

The application is for a determination as to whether prior approval is required for the siting and appearance of the following:

- Replacement of 6 existing antennas which are located on the side of two chimneys with 6 antennas of the same height.
- 3 new antennas

The site is within the Newcastle Town Centre Conservation Area, as indicated on the Local Development Framework Proposals Map.

Unless a decision on this application is communicated to the developer by the 25th September 2014 the development will be able to proceed as proposed.

RECOMMENDATION

(a) Prior approval is not required, however

(b) Should the decision on (a) be that prior approval is required the recommendation is to PERMIT.

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. 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, 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.

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

National Planning Policy Framework (March 2012)

National Planning Policy Guidance (2014)

Relevant Planning History

01/0769/FUL Permitted Installation of telecommunication apparatus

02/0483/FUL Permitted Installation of telecommunication apparatus

Representations

None received.

Views of consultees

The **Conservation Officer** comments that the topography of the town centre slopes down considerably towards the south which limits any views of the antennas. Walking through the town from the north and southwest down Hassall Street means that views are possible of the roof, the chimneys and therefore the antennas. The Conservation Officers opinion is that principal views are at eye level, drawn by the activity within the town centre at street level. In townscape terms there is no harm caused by this upgrade especially since the additional antennas are to the rear side of the chimneys and barely be visible if at all from within the Conservation Area. The conclusion is that no harm will come to the Conservation Area, its significance will remain unaltered given the context of the character of the existing townscape, the building itself, the development proposed and the topography of the site.

The Chair of the **Conservation Advisory Working Party** has comment on their behalf and considers that the proposal will have no adverse effect on the character or appearance of the Conservation Area, and therefore has no objections.

Applicant/agent's submission

The agent has submitted a supporting statement in relation to the proposal. A summary of the key points are as follows;

- Whilst in the Conservation Area the equipment is unobtrusive and minor and will have no detrimental impact on the building, the Conservation Area or the wider locale.
- The upgrade will house both Vodafone and 02. The sharing of base stations between multiple operators is one of the key strategic policy principles contained within the NPPF.
- Present of the existing roof top equipment sets a clear precedent for telecommunications development in this location.

The key points of The Code of Best Practice on Mobile Network Development (July 2013) has been summarised along with the key points of the NPPF, in particular section 5.

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

The full document is available for full inspection at the Guildhall and on the Council's website at www.newcastle-staffs.gov.uk/planning/1400586TDET

KEY ISSUES

The application is for a determination as to whether prior approval is required for the siting and appearance of 6 replacement antennae and 3 new antennae all attached to two chimneys on the roof of the building. All proposed antennae do not exceed the height of the chimneys, as is currently the case.

The recently published National Planning Policy Framework (NPPF) at paragraph 42 details that

“Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.”

At paragraph 43 it goes on to state that LPAs should support the expansion of electronic communications networks, including telecommunications and high speed broadband.

As such there is national policy support in principle for telecommunications development and this must be taken into consideration when reaching an initial decision on whether prior approval is required, and also in the consideration as to whether prior approval should be granted.

Is prior approval required?

Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a *significant* impact on its surroundings.

The application is for new antennae and the replacement of existing antennae on a building which is located within the Town Centre Conservation Area. Notwithstanding its sensitive location it is considered that the replacement antennae will not be prominent in views given its roof top location and being attached to existing chimneys. As such it is not considered that the proposal will have a significant impact on its surroundings.

Notwithstanding the sensitive location of the application site it is considered in this case that prior approval is not required.

However, acknowledging that the decision of the Planning Committee may be that prior approval is required, this report will also address whether prior approval should be given.

Should prior approval be granted?

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 main issue for consideration in the determination as to whether prior approval should be granted is the design of the proposals and the impact on the visual amenity of the area.

The siting of the proposed antennae is on top of the building housing the VUE cinema which is within the Conservation Area and as such has the potential to affect its character and appearance. Whilst views are possible of the roof, the chimneys and the antennae the eye is not drawn to this and as such they would not be visually prominent. It is considered as the additional antennae are to the rear of the chimneys and barely visible that proposal will not impact upon the character and appearance of the Conservation Area.

The proposal involves site sharing which is encouraged and overall the proposal is therefore considered to comply with local and national telecommunications policies and that prior approval should be granted.

Background Papers

Planning File referred to
Planning Documents referred to

Date report prepared

5th September 2014