

PROPOSAL: PROPOSED UPGRADE OF 12.5M HIGH STREETPOLE TO 20M HIGH STREETPOLE AND RELATED INFRASTRUCTURE

LOCATION: VODAFONE (63651) TELECOMMUNICATIONS MAST OPPOSITE CROMWELL ROAD, NEWBOLD ROAD, NEWBOLD, CHESTERFIELD

1.0 CONSULTATIONS

Ward Members:	No comments received.
Environmental Health:	No objections.
Highways Authority:	No objections.
Representations:	5 letter objections received and 2 petitions, with a cumulative sum of 34 signatures.

2.0 THE SITE

- 2.1 The site subject of this application is a grass verge located adjacent to the eastbound carriageway of Newbold Road highway. The site is situated to the west of the junction of Cromwell Road and Newbold Road. The streetscene to the south and east of the site is predominately residential in character with open space known as 'Edinburgh Park' located to the north of the site.
- 2.2 The topography of the surrounding area slopes significantly from south to north, with Cromwell Road occupying an elevated position with respect to Newbold Road highway and Edinburgh Road Park situated approximately 2m lower than Newbold Road carriageway level. A stone retaining wall marks the boundary between the Newbold Road highway and the adjoining open space. The application site therefore occupies an elevated position when viewed from Edinburgh Road and Edinburgh Park.
- 2.3 The tallest buildings within the vicinity of the site include a three storey red brick property located to the east of the site and a three storey red brick property located to the south of the site on the opposite side of Newbold Road highway. A row of semi-detached

dwellings are located to the north east of the site on Edinburgh Road, orientated towards Edinburgh Park to the west.

- 2.4 There are 2 existing telecommunications masts and associated cabinets located on this verge, with an approximate 15 to 20 metre gap between the masts at present. They are opposite the junction of Cromwell Road and Newbold Road. The existing mast (related to this proposal) measures 12.5m in height and is light grey in colour (see application CHE/15/00332/TEL) with the additional green coloured mast to the west 15m in height (see application CHE/18/00277/TEL). A number of existing street lighting columns are visible from the application site, each measuring approximately 8m in height.
- 2.5 The existing 12.5m mast has a width of 30cm (approx.) at the bottom and 60 cm at the top (approx.), as shown in the drawings.

SITE HISTORY

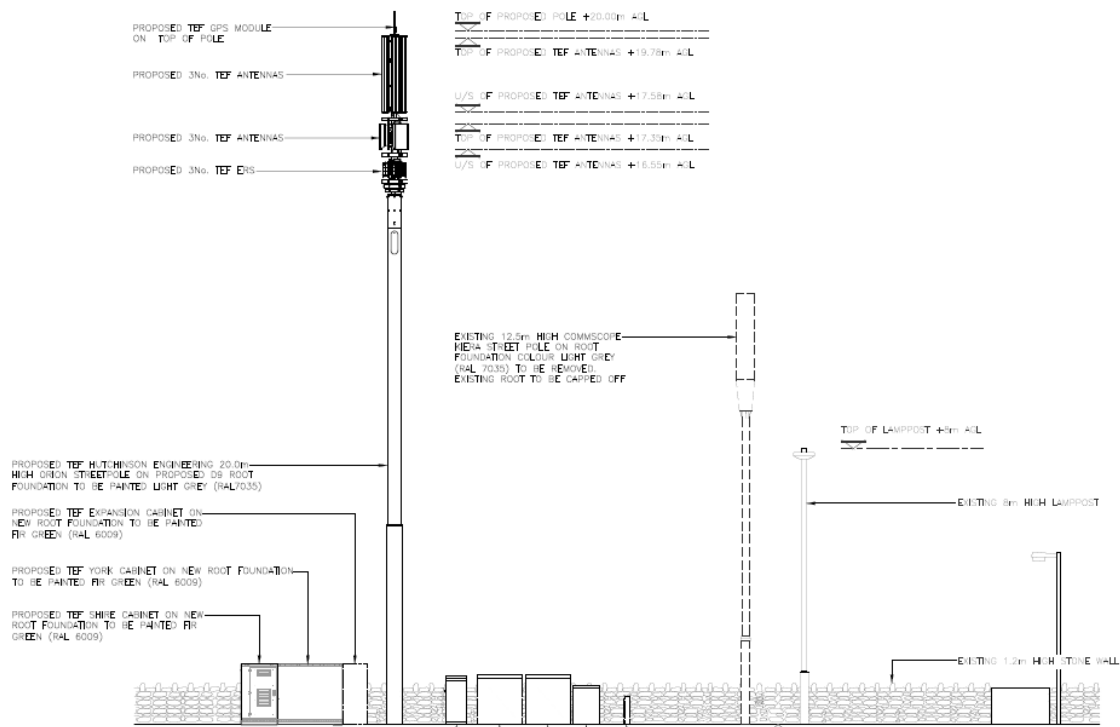
- 3.1 CHE/10/00686/TEL - Telecommunications installation - Prior Approval
Refused by committee - 14.11.2010.
"The siting and appearance of the proposed installation would be considered to have a significant and adverse effect on visual amenity and local character. Specifically the siting of the mast and antennae and the equipment housing is poorly related to existing street furniture, the mast being out of line with existing street lighting columns and the equipment housing being visually isolated from an existing nearby bus stop contributing to visual clutter. With regard to appearance, the height and bulk of the mast and antennae would, when considering the prominent siting of the development, result in a visually alien and intrusive element in the streetscene. Given the adverse visual impact, it is considered that all alternatives should be explored including separate masts and antennae on Newbold Road in order to demonstrate that the proposal is the optimum environmental solution, and that it achieves the aim of facilitating national telecommunications infrastructure whilst keeping environmental impact to a minimum. The Local Planning Authority is not satisfied that the appropriate balance has been demonstrated and that as a consequence the proposal is contrary to the national policy in PPG8."
- 3.2 CHE/11/00589/TEL - Vodafone/O2 13.8m CU PHOSCO MK3 streetpole, Vodafone/O2 11.53m antennas, meter cabinet and harrier

radio equipment cabinet – Prior Notification refusal by committee – 13/10/11

“The height of the proposed installation would be considered to have a significant and adverse effect on visual amenity and local character.

Specifically the height of the mast and antennae is poorly related to existing street furniture, the height of the mast and antennae would, when considering the prominent siting of the development, result in a visually intrusive element in the streetscene. Given the adverse visual impact, it is considered that all alternatives should be explored in order to demonstrate that the proposal is the optimum environmental solution, and that it achieves the aim of facilitating national telecommunications infrastructure whilst keeping environmental impact to a minimum. The Local Planning Authority is aware from information provided by the applicant that a lower version of the proposed structure is feasible and it is the Local Planning Authority's opinion that the lower structure would be materially less harmful to visual amenity than the scheme under consideration. Consequently the Local Planning Authority is not satisfied that the appropriate balance has been demonstrated between facilitating national telecommunications infrastructure whilst keeping environmental impact to a minimum and that a lower height of mast could be used to provide a modern telecommunications network and as a consequence the proposal is contrary to the national policy in PPG8.”

- 3.3 CHE/11/00750/TEL - Proposed Vodafone streetpole antennas, meter cabinet, harrier radio equipment cabinet – Prior Notification Approval – 13/12/11
- 3.4 CHE/14/00585/TEL - Upgrade of existing telecommunications base station comprising the replacement, with minor relocation, of a 12.5m high column, with a proposed 15m high column (height including antenna shroud), associated antennas, 3 No equipment cabinets (1 No exiting cabinet to be removed) and ancillary development – Withdrawn – 08/09/14
- 3.5 CHE/15/00332/TEL - Upgrade of telecommunications base station comprising the replacement of existing 12.5m high column, with a 12.5m column in the existing location (height including shrouded antennas), associated 4 No equipment cabinets (1 No existing to be removed) and ancillary works – Prior Approval Not required – 16/07/15



4.2 The proposed 3 equipment cabinets are likely to be permitted development under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 and therefore would not require prior approval or planning permission, but the scheme also includes the retention of existing cabinets on site, which ensures that the cabinets are not permitted development and are considered by the Local Planning Authority. There would be six separate cabinets on site associated to the mast. The new cabinets on site would have a combined width of 3.6m and a height of 1.8m.

4.3 The mast and cabinets are to be sited on the grassed strip of land between the edge of the vehicular carriageway and the pedestrian footway on Newbold Road, within the adopted highway.

4.4 The proposal is to replace the existing mast with a 5g mast to provide improved phone coverage for people in the local area.

5.0 **CONSIDERATION**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan

for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP2 Principles for Location of Development
- CLP14 A Healthy Environment
- CLP20 Design

5.3 National Planning Policy Framework 2021

- Chapter 2. Achieving sustainable development
- Chapter 8. Promoting healthy and safe communities
- Chapter 10. Supporting high quality communications
- Chapter 12. Achieving well-designed places

5.4 Other documents of relevance:

- Code of Best Practice on Mobile Phone Network Development (CLG 2002).
- Mobile Phone Base Stations and Health (Department of Health 2005).
- International Commission on Non-Ionizing Radiation Protection (ICNIRP): Exposure to High Frequency Electromagnetic Fields, Biological Effects and Health Consequences (100Khz – 300Ghz) (2009).
- Report of the Independent Expert Group on Mobile Phones: ‘Stewart Report’ (April 2000).
- National Radiological Protection Board (NRPB) Report R321: Exposure to Radio Waves near Mobile Phone Base Stations (June 2000).

5.5 Principle of Development

5.5.1 Normally the principle of the telecommunications development is established by Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (amended in 2016). This application is a full application, not a prior approval application, but the officer considers that this some of the considerations used to assess telecommunications proposals via this process is an appropriate method to also assess this application.

- 5.5.2 Para. 117 of the revised NPPF sets out that applications for telecommunications (including prior approval) should be supported by the necessary evidence to justify the proposed development. This should include:
- the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
 - for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
 - for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that when operational, International Commission guidelines will be met.
- 5.5.3 In accordance with the guidelines of the NPPF the applicant has indicated that they undertook pre-application consultation with the Local Planning Authority – although no response was given.
- 5.5.4 Noting that these proposals are for a replacement mast and new base station the application is supported by an ICNIRP declaration dated 3rd August 2021 stating the installation will not exceed International Commission on non-ionising radiation protection guidelines. The supplementary information supporting the application details that the purpose of the proposal is to provide a replacement installation for an existing site.
- 5.5.5 Having regard to the site selection criteria of para. 117 the applicant is looking to use an existing site, so has not considered a range of sites in the area. They were of the opinion that the proposed site was the best in relation to the operator’s requirements having regard to coverage and line of sight considerations.
- 5.5.6 Policies Chapter 10 of the revised NPPF set the policy framework against which the development principle should be considered. Having regard to this framework it is considered, given the evidence supporting the application outlined above, that the principle of development is acceptable.

5.6 Appearance and Neighbour Effect

- 5.6.1 The application site is in a location where street furniture such as lighting columns, telegraph poles, highway signs and the existing telecommunications installation are clearly evident. The street lighting columns are relatively low level (between 5m – 8m in height) in comparison to the existing telecom installations which are 12.5m high and 15m high. As can be seen from the site photograph below the existing mast sits relatively prominent in the immediate streetscene:



15m

12.5m



5.6.2

The proposed siting and appearance of the new street pole and antennas would be consistent with the positioning of existing installations on the grass verge, albeit with the relocation of the mast to be replaced some 10m to the west. The increasing of its height by 7.5m and change to the top of the structure to be antennas rather than a shroud, will result in it being more prominent in the streetscene and in the local area. Such proposals are part of the nationwide improvements to mobile networks to 5g and such a design and size of mast/poles will become more commonplace in the future. Notwithstanding this, proposals must still be assessed having regard to their impacts in terms of siting and appearance, and other relevant issues. In regards the appearance, the larger masts are wider, taller and have antennae sticking out of the sides rather than being slimline and having a shroud on top. These aspects add to the 5g iteration of such masts having a more significant impact on their surroundings. During roll outs of the previous phone masts in urban areas the colours, sizes and general design of masts evolved to attempt to provide more acceptable designs for urban areas with regard to visual amenity in terms of their impact on the wider landscape and to the residents of surrounding houses. In this case the officer is unaware what other options have been considered and

if this design is the best case scenario at present, this doesn't mean that this proposal is acceptable by default.

5.6.3 In relation to appearance, some of the issues that can be considered include

- height of the site in relation to surrounding land,
- topography of the site and vegetation,
- openness and visibility of the site,
- designated areas,
- the site in relation to existing masts,
- structures or buildings, and
- proximity to residential property.

5.6.4 In the site history it is noted that there was often a fine balance between officer's reports, committee's decisions and other issues, as 2 previous schemes were refused on this site and 1 was withdrawn. It was noted in the delegated reports for those schemes that the location is prominent in public views from Cromwell Road, along Newbold Road, Edinburgh Road and Edinburgh Road public open space. The site when viewed from the south east along Newbold Road appears against an open backdrop, with longer distance views over the nearby public open space. It is a noticeably open streetscape when contrasted with other sections of Newbold Road when heading to and from Chesterfield Town Centre. When viewed from the north west the site is set against a backdrop of a three storey red brick building and also mature trees further in the distance, these trees being located behind dwellings on Newbold Road and Edinburgh Road. It is considered that the siting of the proposal is visually prominent and therefore any telecommunications development which fails to respect its surroundings in terms of appearance (design, height, external appearance, materials and colours) has the potential to have a significant adverse effect on visual amenity and local character.

5.6.5 The previous telecom poles along this section of Newbold Road have been 12.5 and 15m high with a slim line design. In the wider setting it can be argued that such proposals were not too dissimilar in design and size to streetlights. This proposed pole would be between 5 - 7.5m higher and significantly wider pole than those existing on site and this would be sited closer to the existing 15m green mast on site. It is considered that the new design of such 5g masts could not be mistaken for or be considered similar to a streetlight, and that a combination of the width, height and antennae at the top lead to a design that is not acceptable or sympathetic in this particular area, as

it will lead to incongruous feature in the streetscene, when viewed from Cromwell Road, Newbold Road, Edinburgh Road (and it's green space), as well as the dwellings in view of the site including 30A and 31 Cromwell Road, 66 and 66A Newbold Road and 38 – 48 Edinburgh Road.

- 5.6.6 The development also includes the addition of 3 new cabinets as well as the retention of 3 existing cabinets. These cabinets are part of the overall development and are considered to be permitted development in prior approval applications normally, but in this proposal this isn't the case, as 6 separate cabinets will be retained on the verge associated to this proposal, which is beyond the threshold for cabinets that are allowed under permitted development rights. Also, the neighbouring 15m mast has 4 separate cabinets. So, whilst normally cabinets cannot be considered in most cases as part of TEL applications this isn't the case with this application. The proposal is going to lead a very cluttered highway verge which will include 10 separate cabinets, 2 poles and 1 streetlight, which is considered to be an unacceptable situation, and harmful to the streetscene.
- 5.6.7 Whilst the principle has been previously set on site for the positioning of telecommunications masts on site and nearby, that does not mean that any size and design of proposal is acceptable, and that the fine balance between competing issues may not lead to an approval in all cases (as shown by previous refusals for the site). In this case, having regard to para. 117 of the NPPF and policies CLP2 and CLP20, the inclusion of a new mast and cabinets is not acceptable and should be refused on grounds of visual amenity.

5.7 Public Health & Fear

- 5.7.1 Proposals such as that applied for, especially where in close proximity to dwellings, can lead to public concerns at the potential for adverse health impacts from the emissions generated by the telecommunications antennae.
- 5.7.2 Guidance in para. 114-118 of the revised NPPF set out the required evidence to justify the proposed development and state that LPAs must determine applications on planning grounds. The NPPF further indicates that they should not seek to question the need for the telecommunications system; or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

- 5.7.3 It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure it should not be necessary for the LPA, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.
- 5.7.4 In considering the public health implications of the proposal, it is considered that the Government and Health Protection Agency are the appropriate bodies for setting guidelines and controls to protect the public, and that significant weight is given to the NPPF and the current approach taken by Government on the matter. In this respect the applicants have certified ICNIRP Guideline compliance for the proposed installation. Furthermore, given the recent ICNIRP studies conclusions it would appear that there is no reliable evidence to date that exposure to the electro-magnetic radiation associated with mobile phones and similar technologies can lead to a significant health risk and therefore insufficient reason to deviate from the Government's guidance.
- 5.7.5 Consequently it is considered that a refusal on grounds of there being a material threat to public health could not be sustained at appeal. Notwithstanding this however, it is likely to be impossible to prove scientifically that no risk exists, and speculation can give rise to a level of public fear which is a material consideration.
- 5.7.6 Many of the objections are based on grounds of fear, as they fear the potential radiation increases from 5g masts onto themselves and their families. The officer does not consider that these comments outweigh the Government's guidance in the NPPF and that this Planning Authority could sustain a refusal on grounds of public fear and an adverse effect on amenity as a consequence of this.

5.8 Highways Safety

- 5.8.1 Local Plan policies CLP20 requires the consideration of highway and pedestrian safety. In relation to highway safety the highway authority was consulted on the scheme and had no objections.

5.8.2 Several highway safety issues have been commented on in the objections. In regards visibility, the siting of the mast is not considered to have a significant impact in terms of highway and pedestrian safety. In regards the parking of members of the public near the existing masts (to improve phone network access) as long as the vehicle owners park the cars safely, adhering to the highway code, then this is not a planning matter. It is not considered that a new phone mast would increase this beyond existing levels.

5.8.3 After reviewing the proposal the officer considers that the proposal would not have a detrimental impact upon the highways network of the local area. On this basis the proposal is considered to accord with the provisions of policies CLP20 of the Local Plan.

6.0 REPRESENTATIONS

6.1 Objections have been received from 5 separate objectors, as well as a petition signed by 34 persons. The proposal has been advertised via site notices and letters to local adjoining neighbours.

6.2 In summary the objections received comments on the below issues:

1. Questioned if there are alternative sites.
2. Lots of masts in the area, with little sign of improvement to signal.
3. Do the existing masts on site meet necessary rules and were due legal processes followed previously?
4. Visual impact – inappropriate for local area and will stand out in the skyline from surrounding houses and gardens.
5. Too close to local park and children’s playground.
6. Health and well-being – has the impact on playground been considered in the context of how the location of masts is considered in relation to schools?
7. Possible noise impact from cabinets and equipment.
8. Increase in seagull numbers from local area since masts erected and its impact on local wildlife.
9. Highway safety – the mast could fall into the road or playground, vans and lorries regularly park near to masts, more masts could have a negative impact on highway safety in the area regarding visibility.
10. Lowers value of local housing and negatively impacts desirability of wider area.
11. Impact of masts re climate change in relation to energy use of masts and the construction of them.

12. Radiation from 5g

6.3

Officer response –

1. ***The applicant submitted information stating that this site was the best placed site for the mast however no information has been supplied to support this assertion.***
2. ***This point is hard to prove to be correct. The increase of phone masts in the area is highly likely to improve phone connectivity in the area, but this won't necessarily be obvious to some residents, as not all phone masts will materially impact their own access to phone coverage e.g. different companies and cell areas.***
3. ***The existing masts on site were built after using the prior approval route for planning permission on site. As far as the officer can tell the appropriate processes were followed.***
4. ***This issue will be considered in chapter 5.6.***
5. ***This issue is generally considered in chapter 5.7. The specifics of the health risks to the users' playground and to local residents cannot be considered in this report in any more detail.***
6. ***This issue is generally considered in chapter 5.7. The specifics of the health risks to the users' playground and to local residents cannot be considered in this report in any more detail.***
7. ***The officer visited the site and did not witness a loud noise from the existing masts. No accompanying information has been supplied about the proposed noise levels from the mast. This is not considered in detail in the report. If the mast was approved and led to high levels of noise these could be considered by the Council's Environmental Health Team.***
8. ***This issue has not been considered in this report. There is no known link between seagulls and phone masts.***
9. ***The structure would include "rooting"/foundations to ensure there is a very low chance of it falling into the road and/or playground. In regards highway visibility the proposal is not considered to impact visibility. Road users who park in front of the site to get improved phone coverage are required to follow the highway code in regards safe parking.***

10. ***This is not a planning consideration in regards house value. The impacts on the desirability of the area re visual amenity is considered in chapter 5.6.***
11. ***The proposal has not been considered in regards climate change and energy use is not a material planning consideration in this regard.***
12. ***This issue is considered in regards chapter 5.7***

7.0 HUMAN RIGHTS ACT 1998

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the National Planning Policy Framework (NPPF) as the proposed development does conflict with the NPPF and with 'up-to-date' policies of the Local Plan, it is not considered to be 'sustainable development' to which the presumption in favour of the development applies.

9.0 CONCLUSION

- 9.1 The telecommunications operator has not demonstrated that there is an operational need for the development in this location, in comparison to alternate sites in the area. Furthermore, it is considered that the development would result in significant injury to

the visual amenity of nearby residential properties. As such, this application is not considered to comply with the requirements of policies CLP20 of the Chesterfield Borough Local Plan 2018-2035 and Chapter 10 of the revised National Planning Policy Framework.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be **REFUSED** for the following reason:

The proposal will include 6 cabinets associated with the scheme, resulting in 10 separate cabinets on the verge, alongside 2 telecom poles and 1 streetlamp and which will lead a very cluttered highway verge and which is considered to be excessive and harmful to the streetscene. The combination of the width, height and inclusion of the non-shrouded antennae lead to a design and appearance that is not acceptable or sympathetic in this residential area and which results in an incongruous feature in the streetscene, when viewed from the surrounding locality but especially from Cromwell Road, Newbold Road and Edinburgh Road, as well as the nearby dwellings at 30A and 31 Cromwell Road, 66 and 66A Newbold Road and 38 – 48 Edinburgh Road. The proposal is thereby considered to be contrary to policy CLP20 (b) of the Chesterfield Local Plan (2018 – 2035) in terms of the detrimental impact on visual amenity.