

Planning Committee Dated: 27th April 2022

Summary List of Detailed Plans and Applications

Recommendation: Prior Approval Granted	
Item:	1
Application No:	DM/0948/21/PAT
Application Type:	Prior Approval - Telecom
Application Site:	Cleethorpes Golf Club Kings Road Cleethorpes North East Lincolnshire
Proposal:	Prior approval to erect 25m cypress tree mast and associated works
Applicant:	MBNL, EE UK Ltd and H3G UK Ltd
Case Officer:	Owen Toop

PLANNING COMMITTEE - 27th April 2022

ITEM: 1 **RECOMMENDATION: Prior Approval Granted**

APPLICATION No: DM/0948/21/PAT

APPLICATION TYPE: Prior Approval - Telecom

APPLICATION SITE: Cleethorpes Golf Club, Kings Road, Cleethorpes, North East Lincolnshire, DN35 0PN

PROPOSAL: Prior approval to erect 25m cypress tree mast and associated works

APPLICANT:

MBNL, EE UK Ltd And H3G UK Ltd
Sixth Floor
Thames Tower
Station Road
Reading
RG1 1LX

DEPOSITED: 16th September 2021

AGENT:

Mr George Oliver
Beacon Comms Group
131 Trinity Street
Huddersfield
HD1 4DZ

ACCEPTED: 16th September 2021

TARGET DATE: 11th November 2021

PUBLICITY EXPIRY: 24th October 2021

AGREED EXTENSION OF TIME DATE: 29th

April 2022

CONSULTATION EXPIRY: 17th October 2021

CASE OFFICER: Owen Toop

PROPOSAL

This is an application to ascertain whether the prior approval of the local planning authority is required for a 25 metre high 'cypress tree' telecommunications mast and associated works thereto.

On 24th September 2021, it was confirmed that prior approval is required to determine the siting and appearance of the above proposed development. The local planning authority is then obliged to inform the applicant as to whether prior approval is approved or refused.

This application is brought to the attention of planning committee due to it being called in by a Ward Councillor.

SITE

The proposal is located at the Cleethorpes Golf Club in the grounds north of the club building. It would be visible from Kings Road to the north and east. The site is located opposite the vacant pleasure island site in which there exists a current mast. This mast is proposed to be removed in the fullness of time and replaced with the proposal.

RELEVANT PLANNING HISTORY

None relevant.

RELEVANT PLANNING POLICIES AND BACKGROUND PAPERS

National Planning Policy Framework (February 2019)

NPPF2 - Achieving sustainable development
NPPF10 - Supporting high quality communications
NPPF12 - Achieving well designed places

North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

PO5 - Development boundaries
PO22 - Good design in new developments
PO35 - Telecommunications

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

REPRESENTATIONS RECEIVED

Highways - No objections.

Trees and Woodlands - No objections.

Heritage - No objections.

Drainage - No objections.

Environmental Health - No comments.

Other Representations

Cleethorpes Golf Club - Concerns with the positioning of the mast and its relationship with the fairway and its usage. The Golf Club seeks an alternative location to what is proposed as a result.

APPRAISAL

Considerations

1) Emissions in accordance with ICNRIP.

Part 16 class A, section A.2 requires that new masts up to 25m in height be considered through the prior approval mechanism. Paragraph 116 of the NPPF indicates that Local planning authorities must determine applications (including prior approvals) on planning grounds only. They should not seek to question the need for an electronic communications system or set health safeguards different from the International Commission guidelines for public exposure. The applicant has provided an ICNIRP statement indicating the telecommunications infrastructure individually and cumulatively accords with the international emissions limits in accordance with para 115 of the NPPF.

As part of this application process, a formal response has been received by the Cleethorpes Golf Club as also acknowledged in the above section 'representations received'. One aspect of the comment refers to health and safety impacts. These impacts highlighted are regarding the proposal and the existing use by patrons of the golf club when playing golf, notably in terms of collecting golf balls and of the mast interfering with the existing health and safety arrangements for the site. The comment is noted but having regard to the above, it should be acknowledged that in planning terms to object to the application on health grounds is not a material consideration in accordance with NPPF paragraph 116.

Other potential health and safety impacts, separate to emissions and to the above, are reviewed by the highways officer and environmental officer. These cover impacts to highway safety and impact as a result of noise and disturbance under Policy 5 of the NELLP.

2) Mast sharing and site selection.

Policy 35 of the NELLP indicates that proposals for telecommunications development, including consideration of appropriate prior approval applications will be permitted provided that:

1. B. applicants demonstrate a sequential approach to show that development cannot be accommodated with less visual intrusion;

- i. on an existing building, mast or other structure; or,

ii. on a site that already contains telecommunications equipment; before new sites can be considered;

In this instance, the applicant notes that the nature of the 5G network is such that signal coverage is significantly less than previous generations of mobile networks and as a result a greater number of masts will be needed. In addition to this, the antennas have a much greater weight and as a result mast sharing with other operators is not possible on most existing street furniture style masts. Therefore, in this instance the applicant has stated that no operator has any suitable existing masts within the immediate area capable of providing the coverage required and as such a new mast is required to provide the latest 4G and 5G coverage.

The applicant has outlined that the mast is required for this area of Cleethorpes and would be best served by this location, and has acknowledged that new sites are only developed where there are no viable or accessible alternatives, or it is the local planning authority's preferred approach. In line with Policy 35, 1.B of the NELLP, the application has demonstrated the sequential approach by considering alternative sites.

3) Impact on the Visual Character of the Area.

The proposal is located within Cleethorpes Golf Club. This site is on a 99 year lease from the council, starting in 1999. The mast is proposed to be sited in the north east section of the site. Directly opposite and to the east is the existing mast which is proposed to be removed. Notably the concept of high structures exists in the area. The mast would seek to continue this context, and is sited in close proximity to an existing set of trees. In particular the mast takes a somewhat unique tree design form which is a different approach. Whilst this is unusual it will sit within the existing trees which should assimilate it more into its surroundings. Photographic montages have been provided by the applicant to demonstrate the appearance and siting of the mast for consideration. Having considered the information provided, it is recommended that this application be supported with regards to its design and so accords with Policies 5, 22 and 35 of the NELLP.

4) Impact on Neighbouring Land Uses.

As part of this prior approval application consultation has taken place. The Cleethorpes Golf Club has raised concerns with regards to the siting of the mast, and it has been raised that it would interfere with the functioning of the golf club in terms of health and safety.

It should be noted that there is no current agreement in place but the applicant has confirmed that they are in discussion with the club. It is considered that this is a private matter between the parties involved. Should the owner of the golf club not agree terms with the applicant, then this would be a legal matter outside of the planning process to resolve. This matter has been raised with the applicants and they have responded saying

that applications can be determined without legals completed and notes that this is not a reason to raise a planning objection. It can often be the process of network development that legals can't progress until planning permission is secured otherwise there is little point to enter into a restricted legal agreement that could not be realised.

With regards to planning grounds, the golf club comments are noted but it is considered that these are issues that they control and to be agreed between the parties involved. In particular how it effects the actual golf course.

In terms of wider implications and amenity the site is well separated from residential areas and neighbours in general and should not adversely impact by virtue of massing or any other disturbance. There are no highway objections.

The proposal is therefore considered to accord with Policy 5 and 35 of the NELLP.

CONCLUSION

Prior approval is hereby granted and the development should be carried out in accordance with the following plans:

Proposed Block Plan - 1629954_NEL070_93850_M001 B
Proposed Elevations - 1629954_NEL070_93850_M001 B
Proposed Site Location Plan - 1629954_NEL070_93850_M001 B

RECOMMENDATION

Prior Approval Granted

DM/0948/21/PAT – CLEETHORPES GOLF CLUB, KINGS ROAD, CLEETHORPES



DM/0948/21/PAT – CLEETHORPES GOLF CLUB, KINGS ROAD, CLEETHORPES

