South Tyneside Council

DEVELOPMENT BY ELECTRONIC COMMUNICATIONS CODE OPERATORS

DETERMINATION BY SOUTH TYNESIDE COUNCIL AS LOCAL PLANNING AUTHORITY THAT **PRIOR APPROVAL OF THE AUTHORITY IS REQUIRED AND IS HEREBY REFUSED** FOR THE SITING AND APPEARANCE OF DEVELOPMENT PERMITTED BY PART 16 OF SCHEDULE 2 TO THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

Agents Name and Address
WHP Telecoms Limited
F.A.O. Sam Wismayer
1a Station Court
Station Road
Guiseley
Leeds
LS20 8EY

Applicants Name and Address
EE Ltd and Hutchison UK Ltd.
Sixth Floor
Thames Tower
Station Road
Reading
RG1 1LX

Proposal: Application for prior approval under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 for NTQ proposed telecommunications installation. Proposed 30m high Valmont climbable Monopole on 6.6 x 6.6 x 1.4m deep concrete base with 6 no. Antenna Apertures at 300°/120° /190° and 4 no. 600 dia. Dishes, RRU's, MHA's, Active Routers and BOB's to be fixed to support poles below Antennas and associated ancillary works.

Location: Land off Cleadon Lane, Cleadon Lane, East Boldon, NE36 0AJ

Application Number: ST/0918/22/TPN

Date of Application: 29/10/2022

Date of Receipt of Application: 10/11/2022

South Tyneside Council has determined that prior approval is required and is hereby refused for the siting and appearance of the development proposed in the above-mentioned application for the following reason(s):

1 The proposed mast and the proposed 2.4 metre high boundary treatment enclosing the mast and its associated structures by virtue of their prominent location in open countryside, Green Belt and a green infrastructure corridor between the villages of East Boldon and Cleadon, their proximity to Cleadon Lane, the 30 metre height of the mast, the bulky design of the mast supporting 6 antennae and 4 dishes and the materials and height of the proposed boundary treatment, results in features that would appear incongruous and would give rise to visual clutter causing significant harm to the visual amenities of the locality.

Furthermore, it is not considered that less visually harmful alternative sites for the mast on the nearby Cleadon Lane Industrial Estate have been sufficiently considered. These deficiencies would be contrary to Policies EB2, EB5 and EB6 of the East Boldon Neighbourhood Plan, Policies EA1 and DM1 of the South Tyneside Local Development Framework (LDF) and the NPPF.

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible. However, the proposed development is contrary to the policies referred to in the reason(s) for refusal and it has not been possible to reach an agreed solution in this case.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

3 The applicant is advised that any apparatus should be removed from the land on which it is situated as soon as reasonably practicable after it is no longer required for electronic communications purposes. Such land should be restored to its condition before the development took place, or to any other condition as may be agreed in writing between the Local Planning Authority and the developer.

4 Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks. Activities which may affect nesting birds must be organised and timed to avoid the bird breeding season which is March to August inclusive. Failure to do so may result in an offence being committed, regardless of planning consent, and could lead to prosecution under the Wildlife and Countryside Act 1981.

5 **Reminder to not store building material or equipment on the highway**

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact Highways@SouthTyneside.gov.uk for Skips and Containers licences.

6 **Alterations to vehicle crossing point (widening access) (S184)**

You should note that alterations to the existing vehicle crossing point(s) are required to facilitate the wider gateway proposed. These works are required to be carried out by STC's Construction Team before first use of the development. To arrange alterations to the existing vehicle crossing point(s) (and to make good any damage or other works to the existing footpath or verge) please refer to https://www.southtyneside.gov.uk/article/38198/Dropped-kerbs-and-crossovers or email: Highways@SouthTyneside.gov.uk / call: 0191 427 7000 for further information.

7 It is recommended that the first 5m of private access road area be surfaced with a non-granular material or mitigation provided against spilling out onto highway of loose surfacing materials.

List of plans for standard note

Plan Reference

Drg No. 1624803-STY064-95842-M001 Rev.A 002 Site Location Plan Received 10/11/2022;

Drg No. 1624803-STY064-95842-M001 Rev.A 004 Lease Demise Received 10/11/2022;

Drg No. 1624803-STY064-95842-M001 Rev.A 250 Proposed Shared Site Plan Received 10/11/2022;

Drg No. 1624803-STY064-95842-M001 Rev.A 250 Proposed Shared Elevation A Received 10/11/2022.

G Mansbridge

George Mansbridge
Director of Regeneration and Environment

Date of Issue: 04/01/2023

Your attention is drawn to the attached schedule of notes which form part of this notice

NOTES

1. **Only the applicant possesses the right of appeal**

   If you are aggrieved by the decision of the Local Planning Authority to refuse permission then you may appeal to the Secretary of State for Communities and Local Government in accordance of section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

   Appeals can be made online using the Planning Inspectorates planning appeal service through the Planning Portal at www.planningportal.gov.uk/pcs. You must use a standard Planning Appeal Form when making your appeal. Please be aware that details of planning appeals are available on the internet and may include a copy of the original planning application form and relevant supporting documents supplied to ourselves, either by you, or your agent, together with the completed appeal form, and information that you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More information about data protection and privacy matters is available on the planning portal website.

   Alternatively if you do not wish to submit your appeal electronically, a form is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or email: enquiries@planning-inspectorate.gsi.gov.uk). Please note that you must state the appeal form that you require.

2. If permission to develop land is refused, whether by South Tyneside Council as local planning authority or by the Secretary of State for Communities and Local Government, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council, requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.