



Development Management Report

Responsible Officer: George Candler, Director of Place & Enterprise

Summary of Application

Application Number: 16/05258/TEL	Parish:	Llanymynech And Pant
Proposal: Proposed base station installation		
Site Address: Proposed Telecommunications Base Station Pant Shropshire		
Applicant: Telefonica UK Limited		
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk	

Recommendation:- Prior Approval Not Required subject to the conditions set out in Appendix 1.

Recommended Reason for Approval

REPORT

1.0 THE PROPOSAL

1.1 This is a prior notification application under Part 16, Class A of the Town and Country Planning (General Permitted Development) Order, as amended November 2016 to establish whether prior approval of the Local Planning Authority is required for the siting and appearance of the proposed development.

1.2 The scheme proposes the following:

- ☐ Installation of a 15m mono pole ;
- ☐ 2 equipment cabinets

1.3 The proposal is to improve mobile network coverage in the area and it will be jointly operated by Telefonica and Vodafone improving the service to their individual network customers.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site comprises of section on land adjacent to the A483 in the settlement of Pant. The location is close to the junction with Stargarreg Lane and

the A483 within the 30mph zone. To the east of the site there is a vacant undeveloped parcel of land otherwise the site is fully surrounded by residential development.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 In accordance with the adopted 'Scheme of Delegation' this application is determined under delegated powers as it does not represent a significant departure from adopted development plan policies and in all other matters meets the criteria set out for delegated decisions in the Council's 'Scheme of Delegation'

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Parish Council-

The plans as presented will cause accidents at this busy junction due to the lack of visibility. The area marked 'entrance' and described as a splay on the drawing, is not merely an entrance and does not have a splay. It is Stargarreg Lane, which leads to over 60 properties and whereby the residents gain access to the main road - A483. Opposite is Briggs Lane, which does have a splay and the difference can be seen on a satellite view of the area.

The Parish Council at their meeting on the 26.1.17 agreed to propose two alternatives. The first was a suggestion that the cabinets may be better aligned horizontally to enable a sight line. The Proposal the Parish Council wish to put forward is that the cabinet and pole be sited on an unused area of the village playing field, to the right of the locked entrance gate. The area is large enough and the equipment would be unobtrusive in that location. There are no ground works in this location The, in the past there was a phone box sited in front of that part of the playing field. The suggested site is almost opposite the one at Stargarreg Lane, but would be far less dangerous.

4.1.2 Highways England (comments on the amended plans)-

The latest information submitted shows the proposed telecom mast and associated cabinets now closer to the A483/Stargarreg Lane junction where the verge is wider. The telecom masts and cabinets now appear to be sited behind the visibility splay by a reasonable margin.

4.1.3 Shropshire Highways (comments on the original submission) –

The proposed location of the equipment could potentially be within the visibility splay from the Stargarreg Lane with the A483 and as part of the proposals it will need to be demonstrated that there is no detriment to the line of sight for the drivers of vehicles emerging from the junction.

4.2 - Public Comments

4.2.1 12 objections received commenting on the following issues-

- Siting would restrict visibility for motorist
- Less sensitive location available

- 1 letter of support received –
 - Improvement to phone and internet coverage

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5.0 THE MAIN ISSUES

Principle of development
Siting and appearance
Highway Safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The works proposed are permitted development under Part 16, Class A of the Town and Country Planning (General Permitted Development) Order, amended 24th November 2016. The purposes of this application is to enable the Local Planning Authority to determine whether or not prior approval of the siting and external appearance of the development will be required and if so whether prior approval is granted.

6.1.2 This application is accompanied by a report which sets out the site selection process and demonstrates that a number of alternative sites in the area were considered alongside that subject to this application, it also sets out the consultation with the locally interested groups prior to the formal application being submitted. The application also includes confirmation of compliance with the ICNIRP guidelines concerning public exposure to electromagnetic fields.

6.2 Siting and Appearance

6.2.1 Part 5 of the National Planning Policy Frameworks seeks to support high quality communications infrastructure. This is supported by local plan policy through CS7, CS8 and CS13 of Shropshire Council Core Strategy and MD8 of the Sites and Allocation of Development (SAMDev) Plan, which seeks to improve, maintain and promote communications infrastructure. In this case the application seeks to improve the network coverage for two mobile phone operators.

6.2.2 Given the development of modern technologies and the increasing dependence on mobile and digital communications it's increasingly important to provide an efficient and usable signal. Any visual impact have to be carefully balanced against the social and economic benefits of a strong communications infrastructure.

6.2.3 The proposed siting of the telecoms base station is such that will be clearly visible from nearby land and from nearby dwellings. Although the pole would be seen within the context of a number of trees and other highway furniture such as street lights. Heading north of the A483 a large proportion of the pole would be obscured by the trees. The view heading south would be more obvious with much clearer view of the pole although it would partially be seen against the back drop of trees with the upper section visible against the skyline. It is not considered that this would not adversely harm the visual amenity of the area.

6.3 Highway Safety

6.3.1 The monopole and associated equipment would be located on part of the highway verge which is a long thin wedge shape. The application originally submitted proposed that the equipment be located in a narrow part of the wedge but further from the Stargarreg Lane junction. A substantial number of objections were received from residents as well as from Highways England as it would obscure the visibility of motorists exiting the lane. In consultation with Highways England the siting has been revised onto the wider section of the grass verge although this does then move it closer to the junction. The reconsultation on this amended scheme continued to attract objection from the Parish Council and the residents on the grounds that it would compromise the safety of highway users by restricting visibility.

6.3.2 By moving the equipment onto the wider section of verge has allowed it to sit behind the required visibility splay. Highways England have commented on the revised scheme and are satisfied that the equipment would not cause any obstruction.

6.3.3 As part of the planning process the applicant is required to provide details of other potential sites and the reasons why they are not considered suitable. During the course of the formal application the Parish Council also suggested a further site which was the children's play area. The agent responded saying that such locations are generally avoided as they can be very contentious. The agent also comments that it would be likely that a tall mast would be needed to clear the height of nearby trees. Officers concur with the agent in terms of the site selection and why other sites were dismissed. The applicant has been asked to consider not just alternative location but also whether lower cabinets could be used to restrict any impact on visibility.

7.0 CONCLUSION

7.1 The scheme would enable the enhancement of mobile/data network coverage for the area. The proposals are permitted development under Part 16, Class A, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order as amended November 2016. The visual impact of the proposed mast and associated apparatus on the area would not result in significant harm to the character and appearance of the area. Highways England are satisfied that there would not be any harm caused to the safety of highway users as all equipment would be set back behind the required visibility splay. The proposal is considered to comply with policies CS7, CS8 and CS13 of the Core Strategy, policy MD8 of SAMDev and with the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree

with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- ☒ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

Town and Country Planning (General Permitted Development) Order, amended November 2016

National Planning Policy Framework
National Planning Practice Guidance

Core Strategy:

CS1: Strategic Approach

CS8: Facilities, Services and Infrastructure Provision

CS17: Environmental Networks

Site Allocations and Management of Development (SAMDev) Plan:

MD8 Infrastructure Provision

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

OS/06/14346/FUL Alterations and extension to dwelling GRANT 22nd May 2006

OS/07/14910/OUT Proposed dwelling (dormer bungalow) and garage including alterations and improvements to existing access GRANT 30th May 2007

OS/08/15480/REM Proposed dormer bungalow and garage, alterations to existing vehicular access and stationing of caravan GRANT 18th June 2008

10/03342/FUL Erection of a single storey extension (amendment to previous approval reference 08/15480) GRANT 6th October 2010

16/05258/TEL Proposed base station installation PNR 10th February 2017

16/05258/TEL Proposed base station installation PNR 10th February 2017

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)
Cllr M. Price

Local Member

Cllr Arthur Walpole

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development must begin not later than the expiration of 5 years from the date of receipt of this application.

Reason: To comply with Part 16, A.3 (10)(b) of the Town and Country Planning (General Permitted Development) Order 2015.

2. The development must be carried out in accordance with the details submitted with the application. Drawing no's 201 Rev C, 101 Rev B, 301 Rev C and 100 Rev B.

Reason: To comply with Part 16, A.3 (8)(b) of the Town and Country Planning (General Permitted Development) Order 2015.

3. The electronic communications apparatus hereby permitted, shall be removed from the site within 6 calendar months of them no longer being required for electronic communications purposes.

Reason: To comply with Part 16 (A.2)(2)(b) of the Town and Country Planning (General Permitted Development) Order 2015.

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