KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2018/62/92446/W
Site Address:	Central Lodge Hotel, 11-15, Beast Market, Huddersfield, HD1 1QF
Description:	Installation of 6 antennas,1 GPS module and 12 ERS units
Recommending Officer:	William Simcock

DECISION – conditional full permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 19-Sep-2018

Officer Report

Site Description

The site comprises a redundant free-standing brick chimney situated on a backland site belonging to a hotel within Huddersfield Town Centre. The surroundings comprise mixed commercial uses.

Description of Proposal

The application is for full planning permission for the installation of 6 antennas, 1GPS module and 12 ERS units. All of these are to be installed on the uppermost part of the chimney and would replace existing apparatus of similar scale and appearance.

History of negotiations/amendments received

None.

Relevant Planning History

There is a long history of telecommunications applications at this site, of which the two most recent are:

2013/90831 – Replacement of 3 antennas and installation of 3 additional antennas at 26m height. Conditional full permission.

2014/92182 – Prior notification for installation of telecommunications equipment – details approved.

Representations

Final publicity date expires: 04-Sep-2018

One letter submitted in support of the proposal. A summary of the comments received is set out below:

- It will improve network coverage which is necessary in order to keep up with increasing usage.

Consultation Responses

Planning Conservation & Design (informal response) – No objection

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is within Huddersfield Town Centre Conservation Area on the UDP Proposals Map and on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Development within Conservation Areas

Kirklees Publication Draft Local Plan (PDLP):

- **PLP1** – Presumption in favour of sustainable development
- **PLP24 – Design**
- **PLP35 – Historic environment**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 10 – Supporting high-quality communications
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development

2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development: The site is within Huddersfield Town Centre Conservation Area, within which the considerations of Chapter 16 of the NPPF apply, in addition to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, where a development proposal would affect a Listed Building or its setting, have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. Policy BE5 also applies, which states that development within Conservation Areas should ensure that the character and appearance of the Conservation Area is conserved or enhanced, and PLP35 which sets out a similar approach for Conservation Areas and other heritage assets.

NPPF Chapter 10 advises that advanced and reliable communications infrastructure is essential for economic growth and social well-being and should be supported by planning policies and decisions. The number of masts and sites should be kept to the minimum that is practical. Applications should be supported by necessary evidence. Local planning authorities (paragraph 116) should not try to prevent competition, question the need for an electronic communication system or set their own health safeguards.

The background information supplied states that the upgrading of the existing base station will allow the applicant and another telecoms operator to provide improved coverage and capacity. It is considered that this approach is in accordance with the aims of NPPF Chapter 10 and the proposal is therefore acceptable in principle subject to an assessment of amenity issues and any other material considerations, to be examined in detail below.

2 –Impact on visual amenity: It is considered that the proposed development would have no adverse impact on visual amenity, or the character of the Huddersfield Town Centre Conservation Area, and would accord with the aims of the relevant UDP and Draft Local Plan policies, the NPPF Chapter 16, and the relevant parts of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2A –Impact on setting of Listed Buildings: There are several listed buildings on the road frontages bordering this backland site but it is considered that owing to the scale and nature of the development, their setting would not be in any way affected.

3 – Impact on residential amenity: The area is not primarily residential. The antennas would not generate significant noise in themselves; equipment cabinets may generate noise but in this case there would be no change as the existing ones are to be retained. It is considered that no adverse impacts on residential amenity would occur by reason of noise or other factors.

The application has been submitted with a declaration of conformity with the ICNIP public exposure guidelines (non-Ionizing Radiation Protection).

4 – Impact on highway safety: Parking and access arrangements would not be affected and therefore it has no highway safety implications.

5 – Other matters: The proposal is not considered to raise any further material issues.

6 – Representations: One representation has been made. The contents are summarised below with officer response:

7. **Conclusion**

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2018/92446

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1 and BE2 of the Unitary Development Plan and PLP24 of the Publication Draft Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			26-Jul-2018
Location plan	100		26-Jul-2018
Proposed elevation	301		26-Jul-2018
Proposed site plan	201		26-Jul-2018
Existing site plan	200		26-Jul-2018
Radio planning and propagation			26-Jul-2018
Health and mobile base stations			26-Jul-2018
General background information (including ICNIRP declaration)			26-Jul-2018
Planning, community and EMF fact sheet series			26-Jul-2018
Other supplementary information			26-Jul-2018

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer did not undertake

negotiations with the applicant as no amended or additional plans were considered necessary.

Report Dated: 19-Sep-2018