

**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. 2023/N /91704/W

**Site Address Almondbury Cricket Club, Fernside
Avenue, Almondbury, Huddersfield**

**Description Prior notification for proposed 20m
high Valmont climbable monopole
on 5.2 x 5.2 x 1.4m deep concrete
base with config 2 circular
headframe for 6 antenna apertures
at 60°/150°/320° and 4 600 dishes;
MHA's and active routers to be
fixed to headframe behind
antennas and associated ancillary
works**

Recommending Officer William Simcock

DECISION – TELECOMMUNICATIONS GRANT

**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.**

Kevin Walton

AUTHORISED OFFICER

Date: 01-Aug-2023

OFFICER REPORT 2023/91704

ALMONDBURY CRICKET CLUB

PRIOR APPROVAL APPLICATION FOR TELECOMMUNICATIONS MAST

1.0 SITE AND SURROUNDINGS:

- 1.1 The cricket club premises comprise a roughly square plot of land of about 130m in width, located in a mainly residential part of Almondbury. The main entrance is a track from Fernside Avenue, which borders the site to the north. To the east is an indoor sports centre. Immediately to the south and west is rough grassland used for informal recreation by the public, beyond which is more housing. There are Public Rights of Way crossing the site which connect to De Lacy Avenue and Neville Grove to the west as well as the main site entrance to the north. The land surrounding the site shows a general downward slope from west to east.
- 1.2 The pavilion and member facilities are located in the south-western corner of the premises and accessed by means of a track located near the western site boundary. They comprise three linked buildings of up to 5.5m in height built in mixed materials.
- 1.3 The land that is the subject of this application is a small quadrilateral plot of waste ground adjacent to the southern end of the clubhouse and the western edge of the pitch.

2.0 PROPOSAL:

- 2.1 The proposal is a Prior Notification under Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 for telecommunications development
- 2.2 The proposal would consist of the installation of a 20m high climbable monopole on 5.2 x 5.2 x 1.4m deep concrete base for 6 antenna apertures at and 4 x 600mm dishes, and for the installation of 5 no. equipment cabinets
- 2.3 The equipment cabinets would measure 1.2 x 600mm x 1.6m (one); 770 x 770mm x 2.2m (two); 770 x 770mm x 2.3m (two). The monopole and cabinets would be surrounded by a mesh fence 2.4m high topped with shark-tooth spikes.
- 2.4 In addition to the submitted plans the following documents have been submitted to support the application:-
 - Planning statement (site-specific supplementary information);
 - Letter to site provider;

- Copy of Developer's Notice served 03-Jun-2023;
- ICNIRP certificate dated 20-Mar-2023.

3.0 RELEVANT PLANNING HISTORY (including enforcement history):

3.1 Application site: none.

Surrounding area: none.

4.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

4.1 24-Jul-2023: Amended plan showing that there would be no permanent new access road. This was not re-publicised as it was for purposes of clarification only.

5.0 PLANNING POLICY:

5.1 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).

Kirklees Local Plan (2019):

5.2 The site is within land designated as Urban Green Space within the Local Plan Proposals Map.

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 4** – Providing infrastructure
- **LP 21** – Highways and access
- **LP 24** – Design
- **LP 61** – Urban Green Space.

Supplementary Planning Guidance / Documents:

5.3

- KC Highways Design Guide 2019
- Climate Change Guidance for Planning Applications

National Planning Guidance:

5.4 National Planning Policy Framework

- Chapter 8 – Promoting healthy and safe communities
- Chapter 10 – Supporting high-quality communications
- Chapter 12 – Achieving well-designed places

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Publication of the application has been undertaken in accordance with the Table 1 of the Kirklees Development Management Charter. As such, this application has been publicised by site notice and press notice as a Departure from the Kirklees Local Plan. The expiry date of the publicity period was 14th July 2023.

6.2 No representations were made.

6.3 Ward Councillor comments – concern the proposal does not result in a second mast

7.0 CONSULTATION RESPONSES:

7.1 **Statutory:**

Sport England – Object

7.2 **Non-statutory:**

KC Planning Policy – Do not object, subject to Sport England's approval.

8.0 MAIN ISSUES

- Principle of development
- Urban green space issues
- Visual amenity
- Residential amenity
- Highway issues
- Health
- Representations
- Other matters

9.0 APPRAISAL

Principle of development

9.1 The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 amended part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 on 4th April 2022 and are the regulations against which this application is submitted.

9.2 Class A permits:

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.

9.3 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 of the Town and Country Planning (General Permitted Development) Order 2015 (England) (as amended).

9.4 Paragraph A.1 is broken down into 10 subsections, covering a wide array of communication-based development. Subsection 1 – 'ground-based apparatus' is relevant to the proposed development.

Subsection 1: ground-based apparatus	
(a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;	Not applicable.
b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the	Not applicable.

apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;	
(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of— (i) 30 metres above ground level on unprotected land; or (ii) 25 metres above ground level on article 2(3) land or land which is on a highway	Pass: The proposed mast would not exceed 20m.
(d) in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of – (i) 30 metres above ground level on unprotected land; or (ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or	Not applicable: The proposal relates to a new mast not a replacement one.
(e) in the case of the alteration or replacement of a mast – (i) The mast is on any land which is, or is within a site of special scientific interest, and The mast would, when altered or replaced, exceed the original width of the mast by more than one third.	Not applicable: The site is not located on any land that is within a site of special scientific interest.

9.5 The proposal has thus been assessed to comply with Paragraph A.1 and the development is authorised via Class A, subject to the conditions and restrictions outlined in Paragraph A.2 and Paragraph A.3 of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022.

9.6 Paragraph A.2 outlines a set of 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.

9.7 Prior Notification is required for the following considerations:

- Siting
- Appearance

- 9.8 The Local Plan contains no policy explicitly covering telecommunication masts. Policy LP4 of the Kirklees Local Plan is relevant to the consideration of this application. This policy sets out that the council will work with partners to bring forward the necessary and proportionate desirable infrastructure, described as infrastructure which would improve the capacity and deliver place making benefits. The decision-making process should also have regard to the need to protect the stock of playing pitches as set out in Policy LP47(c). Policy LP24 of the Local Plan states that “good design should be at the core of all proposals in the district”.
- 9.9 Chapter 10 of the National Planning Policy Framework sets out the criteria for assessing telecommunications applications. Paragraph 115 sets out that 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.
- 9.10 Paragraph 117 sets out that for a new mast or base station (including applications for prior approval under the General Permitted Development Order)., evidence should be provided that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. Applications should also be supported by the outcome of consultations with organisations with an interest in the proposed development and a statement that self-certifies that, when operational, International Commission guidelines will be met.
- 9.11 The application has been submitted with an ICNIRP certificate which details that the impact upon health would not be over and above that which is recognised as being acceptable according to current guidelines.
- 9.12 The applicant did not undertake consultations before submitting the application as there are no schools or other educational institutions close to the site.
- 9.13 In part (5) of the supporting statement, the applicant outlines the sequential approach they have followed (considering mast and site sharing first, then existing buildings or structures, then new ground-based installations). This being an application for Prior Approval, not full planning permission, the functional need for the development is deemed to have been already demonstrated and cannot be called into question. Whilst the applicant has not set out explicitly their reasons for rejecting mast and site sharing, or the roofs of existing buildings, they have listed 7 possible sites that have been rejected for reasons of: insufficient coverage; pavement not wide enough to host the equipment cabinets; presence of underground services; presence of

overhead telecommunications lines; location being too close to residential property.

- 9.14 The following paragraphs will assess whether the details submitted in respect of siting and appearance are acceptable and can be approved, having regard to the relevant development plan policies and other material considerations.

Urban green space issues

- 9.15 The site lies within land designated Urban Green Space on the Local Plan proposals map. Under Policy LP61, Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:

- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or
- b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or
- c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.

- 9.16 Examining the proposal against Policy LP61, criteria (b) and (c) do not apply in this instance since the use proposed is not an alternative open space use, nor is any compensatory open spaces use being proposed as part of the application.

- 9.17 Assessing the application under criterion (a), the land upon which the mast and ancillary equipment is to be sited does not form part of the playing pitch, nor does it contribute in any way to its useability, by for, example, providing player or spectator facilities. It is therefore considered that it does not contribute to meeting local needs for sport or recreation. Furthermore the land makes no positive contribution to visual amenity and has no evident biodiversity value. It is unsightly in its present condition, being largely overgrown with nettles and having been used as a dumping ground for building materials and other wastes. While Sport England objected to the proposal, it was only on the basis the proposed access track encroached onto the pitch. It has since been clarified the access is a temporary arrangement and therefore does not have any permanent impact upon the playing pitch.

- 9.18 In conclusion, it is considered that although the land is designated at urban green space, it does not perform any of the functions associated with urban green space. As such, the erection of the mast, installation of equipment cabinets, and formation of a fenced compound do not

result in the “loss” of urban greenspace and are considered to be in accordance with the aims of Policy LP61 and chapter 8 of the NPPF. This is based on the amended plans referred to in the paragraph below – contrary to the original plans and publicity for the application which considered the proposal a Departure from the provisions of the Local Plan.

- 9.19 The Lease Demise plan (now superseded) appeared to show a new tarmac access track cutting across a corner of the cricket pitch. This would have meant a loss of functional urban green space and would therefore have been unacceptable without further justification. The latest plan, 1700355_KKS251_96739_M001 Revision A, shows that the access track across the pitch will be a temporary measure to allow access during construction. There will therefore be no permanent or long-term loss of any playing facilities.

Visual amenity

- 9.20 The proposed mast would be taller than any existing features within or immediately adjacent to the Cricket Club premises. It would be clearly visible from the surrounding public recreational open space and from residential properties that have a view towards the site. It would however be some 80m from the nearest residential curtilage boundary and as such it is considered that it would not appear as a visually intrusive or alien feature in the townscape. It is also noted that at the lower, or eastern, boundary of the cricket ground, there are several mature trees which would make the mast less prominent when viewed from positions to the east of the site and limit its impact on distant views.
- 9.21 According to the supporting statement, the proposed design has been selected to minimise visual impact upon the street scene by integrating with the existing built environment having similar vertical lines and overall appearance to street lighting columns that are common feature in the built environment. Whilst it would not be seen in close proximity to existing street lighting columns or other tall, slender items of street furniture, the site is in an urban area, and it is considered that in this location the design is the best one achievable, and is preferable to the lattice design that is sometimes preferred in rural areas.
- 9.22 The site is surrounded by high walls, so that the equipment cabinets would not be clearly visible from outside the Cricket Club premises.
- 9.23 It is officers’ assessment that none of the 7 alternative sites referred to earlier would be preferable in terms of their impact on visual amenity, and have furthermore been rejected for legitimate operational reasons. In conclusion, it is considered that the development would respect local character, and would comply with the aims of LP24(a).

Residential Amenity

- 9.24 Equipment cabinets associated with telecommunications masts have the potential to generate noise which may cause disturbance to nearby residential properties. Since the site is a considerable distance from any dwellings, noise is not deemed to be a significant concern in this instance. It is therefore judged to comply with the aims of policy LP24(b) and LP52 of the Local Plan and Chapter 15 of the National Planning Policy Framework.

Highway issues

- 9.25 The development is not expected to give rise to frequent additional vehicle trips to and from the site, beyond occasional visits for maintenance and monitoring purposes, and it is considered that existing means of access to the site will be adequate for these purposes. Owing to its location off the public highway, the mast and equipment would have no effect on vehicle intervisibility, and would not interfere with existing parking arrangements for the cricket club. It is therefore considered that the proposed mast and ancillary equipment do not raise any highway safety concerns and would accord with the aims of Policies LP21-22.

Health

- 9.26 Issues relating to health including, actual and perceived risks to health are material planning considerations. However, in respect to telecommunications equipment and health, it is the Government's firm view that the planning system is not the place for determining health safeguards; if a proposed mobile station meets ICNIRP guidelines for public exposure, it should not be necessary for the Local Planning Authority to consider further health aspects and concerns about them. The applicant has confirmed that the proposal would conform to ICNIRP Public Exposure Guidelines and given the fact this proposal relates to a prior notification application it is considered that this matter is not a material consideration relevant to the determination of this application.

Representations

- 9.27 No representations were made. However, with regards to ward member concerns over a second mast appearing, the developers have confirmed the proposed mast is a replacement to the existing mast location on the adjacent sports centre.

11.0 CONCLUSION

11.1 The principle of development is established by the General Permitted Development Order 2015 (England) (as amended) in so far as siting and appearance. However, in accordance with prior notification procedure of A.2, an assessment of the development's siting and appearance has been undertaken.

11.2 For the reasons outlined above, it is considered that the siting and appearance of the development are acceptable since they would avoid having a negative impact upon the townscape or landscape, and there would be no impact upon public safety. Therefore, the proposal conforms to the aims and objectives of Policies LP21, LP24a of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework. It is therefore recommended that that Prior Approval in respect of siting and appearance should be granted.

Report dated:

25-Jul-2023

This decision is based on the following details(s):-

Plan Type	Reference	Version	Date Received
Site Location Plan	1700355_KKS251_96739_M001 - 002	A	24/07/2023
Access Plan	1700355_KKS251_96739_M001 - 003	A	12/06/2023
Crane Location	1700355_KKS251_96739_M001 - 005	A	12/06/2023
Existing Site Plan	1700355_KKS251_96739_M001 - 100	A	12/06/2023
Existing Elevation A	1700355_KKS251_96739_M001 - 150	A	12/06/2023
Proposed Max Configuration Site Plan	1700355_KKS251_96739_M001 - 215	A	12/06/2023
Proposed Max Configuration Elevation A	1700355_KKS251_96739_M001 - 265	A	12/06/2023
Max Configuration Antenna Schedule & Line Configuration	1700355_KKS251_96739_M001 - 304	A	12/06/2023
Equipment Schedule &	1700355_KKS251_96739_M001 - 305	A	12/06/2023

Support Structure Details			
ICNIRP Certificate	-	-	12/06/2023
96739 SSSI New Site 2018 Enlgand	-	-	12/06/2023