



## Officers Report

### 1. Application Details

1.1. **Application No:** 23/00132/PNRT

1.2. **Location:** Highway Verge Station Road Mickleover Derby (adjacent To Mill Lane/Onslow Road Junctions)

1.3. **Ward:** MIC

1.4. **Proposal:** Installation of a 15m high monopole, equipment cabinets and ancillary development

### 2. Site Information:

2.1. **Site Visit Date:**

2.2. **Site Visit Notes:**

The site is within a small area of grass verge that sits on the junction of Station Road and Onslow Road. The verge accommodates two trees as well as two road signs. There are dwellings to the east of the site, separated from the site by a small access road. There are also houses a little further away to the north, south and west. The submitted drawings do not show the smaller tree that sits to the south of the site. Land levels are basically flat at this part of Station Road. Existing street furniture is composed of lampposts/ electricity pylon.

2.3. **Site History:**

<b>Application No:</b>	19/01549/FUL		
<b>Decision:</b>	APP	<b>Decision Date:</b>	18/12/2019
<b>Description:</b>	Installation of a replacement 17.5m high monopole with six antennas, two relocated transmission dishes and ancillary development		

2.4. **Constraints:**

### 3. Publicity:

The application has been publicised by means of:

Press Advert:	No
Site Notice:	Yes
Neighbours:	Individual neighbour notification letters sent to <b>2</b> households surrounding the application site.

This is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

### 4. Representations:

<b>Number of Contributors:</b>	<b>16</b>		
Objectors: 16	Supporters: 0	Neutral: 0	

***In line with the Data Protection Act and associated legislation this appraisal should not include details, or seek to identify through repeating specific comments, the***

*individuals who have objected, supported or made general comments about the application. Therefore, to maintain anonymity, the relevant planning grounds of objection, support or comment have only been included in broad terms. It is important to note that all comments received have been fully considered as part of the application process and included in the overall 'planning balance' exercise.*

- Sixteen objections have been received. Concerns are expressed about the visual impact of the mast as well as the health implications of the proposal. Concern is raised about the impact upon planting on the verge.

## **5. Consultation Responses:**

### **Highways - Development Control:**

Observations:

These observations are primarily made on the basis of the following submitted information:-

Drawing ' 002 Site Location Plan.

Drawing 005 Visual Splay

Drawing 215 Proposed Site Plan.

By reference to the submitted plans, it is clear that the proposals do not obstruct any highway footway or interfere with visibility splays.

Recommendation:

The Highway Authority has No Objection to the proposals.

### **NOTES TO APPLICANT**

N1. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

N2. Notwithstanding any Planning Permission please note that the owner of the structure is required to obtain the approval of the Highway Authority for any structure erected in the public highway. A licence will include provisions requiring the structure to be maintained in good condition. Its removal as required by the City Council and for any liability arising from the structure to be the responsibility of the Owner.

This is a separate legal process and the applicant/owner will need to contact Streetpride on tel 0333 2006981 [maintenance.highways@derby.gov.uk](mailto:maintenance.highways@derby.gov.uk)

N3. The proposed works are in close proximity to highway trees; the applicant is therefore required to contact the Highway Authority Arboricultural Officer at least 3 weeks prior to the commencement of works in order to confirm an appropriate method of working and to permit inspections to be carried out. Contact [trees@derby.gov.uk](mailto:trees@derby.gov.uk)

---

### **Environmental Services - Arboricultural Section:**

I would advise that all guidance under NJUGS is followed and as much distance as possible is maintained from the trees. We would not recommend pruning in the future to the tree as it will continue to increase in height. pressure to future pruning should be considered when selecting locations.

---

## **6. Policies:**

### **6.1 Relevant Policies:**

**No Policies**

### **6.2. Non-housing applications:**

The Local Plan consists of the policies of the DCLP1 and the saved policies of CDLPR. The DCLP1, which sets out the growth strategy for the city, covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan were reviewed in December 2021 in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review, endorsed by the Council's Cabinet on 8 December 2021, indicated that all of the policies relevant to the consideration of this application are still up to date and carry weight in the decision-making process as they remain consistent with the NPPF and there have been no changes in local circumstances that render any of the policies out of date. The application is therefore being considered in terms of its accordance with the policies of the Local Plan and any other material considerations, including the National Planning Policy Framework.

## **7. Officer Appraisal:**

The proposed development consists of the installation of a 15m high monopole and associated equipment cabinets and ancillary development. The equipment will be positioned about half way down the verge area and towards the eastern edge of the verge.

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

### **7.1. The Principle of the Development**

### **7.2. Visual appearance / Amenity Impact**

### **7.3. Highways**

### **7.4. Other Issues**

### **7.5. Conclusions**

### **7.1. The Principle of the Development**

Other than general Core Strategy policies relating to amenity and improvement of community facilities, there are no policies that specifically relate to telecommunications development. The main policy consideration in determining this application is the NPPF, which seeks to ensure efficient operation of the telecom network. This proposal seeks to provide 5G coverage in the surrounding area. The applicants have demonstrated the site selection process in the supporting documents. Other nearby sites have been discounted due to the proximity to residential properties, width of pavements or presence of overhead services. Subject to an assessment of the visual impact of the proposed monopole, it is considered that the proposal is acceptable in principle.

### **7.2. Visual Appearance / Amenity Impact**

The proposed telecom monopole and equipment cabinets would be constructed of galvanised steel and finished in a grey colour. There are other forms of nearby tall structures, including trees (the tallest being around 11m in height) and several street lights

(approx 12m high). The nearest residential property would be approx. 5m to the east, such that the proposal would have some impact on resident's outlook.

The proposed monopole would be an obvious addition to the street scene from houses to the east and west whilst it would be partially screened from the residents to the north and south by virtue of the trees in the verge. The outlook from the houses to the east (which are close to the site) would be affected whilst the impact upon houses to the west would be lesser due to the larger distance and intervening Station Road. There are no other similar monopoles in the vicinity. Although this would ensure that the development avoids clutter, the monopole would be obviously significantly taller than other street furniture and would be dominant over and above the height of the trees, especially the smaller tree to the south. The economic benefits of the proposal would also carry some weight. In this context whilst there is no doubt that the monopole will be a significant alteration to the street scene, it would be one of the lower height 15m monopoles (rather than a taller 20m pole) and bearing in mind the economic benefits of the monopole and the roads that separate the verge from nearby housing I am satisfied that the pole can be reasonably accommodated within the street scene in this position and the proposal would not be so visually intrusive as to warrant a refusal

### **7.3. Highways**

The proposed monopole would be on the highway verge and not interfere with current visibility splays for vehicles or pedestrians using the adjacent highway. Highways raise no objections

### **7.4. Other Issues**

The application was not submitted with any information about the impact upon trees but information has subsequently been received. Through negotiations with the Council's arboriculturalist, revised details have been submitted and are now acceptable providing evidence that the work can be accommodated without undermining the health of the nearby trees.

The application is accompanied by an International Commission on Non-Ionizing Radiation (ICNIRP) certificate that confirms that the cumulative levels of radio radiation fall within internationally acceptable limits. As such the health implications of the proposal are considered to have been satisfactorily considered.

### **7.5. Conclusions**

It is considered that the proposed monopole would have some impact on the street scene and on resident's outlook. However, the economic benefits of the proposal would carry some weight and the proposal would not be so visually intrusive as to warrant a refusal. Furthermore, a recent appeal decision to allow a similar mast at Land at Devonshire Drive (Robin Public House) is relevant in underlining the need to identify real harm in order to justify refusal of planning permission. Overall, it is considered that the siting, design and amenity implications of this proposal are acceptable and it is not necessary for the Local Planning Authority to further control the design and siting details of this installation.

## **8. Recommendation:**

### **8.1. Recommendation:      Approval**

### **8.2. Reasons for Recommendation:**

The proposal has been considered against Local Plan Policies, the National Planning Policy Framework where appropriate and all other material considerations.

### 8.3. Conditions and Reasons:

1. Work shall be carried out in accordance with recommendations made in the submitted tree protection plan and arboricultural management statement, including installation of protective fencing. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained tree give and will continue to give to the amenity of the area and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

2. The development shall conform in all aspects with the plans and details shown in the application as listed below.

Reason: For the avoidance of doubt.

Plan Type:	Plan Ref – Rev:	Date Received:
Location Plan	DBY17704_DBY191_88709_DE0606_GA_REV_B Rev B	31/01/2023
Other	DBY191/88709/DE0606 Rev B	31/01/2023
Site plans	BY191/88709/DE0606 Rev B	31/01/2023
Elevations - Proposed	BY191/88709/DE0606 Rev B	31/01/2023
Other	Arboricultural report	04/04/2023
Other	Tree survey plan	04/04/2023

### 8.4. Informative Notes:

None

### 8.5. Extension of Time:

Extension Date: 06.04.2023 Agreed