

DELEGATED DECISION REPORT

SMD/2021/0707
Valid 08/11/2021

**PROPOSED
TELECOMMUNICATIONS
INSTALLATION NEW
STREET
BIDDULPH MOOR**

**PROPOSED VF UPGRADE TO
EXISTING 15.0M HIGH SWANN
ENGINEERING B2-3 LATTICE
TOWER AND ASSOCIATED
ANCILLARY WORKS.
PROPOSED NEW 5.0M LONG
B2-3 TOWER EXTENSION.**

(FULL - MINOR)

MAIN ISSUES

- Landscape visual impact
- Character and appearance
- Public amenity / public service

DESCRIPTION OF SITE

Widely visible and striking prominent outcrop of natural rock formation known as Wickenstones. An existing 15m mast erected c. 1990 – 95 stands at the base of part of the outcrop and is generally seen to overtop the outcrop. There are passing public footpaths within 60m to the south and within 80m to both the north and west.

The outcrop is Regionally Important Geological Site designated in 2006. The mast site comes to 5m from the RIGS boundary.

PROPOSAL

As per the description the height would be raised by 5m taking it to 20m in total. The agent's letter states that the development is on behalf of EE Ltd and Hutchison 3G UK Ltd and that Hutchison & EE Ltd is a licensed operator of an electronic communications network in accordance with the Communications Act 2003.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt Land; 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

Date of the initial mast installation pre-dates the digitally available records.

CONSULTATIONS

Publicity

Site Notice expiry date: 15.12.2021

Neighbour consultation period ends: N/A

Press Advert: 16.12.2021

Public Comments

None received

Town / Parish Comments

Biddulph Town Council – It was noted that there was no real change to the site plan, but the height will increase. No Neighbourhood Plan policies are affected, and Ramblers have said that the nearby Right of Way needs to remain open.

It was agreed to recommend approval.

Ramblers' Association

Biddulph PROW 45 runs close to where the development is to take place. Care must be taken to keep the path safe for public use during and after work has taken place.

Staffordshire County Council Highways

No Objection

OFFICER COMMENTS

Principle of Development

GPDO(2015) Schedule 2 Part 16 defines certain permitted development for 'electronic communication code operators'. **Class A(a)** provides for "the installation, alteration or replacement of any electronic communications apparatus". This current proposal scheme can be regarded as an 'alteration'. Paragraph A.1(1) sets out certain development that is not permitted. This would include, in the case of a mast:

(d) in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of—

(i) 30 metres above ground level on unprotected land; or

(ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or

(e) in the case of the alteration or replacement of a mast—

(i) the mast is on any land which is, or is within, a site of special scientific interest; and

(ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third.

As can be seen from para 1(d) the proposal, because it does not exceed 30m (this being 'un-protected' land) is provided for at **A.1(1)(d)(i)**.

Conditions are set out at **A.2**. If the scheme does not require prior approval under A.2(3), condition A.2(1)(b) applies – "that the visual impact of the development on the surrounding area is minimised, so far as practicable".

A.2(3) is that prior approval under condition A.3 would be required if [relevant to this proposal], on unprotected land [ie. not article 2(3) land], the alteration when completed would be taller than the existing mast being altered and exceeds a height of 25m above ground level. This proposal is taller than the existing mast but at 20m is within the 25m limit. In other words it can be concluded that the proposal is permitted development without being subject to prior approval. The criteria now included in the GPDO which make the proposal PD have been introduced in 2022 subsequent to the validation date of 8th November 2021.

The LPA having concluded that the development must be regarded as being permitted without requirement for prior approval, there are no further matters to consider. The Regionally Important Geological Site (RIGS) status of the adjacent rock outcrop is a non-statutory designation and does not affect the above conclusion. The application site is not in the RIGS but very close to it.

CONCLUSION / PLANNING BALANCE

The submitted details qualify as being permitted development under GPDO Schedule 2 Part 16 as a result of the changes introduced by SI during 2022. As noted in the report, condition A.2(1)(b) applies – "that the visual impact of the development on the surrounding area is minimised, so far as practicable" – but there is no express requirement or expectation on the LPA to give consideration to this. From drawing 301 it can be seen that there is both some removal and some addition

of attached apparatus and overall the appearance in character and form of the structure is similar but taller.

It could reasonably be said that the position of the existing mast in such close juxtaposition with the natural rock outcrop is unfortunate because it detracts incongruously from the natural rock outcrop but having benefited from a past authorisation (though the exact terms have not been re-visited) the mast is now able to benefit from the new PD provisions. At the same time it also has to be noted that electronic telecommunication is a very integral aspect of modern society and the development no doubt has an important role in support of this.

OFFICER RECOMMENDATION : **approve**

Case Officer: Arne Swithenbank

Recommendation Date: 16th June 2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council