

DELEGATED DECISION REPORT

DET/2024/0031
Valid 07/08/2024

**GRASS VERGE AT THE
VILLAGE
ENDON**

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR THE
INSTALLATION OF 20M HIGH
MONOPOLE SUPPORTING 6
NO. ANTENNAS, 1 NO.
TRANSMISSION DISH, 1 NO.
EQUIPMENT CABINET, 1 NO.
METER CABINET AND
ANCILLARY THERETO
DEVELOPMENT INCLUDING
RRUS UNITS.**

**(TELECOMMUNICATIONS
DETERMINATION)**

MAIN ISSUES

- Is prior approval required for the siting and appearance of the development and, if so, should that prior approval be granted.
- The main issue is the effects of the siting and appearance of the mast on the character and appearance of the area, the setting of the Endon village and the Endon Conservation Area

DESCRIPTION OF SITE

The application site is a prominent roadside position, it concerns a strip of highway verge against hedgerow field boundary that is adjacent to a brick bus shelter to the north east. The verge is to the rear of a triangular arrangement of land adjacent to the junction of 'The Village' with 'Leek Road' (A53). To the front of the verge there is a concrete pedestrian pathway with a triangular patch of grass land beyond that runs to carriageway edge. There is a BT cabinet, a bin and a road sign located on this triangle of grass.

The site location is in Green Belt, immediately adjacent to, but beyond, the north eastern edge of the Endon village settlement boundary, as defined in the SMDC Local Plan. The site is in the proximity of the Endon Conservation Area that consists of the Village to the south west, an area of the original rural settlement.

To the north east of the site Leek Road passes through open Green Belt county side and an open landscape of an ancient slope and valley farmland character – irregular field parcels, traditional hedgerow boundaries, and tree lined enclosure, wooded streamlines and valleys. There is a strongly sloping landscape to the Endon Brook floodplain to the south and east.

The Endon Character Assessment

The original village core lies to the east of the settlement and is formed by two clusters of dwellings known as the old settlement and The Village forming the conservation area. The original village townscape comprises small scale houses in stone and brick construction. The old village has views in and out of the conservation area. Views are limited within the settlement due to mature wooded setting. Dwellings within the conservation area partially visible through roadside vegetation when approaching Endon from the east. The Caldron Canal Conservation Area lies just outside the development boundary of the settlement. It is bordered by open fields to the south east of the settlement. The character is a mixture of suburban and rural in this section of the canal with views at points towards Endon. The small scale landscape with many field boundaries to the west of Endon combines with remnants of an historic parkland landscape to form an important landscape setting to the village.

Endon Conservation Area Appraisal

Endon Conservation Area was designated in 1972, and the boundary amended in 1993. The boundaries have been tightly drawn to include specific areas of Special Landscape Interest where they help to preserve the rural setting of present and former farmhouses and hamlets, and to protect views out to the more distant landscape. The Conservation Area lies north west of the A53 connecting Leek with the Potteries, and is divided into two sections. The upper part contains the medieval settlement of Endon on Endon Bank, properties along Church Lane, and parts of Brook Lane and Park Lane. The lower part contains a later hamlet known as 'the Village'. As part of the Conservation Area appraisal the 'Endon Conservation Area Map3 Village scape Analysis' identifies a principle gateway on the Village close to the Leek Road junction and the application site.

PROPOSAL

The application has been submitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended by the Town and Country Planning (General Permitted Development) (Amendment) Order 2022 which came into force on 4th April 2022, in accordance with the electronic communications code under the Telecommunications Act 1984 as amended by the Communications Act 2003.

The applicant proposes the installation of a 20m high monopole supporting 6 no. antennas, 1 no. transmission dish, 1 no. equipment cabinet, 1 no. meter cabinet and ancillary thereto development including RRUs units. The application seeks a determination as to whether the Prior Approval of the Local Planning Authority is required as to the siting and appearance of the proposed development and, if so, whether prior approval can be granted. Under the provisions of the Order if the Local Planning Authority does not notify the applicant of their decision within 56 days of receipt of the application the proposal is automatically permitted.

The applicant states that the proposal is required to provide improved 5G, coverage where currently there is little or no indoor coverage within the village of Endon and the surrounding area. The proposal will allow both Vodafone and Telefonica to operate from a single telecommunications network. The application is identified by the developer as the most suitable option that balances operational need with local

planning policies and national planning policy guidance. It will deliver public benefit in terms of the mobile services it will provide. The following comments are submitted by the applicant:

The operator is proposing the most sensitive design currently available to provide the necessary coverage and capacity to the surrounding area. Due to all the technologies that will be available at this location, 2G, 4G and 5G, 6 antennas need to be installed at the top of the slim-line monopole. These are split into a dual stack formation where 3 antennas will be located at the top and the other 3 will be located underneath. The proposed height at 20m is essential in order to provide coverage to the target coverage area. 5G new radio technologies operate in higher frequency bands than older technologies. Since it operates at higher frequencies where attenuation of the radio signal is naturally higher and the effects of clutter are greater it will normally require a higher structure to achieve the same coverage footprint. To increase capacity and data speeds to the user, the antenna will normally need to be mounted higher than conventional antennae. These factors drive a requirement for an increase in antenna height in 5G. The operator proposed to site the radio base station in a such a way, so it isn't directly in front of residential frontages, minimising the visual impact on the area.

It is accepted that the height of the proposed installation is taller than other pieces of surrounding linear items of street furniture. Being taller than more traditional urban items of street furniture in itself is not a valid reason to conclude that it is not appropriate at a specific location. Indeed, Inspectors at appeal have noted that by their very nature to be effective masts are required to be taller than surrounding structures and that telecommunications masts are now common urban items of street furniture.

Telecommunications apparatus by their very nature must be taller than surrounding built and natural form to ensure its efficient operation.

As it was demonstrated in section 5 of SSSI document, submitted with the application, there are no more suitable sites within the search area that are located within less sensitive locations than the current proposed site. It is noted that within one of the objections received by the Council, a resident suggested 2 alternative locations, first at layby towards Leek, which would be some 220m northeast from the nominal site, and the second one at land at water processing plant, which would be over 400m away from the nominal site. However, both of them are located too far away from the search area to be able to provide required levels of coverage, and therefore, they were discounted by the radio planner. The proposed site is located on the edge of the search area, as far away as practicable from residential properties and conservation area while still allowing the operator to provide the required coverage.

An ICNIRP Certificate has been submitted with the notification in accordance with Chapter 5 of the NPPF which shows that the equipment is within agreed health and safety standards.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS10 Other Rural Area Strategy

- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape Character

National Planning Policy Framework

- Achieving sustainable development
- Chapter 6 – Building a strong, competitive economy
- Chapter 10 – Supporting high quality communications infrastructure
- Chapter 12 – Requiring good design
- Chapter 16 – Conserving and enhancing the historic environment

Other Relevant Policy Documents

National Planning Policy Guidance (NPPG)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None Relevant

CONSULTATIONS

Publicity

Site Notice expiry date: 24.09.2024

Neighbour consultation period ends: 24.09.2024

Press Advert: N/A

Public Comments

There have been six objections from members of the public. The following concerns are raised:-

- Adverse impact on the views in to and out of Endon Conservation Area.
- There is evidence that phone masts pose risks to health and well-being.
- The mast will not be in keeping/will be unsightly with the aesthetically pleasing environment of the Village.
- Should be located away from residential areas and not within the area of the Endon Well.
- Compromise an entrance/gateway location into a beautiful village
- Adverse impact on visibility at the junction
- There is also the potential harm to local wildlife and ecosystems in the area - this area is rich in birdlife/ bats and will disrupt ecosystems
- Adverse effect on house prices

One comment of support welcoming improvements to reception within the village.

Town / Parish Comments

Endon and Stanley Parish Council: The meeting asked if any other sites were considered.

SCC Flood Risk Management Team

The application site is located within Flood Zone 2 with risk of flooding from the Endon Brook (Main River). As the Environment Agency (EA) are a statutory consultee upon all proposed developments within Flood Zone 2 it is envisaged that the EA will comment on the flood risk vulnerability, flood depths and suitability of the proposal in flood risk terms. Where the EA do not provide bespoke comments, you should be guided to their standing advice.

The application site is at risk of 1 in 1000year surface water flooding (low probability). Surface water flooding can be difficult to predict, more so than river or sea flooding, as it is hard to forecast exactly where or how much rain will fall in any storm. This is based on the best available information, such as topography, ground levels and drainage. As such we recommend that permeable paving should be used where possible. Given the nature and scale of the proposals we have no further comments to offer on this application.

SCC Highway Authority

Acceptance/No Objection

Site Visit Conducted on: 14-Aug-2024

Installation works will likely require traffic management on the highway. This will require approval from SCC Traffic and Network. Details are available at Permissions and licences overview - Staffordshire County Council and Permission to temporarily manage traffic on the public highway - Staffordshire County Council

The developer should contact Traffic and Network as early as possible to ensure road space can be booked and works programmed on the highway. The developer should allow adequate time for processing of the application.

Application is for a communications mast. This will constitute an item of statutory undertakers street furniture in the highway. Developer will need to make SCC Traffic and Network aware as normally required for such works. Traffic management may be required for installation. This will require separate approval from Traffic and Network.

Environmental Health

Radio Waves – Public Health England advice document (Mobile Phone Base Stations: radio waves and health September 2020) section 6 advises that emissions of radio waves by telecommunication antennae are well below guidance levels.

High up or roof top masts emit waves towards the horizon so exposure levels below these heights are low. The installation should be compliant with industry standards. PHE's main advice about radio waves from base stations is that the guidelines of the International Commission on Non-Ionizing Radiation Protection(ICNIRP0) should be adopted for limiting exposures.<https://www.gov.uk/government/publications/mobile-phone-base-stations-radio-waves-and-health/mobile-phone-base-stations-radio-waves-and-health> . Further consultation might be made directly to PHE, HSE or OFCOM if required. The Environmental Health Department have no objection to the proposed development.

OFFICER COMMENTS

Compliance with Town and Country Planning (General Permitted Development) (Amendment) Order 2022

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 proposal is found to conform to the criteria for consideration under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2022 which came into force on 4th April 2022 and it therefore represents permitted development subject to Condition A.3 of the Order, which requires a submission 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”.

Consideration of this application does not present an opportunity to consider the principle of the development and is therefore confined to assessment of its siting and appearance. As noted above, the applicant has submitted an ICNIRP Certificate which shows that the proposed installation will fully conform to ICNIRP public exposure guidelines.

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.

Siting and Appearance

The NPPF requires 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. For a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met. Local planning authorities must determine applications on planning grounds only.

The appeal site is a road verge located adjacent the junction of The Village and the A53 Leek Road, occupying an exposed plateau position surrounded by an expanse of open countryside in a rural area to the outside edge of the Endon village to the south west. On approach from the north east, there is little in the way of built form within the surroundings, and the strongly defined edge of the village is viewed from distance across the appeal site. The site is located within a landscape character type described in the 'Landscape Character Assessment' as 'Ancient Slope and Valley Farm Land', which is described in the supporting text as an area requiring landscape maintenance. The assessment identifies electricity pylons, in particular, as being an incongruous feature within this landscape type and provides landscape planning guidelines that includes taking care not to introduce unnecessary urban features into the rural scene.

Due to its significant height (20m) and diameter (0.5m), the mast would be prominent in the area from most vantage points, notably the aforementioned roads on approach. The phone mast would have a typical metallic appearance of an industrial or functional structure, comprising a metal pole and visible unshrouded antennas which widen the structure near the top and increase its prominence. It would be almost twice the height of the 12m high street lights and substantially broader. It would also be considerably taller than the nearby trees that are scattered along roadside hedgerow which, due to their distance from the appeal site, would not 'backdrop' the mast and do little to screen its prominence. Although, it is understood that in general, masts must be taller than nearby 'clutter' in order to operate efficiently, there is no evidence of such objects in the area which could negatively affect the mast in this regard.

Although the applicant makes reference to the scale of nearby 'street furniture', structures in the immediate vicinity are not significant in these regards. Landscape structures and features, that are more urban in character, are limited to the clearly defined edge of the village settlement more than 40m to the south west of the application site. The land beyond this, that includes the application site, has a particularly rural appearance and character. In this exposed, open and largely undeveloped area, the prominent siting and utilitarian appearance of the mast would appear as an alien feature in the landscape. This would appear as a highly intrusive addition to the landscape and cause significant harm in this respect.

The proposed mast would be set away, over 40m, from the edge of the village settlement and that of the Conservation Area 116m to the west. The Conservation Area Appraisal and The Endon Character Assessment identifies views from the vicinity of Leek Road toward and into the Village and the Conservation Area are important in helping define the character and appearance of the area and the setting of the village settlement and Conservation Area. A map appended to the CA appraisal identifies a position on 'The Village' highway, within proximity of the application site, as being a 'Principle gateway' to the Conservation Area.

On approach along the A53 from the north east, the edge of the village settlement is well defined and apparent from distance. The white render and red brick of the village's cottage gables and terraced elevations are visible across and set within traditional hedgerow, open field, and scattered tree line that provides the foreground and setting to this end of the village. Viewed from across the application site toward the west, the dwellings to the edge of the Conservation Area are apparent. On approach and within this setting, the proposed mast would appear excessively dominant and austere to the

detriment of the villages setting and character. In turn the mast would appear prominent and affect views into and out of the Endon Conservation Area with views from the edge of the Conservation Area and significant buildings within the designation toward the open countryside to the east and north would be interrupted and adversely affected by the prominence and appearance of the mast. There would be less than substantial harm to the significance of the designated heritage asset in those regards. The public benefits that would be delivered with the development would not outweigh the significant weight that must be attributed to that harm.

It is therefore concluded that the siting and appearance of the proposal would have a harmful visual effect on the character and appearance of the local area and the setting of the village and that of the Conservation Area. Insofar as they are material considerations, there is regard to Policies SS10, DC1, DC2 and DC3 of the LP. The proposal would conflict with the requirements of these policies which state, among other things, that all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape. The proposal would also be contrary to the Framework insofar as it seeks to ensure that where new sites are required (such as for new 5G network), equipment should be sympathetically designed.

Other Matters

It is found that the proposal would harm the character and appearance of the local area and the setting of a village settlement that is partly designated as a Conservation Area. This carries substantial weight against the proposal, regardless of whether the area is within a designated landscape such as Article 2(3) land.

Nevertheless, paragraph 115 of the Framework recognises the need for telecommunications equipment to be sympathetically designed and camouflaged where appropriate. There is clear need for, and importance of, the rollout of the 5G network. The Framework is clear in paragraph 114 that the provision of high-quality communications infrastructure is essential for economic growth and social well-being. There is regard to the public benefits of this technology to local residents, visitors and rural businesses in the area. Cumulatively, these factors and public benefits weigh in the scheme's favour.

The applicant has pointed to a lack of alternative available sites, in particular due to the mast and ancillary equipment affecting visibility splays at Highway junctions, being placed within the Conservation Area or the setting of listed buildings, proximity to residential dwellings, or lack of footway width. However, the information in this regard is of a limited nature, especially as to whether alternative locations would be as prominent. It is accepted that transmitters for the 5G network cannot be placed on existing masts which transmit older wireless signals and that there are constraints to placing antennae on buildings. But the Framework is clear in paragraph 117 that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. In this case, such evidence is lacking as regards alternative sites.

Although telecommunications equipment may be a common feature of the built environment, in the context of this proposal the development would be unusual in the area.

It is not considered that the proposal would have an adverse effect on the living conditions of occupiers of nearby dwellings. An ICNIRP Certificate has been submitted with the notification in accordance with Chapter 5 of the NPPF which shows that the equipment is within agreed health and safety standards.

The application proposal has been considered on its own merits and it has been concluded that it would cause harm for the reasons set out above.

CONCLUSION / PLANNING BALANCE

The proposal complies with Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2022 and is therefore permitted development subject to consideration of the siting and appearance of the development.

For the foregoing reasons, and having taken account of all relevant material considerations, it is concluded that prior approval for the siting and appearance of the phone mast development should be refused.

OFFICER RECOMMENDATION : Prior Approval is Required and Refused

Case Officer: Ben Hurst

Recommendation Date: 24th September 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council