

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015 - Schedule 2, Part 16**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION -
NOTIFICATION OF TELECOMMUNICATIONS DEVELOPMENT**

Reference no.	2020/N /92561/W
Site Address	603-605, Wakefield Road, Waterloo, Huddersfield, HD5 9XP
Description	Prior notification for alterations to existing base station
Recommending Officer	Katie Chew

DECISION – Details Approved

**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: 30-Oct-2020

Officer Report

Application: 2020/92561

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92561>

Application Site: 603-605 Wakefield Road, Waterloo, Huddersfield, HD5 9XP

Proposal: Prior notification for alterations to existing base station.

Site Description

The application site relates to the north elevation and basement of Deal House located off Wakefield Road in Waterloo. To the rear of Deal House is a car parking area, with residential properties located on the opposite side of Sunny Mead road. The building already benefits from electrical communications apparatus.

Description of Proposal

The application proposes a number of alterations, these are outlined below:

- 3 no. BOBs are to be wall mounted on the new Unistrut channels in the equipment room in the basement;
- 1 no. APM5930 AC cabinet is to be installed in the equipment room in the basement;
- 3 nol. Hybrid fibre trunks are to be installed on the existing and proposed cable management system;
- 3 no. BOBs are to be wall mounted on new Unistrut channels;
- Proposed H3G & EE UHF GPS nodes at 19.5m are to be placed on a new spine support;
- 3 no. Kathrein 742236 antennas at 17.9m to be relocated on to a new 6 antenna headframe;
- 3 no. 2600 RRUs to be wall mounted on new Unistrut channels;
- 3 no. HUAWEI AOC4518R8v06 antenna on new 6-antenna headframe at 18.3m;
- 3 no. 3500 RRU to be installed on new antenna support poles.

Relevant Planning History

2020/92560 – Certificate of lawfulness for proposed installation of ground source heat pump. Pending decision.

2019/93577 – Discharge of conditions 3, 5, 7-13 on previous permission 2017/92400 for change of use and extension of upper floors of Deal House, to create 21 apartments, formation of office on part of the first floor, use of

basement for self-storage, erection of canopy to rear. Split decision 18th March 2020.

2019/92489 – Erection of rear entrance lobby, installation of solar panels and modified window layout. Approved 4th October 2019.

2018/90853 – Discharge conditions 3 (noise) and 4 (pollution) on previous permission 2016/92401 for external and internal alterations to convert first floor retail space to 3 apartments. Pending decision.

2018/90854 – Discharge condition 4 (noise) of the previous permission 2015/93799 for re-use and alterations to convert retail space into 7 apartments. Pending decision.

2017/92400 – Change of use and extension of upper floors of Deal House, to create 21 no. apartments, formation of office on part of the first floor, use of basement for self-storage, erection of canopy to rear. Approved 20th February 2019.

2016/92401 – External and internal alterations to convert first floor retail space to 3 apartments. Approved 28th March 2017.

2015/93799 – Re-use and alterations to convert retail space into 7 apartments. Approved 1st July 2016.

2015/90693 – Change of use of basement to Class D2 “airsoft” unit, subdivision of existing retail units, replacement shop fronts and ramped access. Approved 14th August 2015.

2015/91680 – Erection of fence. Approved 28th July 2015.

2008/90799 – Erection of illuminated sign. Invalid 23rd April 2008.

2008/90798 – Installation of ATM machine. Refused 23rd April 2008.

2008/90521 – Renewal of previous permission for change of use of top floor of existing retail premises to children’s activity centre. Approved 1st April 2008.

2006/90713 – Change of use of the top floor of existing retail premises to children’s activity centre. Approved 13th April 2006.

Procedural Matters and Policy Context

The above described proposal constitutes development as defined within Section 55 of the Town and Country Planning Act 1990. The General Permitted Development Order 2015, Part 16 of Schedule 2 Class A permits the following development:

Development by or on behalf of an electronic communications code operator for the purpose of the operator’s electronic communications network in, on,

over or under land controlled by that operator or in accordance with the electronic communications code, consisting of –

- a) The installation, alteration or replacement of any electronic communications apparatus.
- b) The use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
- c) Development ancillary to radio equipment housing.

The proposal is considered to be covered within this Class, and is thus authorised subject to the restrictions, conditions and prior notification procedure outlined in Paragraphs A.1, A.2 and A.3 (as amended by the Town and Country Planning (General Permitted Development)(England)(Amendment) (No.2) Order 2016).

Subsection 2: Building-based apparatus other than small antenna and small cell systems

(2) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than small antenna and small cell systems) on a building is not permitted by Class A(a) if –

(a) The height of the electronic communications apparatus (taken by itself) would exceed – (i) 15 metres, where it is installed on a building which is 30 metres or more in height; or (ii) 10 metres in any other case;	Pass: The building to which the electronic communications apparatus is to be attached is approximately 14.9m in height and therefore (i) does not apply in this instance. In respect to (ii) the electronic communications apparatus (taken by themselves) would not exceed 10 metres in height and therefore this criterion is met.
(b) The highest part of the electronic communications apparatus when installed, altered or replaced would exceed the height of the highest part of the building more than – (i) 10 metres, in the case of a building which is 30 metres or more in height; (ii) 8 metres, in the case of a building which is	Pass: As the building is approximately 14.9m parts (i) and (ii) do not apply in this instance. In regards to (iii) the highest part of the electronic

(iii) more than 15 metres but less than 30 metres in height; or 6 metres in any other case;	communications apparatus would not exceed the highest part of the building by more than 6 metres, and therefore this criterion is met.
(c) In the case of the installation, alteration or replacement of a mast on a building which is less than 15 metres in height, the mast would be within 20 metres of the highway (unless the siting remains the same and the dimensions of the altered or replaced mast are no greater);	Pass: The mast is located more than 20 metres away from the highway, in addition the mast itself is not be replaced or altered in its siting. The mast is simply to have new antennas attached to it or old ones relocated. Therefore, this criterion in met.
(d) In the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is less than 15 metres in height; on a mast located on such a building; or where the antenna is to be located below a height of 15 metres above ground level, on a building (other than a mast) which is 15 metres or more in height - (i) The antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located; (ii) In the case of dish antennas, the size of any dish would exceed 0.9 metres or the aggregate size of all the dishes on the building would exceed 4.5 metres, when measures in any dimension; (iii) In the case of antennas other than dish antennas, the development would result in the presence on the building of – (aa) more than 3 antenna systems; or (bb) Any antenna system operated by more than 3 electronic communications code operators; or (iv) The building is a listed building or a schedule monument;	Pass: The northern elevation of Deal House is more than 20 metres away from a highway and therefore criterion (i) is not relevant. As no dish antennas are proposed criterion (ii) is not applicable. On this building there will be a total of 3 antenna systems with 2 electronic communications code operators, and therefore the proposals meet criterion (iii). As the building is not listed or a scheduled monument criterion (iv) is not applicable.
(e) In the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is 15 metres or more in height, or on a mast located on such a building, where the antenna is located at a height of 15	N/A: As the building is not 15m or more in height part (e) is not applicable in this instance.

metres or above, measured from ground level – (i) In the case of dish antennas, the size of any dish would exceed 1.3 metres or the aggregate size of all the dishes on the building would exceed 10 metres, when measured in any dimension; (ii) In the case of antennas other than dish antennas, the development would be on a building which is less than 30 metres in height and would result in the presence on the building of – (aa) more than 5 antenna systems; or (bb) Any antenna system operated by more than 3 electronic communications code operators; or (cc) The building is a listed building or a scheduled monument; or	
(f) In the case of the installation of an antenna on electronic communications apparatus on a building on article 2(3) land – (i) The size of any dish antenna to be installed would exceed 0.6 metres or the number of dish antenna which have been installed on the building since 21st August 2013 would exceed 3; or (ii) The height of any antenna other than dish antenna to be installed would exceed 3 metres, or the number of such antennas which have been installed on the building since 21st August 2013 would exceed 3.	N/A: The building is not on article 2(3) land and therefore part (f) is not applicable in this instance.

The proposal has been assessed to comply with paragraph A.1. Thus, the proposal is authorised via Class A, subject to the conditions and restrictions outlined in paragraph A.2 and paragraph A.3.

Paragraph A.2 – Conditions

Paragraph A.2 outlines a set of five conditions that the developer must adhere to. Condition (4) stipulates the need for the developer to comply with paragraph A.3, which includes the requirement to submit an application for Prior Notification from the Local Planning Authority. Prior Notification is required for the following considerations:

- Siting
- Appearance

Furthermore, under the procedures outlined in paragraph A.3, the Council is required to consult relevant bodies and advertise the application by either site notice or by neighbour notification.

Relevant Policy

Kirklees Local Plan

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is unallocated in the Local Plan but is located within Waterloo Local Centre and a Bat Alert Area.

- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP24 – Design**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 19th February 2019, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 10 – Supporting high quality communications
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

Representations

The application was advertised via neighbour notification letters, in accordance with requirements of Subsection A.3, 6(d) of Schedule 2, Part 16, Class A of the General Permitted Development Order 2015 (as amended).

Neighbour notification expired: 29th October 2020.

No representations have been received.

Consultations

KC Highways Development Management – Comments received 16th September 2020. The application site is Deal House which is located close to the Wakefield Road/Penistone Road signalised junction. The development proposed is for an electronic communications base station and the up-grading of equipment on an existing installation. The installations appear to be either attached to the existing building or within the basement and the existing

access and parking arrangements to Deal House are unchanged by these proposals. Highways Development Management have therefore no objection to these proposals.

Assessment

As per Part 16, Class, A, A3(3), the following matters are considered in the assessment below –

- 1) Siting and Appearance
- 2) Representations
- 3) Conclusion

1) Siting and Appearance

1.1 – Siting

Paragraph 113 of Chapter 10 of the NPPF states 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 should be encouraged.

In this instance the applicant is seeking to upgrade existing installations which complies with the aims of the NPPF and is welcomed.

1.2 - Impact on visual amenity

Deal House is located off Wakefield Road in Waterloo, the proposed location for the new equipment relates to the north elevation and basement of Deal House. To the rear of Deal House is a car parking area, with residential properties located on the opposite side of Sunny Mead road. The building already benefits from electrical communications apparatus and it is considered this additional equipment would not appear incongruous in this setting.

1.3– Impact on residential amenity

As the site is well separated from 3rd party residential units, it is considered that harmful overbearing and/or overshadowing would not be caused by the proposals.

1.4– Impact on highway safety

The Council's highways team were consulted on the proposals and raised no objection as the installations are to be either attached to the existing building or within the basement and the existing access and parking arrangements to Deal House are unchanged by these proposals.

2) Representations

No public representations were received.

3) Conclusion

An ICNIRP declaration has been provided with the application.

The submitted information is sufficient to determine that the application's impact in regards to siting and appearance as being acceptable.

The proposal complies with all facets of The Town and Country Planning (General Permitted Development (England) Order 2015 Schedule 2, Part 16, Class A (a) and (c), subject to the works being completed in accordance with the relevant conditions outlined in A.2 and A.3 of the same Order.

Recommendation: Grant Prior Approval.

Decision Authorisation - Delegated Powers

Application Number: 2020/92561

Officer Recommendation: Grant Prior Approval.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	87568-00-004-ML001	1	7 th August 2020
Site Plan Proposed	87568-02-100-MD002	2	7 th August 2020
Equipment Layout Proposed	87568-02-101-MD002	2	7 th August 2020
Elevation Proposed	87568-02-150-MD002	2	7 th August 2020
Antenna Schedules Proposed – Supporting Information	87568-02-151-MD002	2	7 th August 2020
Equipment Schematic Proposed – Supporting Information	87568-02-152-MD002	2	7 th August 2020
Declaration of Conformity – Supporting Information	-	-	7 th August 2020
Planning Statement – Supporting Information	-	-	7 th August 2020

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

preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No negotiations have taken place and no amendments were sought.

Report Dated:

29/10/2020