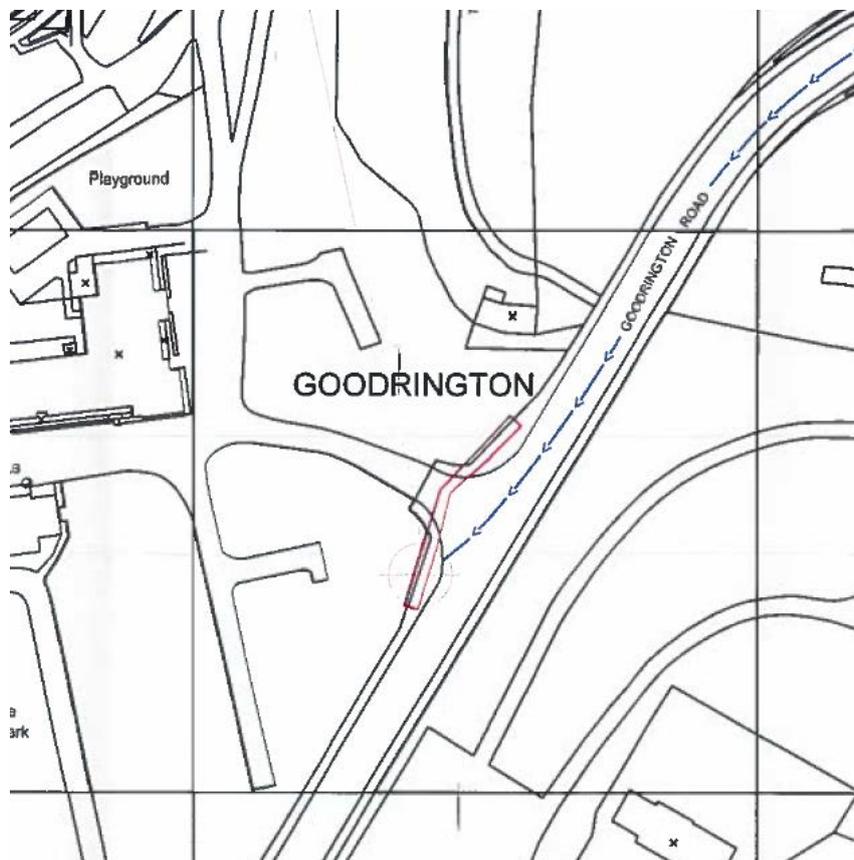


Application Site Address	Goodrington Road SW Paignton TQ4 7JY
Proposal	Installation of a 20 metre high street works pole with 9 antennas, 6 equipment cabinets and ancillary development.
Application Number	P/2019/0811
Applicant	EE (UK) Ltd & H3G (UK) Ltd
Agent	Mr Andy Lewis – Maxema Ltd
Date Application Valid	20/08/2019
Decision Due date	15/10/2019
Extension of Time Date	15/11/2019
Recommendation	That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee due to the number of objections that have been received.
Planning Case Officer	Emily Elliott

**Location Plan:**



## **Site Details**

The site is located on the public footway. The site lies adjacent to Beverly Park and Goodrington Road. The site forms part of the built up area, but is not otherwise subject to any designations within the Torbay Local Plan. The site lies adjacent to Goodrington Road.

## **Description of Development**

This planning application proposes the installation of a 20 metre high Street Works pole with 9 antennas and 6 equipment cabinets and ancillary works. The existing monopole would be replaced to improve connectivity and facilitate new 5G coverage.

## **Pre-Application Enquiry**

None sought.

## **Relevant Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

### Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Paignton Neighbourhood Plan 2012-2030

### Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

## **Relevant Planning History**

P/2015/1001: Installation of electronic communication apparatus. Permitted Development 23.11.2015.

P/2014/1029: Upgrade Telecoms Equipment. Permitted Development 24.10.2014.

APP/X1165/A/05/1194383: Appeal against refusal on planning reference P/2005/1579. Appeal allowed 13.03.2006.

P/2005/1579: Telecommunications Apparatus: Erection Of 13.7m Telegraph Pole With Internal Antenna, Equipment Cabinets At Ground Level. Refused 10.10.2005.

## **Summary of Representations**

The application was publicised through a site notice. 29 letters of objection have been received.

A summary of the concerns raised in objection include:

- Not in keeping with local area
- Impact on local area
- Visual impact
- Traffic and access

### **Summary of Consultation Responses**

#### **Torbay Council Drainage Engineer:**

As the development is located in Flood Zone 1 and the impermeable area of the development is less than 20m<sup>2</sup> I have no objections on drainage grounds to planning permission being granted.

#### **Torbay Council Senior Environmental Health Officer:**

No objections.

#### **Torbay Council Highways Engineer:**

No objections.

#### **Natural England:**

Do not wish to comment.

#### **South West Water:**

No objections.

#### **Paignton Neighbourhood Forum:**

No response received.

### **Planning Officer Assessment**

#### **Key Issues/Material Considerations**

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Flood Risk and Drainage

#### **1. Principle of Development**

Policy IF1 of the Local Plan supports, in principle, the introduction and installation of the most up to date and fastest telecom and other Information and Communications Technology (ICT).

Paragraph 112 of the NPPF states that 'advanced, high quality and reliable

communications infrastructure is essential for economic growth and social well-being', and that 'planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G)'. The NPPF states that the use of existing masts and buildings for new electronic communications capability should be encouraged. The proposal seeks to upgrade the existing site to improve connectivity and facilitate 5G technology.

The proposed development is considered acceptable in principle.

## **2. Impact on Visual Amenity**

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy PNP1(c) of the Paignton Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the proposal to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

The site has existing telecommunications infrastructure which would be replaced with the proposed development. Objectors have raised concerns with regards to the visual impact of the proposal, the impact the proposal will have on the local area and that the proposal would not be in keeping with the local area. The existing infrastructure sets a clear precedent for telecommunications development in this location and indicates that the visual impact of such apparatus has previously been assessed and is therefore considered acceptable. The proposed 20 metre high Street Works pole would be some 6.5 metres higher than the existing monopole, however the NPPF outlines that with regard to site selection for telecommunications apparatus consideration should be given to utilising any suitable existing structures. Furthermore, the proposed equipment cabinets would also replace the existing equipment cabinets. This proposal is for an upgrade to the existing site and as the site has existing apparatus on site, the visual impact is not considered to be of any further detriment to the existing street scene and locality.

Given the existing situation on site with the existing telecommunications apparatus, it is considered that given the proposal's siting, scale, and design, that it would not result in unacceptable harm to the character or visual amenities of the locality. Policy IF1 of the Local Plan states that a planning condition will be employed with a planning consent to ensure that any telecommunication apparatus and associated structures that subsequently become redundant will be permanently removed from the site. The proposed development is therefore considered to be in accordance with the NPPF, Policy DE1 of the Local Plan and Policy PNP1(c) of the Paignton Neighbourhood Plan.

### **3. Impact on Residential Amenity**

Policy DE3 Development Amenity of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

The application is supported by an ICNIRP (The International Commission of Non-ionizing Radiation Protection) certificate. National Planning guidance advises 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.'*

Given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours, in terms of their outlook, privacy, access to light, or in terms of disturbance.

The proposal is therefore considered to be in accordance with Policy DE3 of the Local Plan.

### **4. Flood Risk and Drainage**

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. Policy PNP1(i) of the Paignton Neighbourhood Plan states that developments will be required to comply with all relevant drainage and flood risk policy.

The site is located within the Critical Drainage Area and is accompanied by a Flood Risk Assessment. The Council's Drainage Engineer raises no objections to the proposed development. As the proposed development would not result in an increase of impermeable footprint of over 20 square metres, it is not considered necessary to condition the surface water flooding.

Given the nature of the proposal, the intended means of surface water drainage are considered acceptable having regard to the adopted Standing Advice, and the proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan and Policy PNP1(i) of the Paignton Neighbourhood Plan.

### **Sustainability**

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The proposed development would result in the upgrade of an existing telecommunications site, which is favoured by the NPPF and the Development Plan.

### **Statement on Human Rights and Equalities Issues**

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.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

### **Local Finance Considerations**

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

### **EIA/HRA**

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA:

Not applicable.

### **Planning Balance**

The proposed development is for the installation of a 20 metre high Street Works pole with 9 antennas, 6 equipment cabinets and ancillary development, alongside the removal of the existing telecommunications equipment which would become redundant. The proposed development is intended to upgrade the existing telecommunications technology and to facilitate for 5G coverage. Subject to the planning condition detailed below, no unacceptable material planning harm has been identified and the proposal is in accordance with Development Plan policies.

### **Conclusions and Reasons for Decision**

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area or local amenity; would provide acceptable arrangement in relation to flood risk. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, and all other material considerations.

### **Officer Recommendation**

That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport.

## **Conditions**

### **Removal of Redundant Equipment**

Any of the approved telecommunications equipment which becomes redundant and ceases to be used for a period in excess of six months shall be permanently removed within a further period of three months.

Reason: In the interests of visual amenity, and in accordance with Policies DE1 and IF1 of the Torbay Local Plan, and Policy PNP1(C) of the Paignton Neighbourhood Plan.

### **Relevant Policies**

DE1 – Design

DE3 – Development Amenity

ER1 – Flood Risk

ER2 – Water Management

IF1 - Information and Communications Technology

PNP1(c) – Design Principles

PNP1(i) – Surface Water