



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

Gateley Hamer
FAO Robert Poulter
1a Station Court
Station Road
Guisley
LS20 8EY

Applicants Name and Address

CK Hutchinson Networks (UK) Ltd
450 Longwater Avenue
Green Park
Reading
RG2 6GF

Proposal: Application for prior approval under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 for proposed telecommunications installation: installation of 15.0m Phase 8 monopole, supporting 6 no. antennas, 3 no. equipment cabinets and ancillary development thereto including 1 no. GPS module.

Location: Grass Verge Henley Way (near Hubert Street roundabout), Boldon Colliery, West Boldon, NE35 9AB

Application Number: ST/0128/23/TPN

Date of Application: 27/02/2023

Date of Receipt of Application: 27/02/2023

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 Prior approval was granted to the applicant on the 27 October 2022 under application reference ST/0732/22/TPN for a 20 metre high street pole adjacent to the street pole the subject of this current prior approval application. No legally binding assurance has been provided by the applicant that the previously approved street pole would not be erected if this current proposal was approved and implemented and therefore it is not considered that this current proposal can be supported as if both this currently proposed street pole and that previously approved were implemented then this would give rise to visual clutter that would be demonstrably harmful in terms of appearance to the visual amenities of the locality contrary to Policy DM1 of the South Tyneside Local Development Framework 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.

A Inch

Andrew Inch
Senior Manager Planning

Date of Issue: 05/05/2023

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.