

The proposal is for the installation of a 25 metre high telecommunications lattice tower with 3no. antennas, 2no. 0.6m dishes and 2no. ground-based equipment cabinets all located within a 2.1m high green chain link fence in an 8m x 6m compound, at Kidsgrove Ski Centre.

The application site lies within the Urban Area of the Borough as defined on the Local Development Framework Proposals Map. It is also located within the Green Belt, a Community Woodland Zone and an Area of Landscape Restoration.

**Unless a decision on this application is communicated to the developer by the 5<sup>th</sup> August 2021, 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 height of the lattice tower and the amount of equipment proposed which would be visible within the wider area, prior approval is required. Given the location within the woodland and the context of existing buildings at the ski centre, it is considered that the proposed lattice tower and associated equipment would not have a significant adverse impact on the visual amenity of the area, nor harm the character of the area designated as Green Belt, a Community Woodland Zone and Area of Landscape Restoration. In the absence of any visual harm and 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 the installation of a 25 metre high telecommunications lattice tower comprising 3no. antennas, 2no. 0.6m dishes and 2no. ground-based equipment cabinets, bounded by a 2.1m high green chain link fence in an 8m x 6m compound and associated ancillary development at Kidsgrove Ski Centre.

The purpose of this site is to provide improved mobile phone coverage for individuals utilising the rail services along this section of the West Coast Main Line, as well as for local residents and the emergency services.

The application site lies within the Urban Area of Newcastle as defined on the Local Development Framework Proposals Map. Furthermore, the site is designated as being within the Green Belt, a Community Woodland Zone and an Area of Landscape Restoration in the Local Plan.

The Council must initially decide whether prior approval is required for the siting and appearance of the development, and if it is required, 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.

The proposal comprises a new lattice tower, measuring 25 metres in height, and a substantial amount of new equipment that would be clearly visible above the trees in the wider area. Therefore, it is considered that prior approval is required.

### Should prior approval be granted?

Paragraph 112 of NPPF states 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 technology and full fibre broadband connections. Paragraph 113 outlines the number of sites should be kept to a minimum to meet consumer need, and the use of existing masts is encouraged. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. Paragraph 115 requires applications for electronic communications development to be supported by the necessary evidence to justify the proposed development, including the outcome of any consultations and a certificate/declaration of conformity with ICNIRP public exposure guidelines.

Saved policy T19 lists criteria whereby the siting of telecommunications equipment will be approved provided applications meet certain requirements. These include the proposal does not harm the visual quality and character of sensitive areas such as the countryside and the Green Belt, there are no alternative more suitable sites available, the proposal accords with relevant standards such as ICNIRP, and where appropriate, satisfactory landscaping arrangements are included. Policy T20 outlines the information that the applicant must submit, and that failure to do so would constitute grounds for refusal of prior approval or planning permission.

The site is on land at Kidsgrove Ski Centre, within Bathpool Park, with the railway line running north-south through a cutting on the eastern side of the recreation ground.

Two objections have been received raising concerns about the siting and design of the proposal and the impact that the proposed development would cause.

The proposal comprises a functional lattice tower design, which will be located adjacent to existing flat-roofed buildings at the ski centre, adjacent to the toilet block and storage container. There are existing trees on the embankment, which provide a good level of screening from the park and Westmorland Avenue to the west, which is located at a higher level to the park. However, by its nature and the technical requirements, the headframe would be visible above the wooded area.

The proposal would be largely screened and only limited views will be achieved from any public vantage points. The lattice tower design will also ensure that it will primarily be lost against the back drop of mature trees. Therefore, the siting and design of the development is considered acceptable and any visual impact would be negligible.

In line with the requirements of NPPF, there are no existing telecommunications installations for the operator to share, that would provide the necessary coverage to the target coverage area of the railway line.

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

### Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability

- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

## **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 ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality

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

Policy T19: Telecommunications Development – General Concerns  
Policy T20: Telecommunications Development – Required Information  
Policy S3: Development in the Green Belt  
Policy N9: Community Woodland Zones  
Policy N21: Areas of Landscape Restoration

### **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**

Various planning applications for development associated with the Ski Centre, but no previous telecommunications determinations.

### **Views of Consultees**

Comments were invited from **Kidsgrove Town Council** and the **Environmental Health Division** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

### **Representations**

**Two** objections have been received raising the following concerns;

- Visual impact
- 25m tower on elevated ground which will be clearly visible to visitors of Bathpool Park
- Alternative site at Peacock Hay, discounted for technical reasons, should be reconsidered
- Out of keeping with country park location
- Could antenna be redesigned to look like surrounding trees?
- Question need in this location where there is good signal, with more black spots in surrounding area

### **Applicant/agent's submission**

The applicant has submitted a Design, Access and Supporting Statement and 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/21/00596/TDET>

Background Papers

Planning File referred to  
Planning Documents referred to

Date report prepared

7<sup>th</sup> July 2021