

DELEGATED DECISION REPORT

DET/2021/0021
Valid 10/05/2021

UTTOXETER ROAD
ALTON

PROPOSED 18M PHASE 8
MONOPOLE C/W
WRAPROUND CABINET AT
BASE AND ASSOCIATED
ANCILLARY WORKS

(TELECOMMUNICATIONS
DETERMINATION)

MAIN ISSUES

- Siting
- Appearance

DESCRIPTION OF SITE

Roadside grassed verge with bungalows adjacent in a modern urban but leafy and verdant setting with significant trees. The road is a main route into Alton and is at a point c.50m from the Alton Conservation Area boundary.

PROPOSAL

The LPA has already confirmed to the applicant by an interim notice that prior approval will be required in this case. The process and the terms are set out at Part 16 of Schedule 2 to the GPDO(2015). The LPA is limited to determining the application in terms specifically of siting and appearance only.

The applicant has sought to submit a revised proposal by e-mail dated 20th June 2021 in which a mast of 15m in height has been proposed in place of that in the application description and in the first submitted drawings of 18m in height.

The following notes are extracts from the application documents:

There is now a requirement to upgrade the UK H3G (Three) network to provide improved coverage and capacity, most notably in relation to 5G services. This proposal is for a 18m SW (Street Works) monopole located on the adopted highways at Uttoxeter Road SW, Alton, Staffordshire Moorlands. The exact details of this proposal are illustrated on the enclosed drawings (Proposed Phase 8 Monopole C/W wrapround Cabinet at base & associated ancillary works). As with all 5G cells this is an extremely constrained cell search area. Options are extremely limited and the only viable solution that minimises amenity issues has been put forward.

[Required will be] a mix of upgrades to existing sites and the building of new sites. New sites will be needed for many reasons, including that the higher radio frequencies used for 5G do not travel as far as those frequencies currently in use and that sometimes not all existing sites can be upgraded. In this area there is an acute need for a new mast to deliver the above.

The nature of 5G and the network services it provides, means the equipment and antennas required are quite different to the previous, and existing, service requirements. In particular, the nature of the antennas, and the separation required from other items of associated equipment, is such that it cannot utilise some existing structures that provide an installation for another operator, most notably in a street works or highways environment.

The height of the pole has been kept down to the absolute minimum [18m as first submitted] capable of providing the required essential new 5G coverage.

The proposed design has been selected to minimise visual impact upon the street scene by integrating with the existing built environment. [And is...] ...considered to be the least visually intrusive option available.

This specific proposal forms part of an integral requirement for H3G LTE to expand its 5G telecommunications network across Staffordshire specifically in this instance to enhance 5G coverage levels and network capacity within the Alton area.

The proposal is required due to acute capacity issues and will facilitate significantly improved 5G in areas that have started to gain this service and newly introduce it to the areas that have not gained this level of connectivity yet.

In addition to the mast the development involves a series of four equipment cabinets placed in the highway verge in a row alongside the pavement. These are itemised in terms of width, depth and height as follows:

Width /mm	Depth /mm	Height /mm
1900	600	1750
650	700	1100
1800	750	1600
600	520	1585

As first submitted these were to be in grey steel. In the 15m mast revision these would be in RAL 6009. The application supplementary information says however:

The cabinets are located at the base of the new pole and unless the site is located in Article 2 (3) land these are PD without Prior Approval and do not form part of the proposal from a planning consideration perspective”

The covering letter states:

The identification of this location follows pre-application discussion with your Department, and we now make a formal application to you as planning authority.

Somewhat in contradiction of the above statement, in a separate document headed 'Site Specific Supplementary Information' (SSSI) it is stated that whilst a written offer of pre-application consultation was made no actual contact took place. The LPA appears to have no record of this offer of consultation.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS8 Larger Villages Area Strategy – Alton
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

In a decision issued by the LPA dated 14th June 2021 it was confirmed to the applicant that the Authority would require to make a prior determination of this proposal. Otherwise no site history has been identified as relevant specifically to this proposed site position.

According to the application submission pre-application consultation was initiated with the LPA but no response was provided – the date of the consultation is not stated.

CONSULTATIONS

Publicity

Site Notice expiry date: 8th June 2021

Neighbour consultation period ends: 2nd June 2021
Press Advert: N/A

Public Comments

Numerous public comments have been received from some 39 individuals objecting to the application on various grounds chiefly on visual amenity, residential amenity street scene impact etc concerned that the development would be unduly overbearing and out of place principally due to its height and form.

Many of the comments are extremely detailed and have scrutinised closely the submitted application documents. Some of these objectors appear to have identified errors and discrepancies in the submitted application. A number of objectors have referred to section 6 of the application form which asks "Have you consulted your neighbours or the local community about the proposal?" and which is ticked yes. The item then refers to a submitted 'SSSI' document which refers to a consultation made to the LPA. Residents who say they have not been consulted do not feel there has been consultation with neighbours or the local community. The LPA is also unable to find trace of any consultation having been submitted.

Town / Parish Comments

Alton Parish Council – The council wish to object to this application on the following grounds. Due to the location near to houses it is unneighbourly and inappropriate development in that part of the parish. The mast will be overbearing and intrusive to the neighbouring properties and distract from the aesthetic appearance of the area.

Alton Ward Councillor – Cllr Hayley Plimley

Strongly objects – Whilst I welcome improvements to technology and communications in Alton and other rural areas in the Staffordshire Moorlands, the siting of this particular mast is totally inappropriate. Detrimental to appearance and beauty of the location and detrimental to residents' amenities due to close proximity to homes and gardens.

Staffordshire County Council Highways

No objection. The proposal does not have a detrimental impact on the adopted highway.

SMDC Heritage Conservation Officer

Although just outside the Alton Conservation Area, the erection of a mast is likely to impact on views into and out of the Conservation Area. Suggests (subject to the procedure rules) a planning application and heritage statement required.

OFFICER COMMENTS

Principle of Development

The General Permitted Development Order (GPDO) 2015 (as amended 2016) makes provision for phone masts (within certain defined limits) to be erected as permitted development under Part 16 of Schedule 2 to the GPDO, subject to a process of prior notification by which the developer must apply to the LPA for a determination as to whether prior approval will be required. If the LPA resolves that prior approval is required the determination of whether or not this should be granted is limited to a consideration of matters of siting and appearance only. Within these grounds it is open to the LPA to approve or refuse the application.

Conditions of note (extracts from GPDO 2016) relating to the prior approval application process:

A.3(4) Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

A.3(5) The application must be accompanied by—

- (a) **a written description of the proposed development and a plan indicating its proposed location together with any fee required to be paid;**
- (b) the developer's contact address, and the developer's email address if the developer is content to receive communications electronically;
- (c) evidence that the requirements of sub-paragraph (1) have been satisfied where applicable; and
- (d) where sub-paragraph (3) applies, evidence that the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as the case may be, has been notified of the proposal.

A.3(7) When determining the application made under sub-paragraph (4), the local planning authority must take into account any representations made to them as a result of consultations or notices given under paragraph A.3.

A.3(8) The development must not begin before the occurrence of one of the following —

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that prior approval is not required;
- (b) where the local planning authority gives the applicant written notice that prior approval is required—
 - (i) the giving of that approval to the applicant, in writing, within a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5);
 - (ii) the expiry of a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5) without the local planning authority notifying the applicant, in writing, that such approval is given or refused; or
- (c) the expiry of a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5)

without the local planning authority notifying the applicant, in writing, of their determination as to whether such prior approval is required.

Condition A.3(5)(a) shown with text in bold in the extract reproduced above is specifically noted as it appears to the LPA that, although a revised drawing illustrating a 15m mast proposal has been submitted with a request from the agent that this supersede the 18m mast drawing [e-mail dated 20th June 2021], the consultation and prior notice written description remains that for the 18m mast.

The LPA having issued a determination that prior approval is required, the relevant position is now that at A.3(8)(b). Development can proceed if (i) the LPA were to give approval or (ii) the 56 day period were to expire without either approval or refusal being notified in writing to the applicant.

Under paragraph A.1 which lists 'Development not permitted', paragraph A.1(7) is as follows:

Development not permitted: ground or base area

(7) Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than—

(a) a mast;

(b) an antenna;

~~(c) a public call box;~~ [deleted by SI(2019)9078]

(d) any apparatus which does not project above the level of the surface of the ground; or

(e) radio equipment housing,

is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres.

Applied individually to each of the four cabinets itemised in this application none of them exceeds the 1.5 square metres limit. However one of the larger cabinets in ground area terms is at the base of the mast and it would be regarded by the LPA as part of the mast structure rather than a separate cabinet. A further two of the cabinets are placed together forming a single structure of base area $(1.9 \times 0.6) + (0.65 \times 0.7) = 1.59$ square metres and therefore exceeds the permitted threshold limits.

Siting

The location is very much a 'gateway' into Alton on one of the principal main roads which at this point quickly heads into the historic part of the village. The Conservation Area boundary is within 50m to the north of the development. One of the main features of the street scene at this point is a large mature Oak tree of attractive spreading form growing on the roadside, rear of the pavement. The development would be ranged between the tree and the entrance to Shirley Drive on the rear edge of an ovoid triangle of verge which is c.6m at its widest but quickly tapers to less than 4m towards the tree.

The proposed mast, whether 18m or 15m, would dominate this scene and the collection of cabinets which it must be assumed are a direct consequence of the

siting of the mast in this location would overwhelm the verge, greatly reducing its visual amenity value and contribution to the street scene.

In terms of neighbouring residents' amenities the mast (again whether 18m or 15m) would be at such close proximity to the adjacent bungalows, in particular no. 1 Shirley Drive and nos. 2 and 4 Hill Rise that the outlook and enjoyment of these properties would be significantly affected to the point that the development should properly be considered overbearing.

Occupiers of properties opposite on Uttoxeter Road running south beginning with 1 Littlefield are also likely to regard the development as very imposing.

Appearance

The adoption of a dark green paint finish such as RAL 6009 'fir green' is certainly a preferable finish to steel grey or raw galvanised metal but it cannot overcome the physical prominence of the structures. Whether the 'wrap around cabinet base to the mast is an essential design form or whether a stand-alone arrangement of the mast and base cabinet could be possible may be useful to consider but again this is a detail that either way cannot overcome the likely sense of intrusive dominance of this development in this attractive street level scene.

Especially problematic with this proposal is the elaborate array of exposed aerial equipment in the upper c.4m of the mast (either mast). These appear complicated and eye-catching and would as a result appear obtrusive and alien in this verdant rural village street scene.

Conservation

The Conservation Officer has commented that although just outside the Alton Conservation Area, the erection of a mast is likely to impact on views into and out of the Conservation Area. Policy DC2 of the local plan states that "*All applications likely to affect heritage assets will require the submission of a heritage statement, including a qualitative visual assessment where appropriate.*" This is echoed in the NPPF. This has not been provided and therefore the application is found contrary to the Local Plan and NPPF in this regard.

Notwithstanding this, given the assessment above in respect of the inappropriate and incongruous siting and appearance, it is concluded that the setting of the Conservation Area will be default be harmed. Whilst the degree of harm is likely to be less than substantial, it will not be outweighed in this case by the public benefits, including social and economic arising from improved telecommunications which are acknowledged by both the Local Plan and the NPPF.

Highway Safety

With the response from the Highways Authority there are no highway safety issues to raise.

CONCLUSION / PLANNING BALANCE

In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise.

There can be no doubt on the part of the LPA that telecommunications must contribute significantly to, in particular, the economic function of development. The progressive introduction of 5G will fall within this remit. Nevertheless, the Government has set boundaries and limits in the form of the GPDO(2015) (as amended) whereby it requires electronic communication code operators to submit certain of their developments to the Local Planning Authority for scrutiny – in this case on matters of siting and appearance – should the LPA so choose. Publicity by the LPA for the development proposed is mandatory and in this case having received objections from the relevant local Parish Council, from the District Councillor member for the Alton Ward and from 39 local individuals resident in the area, it is inevitable that the LPA should take up its option under the GPDO to determine the suitability of the siting and appearance of this development.

The combination of this obviously technical and industrial looking mast equipment and its siting with proximity in particular to the prominent large Oak tree and in a relatively broad roadside verge of obvious landscape amenity value to the street scene will greatly detract from these features and effectively undermine their contribution to visual amenity. The appearance of the development would create a severe clash of opposites – the calming and beautifying contribution of greenery would become dominated by the very ‘busy’ and jarring prominent appearance of the mast.

These adverse impacts take on added significance given that the siting in this location is at a point close to the boundary with the Alton Conservation Area and the development would interact with views into and out of the Conservation Area. The harm to the setting of the conservation area, whilst less than substantial would not be outweighed by the public benefits described above.

Although the applicant’s submissions make reference to existing street furniture and effects there is just one modest roadside traffic sign and a low knee-high street name sign. There are few lamp posts and these are of relatively small scale form c. one third or one half the height of the mast and much less elaborate and obtrusive here in this site. The street signs and lamp posts here are not of a scale or quantity that would give ‘cover’ to the mast proposal.

For residents of adjacent dwellings, especially the closest bungalows, and perhaps most specifically nos. 2 and 4 Hill Rise, the mast development would be an overtly intrusive feature that must reasonably be considered likely to be overbearing on occupiers.

Although an amended reduced height mast has been put forward this ultimately is not found to overcome the concerns of the LPA. As there is some procedural

uncertainty about the status of the revised height submission (it has not for example been subject to the 56 days of consultation) and the application description remains unaltered it is recommended that a refusal be issued referencing both.

OFFICER RECOMMENDATION : PNREQ – refuse

Case Officer: Arne Swithenbank

Recommendation Date: 02/07/2021

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council