

DELEGATED DECISION REPORT

DET/2022/0038
Valid 21/09/2022

LAND AT ELLASTONE
ROAD
CAULDON LOW

PROPOSED
TELECOMMUNICATIONS
INSTALLATION. 15.0M PHASE
9 SLIMLINE MONOPOLE AND
ASSOCIATED ANCILLARY
WORKS.

(TELECOMMUNICATIONS
DETERMINATION)

MAIN ISSUES

- Whether or not the mast can be built under “permitted development” without requiring a full planning application, via a Notification of Prior Approval application and if so,
- The siting and appearance of the development

DESCRIPTION OF SITE

The site is in the countryside a short distance to the east of the hamlet of Cotton, about 1.5 miles to the north-east of Oakamoor village and about half a mile south of Cauldon Low village. The site is next to the junction of B5417, Ellastone Road and Ribden Road which are C class roads. It is an exposed location on top of a ridge (roughly along Ellastone Road) with long-range views across the rural landscape towards the west and east. The site itself is immediately to the west of the junction, on a road-verge area at the start of Ellastone Road and a traditional stone boundary wall runs along the west edge of the verge with the road to the east. To the south and west is the access to a farm track with farm access road leading towards the north-west down a slope leading to a farm 250m from the site. The site is surrounded by open land, largely fields. Other than the nearby farm, there are also two dwellings approx. 70 metres to the south on the east side of B5417. The next nearest cluster of buildings to the site is a farm about 500 to the north-east.

PROPOSAL

This is a Notification of Prior Approval application for a 15.0 metre high phone mast and associated equipment cabinets at the base. The mast would be in the form of a metal monopole with antennas at the top. This is a resubmission following the refusal of a previous Prior Approval application for a 20.0m mast in the same location which was also dismissed on appeal due to the visual impact of the structure. The Council's reason for refusal was as follows:

1. The proposal by virtue of its siting and appearance, in a location on an

elevated land with limited screening would lead to be a prominent and alien feature in the surrounding rural landscape and would harm the character and appearance of the immediate surrounding area and the wider rural landscape, which is within a "Gritstone Highland Fringe" landscape character area as outlined in the Council's Landscape Character Assessment. This area is considered to be a high value landscape with high sensitivity to landscape change. The proposal would therefore be contrary to policies SS10 'Other Rural Areas Strategy', SS11 'Churnet Valley Strategy', DC1 'Design Considerations' and DC3 'Landscape and Settlement Setting' of the Council's Local Plan (adopted September 2020).

The amended pole structure submitted with this new application is a "Phase 9 slimline" pole which as well as being 5.0 metres less in height appears to have far less antenna housing and other apparatus at the top.

The applicant's agents explained the reason for the base station as follows, in the previous submission:

There is now a requirement to upgrade the CK Hutchison Networks (UK) Ltd (Three) network to provide improved coverage and capacity, most notably in relation to 5G services. 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. Three are in the process of building out the UK's fastest 5G network. To bring this new technology to the people CK Hutchison Networks (UK) Ltd will need to provide 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.

It should be noted however, that 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 site selection process has also been influenced by the numerous vertical elements of street furniture distributed around the vicinity of the site including street lighting columns. The height of the pole has been kept down to the absolute minimum capable of providing the required essential new 5G coverage.

There is an extremely small, constrained search area for this cell. Often the proposal has been pulled marginally outside of the cell search area due to residential amenity, pavement width, underground services and planning issues. The mast must be in a position where it can be physically constructed. Existing underground services continue to be a significant obstacle to the deployment of this roll out. The optimum solution from a planning and radio coverage perspective has been put forward.

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.

The 5G antennas are some 3 times as heavy as previous antennas, while the associated Remote Radio Units also now need to be placed at the top of the pole, thus many street works designs are no longer structurally capable of hosting all the equipment of 2 operators. It should be noted that the alternative option that could accommodate two operators would be a more traditional 'greenfield' mast, with an open headframe and more bulky design, which would be inappropriate in a street scene location. There is no such location in this cell search area where a greenfield mast could be housed and thus site sharing is not a viable proposition.

The site is required to provide new 5G coverage for CK Hutchison Networks (UK) Ltd in order to improve coverage in the area of Cauldon Lowe. The cell search areas for 5G are extremely constrained with a typical cell radius of approximately 50m meaning that it would not be feasible to site the column outside of this locale.

The agent also explains that the location has been chosen to give coverage to the area required and not to interfere with the adjoining CK Hutchison Networks (UK) Ltd sites. As with the previous application, a map was provided showing two base stations a couple of miles to the south and south-east of the site.

The agent also provided details of eight other locations considered for the base station within an approx. 1.5 mile radius from the site, all to the south where the required cell area where coverage needs to be improved, is located. These are different to the other alternative locations given in the previous application. Again, the reasons for discounting the other options is given.

The cabinets would be a grey colour but no details of the colour have been given for the pole/mast.

An ICNIRP certificate has been submitted with application to confirm compliance with radiation emissions restrictions.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS10 Other Rural Areas Strategy

SS11 Churnet Valley Strategy

DC1 Design Considerations

DC3 Landscape and Settlement Setting

National Planning Policy Framework (July 2021)

Section 10 (Supporting High Quality Communications) and 12 (Achieving Good Design).

The paragraphs below in Section 10 are particularly relevant:

Paragraph 114: *“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks,*

including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution)."

Paragraph 115: *"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."*

Paragraph 118. *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.*

Local Plan Supporting Evidence Documents:

Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2021/0025: Previous submission. 20.0m mast which was refused by the Council on 5.8.21 and dismissed on appeal on 24.2.22.

CONSULTATIONS

Publicity

Site Notice expiry date: 8.11.22

Neighbour consultation period ends: 8.11.22

Press Advert: N/A

Public Comments

One letter of objection has been received from a nearby resident concerned that the proposed structure would be too close to the entrance of her property and would therefore affect highway safety.

Town / Parish Comments

Cotton Parish Council: "Of the seven parish councillors, none have made any objection to the proposed 15m mast. Two councillors are positively in favour: Councillor Cooper welcomes anything that improves the mobile signal in the area; the only caveat he has is that the mast is adequately protected around the base from

passing traffic. Councillor Dale is also in favour of the mast - he has asked for some common sense to be applied in considering the application, as one of the reasons for previous refusal (DET/2021/0025) was that the mast would be visible from a cluster of grade II listed buildings. One of these buildings is the old Cotton college site which is a total eyesore within the parish."

Staffordshire County Council Highways

No objection.

Environmental Health Section

No objection.

OFFICER COMMENTS

Principle of Development

The General Permitted Development Order (GPDO) 2015 (as amended) makes provision for telecoms developments including base stations with phone masts (including some up to a max height of 25.0 metres within certain defined limits) to be erected as "permitted development" (i.e. not requiring full planning permission) 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.

The particular proposal including masts and cabinets, due to their dimensions, would be deemed to be development permitted under Part 16 of the GPDO and can be applied for under the "Prior Approval" application process.

Therefore, the Council must determine the impact of the proposal in terms of its siting and appearance and assess whether this is acceptable.

The proposed mast would be in an exposed location on high ground on a ridge or plateau and with very limited screening. There is tree belt a short distance to the south but this is on lower ground and the trees do not appear to exceed a height of approx. 10 metres. From the site there are far reaching views across the landscape to the east but in particular to the west. There are no other similar structures in the vicinity and the nearest existing phone mast is 1.2 kilometres to the north but 12.5 metres in height. A 20.0 metre mast has been approved 1.4 km to the north-east but would be partly screened by its location within a quarry and would also be partly screened by trees to the west. Despite the agent stating there are similar streetworks structures in the vicinity of the site such as tall lamp-posts often seen at main road junctions, there are no such structures here. The tallest structures around the junction appear to be road-signs which would not exceed a height of 3.0 metres.

The previous 20 metre high mast was considered to harm the landscape. The revised scheme does represent an improvement insofar as along with the decrease in height it would also appear far less bulky at the top due to the much lesser amount of antenna housing and other apparatus which considerably increased the bulk near the top of the previous 20m high structure. It is described as being a Phase 9 Slimline pole but yet it does not appear from the drawings to be any slimmer than the previous refused structure.

The phone mast would maintain a typical metallic industrial phone mast appearance comprising a metal pole and only a slight bulging near the top where the antennas would be placed, in contrast to the previous proposed structure. However, despite the changes to the height and design, the proposed structure would still result in some level of harm to the character and appearance of the area. There are no other structures of similar appearance and height visible from the site and although over time the presence of phone masts has become more familiar, this particular structure would remain to appear as an alien feature in this area. The other masts nearest to the site such as at the waterworks site to the north (just over a kilometre away) is lower at 12.5m and benefits from a decent general level of screening whereas the location of the mast applied for is in an exposed location with limited screening. There is a nearby tree belt to the south but this is on lower ground and does not encroach much above 10m. It is accepted that phone masts would have to be higher than nearby trees in order to provide the required coverage but the proposed mast despite the reduction in height to 15.0m would be significantly higher than the trees.

The site location is within a "Gritstone Highland Fringe" landscape character area as outlined in the Council's Landscape Character Assessment and is ranked 'high value' (level 4 on the 5-point county-wide scale where 5 is highest). It is also judged to be of 'highest sensitivity' to landscape change.

Policy SS10 aims to protect the character and appearance of the countryside, amongst other things. Policy SS11 is particularly protective of the rural landscape in the Churnet Valley. This area is flagged for consideration as an AONB and was referenced in the Glover Review (2019).

It is considered that on the basis of the details and level of information given in the application, the proposal, due to the siting, height and design would still lead to harm to the character and appearance of the area and the surrounding landscape in general.

The Council is aware of the need for telecoms base stations and to achieve a complete coverage of a cell service and such masts are generally supported in the NPPF. It is understood that the new 5G service will require many more masts which are more frequently spaced, much more so than with previous mast and phone technology eras. It is also understood that whilst base station sharing and the use of the existing buildings is preferable to the creation of a new ground-based mast, it is accepted there are no other buildings in the area of sufficient height which could be used and from the application statement, the new technology renders mast sharing as not possible.

Details of eight other possible locations have been given, with the reasons for discounting these options and these are accepted. However, there is no information to suggest why better screened locations in the area such as the large quarries a short distance to the east or the nearer to the woodland or tree belt areas (which can provide screening) could not have been investigated and this information was also something considered to be lacking with the previous application.

There are quarries within a mile to the south-east (now JCB farming land at Wardlow and Reardon quarries) which are just as close to the proposed “cell centre and adjoining cell areas” (i.e. the area proposed for new 5G coverage which is currently lacking), highlighted in brown and green on the submitted “Cell Area” map and the “nominal marker” (where the base station should be located as close as possible for optimal coverage) which lies to the south. There is a 10m telecoms monopole at Reardon Quarry (approved under DET 2017 0025) according to the supporting information in the previous application so this area has been approached and deemed suitable for previous telecoms development.

Due to the location of the site and proposed height of the structure, it is considered the visual impact would need to be assessed professionally in landscape and visual impact terms, including “visuals” and photo’s. It is considered this should also include the cumulative impact of this mast with others existing or currently planned in the area. However, no such information has been submitted.

The equipment cabinets on the ground are not considered to result in any harm to the appearance of the area due to their scale and siting. There is an existing green cabinet in the same location.

It was not previously considered that the base station would harm the residential amenities of the nearest dwellings, which lie to the south, due to the distance of those dwellings from the site and also the presence of a significant tree belt between the site and those dwellings which provides some visual screening of the mast when viewed from those properties.

With regard to the letter of objection, the local highways authority were consulted on the application and did not consider the proposal would lead to any detriment to highway safety. The proposal comprises a slimline mast which would not significantly obstruct the lines of sight at property entrances or the road junction.

CONCLUSION / PLANNING BALANCE

The proposal, despite the reduction in mast height and the removal of much of the bulk of antennas and apparatus/equipment near the top of the mast, would still lead to a significant level of harm to the character and appearance of the area and landscape. It would still be a high and technical/industrial looking structure in an elevated, open and exposed ridge-like location that would be highly prominent in the landscape and incongruous with the rural character and appearance of the area. Although it is accepted that phone masts are required in order to provide a good quality telecommunications coverage and the significant social, economic and environmental benefits of this, due to the level of information provided, it cannot be assessed if these benefits outweigh the predicted level of harm to the landscape

caused by the proposed mast, which is deemed to be a high value landscape within the Churnet Valley and highly sensitive to landscape change. There is insufficient information to justify the height and siting of the mast, particularly as there are better screened locations nearby just as close to the "Cell Area" where coverage is to be provided such as the quarries to the south-east. Due to the harm to the character and appearance of the area, the siting and appearance of the development is deemed to be unacceptable and the application should therefore be refused. Accordingly it is considered that prior approval for the siting and appearance of the proposals is required, and following an assessment of the submitted plans the details should be refused for the above reasons.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston

Recommendation Date: 16.11.22

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council