

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Site Of Standard House And PIF, Prospect Place**

**1 SUMMARY**

Application No: 15/02123/PFUL3 for planning permission

Application by: Galliford Try Communications on behalf of Telefonica UK Ltd

Proposal: Retention of existing 30m high telecommunications mast and base station for 6 month temporary period.

The application is brought to Committee because local ward Councillors have raised a valid planning objection within the consultation period and requested that the application be determined by Planning Committee.

To meet the Council's Performance Targets this application should originally been determined by 14th October 2015. An extension of time has been agreed until the 24<sup>th</sup> March 2016.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to indicative conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

**3 BACKGROUND**

The application site is located on a cleared parcel of land that is bounded by Willoughby Street, Prospect Place and Harley Street. The land was formerly the site of Standard House. The area around the site is a mix of commercial, community use and residential; to the south of the site is a gym, warehouse and the rear of the Cotswold Outdoor Store, and to the north are the Lenton Centre and the Thomas Helwyns Baptist Church.

**4 DETAILS OF THE PROPOSAL**

- 4.1 Temporary planning permission is sought retrospectively for a telecommunications mast. The mast has 3 antennas and is 30m in height. The mast was erected to provide emergency cover in the area following the loss of the former permanent site at the Lenton Flats. The mast was initially erected under The Town Country and Country Planning (General Permitted Development) Order (as amended) Part 24 Class A (b) which allows the erection of masts temporarily for a period of six months. This initial six months period expired in August 2015. This current application was submitted in August 2015 and was made to allow the

telecommunications provider to bring forward its permanent site for a mast at the Savoy Cinema.

- 4.2 The temporary nature of the mast has meant that it required the provision of its own electricity generator. The original generator installed resulted in a number of noise complaints being made to the Council. Officers have worked with the applicant and a replacement generator was installed on site on the 10<sup>th</sup> December 2015. To ensure that the new generator was operating within statutory noise limits the applicant undertook a noise survey on the 12<sup>th</sup> January. A report of the findings was submitted on the 25<sup>th</sup> January. The issues raised in relation to the generator and the need to carry out a noise survey has delayed the determination of the application.
- 4.3 The telecommunication operator has advised that they do require the mast to remain in-situ until the end of September 2016 as the Savoy Cinema site is still being progressed. The Savoy Cinema site is able to come forward under permitted development rights.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

35 neighbouring properties on Hart Street, Prospect Place, Harley Street, Osmaston Street, Mettham Street and Willoughby Street have been notified of the application. One letter of representation has been received as a result of this publicity; this was received in September 2015 and raised concern over the noise caused by the generator.

### **Additional consultation letters sent to:**

**Pollution Control:** Initially Pollution Control raised concern over the noise that was being emitted by the on-site generator. Through negotiations this generator was removed and a new generator was installed. A noise survey was undertaken and the report findings were reviewed by Pollution Control. They have advised that the measured output of the generator relating to the report is satisfactory and that it complies with statutory noise limits.

**Highways:** No objections.

**Lead Local Flood Authority:** No objections.

**Councillor Trimble and Councillor Piper:** Raised objections to the noise that was emanating from the generator, these objections were made within the consultation period which expired on 4<sup>th</sup> October 2015.

Cllr Piper also raised concern through the Members Casework system on 15<sup>th</sup> February 2016 about whether the mast is interfering with local television signals. Cllr Piper had received a complaint that terrestrial television reception had been affected since the mast had been erected, but that residents with cable TV had not experienced problems.

## **6** **RELEVANT POLICIES AND GUIDANCE**

### **Nottingham Local Plan (November 2005):**

Policy BE18: Telecommunication Equipment

Policy NE9: Pollution

### **Aligned Core Strategy (September 2014):**

Policy 10: Design and Enhancing Local Identity

## **7.** **APPRAISAL OF DEVELOPMENT**

### **Main Issues**

- 7.1 The main issues in relation to this application are whether the visual impact of the mast is acceptable for a temporary period and whether the generator associated with the mast causes an adverse noise impact.

### **Issue (i) Visual Impact (Policy 10 and BE18)**

- 7.2 The mast is visually dominating and does have an adverse impact on the character and appearance of the street scene. A permanent mast at this location would not be appropriate, however given that the mast is proposed for a temporary period (until the end of September 2016) it is considered to be acceptable. The temporary nature of the mast will ensure that the aims and objectives of Policy BE18 of the Local Plan and Policy 10 of the Aligned Core Strategy are met.

### **Issue (ii) Noise Impact (Policy NE9 and BE18)**

- 7.3 The noise survey that has been carried out demonstrates that the replacement generator is not having an adverse impact on the local area and as such, it is considered that the development would comply with Policies BE18 and NE9 of the Local Plan in this regard.

### **Other Matters**

Television Interference

- 7.4 The telecommunications operator was contacted regarding this matter, who advised that Freeview channels can be affected by masts and that those residents experiencing difficulties should contact at800, who provide assistance in such matters. This information was relayed back to Cllr Piper via the Caseworker system on the 15<sup>th</sup> February 2016; no additional complaints have been received. On the basis of no additional complaints having been received and given that it is only recommended that planning permission be granted for the mast until the end of September 2016, it is considered that it would be unreasonable to refuse planning permission on this ground.

## **8.** **SUSTAINABILITY / BIODIVERSITY**

None.

**9 FINANCIAL IMPLICATIONS**

None.

**10 LEGAL IMPLICATIONS**

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

**11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

None.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

**16 List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 15/02123/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NSR4VLLYCB000>

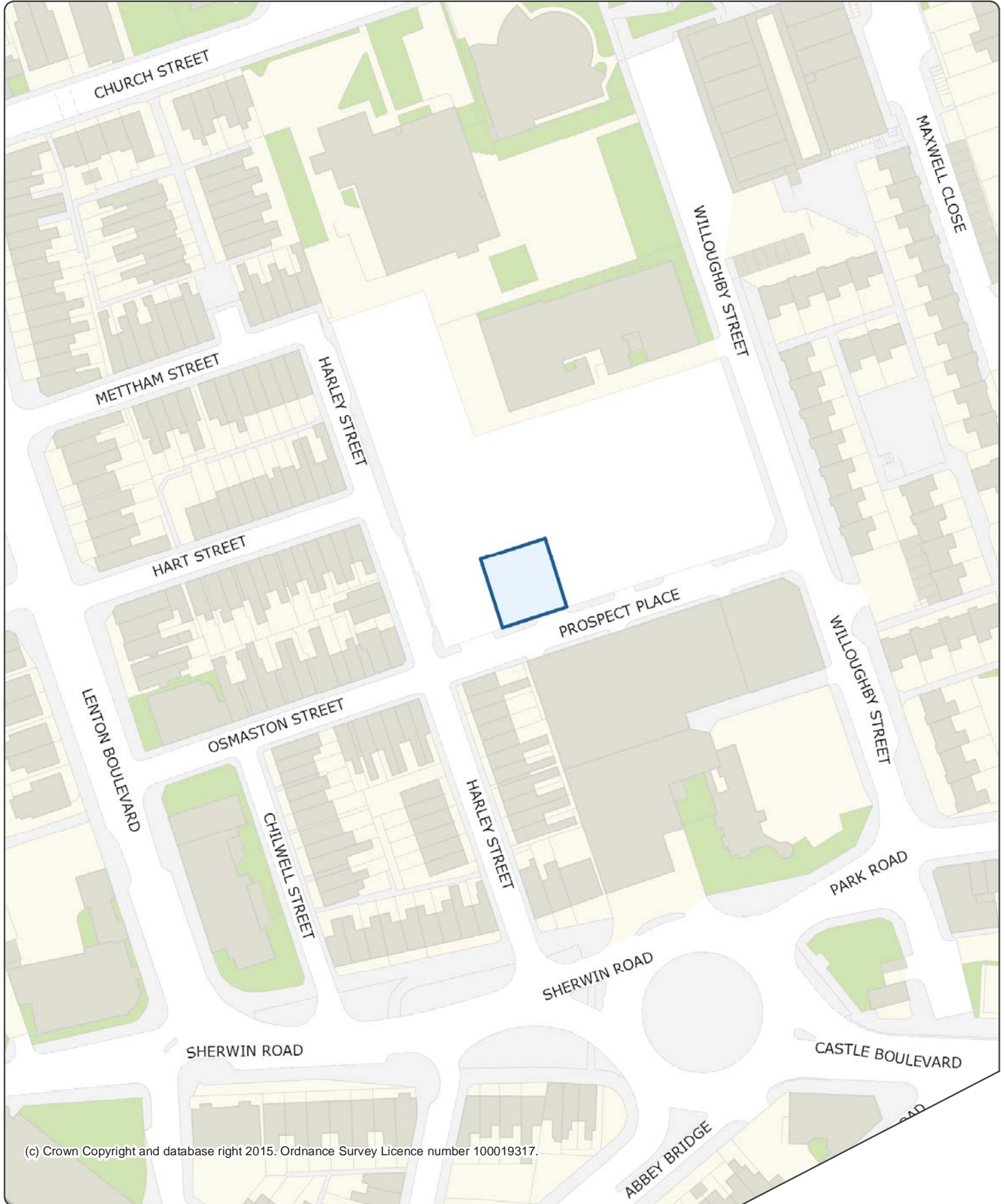
**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)

**Contact Officer:**

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# NOMAD printed map

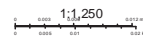


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## Key

 City Boundary

Nomad web map printed by a Nomad user at 11:47, 15/03/2016



## Description

No map description

**My Ref:** 15/02123/PFUL3 (PP-04410629)  
**Your Ref:**  
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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990  
APPLICATION FOR PLANNING PERMISSION**

Application No: 15/02123/PFUL3 (PP-04410629)  
Application by: Telefonica UK Ltd  
Location: Site Of Standard House And PIF, Prospect Place, Nottingham  
Proposal: Retention of existing 30m high telecommunications mast and base station for 6 month temporary period.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

<b>Time limit</b>
1. The development hereby permitted shall be discontinued by the 24th September 2016 and the mast and associated equipment hereby approved shall be removed and the land reinstated to its former condition by this date.  <i>Reason: To ensure that the character and appearance of the area is not adversely affected in order to comply with Policy BE 18 of the Local Plan and Policy 10 of the Aligned Core Strategy.</i>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
There are no conditions in this section.
<b>Pre-occupation conditions</b> (The conditions in this section must be complied with before the development is occupied)
There are no conditions in this section.
<b>Regulatory/ongoing conditions</b> (Conditions relating to the subsequent use of the development and other regulatory matters)
There are no conditions in this section.

**Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 19 August 2015.

*Reason: To determine the scope of this permission.*

**Informatives**

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.



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**DRAFT<sup>2</sup> ONLY**  
**Not for issue**

Continued...

## **RIGHTS OF APPEAL**

Application No: 15/02123/PFUL3 (PP-04410629)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.