

BABERGH DISTRICT COUNCIL

From: Professional Lead – Growth and Sustainable Planning	Report Number: S26
To: Planning Committee	Date of meeting: 15 June 2016

NOTIFICATION UNDER PART 16 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 - ERECTION OF MAST AND ANCILLARY EQUIPMENT AT PARK FARM, CHURCHGATE, GLEMSFORD

1. Purpose of Report

- 1.1 To determine whether prior approval of details is required as to the siting and appearance of the mast.
- 1.2 The matter is referred to the Planning Committee as the notification is considered to be of a controversial nature.

2. Recommendations

- 2.1 That prior approval is required.
- 2.2 That prior approval be given, subject to conditions.

3. Financial Implications

- 3.1 None.

4. Legal Implications

- 4.1 None.

5. Risk Management

- 5.1 There are no significant risks arising from this report.

6. Consultations

- 6.1 Consultations were carried out with the following consultees:-

- Glemsford Parish Council – Recommend refusal on grounds of siting and appearance. Also considered there was insufficient investigation into suitable sites.

- Historic England- No objection and comment as follows:

“The current plans indicate the proposed mast has been reduced in height and although the location has not changed the visual impact has been significantly reduced. We remain of the view that the development is an inappropriate addition to the setting of the listed building and the Council should again weigh the impact against the public benefit of providing the service to the area, but in light of the reduction in height we would not, on balance, wish to formally object to the granting of permission.”

- The Archaeological Service- No response.
- Heritage Team- Comments to be reported.

6.2 Additionally, 8 letters of representation have been received and the comments are summarised as follows:

- Adverse impact on views over Glem Valley from Park Lane
- Adverse impact on setting of Listed Church and Conservation Area
- Impacts on surrounding countryside and views towards the Church
- Health and safety concerns
- Impact on property values
- Planted screen preferable to fencing around base of mast
- Likelihood of further additions to mast at later date

7. Equality Analysis

7.1 There are no Equality or Diversity Implications arising from this report.

8. Shared Service / Partnership Implications

8.1 There are no Shared Service or Partnership Implications arising from this report.

9. Links to Joint Strategic Plan

9.1 The development would provide a mobile telecommunications network for use by public service organisations including the emergency services (Fire, Police and Ambulance) which would have significant public benefits.

10. Key Information

BACKGROUND

10.1 This prior approval submission follows a previous similar application for a larger mast on the same site which was refused prior approval under Officers' delegated powers in December 2015.

THE SITE

- 10.2 The Application site is a small plot forming part of a farmstead known as Park Farm comprising a farmhouse and a range of modern farm buildings located to the east of Churchgate and to the south of St Mary's Church. The plot is proposed for the siting of a telecommunications mast located immediately to the rear or south-east elevation of a modern barn located at the most southerly point within the grouping of buildings.
- 10.3 In the immediate area St Marys Church is Grade 1 Listed and Park Farm farmhouse together with 14-16 Churchgate and Churchgate Farmhouse are Listed Grade 2. There are nearby residential uses fronting Churchgate and along Park Road.
- 10.4 The Glemsford Conservation Area covers most of the land and buildings to the west of the mast site, although the mast site itself is just outside the boundary of the designation.
- 10.5 To the north and east of the farm the landform drops down into the River Glem Valley which is designated as a Special Landscape Area.

THE PROPOSAL

- 10.6 The submitted application is for prior approval under Part 16 of the Town and Country Planning General Permitted Development Order 2015 for the erection of a 10 metre high telecommunications lattice mast with 3 omni antenna above and 2 link transmission dishes positioned at 8.7m above ground level together with an associated equipment cabin at ground floor enclosed by a 1.2m high stock proof fence. The mast and cabin would have a grey finish. The Local Planning Authority may only consider matters of siting and design under the prior approval process.
- 10.7 The application has been submitted by Airwave Solutions Ltd, who are obliged to provide a mobile telecommunications network for use by public service organisations including the emergency services (Fire, Police and Ambulance). These services are currently provided for by equipment located at 17.5 metres height on a 30m high mast located at New Street Farm to the north-west of Glemsford. However, this mast is due to be removed in the near future and has necessitated the need to provide an alternative site to accommodate these services.
- 10.8 In October 2015 a prior approval application was submitted for a 12.5m high monopole mast on the Park Farm site. This was refused on grounds that the harm caused to the landscape and street scene, with particular impacts on the setting of listed buildings and the Conservation Area, outweighed the public benefits of providing a functional radio network for the emergency services. The full text of the decision is set out under the Planning History below. Following that refusal a revised application has been made for a lower mast of 10 m high and with a lattice work design, which is the subject of this report.
- 10.9 The applicant has indicated that all their installations are ICNIRP (International Commission on Non-Ionizing Radiation Protection) compliant. Confirmation that the mast is ICNIRP compliant is expected before a formal decision is taken.

- 10.10 This proposed site was selected following a site search in the area around Glemsford. The application includes supporting information setting out the consideration of alternative sites which were required to be as close to the existing installation as possible. Most importantly the mast must link into the existing Airwave network through a line of sight connection by the proposed dishes.
- 10.11 The application documents can be viewed on line via the planning pages on the District Council's website.

NATIONAL PLANNING POLICY FRAMEWORK

- 10.12 The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 10.13 Paragraphs 42-46 of the NPPF set out the Government's position on telecommunications development. It states that advanced high quality communications infrastructure is essential for sustainable economic growth. It goes on to advise that numbers of masts should be kept to a minimum consistent with the efficient operation of the network and that existing masts, buildings and other structures should be used unless the need for a new site has been justified. Where new provision is required equipment should be sympathetically designed and camouflaged where appropriate. Proposals for new equipment should be supported by the necessary evidence to justify the proposed development including:
- Outcome of consultations with interested organisations including nearby schools and aerodromes
 - Compliance with ICNIRP guidelines
 - Evidence of exploration of alternative sites and buildings.
- 10.14 It concludes with advice that applications should be determined on planning grounds and the LPA should not question the need for the equipment nor question health implications if the proposal meets ICNIRP guidelines.

PLANNING CONSIDERATIONS

- 10.15 In light of the above planning policy context and the representations/consultation responses received, the following are identified as the main considerations in assessing this application:
- The Principle of Development
 - Alternative site locations
 - Design, Layout and the Impact on the Character and Visual Amenity of the Site and Area
 - Heritage Issues

The Principle of Development

- 10.16 The proposed mast is permitted development by virtue of Part 16 of the GPDO. However, there is a requirement to seek the LPA's prior approval on matters of siting and design before it can be installed.
- 10.17 Saved policy EN26 is the most relevant policy against which proposals for masts should be assessed. It recommends approval of such proposals so long as they are satisfactory in terms of height and visibility; scale and design of mast structure; impacts on heritage assets, consideration of existing radio sites and buildings as alternative locations; scope for landscaping and screening; technical and operational needs of the proposal and health impacts. All these criteria are assessed later in this report.
- 10.18 It is important to note that Airwave's existing emergency services' radio equipment is located on a shared mast at New Street Farm, which is to be removed. Given that Airwave are now seeking to locate their equipment on a single use mast begs the question what will happen to other providers who share the existing mast. This question was put to the Applicant who advised that T-mobile, who are the only sharer on the New Street Farm mast, have identified an alternative location in Pentlow near Cavendish in Braintree District. They have no interest in sharing at the Park Farm site as their radio coverage requirement is different from that of Airwave.

Alternative site locations

- 10.19 The Applicant has submitted a schedule of alternative sites that were considered before making this prior approval submission. The list identifies 8 sites surrounding Glemsford and the table indicates that all were discounted on technical coverage issues or commercial reasons namely that the landowner was unwilling to agree to a mast on their land.
- 10.20 A number of objectors suggested that the Parish playing fields to the west of Hunts Hill should have been considered as an alternative location as there was no evidence in the submission that it had been investigated. This was put forward notably as it was open space on high ground with no landscape or heritage designations affecting it. The agent has commented that this site was discounted in the original search because in order to satisfy all the technical criteria the mast would have to be at least 16 metres high, which was considered unacceptable in this location.

Design, Layout and the Impact on the Character and Visual Amenity of the Site and Area

- 10.21 With regard to topography, the mast would be sited in a visually prominent location, especially in views towards the site from the east and south and falling within a designated Special Landscape Area. The mast is not in an open location and is proposed to be sited adjacent to existing farm buildings, which would to some degree screen and mitigate the visual impact of its appearance in views particularly from the north and east.

- 10.22 The proposed mast would be positioned directly behind an existing large barn which has a ridge height of 7.25 metres and an eaves height of 4.5 metres. The mast would be in line with the apex of the roof thus utilising the maximum screening effect of the building from views from the north and west. Accordingly, around 2.75m of the mast structure would be visible above the roof together with the antenna above that.
- 10.23 This submission includes photo montages of the mast taken from Park Road and Churchgate, which were not provided in the previous application. Based on an assessment of the submitted plans and photomontages it is considered that the impact of the proposed mast, as reduced in height from the previous application, would have a more limited impact on the surrounding area and would not be significantly harmful to the character of the surrounding area which includes land within the Special Landscape Area.
- 10.24 At ground floor level a cabin structure is proposed on a concrete base. This would be 2.5 metres by 2.5 metres in area and 3 metres high. The compound would be enclosed by a timber stockproof fence. A number of comments have been received requesting that there should be a planted enclosure in order to soften the appearance of the structure. The applicant is agreeable to this and more detailed proposals will be presented at the meeting.
- 10.25 Notwithstanding impacts on the historic environment, which will be considered separately below, the level of harm on the surrounding area arising from the mast is considered to be acceptable when considered against the public benefits that the proposal would bring which would amount to maintaining a functional network for the emergency services within the Glemsford area.

Heritage Issues

- 10.26 With reference to the treatment of the application, the Council embraces its statutory duties and responsibilities in relation to the historic environment, notably; Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to pay “special attention...to the desirability of preserving or enhancing the character or appearance of that [conservation] area”; and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to have “special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 10.27 Following recent legal judgments it is understood that whilst the assessment of likely harm to a designated heritage asset is a matter for its own planning judgement, the Local Planning Authority is required to give any such harm considerable importance and weight.
- 10.28 The NPPF sets out the Government's national planning policy for the conservation of the historic environment and builds upon the 1990 Act referred to above. Paragraphs 132-134 state *inter alia* that when considering the impact of works or development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification. Where works will lead to harm to significance, Local Planning Authorities should refuse permission unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm.

- 10.29 In the previous application Officers assessed the proposed monopole to be a prominent feature within both the landscape and street scene in spite of its siting behind an existing agricultural building. The Church of St Mary was described as a Grade I listed church of exceptional historic significance and the dominant architectural feature within the north-eastern part of the Glemsford Conservation Area; the immediate church setting is characterised by low-rise buildings of a generally traditional vernacular, which includes further listed buildings that contribute to the character of the Area in a positive and coherent fashion. The proposed monopole was judged to be an alien structure within the historic environment and would challenge the Grade I listed church visually, providing a harmful addition to its setting and views afforded to it from the Conservation Area.
- 10.30 Such harm was considered to be 'less than substantial' within the meaning provided by the NPPF. Where it is considered that the proposal would pose less than substantial harm to a designated heritage asset, in this instance being the Grade I listed church and the Glemsford Conservation Area, the NPPF requires that such harm be balanced against the public benefits of the proposal.
- 10.31 The need for functional network coverage for the emergency services was acknowledged as a significant public benefit, however, it was judged that such public benefit did not outweigh the significant, albeit less than substantial (within the meaning provided by the NPPF), harm that has been identified where the monopole would be sited within this proposed location. It was also considered that an insufficient level of justification for such harm had been provided.
- 10.32 In the current application the submission has sought to address these concerns primarily through a re-design of and a reduction in the height of the mast in order to reduce its impact on surrounding heritage assets, the landscape and neighbours' views. These changes are shown on the submitted plans and illustrative photo montages.
- 10.33 In the Park Road photomontage the proposed mast would be seen against the backdrop of the large modern barn and most of the mast structure would be below the ridge and therefore would not be prominent or noticeable. Above the ridge level the mast would appear as a light weight, skeletal structure with no more solidity than a standard telegraph pole. Moreover, the structure would sit against a large utilitarian modern farm building, which already has a significant presence in the area.
- 10.34 In the Churchgate photomontage the view is taken from the access road to the farm and shows the mast to be some distance away (approximately 100 metres) and the upper antenna and dishes are faintly outlined against the skyline. It is clear from the montage that the highest part of the mast is below the ridge line of the southernmost wing of the farmhouse and therefore it would not be visible in views in front of the listed farm house. Whilst the mast would be seen in the backdrop of views of listed buildings in Churchgate it is considered that the impact would be limited in significance by reason of distance and intervening buildings and vegetation that offer screening and filtering of views.
- 10.35 Such impacts need to be assessed in their own right and against the public benefits of the proposal in accordance with the NPPF.

CONCLUSION

10.36 It is considered, having regard to all the issues assessed in the report, that the 'less than substantial' harm caused by the mast to the setting of designated heritage assets is far less than in the previous application as a result of the reduction in the height of the mast and its re-design. Such impacts weighed against the public benefits of the provision of a functional radio network for the emergency services no longer justify the refusal of prior approval. It is therefore recommended that subject to confirmation that the mast is ICNIRP compliant and that the applicant be advised that prior approval is given for the proposed mast and that the mast may be erected.

11. Appendices

11.1 None.

12. Background Documents

12.1 Relevant papers – Planning Application Ref: B/16/00554/TEL

Authorship:

Name John Davies

Job Title Development Management Officer

Tel. 01473 826619

Email:

john.davies@babberghmidsuffolk.gov.uk