objectors regarding the lack of precise detail are acknowledged but Members are advised that, in your officers’ view, the applicant has fulfilled the requirements of the NPPF both in terms of site selection and mast sharing / minimising the number of installations (particularly as this is a direct replacement for an existing facility which will be decommissioned). Part 16 of the GPDO requires the removal of redundant telecoms equipment therefore it is not

considered that the proposal will lead to cluttering or unnecessary provision in the area.

Included within the justification for the site selection is the requirement to avoid a “cluttered” area where trees and buildings could interfere with the signal. Due to the fairly open nature of this specific site (and in large part why it has been chosen as the optimum site by the operator); it has been possible to secure a reduction in the monopole height from 15 metres to 12.5 metres. It is considered that this reduction will further integrate the mast into the existing street furniture and reduce any overbearing impacts

Highway safety

The submission incorrectly refers to the site as one which houses existing telecoms. This is not correct; in fact the site is currently open and free from development, other than the presence of a street light column. The grass verge offers a very limited degree of visual amenity; however its main purpose is understood to be to ensure a line of sight for vehicles emerging from the Coldwell Lane junction with Sandygate Road.

A high number of the objections to the proposal refer to the highway line of sight and express concerns that the development would obstruct this and lead to safety issues. In response the applicant has agreed to set the cabinets further back in to the grass verge to address this. Amended plans published on the 29th April 2019 indicate this new equipment layout and the Highway Officer has reviewed the plans and confirmed that the proposals will not affect the required line of sight.

As it has been demonstrated that the line of sight at the adjacent junctions will be kept clear, officers do not consider that the proposed siting would be detrimental to the visibility of road users. Officers do not consider that the mast or associated cabinets would lead to highway safety issues for road users or pedestrians.

Highway safety concerns also relate to the construction period and subsequent maintenance of the equipment. It is not considered that disruption during these periods would warrant refusal on siting grounds given the limited scale and nature of the development. The developer would need to obtain any necessary permits to carry out the work in the highway and would be required to use safe working practices.

Siting and Appearance

The street works monopole design has been selected to minimise visual impact upon the street scene by integrating with the existing street furniture such as street lighting columns which are a common feature in the built environment. Telecommunications monopoles are now a regular feature on many highway verges as communications networks have expanded.

Since its original submission, the proposed mast has been reduced in height from 15 metres to 12.5 metres in order to promote its integration in to the street scene by relating it more appropriately to the surrounding lighting columns and the

surrounding buildings and structures (albeit it is acknowledged that the pole is approximately 4 metres higher than the lighting columns on Sandygate Road). It is considered that this reduces the visual impacts and prevents an overly dominant feature in the street scene.

It is not considered that the proposed development on the grass verge will lead to any significant loss of visual amenity; it is noted that such provision is not uncommon in residential areas, regularly forming part of the street furniture. The development will not lead to any significant loss of green open space and will not lead to a removal of landscaping.

1 Sandygate Grange Drive is adjacent to the site however it does not front Sandgate Road and has no direct aspect onto it. The dwelling is orientated as such that the proposed mast will be read against the side elevation of the two-storey dwelling which has no windows or doors. Both the gable end and the boundary fencing which runs parallel with Sandygate Road indicate that the proposed siting is directly to the side of the dwelling and therefore not an overly dominant feature when viewed from the main front or rear windows.

The proposed siting is approximately 39 metres from a Grade II listed building at the junction of Sandygate Road with Coldwell Lane, known as The Lodge. The potential visual impacts on the setting of this historical asset have been assessed with the help of Conservation Officers, aided by the submission of photo montage images and with the benefit of site visits. It is concluded that the important views of the building will be retained and that the mast is far enough removed from the building to not harm its setting.

It is not considered that the proposal will have an adverse impact on the siting of the adjacent historic Hallam Football Club site, which has no special protection. The Football Club grounds are surrounded by a substantial stone wall and significant tree coverage such that views of the mast from within the grounds will be fairly limited. The Football Club also has floodlighting columns that are not dissimilar in height to the proposed mast so there is already a precedent for vertical features in the landscape.

Human Rights

In making its decision, the Council should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner which is incompatible with the European Convention on Human Rights. Particular reference is made to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of possessions, including land). In addition, under Article 6 the applicant and those third parties (including local residents) who have made representations have the right to a fair hearing which means that full consideration should be given to their comments.

When making its decision the Council must balance any likely private harm against the wider public good to ensure that interference with anyone's rights shall only be permitted if it is proportionate (the degree of harm to the individual balanced against

the public interest). On this occasion it is the view of Officers that any interference is in accordance with the law and justified as being in the public interest. Any restriction on rights caused as a result of the proposal is considered to be proportionate to the wider benefits of the proposal that such a decision falls within the margin of discretion afforded to the Council.

SUMMARY AND RECOMMENDATION

Prior approval is sought for the erection of a 12.5 metre high monopole. This represents an amendment from the original submission which was for a 15 metre high monopole.

The development is permitted development under Part 16 of the GPDO, subject to condition A.3; which requires the developer to apply to the Local Planning Authority for a determination as to whether prior approval is required for the siting and appearance of the development only.

Telecommunications monopoles are now a regular feature on many highway verges as communications networks have expanded. It is accepted that telecommunications equipment is required in housing areas and it is considered that the proposed siting would not be harmful to the character or appearance of the area. It is also not considered that it will harm important views of the nearby Grade II Listed Building or the historic Hallam Football Club.

It has been demonstrated that the siting would not obstruct the line of site at the Coldwell Lane junction and as such officers are unable to substantiate a refusal on highway safety grounds despite concern from residents in the area.

In line with the requirements of the NPPF the operator has explored the possibility of installing the equipment elsewhere and sequentially the proposed site is acceptable in this respect.

In light of the above assessment your officers recommend conditional approval of this prior notification application.

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