

**The Application** is for full planning permission for the replacement of the existing 15 metre monopole with a 17.5 metre dual user monopole and the installation of 2 new equipment cabinets and associated works. The proposed pole would be a shared structure between mobile phone operators Vodafone and O2 (Telefonica).

The proposal would be located on a grass verge adjacent to Clayton Lane which is within the urban area and within the Clayton Conservation Area, as indicated on the Local Development Framework Proposals Map.

**The statutory determination period for the determination of this application expires on 16<sup>th</sup> July 2014.**

### **RECOMMENDATION**

**Permit subject to an amended plan being submitted prior to the committee meeting repositioning the equipment cabinets to the south of the monopole and the following conditions;**

- (i) Standard time limit**
- (ii) Approved plans**
- (iii) Equipment cabinets to be coloured green**
- (iv) Submission and approval of an arboricultural method statement and an arboricultural site monitoring schedule to BS5837:2012**

### **Reason for Recommendation**

The proposed development is considered to represent an acceptable design that would not result in a significant and adverse harm to the visual amenity of the area or the character and appearance of the Clayton Conservation Area, subject to the proposed equipment cabinets being coloured green and repositioned to the south of the monopole to avoid root protection areas of adjacent trees. Any minimal impact of the increased height of the structure would be outweighed by the demonstrated technical need for the development and the proposal being an upgrade of an existing structure. Due to the submission of the ICNIRP declaration as part of the proposal it is accepted that the development would not have an adverse impact upon the health and well being of local people. The proposed development would therefore adhere to the principles set out within the NPPF and comply with policies T19, N12, B9, B10, B13, B14 and B15 of the Newcastle under Lyme Local Plan as well as policies CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026.

### **Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application**

Discussions during the application process have been ongoing between officers and the applicant's representatives in order to address concerns. Subject to an amended plan being submitted the proposal is now considered to be a sustainable form of development and so complies with the aims and objectives of the National Planning Policy Framework.

### **Policies and Proposals in the approved Development Plan relevant to this decision:-**

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

CSP1: Design Quality

CSP2: Historic Environment

## Newcastle under Lyme Local Plan 2011

T19: Telecommunications Development – General Concerns  
T20: Telecommunications Development – Required Information  
B9: Prevention of Harm to Conservation Areas  
B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area  
B12: Provision of Services in Conservation Areas  
B13: Design and Development In Conservation Areas  
B14: Development in or Adjoining the Boundary of Conservation Areas  
B15: Trees and Landscape in Conservation Areas

### **Other Material Considerations include:**

National Planning Policy Framework (March 2012)  
National Planning Practice Guidance (2014)

### Relevant Planning History

12/00142/FUL Installation of a 15m high telecommunications slimline street pole, shrouded antennas, associated cabinets and ancillary development Permit

### Views of Consultees

The **Environmental Health Division** raises no objections

The **Highways Authority** raises no objections subject to a condition that the pole and associated cabinets are sited in accordance with the submitted site plan.

The Council's **Urban Design and Conservation Officer** raises no objections to the replacement of the monopole and given that the new cabinet will be located close to the existing one, considers that this will not harm the overall appearance of the conservation area on the main road verge.

The **Conservation Advisory Working Party (CAWP)** raises no objections but considered that the proposed increase in height for the pole is the maximum height acceptable within the Conservation Area and that the pole should stay white and the cabinets should be painted green as existing..

The **Landscape Development Section** has raised concerns given the position of the structure in relation to the adjacent trees. It is likely that significant tree roots could be encountered within the half meter depth excavation required for the box. The equipment cabinets should therefore be repositioned. Further information regarding the facilitation pruning works is required as the replacement mast is in close proximity to the canopy of the Beech tree. Should planning permission be granted then conditions regarding an arboricultural method statement and an arboricultural site monitoring schedule BS5837:2012 are advised.

### Representations

No letters of representation have been received.

### Applicant/agent's submission

A Design and Access Statement and supporting information has been submitted to support the application which outlines the following comments;

- This proposal is a dual user monopole and would contribute to the roll out of 4G coverage within the area.
- The proposal would increase the height of the existing monopole from 15m to 17.5 metres with two additional cabinets
- Consultation has been carried out with the LPA, local ward councillors, the local MP and nearby schools. No responses were received.
- The site is within the Clayton Conservation Area.

- The Conservation Area is primarily the grounds of Clayton Hall. Incorporation of the highway verge to Clayton Road within the Conservation Area ensures protection to highway trees.
- The application is for the upgrade of an existing structure to improve coverage which is in accordance with local and national policy.

The applicant has declared that the proposal conforms to International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines.

The full documents are available for full inspection at the Guildhall and on the Council's website

[www.newcastle-staffs.gov.uk/planning/1400398FUL](http://www.newcastle-staffs.gov.uk/planning/1400398FUL)

## **KEY ISSUES**

The proposed telecommunications equipment would upgrade an existing structure on a grass verge adjacent to the busy Clayton Road, which connects the A500 to Newcastle Town Centre. The grass verge is on the edge of, but within, the Clayton Conservation area

The applicant has detailed that the replacement equipment would be a shared structure that would provide new 4G coverage to the area.

The NPPF advises that local planning authorities should support the expansion of electronic communications networks, including telecommunications. It also encourages the use of existing masts, buildings and structures unless the need for a new site is justified. Local planning authorities should determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

The NPPF details that local plan policies should be given due weight according to the degree of consistency with the framework. Policy T19 of the Local Plan supports proposals for telecommunications development that do not unacceptably harm the visual quality and character of sensitive areas and locations such as the countryside and do not adversely affect the amenity of nearby properties. Such development is also supported provided that there are no other alternative suitable sites available.

The applicant has provided a Declaration of Conformity with ICNIRP Public Exposure Guidelines and it is therefore felt not necessary to consider this as a key issue.

Given the policy support, in principle, for communications infrastructure, the main issues for consideration in the determination of this application are therefore;

- How was the site selected?
- Impact of the proposal on the Clayton Conservation Area and the impact on trees?
- Impact upon the visual amenity of the area?
- Does the proposal comply with current guidance on health concerns?

## **Site Selection Process**

As indicated, the proposal is to upgrade the existing structure by replacing the existing 15 metre shared monopole with a 17.5 metre monopole and two additional equipment cabinets.

The replacement equipment would provide new 4G network coverage that is now being rolled out throughout the UK. The upgrade of an existing site is considered an appropriate solution as opposed to a new site within the area. No alternative sites have therefore been considered.

Members can if they wish locate other existing telecommunications sites in the area by visiting [www.sitefinder.radio.gov.uk](http://www.sitefinder.radio.gov.uk).

## **Impact on the Clayton Conservation Area and the impact on trees**

The grass verge is adjacent to a busy highway but falls within the Clayton Conservation Area. The conservation area is primarily centred around the former Clayton Hall but also includes some cottages and converted rural buildings to the south around 'The Green'. The application site is beyond the boundary of Clayton Hall and towards the west adjacent to a bank of mature trees shielding Clayton Hall from the busy highway.

The NPPF details in paragraph 134 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy CSP2 of the CSS indicates that the Council will seek to preserve and enhance the character and appearance of the historic heritage of the Borough. Policy B9 of the local plan details that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

The existing monopole is set against the back drop of the existing mature trees that screen the proposal from distant views, particularly from the north and east. The existing monopole does not appear to clear the height of the trees and these are likely to disrupt network coverage. The increase in height of an additional 2.5 metres would clear the existing trees.

The proposed cabinets are located close to an existing tree and are likely to be within the root protection area of the tree. Policy B15 of the local plan details that trees and landscape features which contribute to the character and appearance, and are part of the setting of a Conservation Area, should be retained.

The Landscape Development Section has raised concerns about the location of the equipment cabinets and the likely impact on tree roots and has suggested the repositioning of the equipment cabinets is the most appropriate solution. This has been brought to the applicant's attention who has advised that amended plans will be submitted which will reposition the two proposed equipment cabinets to the south of the existing.

It is considered that the location of the proposed cabinets is the most appropriate location to provide symmetry with the existing pole and cabinet. However, due to the likely impact on the tree the relocation of the cabinet to the south is considered acceptable subject to it being painted green. In order to minimise the impact on trees the conditions recommended by the landscape section regarding the submission and approval of an arboricultural method statement and an arboricultural site monitoring schedule are considered appropriate.

In consideration of the above the proposed increase in height of the monopole and the additional equipment cabinets are deemed to be acceptable subject to the applicant submitting an amended plan which shows the cabinets being repositioned to the south. The proposal would not harm the character or appearance of the conservation area due to the proposal being an upgrade of an existing structure that has the benefit of good tree screening and is located adjacent to a major road into the town with a proliferation of existing galvanised steel lighting columns, speed cameras, telecommunication cabinets and road signs. It would also benefit from a back drop of mature trees and so views of it from Clayton Hall and the wider conservation area would be minimal.

#### Impact upon the visual amenity of the area

The surrounding land use has a predominantly residential character but Clayton Road is a busy highway that dissects the residential area and has educational, health and commercial uses adjacent. The highway is lined by vertical street columns with a proliferation of other street furniture within the vicinity. The existing structure and equipment cabinets assimilate well within the large grass verge and existing street furniture. The existing trees on the highway verge and the back drop of mature trees result in very minimal harm to the visual amenity of the area, particularly when it is acknowledged that a monopole and an equipment cabinet is already there. Whilst the proposal would increase the height of the proposal by 2.5 metres it is considered that the additional impact would be minimal. The two additional cabinets would also not result in a significant harm to the visual amenity of the area.

In consideration of the above the view is that the proposed development would not result in a significant adverse harm to the visual amenity of the area.

Does the proposal comply with current guidance on health concerns?

The application is accompanied by a certificate of compliance with the ICNIRP guidelines for public exposure and the NPPF advises that the LPA should therefore accept that the proposal meets the International Commission guideline for public exposure. Furthermore, no objections have been raised by the Environmental Health Division.

Background Papers

Planning File referred to  
Planning Documents referred to

Date report prepared

1<sup>st</sup> July 2014