

**BATHPOOL PARK, LAND WEST OF PUBLIC CAR PARK, PEACOCK HAY ROAD**  
**EE LIMITED**

**21/00592/TDET**

The proposal is for a 25 metre high telecommunications lattice tower with 3no. antennas, 2no. 0.6m dishes and 2no. Ground-based equipment cabinets which are to be sited within a 2.1m high green chain link fence in an 8m x 6m compound at land west of the public car park to Bathpool Park, off Peacock Hay Road.

The application site is located on the edge of the Urban Area but within the open countryside on land designated as Green Belt and locally as an Area of Landscape Maintenance, as identified within the Local Development Framework Proposals Map.

**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 proposal, which will result in a clear visual change to the area surrounding the application site, and given the proposals location within the Green Belt and a Landscape Maintenance Area, prior approval is required. The proposed tower would be sited adjacent to several mature trees and it is not considered that the proposal would result in a significant adverse impact on the visual amenity of the area. In the absence of any significant visual harm and also taking into account the weight given to proposals relating to the maintenance 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 with 3no. antennas, 2no. 0.6m dishes and 2no. Ground-based equipment cabinets which are to be sited within a 2.1m high green chain link fence in an 8m x 6m compound at land west of the public car park to Bathpool Park, off Peacock Hay Road.

The application site is located on the edge of the Urban Area but within the open countryside on land designated as Green Belt and locally as an Area of Landscape Maintenance, as identified within 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.

The proposal comprises a new 25 metre high lattice tower and ancillary ground based equipment cabinets located within the Green Belt. The top sections of the tower would be visible above the adjacent tree line and 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 purpose of the proposed lattice tower is to provide EE Ltd customers with a 4G (and at a later date 5G) service when utilising rail services along the nearby section of the West Coast Main Line track as it passes through Longport Station heading west towards Kidsgrove Station. The tower will also provide improved coverage to the immediate surrounding area and will also form part of the new Emergency Services Network that will replace the existing radio service used by the emergency services throughout the country.

Supporting evidence provided with the application states that this site was chosen for the proposed tower as the nearby trees will provide some natural screening, and that the nearby railway line will help the proposal to be seen in the context with the existing nearby infrastructure rather than as an isolated feature landscape. Supporting details also note that the mast has been decided by EE's Radio engineer as the lowest height capable of providing the required coverage and thus any reduction of height would render the apparatus redundant.

As noted in the supporting details, the proposed lattice tower would be sited adjacent to several mature trees and although the upper section of the tower would still be visible above the tree line, the overall visual impact of the proposal would be greatly reduced by the verdant nature of the site. With regards to topography the application site sits at the base of a valley which will help to soften the visual impact of the proposal when seen in the context of the wider area, particularly from the north east and south west, although it is acknowledged that the tower would be easily seen from the nearby rail bridge located directly to the south of the site.

The nearby railway line would ensure that the proposal is not the only piece of infrastructure in the vicinity, in addition there are no close residential premises close to the application site, the nearest of which is located approximately 500m to the southwest of the site.

Given the above, whilst it is recognised that the proposed lattice tower will have a clear visual presence in the area surrounding the application site, given the number of mature trees surrounding the proposed tower and the surrounding topography of the area, it is considered that on balance, that the siting and design of the proposed monopole and associated equipment is acceptable and that the proposal would meet the guidance and requirements of the NPPF.

It is not possible to impose conditions on the grant of prior approval but the General Permitted Development Order 2015 requires the development to be carried out in accordance with the submitted application details.

### 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 CSP1: Design Quality

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development within the Green Belt  
Policy T19: Telecommunications Development – General Concerns  
Policy T20: Telecommunications Development – Required Information  
Policy N9: Community Woodland zones  
Policy N19: Landscape Maintenance 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

None relevant

Views of Consultees

**Network Rail** do not object in principle to the provision of new electronic communications development, as long as it does not interfere with existing communications systems operated by other organisations.

Comments were also 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

None received.

Applicant/agent's submission

The applicant has submitted a Design, Access and Supporting Statement.

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/21/00592/TDET>

Background Papers

Planning File referred to  
Planning Documents referred to

Date report prepared

7<sup>th</sup> July 2021