

LAND ADJACENT TO 68 WESTMORLAND AVENUE CLOUGH HALL ROAD KIDSGROVE
CK HUTCHISON NETWORKS (UK) LTD

21/00824/TDET

The proposal is for the installation of a new 18 metre high monopole and 4no. ancillary equipment cabinets at its base, on a verge adjacent to 68 Westmorland Avenue, Kidsgrove.

The application site lies within the Urban Area of Newcastle as defined on the Local Development Framework Proposals Map.

Unless a decision on this application is communicated to the developer by the 17th October 2021 the development will be able to proceed as proposed.

RECOMMENDATIONS

(a) That prior approval is required, and

(b) That such prior approval is refused for the following reason:

1. **The siting, scale and external appearance of the proposed development would be harmful to the visual appearance of the area and is contrary to policy CSP1 of the Core Spatial Strategy 2006-2026, policy T19 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of National Planning Policy Framework 2021.**

Reason for Recommendation

The proposed mast at 18m tall would be incongruous in its residential setting and whilst there are some trees close to the application site these would only provide a limited amount of screening. The height of the mast would be emphasised not only by the local topography but also by the layout and arrangement of nearby houses and roads, and it is considered that the mast would have a dominant and harmful appearance in the locality which would also impact upon the wider street scene. Whilst the benefits of the proposal are recognised, the proposal is considered to conflict with the requirements of policy CSP1 of the Core Spatial Strategy 2006-2026, policy T19 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of National Planning Policy Framework 2021.

KEY ISSUES

The proposal is for the installation of a new 18 metre high monopole with 4no. equipment cabinets at the base, on a verge adjacent to 68 Westmoreland Avenue, Kidsgrove.

The application site lies within the Urban Area of Newcastle as defined on the Local Development Framework Proposals Map.

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

The National Planning Policy Framework identifies at paragraph 118 that local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

Is prior approval is required?

The proposal comprises a new monopole and ancillary equipment cabinets which would be clearly visible within the street scene of a residential area. 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 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 area surrounding the application site is predominantly residential in nature, comprising mainly of two storey semi-detached houses, with some terracing and detached bungalows. The area has a post war appearance, with large parcels of amenity land separating groups of housing, with all properties being set back from the highway. Clough Hall Road itself has a relatively verdant appearance although the majority of nearby houses have limited architectural merit.

Details of a sequential test which was used to consider other potential sites within the local area for the proposed mast has been provided with this application. The sequential test showed that four alternative sites were considered before the current application site was chosen, and that these sites were disregarded for a number of reasons, including their proximity to residential dwellings or their potential impact on highway safety. The justification for the chosen site was that it was considered to be the best compromise between extending 5G service coverage in the area whilst being the least visually intrusive option available.

The application site sits at a highway crossroads which is positioned in a central location within this residential area. The proposed mast at 18 metres in height would be much taller than nearby residential properties and whilst it is recognised that there are some trees close to the proposed position of the mast, the overall level of screening surrounding the application site is considered to be limited.

The proposed mast has a functional and stark appearance and due to the orientation of the housing layout and the layout of the road network, there are clear views onto the site where the mast would be situated which would emphasise the scale and height of the proposal. In addition, the surrounding topography is relatively flat, which again would highlight the size of the mast, which would be clearly visible from nearby streets beyond Clough Hall Road, although it is recognised that there are some large clusters of trees located to the south east and North West which would help to soften some the proposals impact on the wider landscape.

Whilst the benefits of the proposal are recognised, in that the mast would help to improve the local telecommunications network, it is considered that due its siting, scale and external appearance the proposed mast would appear as an incongruous and dominating feature within the locality which conflicts with the requirements of policy CSP1 of the Core Spatial Strategy 2006-2026, policy T19 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of National Planning Policy Framework.

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

The **Highways Authority** have no objections to the proposal subject to the development being completed in accordance with the submitted plans.

Comments are awaited from **Kidsgrove Town Council** and the **Environmental Health Division**.

Representations

One objection has been received by the **Clarion Housing Group** who raise concerns regarding the site and design and the significant visual impact on the street scene. It is also their opinion that there is no overriding need that outweighs the considerable visual impact associated with the development and appeal inspectors have reached this same conclusion in similar circumstances elsewhere. The development is contrary to relevant guidance set out in the National Planning Policy Framework and Policies T19 and T20 of the Local Plan. In addition, the development proposed has not been brought forward in accordance with the industry's own Code of Best Practice with the consequence that it represents an unacceptable form of development.

One Objection has also been received from a neighbouring property, who raise concerns relating to the visual impact of the proposal and the possible health effects caused by 5G towers.

Applicant/agent's submission

The applicant has submitted a government statement and a Health and Network Briefing in relation to the above proposal which is required in order to enable the maintenance and expand 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/21/00824/TDET>

Background Papers
Planning File referred to
Planning Documents referred to

Date report prepared
29th September 2021