

**COMMUNICATIONS SITE, ROOF OF COPTHALL HOUSE, KING STREET  
EE (UK) LTD AND HUTCHINSON UK LTD**

**19/00385/TDET**

The proposal is for new telecommunications equipment on the roof of Copthall House as an upgrade to the existing installation to facilitate 5G coverage. The equipment comprises nine equipment cabinets, twelve 2.2m high antennas mounted on raised steel pods, four pole-mounted 600mm diameter dishes on steel frames and a 600mm high cable ladder with 4 no. 3m high support poles.

The application site lies within Newcastle Town Centre and the Newcastle Conservation Area as defined on the Local Development Framework Proposals Map.

**Unless a decision on this application is communicated to the developer by the 18<sup>th</sup> July 2019 the development will be able to proceed as proposed.**

**RECOMMENDATIONS**

- (a) That prior approval is required, and
- (b) That such prior approval is **GRANTED**

**Reason for Recommendation**

Given the amount of equipment proposed which would be clearly visible within the street scene, prior approval is required. The appearance and siting of the development would not have a harmful impact upon the visual appearance of the street scene and it is not considered that there would be any adverse impact on the character and appearance of the Conservation Area. In the absence of any visual harm and also taking into account the weight given to proposals related to the expansion of the telecommunications network, prior approval should be granted.

**KEY ISSUES**

The application is for a determination as to whether prior approval is required for new telecommunications equipment on the roof of Copthall House as an upgrade to the existing installation to facilitate 5G coverage. The equipment comprises nine equipment cabinets (each measuring 770mm x 770mm x 2000mm), twelve 2.2m high antennas mounted on raised steel pods, four pole-mounted 600mm diameter dishes on steel frames and a 600mm high cable ladder with 4 no. 3m high support poles. The five existing equipment cabinets, six antennas, redundant dish and support poles are to be removed.

The majority of the equipment would be installed adjacent to King Street with four antennas and two dishes adjacent to Nelson Place roundabout.

The application site lies within Newcastle Town Centre and the Newcastle Conservation Area as defined on the Local Development Framework Proposals Map.

The Council must initially decide whether prior approval is or is not required to the siting and appearance of the development and if prior approval is required go on to consider whether it 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.

Whilst there is already telecommunications equipment on the roof of Copthall House, the proposal is for a substantial amount of new equipment that would be clearly visible within the street scene. It is considered that prior approval is therefore required.

### Should prior approval be granted?

Paragraph 112 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

Paragraph 113 states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Saved 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's submission states that the alternative to upgrading this site is a new standalone large 5G installation in the immediate area, and that the presence of the existing roof top equipment sets a clear precedent for telecommunications development in this location and indicates that the principle of this proposal is acceptable in terms of siting. It is stated that the National Planning Policy Framework advocates site sharing, and as such it is believed that there are no sequentially preferable locations within the defined site search area. Although it is accepted that there would be an intensification in the amount of equipment, the applicant's submission asserts that such a minor increase would not detract from the character of the area in which the proposal sits.

The site is within the Newcastle Conservation Area. Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

The NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, Listed Building or Registered Park and Garden, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

Copthall House is a modern office building that lies in a prominent position within the Town Centre Conservation Area, being adjacent to the Nelson Place roundabout and visible from a number of directions. The height of the main roof is approximately 11.5 metres above ground level although a central section of the roof measures approximately 15m in height. There is existing rooftop telecommunications equipment on the building which would be removed.

The Council's Conservation Officer raises concerns about the impact of the additional equipment on views of the building from Queen Street and Hanover Street but concludes that the proposal would cause less than substantial harm to the character and appearance of Newcastle Town Centre Conservation Area. The Council has accepted the principle of equipment on the roof of the building and the NPPF encourages the use of existing masts, buildings and other structures for new electronic communications. It is considered that on balance, the proposed development would have no significantly greater impact on the visual amenity of the building itself or the Conservation Area than the existing telecommunications installations.

In conclusion, it is considered that the siting and design is acceptable and that the proposal would meet the guidance and requirements of the NPPF.

## **APPENDIX**

### **Policies and Proposals in the approved development plan relevant to this decision:-**

#### [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy CSP1: Design Quality  
Policy CSP2: Historic Environment

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy T19: Telecommunications Development – General Concerns  
Policy T20: Telecommunications Development – Required Information  
Policy B9: Prevention of harm to Conservation Areas  
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area  
Policy B13: Design and Development in Conservation Areas  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

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

#### [National Planning Policy](#)

#### [National Planning Policy Framework \(2019\)](#)

#### [Planning Practice Guidance \(2014 as updated\)](#)

#### [Supplementary Planning Guidance/Documents](#)

#### [Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

#### Relevant Planning History

|               |   |          |
|---------------|---|----------|
| 99/33/FUL     | Installation of telecommunications equipment and cabinets – Orange            | Approved |
| 00/17/TDET    | Prior approval for telecommunications apparatus – Dolphin Telecommunications  | Approved |
| 00/869/TDET   | Prior approval for telecommunications apparatus – Orange                      | Approved |
| 01/319/FUL    | Installation of antenna, dishes and equipment cabinets – Hutchinson 3G UK     | Approved |
| 05/00631/TDET | Proposed T Mobile antennae and dish and associated equipment cabin on rooftop | Approved |

#### Views of Consultees

The **Environmental Health Division** has no objections to this development as it conforms to ICNIRP Public Exposure Guidelines.

The Council's **Conservation Officer** states that the building occupies a prominent position around Nelson Place roundabout and marks the start of the Georgian suburb and planned layout of the town centre, north-east of the Ironmarket. The Conservation Area Appraisal and Management Plan (2008) identifies the building as a negative building stating that "Copthall House is a particularly obtrusive modern office block, made worse by the plethora of satellite dishes and aerials". From Ironmarket the increase in this sort of development will not be readily visible and equally as one travels south into the Conservation Area down King Street, one is more guided down the road with the trees and landscaping as the backdrop to the town centre a key part of the view. The nearer one gets to

Copthall House, the traffic lights, poles and other street furniture interfere with the views. However there are some views of the building and the roof which are extremely visible within the Conservation Area, especially from Queen Street and Hanover Street where additional equipment on the northern part of the roof would cause further harm to the appearance of the Conservation Area in this location. On this basis, the proposal is going to cause less than substantial harm to the character and appearance of Newcastle Town Centre Conservation Area.

The comments of the **Conservation Advisory Working Party** are awaited and will be reported when received.

#### Representations

None received

#### Applicant/agent's submission

The agent has submitted a supporting statement in relation to the above proposal which is required in order to enable the expansion of the existing network capacity.

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

All of the application documents can be viewed on the Council's website using the following link:  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00385/TDET>

#### Background Papers

Planning File referred to  
Planning Documents referred to

#### Date report prepared

2<sup>nd</sup> July 2019