

The application is for full planning permission for retention an amateur radio antenna and 10 metre steel tilting/wind up antenna mast.

The site is within the urban area as defined on the Local Development Framework Proposals Map.

RECOMMENDATION

(a) REFUSE for the following reason:-

- 1. The antenna and mast unacceptably reduces the living conditions of neighbouring properties due to their oppressive and overbearing effect.**

(b) The Head of Business Improvement, Central Services and Partnerships be authorised to issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of the radio antenna and mast within three months.

Reason for Recommendation

The radio antenna and mast does not materially harm either the character or appearance of the surrounding area but is considered to adversely affect residential amenity to their oppressive and overbearing effect when viewed from neighbouring properties. As the antenna and mast have already been erected it is considered appropriate, given the harm that has been identified, to take appropriate enforcement action to secure their removal

Key Issues

The application is for the retention of an amateur radio antenna and 10 metre steel tilting/wind up antenna mast. The antennas project about 4 metres from the mast head when fully extended. The key issues to consider are:

- the visual impact of the proposal,
- the impact upon residential amenity

The visual impact of the proposal

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The character of the area comprises small inter-war semidetached and terraced houses set within a residential estate. Whilst not common in residential areas radio antenna and masts are seen occasionally as they are necessary to amateur radio enthusiasts. The mast and antenna that have been erected in this case are located against the rear elevation of the dwelling house and given that they extend above the roof are visible in views from Oldcott Crescent, Oldcott Drive and Kidsgrove Bank as well as from surrounding neighbouring gardens. In this location the structures are only seen in views between house and its relatively light, skeletal form limits the visual impact of the structures from views within the wider area. Overall it is considered that the development does not materially harm either the character or appearance of the surrounding area and would not conflict with relevant policies of the CSS and the NPPF.

Impact upon residential amenity

The National Planning Policy Framework paragraph 9 states that pursuing sustainable development involves seeking positive improvements in people's quality of life, including improving the conditions in which people live work, travel and take leisure. Paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The impact on the amenity of surrounding residents has to be taken into considered.

The antenna and mast have no significant impact on neighbouring light levels the proposal. There is concern, however, that the constant presence of the antenna and mast does have an overbearing effect when viewed from neighbouring property, particularly within the garden areas. It is therefore considered that the development unacceptably reduces the living conditions of neighbouring properties and that this impact on residential amenity justifies refusal.

Whilst raised within the letters of representation received, given that amateur radio operators are licensed by the Home Office and are required by legislation to avoid creating undue interference with other electrical equipment in a locality such concerns are not material planning considerations.

Other matters

Concern may be raised with respect to the potential health implications of the proposal however there is no national guidance or evidence available from the Home Office to suggest that there are significant health impacts to consider.

Enforcement action

As the antenna and mast have already been erected a breach of planning control has taken place. As indicated above it is considered that the harm to residential amenity arising from the mast is sufficient to justify refusal, and such factors also provide reasons why enforcement action should be taken. It is considered, to remedy the harm arising from the antenna and mast, that they should be removed within 3 months.

Policies and proposals in the Development Plan relevant to this decision:

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

Strategic Aim2:	To facilitate healthy urban living
Strategic Aim16:	Eliminate poor quality development
Policy ASP5:	Neighbourhoods Area Spatial
Policy CSP1:	Design Quality

Newcastle under Lyme Local Plan 2011

Nil.

Other Material Considerations

National Planning Policy

National Planning Policy Framework NPPF (March 2012)

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Newcastle under Lyme and Stoke on Trent Urban Design Supplementary Planning Document (2010)

Relevant Planning History

None.

Views of Consultees

The **Environmental Health Division** has no objections.

The views of **Kidsgrove Town Council** have been sought, but as no response has been received by the due date it is assumed that they have no comment.

Representations

Four letters of objection have been received raising the following concerns:

- This antenna is not just a straight pole sticking into the sky, the mast is placed at the top of the pole and protrudes around 5 metres in each direction across the roof of the property.
- It has only been installed in the last few months and, when questioned as to whether the owner had planning consent to which we were informed he had.
- Since the installation mobile phone and land line reception have shown interference.
- Residents have been advised that this eyesore should have been removed at the end of last month but to date it is still there.
- Visible and harmful to views.
- Affecting the enjoyment of neighbouring gardens.
- Appears unsafe and dangerous in high winds.
- The antenna and mast is interfering with mobile, wifi and radio signals.
- The submitted information is misleading. Plans submitted are not a true representation of the space between the application property and the adjoining property, as it doesn't show an extension that has been built next door, does not clearly show where the antenna is on the building or mark its position on the block plan.
- The information does not explain the effects to the general health of people living in close proximity from radio waves.

Committee will be advised of any further representations received.

Applicant's submission

The requisite plans and application forms have been submitted along with photographs, illustration of an assembled mast and antennas, and details of tilting mechanism.

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

3rd August 2015