

## DELEGATED REPORT

<b>Application No:</b>	21/P/2348/TEA	<b>Target date:</b>	07.10.2021
<b>Case officer:</b>	Anna Hayes	<b>Extended date:</b>	
<b>Proposal:</b>	Application to determine if prior approval is required for a proposed 15 metre high phase 8 Monopole C/W wrapround Cabinet at base and associated cabinets and ancillary works.		
<b>Site address:</b>	Land At Pages Court, High Street, Yatton , BS49 4EQ		

### The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 16, Class A – Communications

#### Permitted Development

Class A of Part 16 states that the following constitutes permitted development (subject to limitations):

Development by or on behalf of an electronic communications code operator for the purpose of the operator’s electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—

- (a) the installation, alteration or replacement of any electronic communications apparatus,
- (b) the use of land in an emergency for a period not exceeding 6 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
- (c) development ancillary to radio equipment housing.

#### Prior Approval

Paragraph A.3(4) states that before beginning the development described in paragraph A.2(3), 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**.

#### Constraints

The site is affected by the following constraints:

- Within the Settlement boundary of Yatton
- With Local Centre – DM62
- Class B highway
- Adjacent to a Conservation Area
- Within the setting of a Listed Building

## **Consultation Summary**

The abovementioned Order does not require consultations to be carried out on this category of prior approval.

### Yatton Parish Council:

The Parish Council considered the proposed location of this 15 metre 5G mast and its accompanying cabinets was an eyesore that had an unacceptably detrimental impact on the street scene and the village centre. It is an intrusive overbearing set of street furniture that will effectively block the front façade of Pages Court, which was recently improved and upgraded to make it a pleasant area that many residents enjoy. This proposal will downgrade and dominate the amenity of Pages Court and the Council cannot understand why this location has been suggested.

### Neighbour's Views

105 Objection comments have been submitted. The main planning points made are as follows:

- Pedestrian safety/ highway safety
- Will make footpath too narrow
- Out of character
- Close proximity to school

## **Assessment**

### **Availability of alternative sites**

Section 10 of the NPPF supports the development of advance, high quality communications infrastructure. Paragraph 113 however requires that LPAs “should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network.” As part of this operators should seek to use existing masts, buildings and other structures first.

The Code of Best Practice on Mobile Network Development in England advises that,

*‘The creation of a new site should only be considered where there is no viable alternative. However, this does not mean that the principles of good siting and design are any less important. There are many ways by which the potential for environmental and visual impact of a ground-based mast can be greatly reduced.’*

The site selection process by the applicant appears to have been limited. The Supplementary information submitted with the application attempts to justify the site search by explaining the proposed coverage area is very constrained. The supporting information references a couple of sites which were reviewed but dismisses these without any thorough assessment. Overall, it is considered the site selection has not been extensive enough. Therefore, the proposal is considered to be contrary to guidance set out in Section 10 of the NPPF.

### **Character and Appearance**

Policy CS12 of the Core Strategy and policy DM32 of the North Somerset Sites and

Policies Plan (Part 1) require a high standard of design in all new developments. These policies require that development is sensitively designed to respect the character of the site and its surroundings, taking the opportunity to enhance an area where relevant. In particular, consideration will be given to the siting, soft and hard landscaping, levels, density, form, scale, height, massing, detailing, colour and materials of a development and whether these characteristics respect those of the existing site and the surrounding area.

The application site is located approximately 70m from Yatton Conservation Area and within the area identified as the potential setting of two grade I listed buildings, the Church of St Mary, on Church Road and the Old Rectory & Rectory Cottage, on The Causeway.

Policy CS5 of the Core Strategy and DM3 of the Sites and Policies Plan (Part 1) seek to *'To conserve and wherever possible enhance North Somerset's conservation areas'. This includes, views from and into the Conservation Area.* Moreover, Policy DM4 of the Site and Policies Plan (Part 1) aims to *'To safeguard the special architectural and historic interest of North Somerset listed buildings, their features inside and out, as well as their settings.'*

The site is also located within a designated local centre. Policy DM62 of the Sites and Policies Plan Part 1 states that *'The primary function of these centres is for local shopping. Proposals for other local services may also be appropriate within these areas such as community facilities, meeting places and small scale leisure.'*

*All proposals should seek to ensure a safer more attractive and accessible centre.'*

This application proposes the erection of 1no. monopole 15m in height with a wraparound cabinet at base measuring 1800mm x750mm and 1600mm in height, 1no cabinet measuring 1900mm x 600mm x1752mm in height, 1no. cabinet measuring 600mm x 520mm and 1585mm in height and 1no cabinet measuring 650mm x 700mm x 950mm in height.

The proposed monopole and associated equipment would be located on the public highway at the front of Pages Court, High Street, Yatton.

Planning permission was approved in 2016, (Planning Application no: 16/P/0358/F) for the upgrading and refurbishment of Pages Court Shopping Centre including landscaping to the precinct, to enhance the retail attractiveness of the centre and encourage pedestrian movements.

Pages Court Shopping Centre is located in the centre of Yatton and is the main commercial centre in the village providing 10 self-contained retail units in a 'precinct' arrangement with the first floors areas of the property comprising a combination of ancillary stores to the retail units and residential accommodation. Pages Court is situated adjacent to a local supermarket which attracts a reasonably large number of shoppers from the local village and surrounding area. The area is fairly busy with a steady flow of passing vehicle traffic and a footfall of people using the shopping centre and supermarket.

The application site relates to a public footpath at the front of the site, adjacent to High Street (Class B Highway) which, is the main road through Yatton. The application site is located opposite a row of shops to the south west of the site with a Primary and Infant School located approximately 60m to the north east of the site at the rear of Pages Court.

The proposed monopole and associated equipment would occupy a prominent location adjacent to an existing bus shelter. The existing public footpath measures approximately 3.3m in width and is located approximately 1m from an existing bus shelter.

Due to the siting of the proposed monopole and associated equipment on the largely open shopping centre, there is nothing nearby that would effectively screen the proposal to reduce its prominence.

The proposed monopole would uniformly rise above the height of the adjacent retail units at 7.5m in height, lighting columns and other vertical elements within the vicinity of the site. The Church of St Mary The Virgin is located 200m from the application site. The Church is a Grade I Listed Building. The proposed monopole would tower above the surrounding buildings and Listed Buildings within the Conservation Area. . The elevated bulk of the antenna would be visible against the backdrop of the sky from various viewpoints and further draw attention to the monopoles incongruous height and bulk.

Consequently, the proposal would be discordant with the character and appearance of the area and appear jarring out of place in the locality.

Given the above combination of factors, the siting and appearance of the development would be intrusive to people approaching and using the parade and other facilities.

It is considered that the proposal would have a substantial unacceptable visual presence when viewed from the shopping centre, neighbouring properties, adjoining buildings and the surrounding public realm. The proposal would be an incongruous, visually intrusive and dominant feature which would be visually harmful to the character and appearance of the area.

The benefits of the scheme are not considered to outweigh the harm when considering the limited site selection process and the harm to the character of the area. Therefore, it is considered the mast would unacceptably harm the character of the area, create unsympathetic development on a shopping centre and an intrusive feature within the street scene. The proposal is therefore contrary to policies CS5 and CS12 of the Core Strategy and policies DM3, DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

#### Highways/ public footpath

Pages Court was Designed in accordance with The Manual for Streets which states that the minimum footway width adjacent to a carriageaway must measure 2.0m – 3.0m on each side. A wider footway was installed at the front of the site to accommodate a wide range of requirements for different users. *'A street design which accommodates the needs of children and disabled people is likely to suit most, if not all, user types.'* Manual for Streets.

The application is site is located 60m from Yatton Primary and Infant School. At certain times during the day, it is an area of high pedestrian flow. The area was designed to accommodate people pushing wheeled equipment such as prams, people who walk in groups, wheelchair users and blind or partially-sighted people.

The proposed monopole and associated equipment will take up a large area of the pavement which will clutter the streetscape. Not only is this visually intrusive but there are adverse implications for many disabled people and could be a hazard for blind or partially-sighted people.

The application site is also adjacent to a bus stop.

North Somerset Highway Development Design Guide sets out the standards for bus stops. *'The minimum footway width at a bus stop site should be 3m. Where a shelter is to be provided, there should be a minimum of 0.5m clearance between any part of the shelter and the edge of the carriageway. There should be a clear footway of 2.0m between the shelter and the rear edge of the footway.'*

Footways at bus stops should be wide enough for waiting passengers while still allowing for pedestrian movement along the footway. It is considered that the proposed monopole would adversely affect the quality of walking and due to the proposed location next to a bus stop, could result in pedestrian congestion through insufficient capacity on the pavement.

Highway have raised no objection with regard to the impact of vehicles on the public highway.

### **Other issues**

A number of objection comments have been raised regarding health concerns relating to mobile phone masts.

The advice set out in paragraph 46 of the NPPF states that 'local planning authorities should not seek to determine health and safety matters that are subject to separate controls. Providing applications are accompanied with an International Commission on Non-Ionizing Radiation Protection (ICNIRP) certificate, planning authorities are not required to make any further judgement on health and safety issues.'

The (ICNIRP) certificate has been submitted with the application.

Furthermore, under Part 16 (A) consideration can only be given to the siting and appearance of the development.

### **Recommendations**

The siting and appearance of the development is therefore considered to be harmful to the character and appearance of the area and will appear out of place in the locality. It is recommended therefore that prior approval is not granted.

Signed: Anna Hayes