

The proposal is for the installation of a 20 metre phase 8 monopole, with a wraparound cabinet, along with 2no. freestanding cabinets at the base and ancillary works, on a grassed verge, adjacent to Waterhays Farm telephone exchange on Cedar Road. The application site is located within the Urban Area of the Borough as identified within the Local Development Framework Proposals Map.

**Unless a decision on this application is communicated to the developer by the 21<sup>st</sup> September 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, prior approval is required. The proposed development would be sited adjacent to existing street furniture within the highway verge, including street lighting columns and equipment cabinets and whilst the proposal would be clearly visible within the street scene it is considered to represent an appropriate location and design. 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 20 metre phase 8 monopole, with a wraparound cabinet, along with 2no. freestanding cabinets at the base and ancillary works, within the grassed verge, adjacent to Waterhays Farm telephone exchange on Cedar Road.

The application site is located within the Urban Area of the Borough 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 proposed development comprises a new 20 metre high monopole and ancillary ground based equipment cabinets located on a grassed verge within an urban area of the Borough. The monopole would be clearly visible within the street scene and on this basis it is considered that prior approval is therefore required.

**Should prior approval be granted?**

Paragraph 114 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 115 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 development is to extend high-speed 5G mobile coverage to this part of Crackley,

Details submitted with the application confirm that the applicant has encountered difficulties finding a suitable place for the proposed development, given the residential nature of the surrounding area. The application identifies that a number of other sites were considered, however these were discounted for numerous reasons, including the proximity to residential properties.

The proposed development would be sited in an area of public amenity land close to the highway of Cedar Road.

The proposed development would be sited adjacent to several small trees and although the main section of the tower would still be highly visible, they will help to soften some of the overall visual impact of the proposed development, particularly when the pole is viewed from the Northeast. The existing adjacent equipment cabinets associated with the Waterhays Farm Telephone Exchange would also ensure that the proposed development is not the only piece of infrastructure in the vicinity. In addition there are no residential premises directly adjacent to the application site, the nearest of which is located approximately 27m to the northwest of the site.

Whilst it is recognised that the proposed development will have a clear visual presence in the area surrounding the application site, given the benefits of the proposed development to local residents and the siting of the pole away from nearby properties, it is considered that on balance, that the siting and design of the proposed development is acceptable and 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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods 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

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

*National Planning Policy*

[National Planning Policy Framework](#) (2021)

[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

Comments were invited from the **Highways Authority** 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 the requisite plans and application form.

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/21/00757/TDET>

Background Papers

Planning File referred to

Planning Documents referred to

Date report prepared

1<sup>st</sup> September 2021