

SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
26th April 2022

Agenda Item 9

Application Ref. 22/00262/TDET

BT Telephone Exchange, Fairgreen Road, Baldwins Gate

Since the publication of the main agenda report and the first supplementary report, **Whitmore Parish Council** have provided comments on the application which raise the following concerns;

- Siting and scale of the design is unacceptable and harmful to the prevailing street scene
- Given the purpose of the mast is to support on board internet on the rail network, consideration should be given to land within Network Rail ownership that is closer to the train line and more open in nature.
- With reference to a number of studies and articles, concerns are raised regarding the health and wellbeing of nearby residents and users of Baldwins Gate Primary School as a result of the proposed siting of the monopole.
- The Applicant's report is incorrect, the school would be within 50m of the proposed development.

Comments from the **Landscape Development Section** have also been received. They highlight that the birch tree on the adjacent land is covered by Tree Preservation Order (TPO) 98. Whilst they state that the presence of the retaining wall would result in no damage to roots, consideration must be given to any pruning works that the applicant considers would be required to accommodate the proposed development. They request the provision of an Arboricultural Impact Assessment.

Officers Response:

In considering applications for electronic communications development, which includes applications for prior approval under the General Permitted Development Order, the NPPF stipulates at Paragraph 118 that Local Planning Authorities must determine applications on planning grounds only and that they should not question the needs for an electronic communications system, or set health safeguards that are different from the International Commission guidelines for public exposure.

The application is accompanied by a signed certificate that stipulates that the proposed development would be in full compliance with the requirements and guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The applicant has therefore complied with the requirements set out in Paragraph 117 of the Framework. Therefore despite the reference of Whitmore Parish Council to a variety of independent studies and papers, the proposal would accord with the national requirements for a development of this nature.

The Parish Council makes reference to the proximity of the application site to Baldwin's Gate Primary School. While the application site would sit approximately 61m north of the boundary line for Baldwin's Gate Primary School, there would actually be a distance of 100m from the main school building. There is no requirement within the NPPF for electronic communications development to be a certain distance from infrastructure such as schools or other places of education. Therefore the applicant's self-certification that the development proposal accords with the requirements of the ICNIRP is sufficient to conclude that the development would accord with the requirements of the NPPF.

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. This policy goes on the detail that where appropriate, developers will be expected to set out what measures will be taken during the development to protect trees from damage.

Comments from the Landscape Development Section have identified that a birch tree sited on land adjacent to the application site is covered by TPO 98. While the Landscape Officer is satisfied that the development would have no impact on the root system of the tree in light of the existing retaining wall, there has been no consideration of whether this adjacent tree would need to be pruned in order to accommodate the proposed development. The Officer has requested the submission of an Arboricultural Impact Assessment which would include details of the clearance required between the mast and the trees crown and any installation access requirements over the adjacent land during the construction phase. The application has not been supported by any arboricultural information.

The TPO tree, and those also sitting adjacent to the site, make a significant contribution to the character and appearance of the area. Without sufficient information to demonstrate that the proposed development could be accommodated without substantial harm to the surrounding trees, it is considered that the proposal is contrary to Policy N12 of the Local Plan as well as the requirements of the NPPF.

The revised RECOMMENDATION is therefore as follows:

(a) That prior approval is required, and

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

- i. The siting, scale and external appearance of the proposal development would be harmful to the visual appearance of the area and contrary to Policy CSP1 of the Core Spatial Strategy 2006-2026, Policy T19 of the Newcastle-under-Lyme Local Plan 2011, Policy DC2 of the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Plan and the aims and objectives of the National Planning Policy Framework 2021.**
- ii. The application has failed to demonstrate that the proposed development would not lead to unacceptable harm to TPO 98 and other visually significant trees adjacent to the application site. Therefore the proposal would be contrary to Policy N12 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework 2021.**