

RECOMMENDATION REPORT

Application No: 21/00137/ECREG5

Printed: 25 January 2021 Date Authorised 25 January
to proceed: 2021

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Date valid: 13 January 2021 Decision
Type:
Target decision 10 February 2021 Ward: Longbenton
date:
Date of Site
Visit:

Application type: Electronic Communications Reg 5

Location: Land To Front Of 24 Runswick Avenue Longbenton NEWCASTLE UPON
TYNE

Proposal: Installation of pole

Applicant: Openreach, FAO Amit Maindoli

RECOMMENDATION: Objection Notice Under Reg 5 Elec Com

INFORMATION

Description of the Site

The site to which the application relates is a footpath sited adjacent to No. 24 Runswick Avenue.

Description of the Proposal

This application is a voluntary notice from Openreach under Regulation 5 of The Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (As amended) of the operator's intent to carry out works which the operator considers are permitted development by virtue of Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) England Order (2015) (As amended). This report does not consider the proposal against that legislation.

The following work is proposed:
- Installation of a new pole (9m high)

Relevant Planning History
None

Government Policy
Communications Act 2003

Electronic Communications Code (Conditions and Restrictions) (Amendment) Regulations 2017

Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (As amended)

Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended)

Consultations/representations

PLANNING OFFICERS REPORT

Officer Comments

The main purpose of this application is to assess if any conditions are necessary to mitigate any detrimental impact the proposal may have.

The power to impose conditions is provided by regulation 5 of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003. They must be reasonable, but there is no obligation on the operator to comply with any conditions.

The Cabinet Siting and Pole Siting Code of Practice (November 2016) sets out general, planning and visual considerations:

5.1 “The sharing of pole structures should be considered at the design stage in Order to reduce unnecessary duplication and visual impact.”

5.4 “The preferred position for poles is on the publicly maintainable highway and where possible in the footway adjacent to the property boundary rather than at the kerb edge (other than where Health & Safety considerations such as spiked railings etc may occur).”

5.5 “If the pole is to be sited in front of more than one property, the preferred location is at the vertical boundary of the two properties perpendicular to the location of the pole.”

5.8 “All new poles should be sited, so far as is practicable, so as to minimise their impact on their setting, including the landscape and any buildings. To minimise the visual impact, poles should not be sited in a prominent position at a junction or on a bend in the road. Other prominent locations on grass verges or grassed amenity areas should be avoided unless there is a technical justification.”

Based on the information provided, the pole would be sited on a footpath adjacent to the front garden serving No. 24 Runswick Avenue. It is considered that the proposed pole would be visually prominent within the street scene and from habitable windows serving the adjacent residential properties. As per the advice set out in The Cabinet Siting and Pole Siting Code of Practice (November 2016) further consideration must be given to the location of the pole.

Having regard to the above, a condition is recommended to control the location of the pole.

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Conditions/Reasons:

1. The siting of a proposed pole, located on a footpath adjacent to No. 24 Runswick Avenue, would have a detrimental impact on the wider residential setting and visual amenity of the area. As such, it is recommended that further consideration is given to relocate the pole to a less conspicuous area outside the sight line from adjacent residential properties habitable windows i.e. further north closer to the junction, straddling two property boundaries which does not result in any impacts on habitable windows or adjacent to a blank gable as per the advice set out in The Cabinet Siting and Pole Siting Code of Practice (November 2016).

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

