DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0918/22/TPN
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

Site Visit Made: 28/11/2022

Relevant policies/SPDs

Policies EB2, EB5 and EB6 of the East Boldon Neighbourhood Plan,
Policies EA1 and DM1 of the South Tyneside Local Development Framework (LDF)
NPPF

Description of the site and of the proposals

This application seeks prior approval under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of telecommunications equipment on agricultural land to the east of Cleadon Lane at East Boldon around midway between its junctions with Station Approach and Tileshed Lane. The site lies in open countryside between East Boldon and Cleadon and is also in the Green Belt. It is also in a Green Infrastructure Corridor as defined in Policy EB5 of the East Boldon Neighbourhood Plan 2021 and the South Tyneside Green Infrastructure Strategy SPD3 (2013)

The applicant has been served with a notice to quit in respect of an existing mast located to the south west on the Cleadon Lane Industrial Estate site as there is a current planning application (ST/1109/21/FUL) to redevelop that site for 202 dwellings. The proposed mast would therefore replace coverage provided by that existing mast. The proposal is also required to provide new 5G coverage for EE Ltd in order to improve coverage in the NE36 area of East Boldon. The mast would be used by EE Ltd, Hutchinson UK and the Emergency Services Network (ESN).

Proposed works comprise of the installation of a new 30 metre high monopole on which would be mounted 6 antennae and 4 dishes. At ground floor level various ancillary works are proposed comprising the replacement of an existing timber field gate with a metal field gate, the provision of a 4 metre wide stone access track and turning area and a compound enclosed by 2.4 metre high mesh panel fencing topped with razor wire and containing the mast and 6 equipment cabinets.

It should be noted that as part of the application, the applicant has confirmed that they have notified the landowner in accordance with Condition A.3 'Prior Approval' of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Publicity / Consultations (Expiry date 11/11/2022)

80 neighbours sent direct letters of notification and three site notices posted.

1) **Neighbour responses**

15 West Drive – Concerned at proximity of mast to existing dwellings and proposed new dwellings on the Cleadon Lane Industrial Estate site

55 West Drive – Queries why a mast such as this would be allowed in the Green Belt.

2) Other Consultee responses

East Boldon Forum

The applicants/agents state that this mast is a replacement for the mast currently located on Cleadon Lane Industrial Estate (CLIE), which will be removed from the site following receipt of Notice to Quit documentation.

However, in a document submitted by Lichfields Associates in support of the recent planning application for the redevelopment of CLIE (Lichfields Response To Comments document, November 2022, paragraph 4.161), it is stated that "with regard to the existing telecoms mast on the site, the technology is now redundant and its removal would not impact upon the network provider or reception in the local area."

EBNF requests clarification from the Council about the need for alternative proposals.

This development is located within the Green Belt & a green infrastructure corridor and is therefore unacceptable in principle. In our pre-application comments to the applicant, we also made reference to the Council's Wildlife Corridors Review which confirmed the field as part of the Wildlife Corridor.

The site is located outside of the Settlement Boundary identified in the East Boldon Neighbourhood Plan. The proposal does not comply in general with the Neighbourhood Plan; or the Council's Core Strategy (2007) and Development Management Policies (2011) documents.

In addition to its Green Belt location, the 30m high mast, which contains 6 antenna & 4 dishes (and relevant equipment cabinets approx. 2 metres high, and 2.4 metre high security fencing, at ground level), will have a huge detrimental visual impact from all directions.

However, should this proposal be ultimately considered for approval, it is essential that the visual impact of the development is softened at ground level, by means of appropriate landscaping, ie. hedging/shrubs, around the site perimeter, in order to hide the service cabinets and security fence.

The applicants in their submission make reference to recent planning appeals where they say inspectors decided that such "slender" masts would not result in any discernible loss of openness to the Green Belt. The Council will need to look closely at these.

Traffic and Road Safety Team

Amended plans and/or additional information required: Concerns could be overcome by submission and approval of amended plans or additional information before any permission is granted.

When assessing this application, the Highway Authority checks that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets.

The information provided with your consultation has been examined and whilst the principle of the scheme is considered generally acceptable, it will be necessary for amended drawings to be provided addressing the following matters:

The existing vehicular access crossing of the verge and footway on Cleadon Lane serving the site, is only sufficiently wide to accommodate access to the existing 3m wide gateway. Given that the scheme proposes the installation of a wider 4m gate to replace the narrower gate, it will be necessary to widen the existing vehicular access, including resurfacing of the whole access area, to allow vehicular access to the full width of the proposed gateway as part of the proposal. This will avoid vehicles driving over a high kerb and verge area damaging the highway infrastructure, public utility apparatus below and operative's vehicles.

The loose stone material adjacent to the site access is unacceptable, as vehicles exiting the site could drag it onto the highway carriageway causing potential highway safety concerns on the bend. Mitigation shall be provided to prevent loose stone pilling out onto the highway from the first 5 metres of stone adjacent to the access area.

S184 Agreement – Required in respect of widening of the existing vehicular access to facilitate access to the wider gateway.

Conditions:

+ Access condition (Access widened and resurfacing of access area before development brought onto use)

+ Condition for first 5m of private access road area to be non-granular material or mitigation provided against spilling out onto highway

Notes to Applicant:

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.

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.

Countryside Team

My comments on this application relate to its potential to impact on biodiversity including designated sites; statutorily protected species; and priority species and habitats listed in the UKBAP and/or Durham BAP.

The applicant has not submitted documents relating to ecology to inform their application.

The proposed location is used as a horse pasture with hedgerows along the northern and western extent. It is not clear if there will be any direct impacts on the hedgerow as the access gap is already quite wide. Should works to the hedge be required, the breeding bird informative below should be followed.

There is potential for impact on the roots of the hedgerow for which a root protection standoff zone may be necessary. The tree team will be able to advise further.

Breeding Bird Informative
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.

Landscape Consultee

The landscape team have reviewed information submitted to accompany planning application ST/0918/22/TPN and make the following comments.

The proposed location for the new monopole is situated in a prominent road side location away from existing built form. We recognise that there are existing pylons within the adjacent open space but we have concerns that due to the nature, size and scale of the proposed monopole the monopole with be visually intrusive, will appear incongruous and will result in significant visual impacts on receptors in the surrounding area. Consequently we would recommend that a landscape and visual impact assessment (to recognised industry standards) is carried out to establish how significant visual and landscape impacts will be.

Assessment

The prior approval process

Before installing certain telecommunications apparatus under permitted development rights an electronic communications code operator must apply to the local planning authority for a determination as to whether their 'prior approval' of the siting and appearance of the development is required - as set in Schedule 2 Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A prior approval determination is therefore not the same as an application for planning permission in terms of decision making as the Council must only consider the siting and design of the development.

The Council must make its decision within 56 days of receiving the application on the acceptability of the siting and appearance, or the applicant may proceed to erect the proposal as permitted development.

Although the application site is in the Green Belt the principle of whether or not the proposed development is appropriate or inappropriate development in the Green Belt is not a consideration in this instance as only matters of siting and appearance can be considered.

Likewise the highway safety matters related to surfacing materials on the access road and ecological impact matters raised by the Traffic & Road Safety and Countryside teams are not a material consideration in deciding this application, although informatives can be added to the decision of the Council on this prior approval application regarding these matters.

Siting

The proposal would be located within a corridor of open countryside and Green Belt that separates the villages of East Boldon and Cleadon. By way of contrast, the mast which the proposal seeks to replace is currently located within the Cleadon Lane Industrial Estate which comprises previously developed land within the settlement boundary of East Boldon.

The Council's Traffic and Road Safety Team responding in their capacity as Highway Authority raise a minor siting query in relation to the width of the proposed access crossing needing to be increased from 3 metres to 4 metres to tie in with the width of the proposed stone access track that would provide maintenance access to the mast from Cleadon Lane. The access crossing lies outside of the application site and this is essentially a matter for discussion between the applicant and Highway Authority separate to the prior approval process, although an informative can be added to the decision of the Council on this prior approval application regarding this matter.

The applicant's agent has confirmed that the site selection was progressed in accordance with the applicant's license obligations, guidance within the National Planning Policy Framework (NPPF) (February 2019) and the Code of Best Practice. Eight other sites were considered due to the cell search area, however these were discounted for various reasons including residential amenity issues, space constraints, land being earmarked for redevelopment and lack of proximity to coverage area to be served by the mast.

One such alternative site considered was the Cleadon Lane Industrial Estate site which lies on the opposite side of Cleadon Lane to the application site. The agent in their Site Specific Supplementary Information document states that:

The whole of the industrial estate is discounted due to being designated in the South Tyneside Emerging Local Plan as a 'Regeneration Site' and is allocated for mixed use development comprising approx. 245 new homes and 2.1 hectares of employment land.

However, the industrial estate is not allocated as a 'Regeneration Site' as is stated but rather is allocated in the emerging local plan for a mix of housing and employment use with the northern part of the site allocated for housing and the southern part allocated for employment use. The northern part allocated for housing accords with the site in respect of the currently submitted planning application for 202 dwellings referenced above. Notwithstanding the above, it needs to be borne in mind that the emerging Local Plan is at an early stage in its journey towards adoption and therefore cannot be afforded significant weight at this time.

The adopted development plan in respect of the application site comprises the East Boldon Neighbourhood Plan (EBNP) and the South Tyneside LDF. In terms of the Neighbourhood Plan, Policy EB10 supports employment development on Cleadon Lane Industrial Estate and also allows for mixed-use including an element of housing subject to certain criteria being satisfied. The industrial estate lies within a Predominantly Industrial Area (PIA) on the LDF Proposals Map

Given the above, it is not considered that the entire Cleadon Lane Industrial Estate site should be discounted in terms of alternative sites for the proposed mast. In terms of visual impact, siting of the proposed mast within the industrial estate is considered preferable to the currently proposed location and it is not considered that alternative sites on the industrial estate have been sufficiently considered.

Appearance

EBNP Policy EB2 states that development proposals on land within the Green Belt will be assessed against national Green Belt policy. Policies EB5 and EB6 seek to safeguard the character of green infrastructure corridors and local landscape character generally.

South Tyneside LDF Policy EA1 states that the Council will protect and enhance the openness of the Green Belt whilst Policy DM1 states that proposals should be designed to convey sensitive consideration of their surroundings and where possible enhance local setting.

NPPF 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.

As detailed above, both the East Boldon Forum and the Council's Landscape Consultee express concern regarding the visual impact of the proposals. The applicant has not chosen to submit a Landscape and Visual Impact Assessment (LVIA) with their application despite seeking pre-application advice from the Council and East Boldon Forum on their proposal and being advised by both that the proposals were considered harmful in visual terms. Given the 56 day timescale for deciding this application there is insufficient time for a LVIA to be prepared, submitted and considered. However, officers have carefully considered the landscape and visual impact of the proposal from various viewpoints around the site. For the avoidance of any doubt, a LVIA is not a mandatory requirement in terms of what is needed for prior approval submissions under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The application site occupies a prominent open countryside, green infrastructure corridor and Green Belt location which is of landscape and visual significance in providing a landscaped gap between the villages of East Boldon and Cleadon. Given this, the substantial 30 metre height of the proposed mast, its very close proximity to Cleadon Lane and the bulky design of the mast due to it supporting 6 antennae and 4 dishes, the mast would be highly visible from Cleadon Lane to the north and south, the B1299 Whitburn Road to the south and the rear of dwellings on West Drive to the east and it is considered that the mast would appear incongruous in the context of its open countryside location and demonstrably harmful to the visual amenity of the locality.

The visual harm arising from the mast would be further exacerbated by the proposed 2.4 metre high mesh panel fencing topped with razor wire which is proposed to enclose the mast and its associated equipment cabinets. Such a boundary treatment is not considered visually appropriate in a countryside location such as this.

It is acknowledged that there are electricity pylons in the vicinity of the site. However, these are considered to be less bulky and more transparent in appearance than the proposed mast. Furthermore, the presence of these pylons in the vicinity is not in and of itself justification for the proposed mast. As stated above, the open countryside corridor within which the mast is proposed is of visual amenity value in providing visual separation between the villages of East Boldon and Cleadon and it is considered that the proposed mast would result in further harmful visual clutter in this corridor to the detriment of visual amenity.

All of the above is in contrast to the above-mentioned existing mast which is very much viewed within the context of the existing Cleadon Lane Industrial Estate.

Overall, despite the prominent location of the application site, it is not considered that the telecommunications equipment the subject of this application has been sympathetically designed and/or camouflaged.

ICNIRP declaration

Paragraph 118 of the NPPF (2021) clearly states 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".

The applicant has confirmed that the proposal conforms to current government guidelines regarding health safeguards. An ICNIRP declaration has been submitted with the application, which declares that

the proposal is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure. In this regard, it is not considered any health safeguards in excess of those permitted within government guidelines are considered to arise as a result of the proposal.

Summary

For the reasons articulated above, it is considered that the siting and appearance of the proposal would not be acceptable.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Prior Approval Required and Refused

Reason

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 **Breeding Bird Informative**
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.

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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.

7

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.

Case officer: Geoff Horsman
Signed: G.Horsman
Date: 03/01/2023

Authorised Signatory:
Date: «END»