

**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:	<b>2023/62/91895/W</b>
Site Address:	Solicitors rooftop, Ramsden Street, Huddersfield, HD1 2TH
Description:	Removal of 3 existing antennas 22.7m AGL, relocation of 3 existing antennas 22.7m AGL, installation of 6 new antennas 22.7m AGL, removal of 2 existing rooftop cabinets, installation of 1 new rooftop cabinet, associated ancillary upgrade (within a Conservation Area)
Recommending Officer:	Laura Yeadon

**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:** 5<sup>th</sup> January 2024

## Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91895>

## Site Description

The site comprises of the roof of the Ramsdens Solicitors building located within the Huddersfield Town Centre Conservation Area and the Huddersfield Primary Shopping Area within the Kirklees Local Plan. The surrounding buildings are comprised of mixed uses with the property facing Huddersfield Town Hall. Currently, the roof top is currently used as a telecommunication base station with equipment located on the roof.

## Description of Proposal

The application is for the removal of 3 existing antennas 22.7m AGL, relocation of 3 existing antennas 22.7m AGL, installation of 6 new antennas 22.7m AGL, removal of 2 existing rooftop cabinets, installation of 1 new rooftop cabinet and associated ancillary upgrade.

In summary, the works would involve:

- The removal of 3 no. existing antennas (22.7m AGL)
- The relocation of 3 no. exiting antennas (22.7m AGL)
- The installation of 6 no. new antennas (22.7m AGL)
- The removal of 2 no. exiting rooftop cabinets
- The installation of 1 no. new rooftop cabinet
- Associated ancillary upgrades

## History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

## Relevant Planning History

The site history which relates solely to telecommunications is as follows:

- 2001/92995 Telecommunications notification for the prior approval of details for installation of 4 no. antennae and equipment cabin  
*Details approved*
- 2002/92563 Installation of telecommunications base station comprising 3 no. pole mounted antenna, 3 no. pole mounted transmission dishes, equipment cabinet and ancillary development  
*Conditional Full Permission*

- 2012/93207 Erection of replacement antennas and equipment cabinet (within a Conservation Area)  
*Conditional Full Permission*
- 2014/91987 Telecom notification for the upgrade of telecommunications apparatus (within a Conservation Area)  
*Details approved*
- 2015/92922 Installation of 2 no. antenna on new CHS poles, 1 no. antenna on existing vacant redundant support pole, relocation of existing 1 no. antenna fixed to vacant redundant support pole  
*Conditional Full Permission*
- 2016/91072 Prior notification for telecommunications installation upgrade (within a Conservation Area)  
*Details approved*

## **Representations**

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, site notice and newspaper advertisement.

Final publicity date expired 11<sup>th</sup> August 2023.

Parish/ Town Council – not applicable

As a result of the public consultation period no representations have been received

## **Consultation Responses**

None required

## **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

### Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 35** – 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 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 and beautiful places
- Chapter 16 – Conserving and enhancing the historic environment

## Legislation

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 27<sup>th</sup> February 2019).

## **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and Conservation Area
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

### 1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

The site is within Huddersfield Town Centre Conservation Area, Section 72 of the Listed Buildings and Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

Chapter 10 of the NPPF 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. Paragraph 119 of the of Chapter 10 states that, amongst other things, that the use of existing masts, buildings and other structures for new electronic communications capability should be encouraged.

The submitted Planning Statement identifies that the development is for new 5G capable antennas to replace the existing antennas on an existing electronic base station. The site is likely to carry different mobile connectivity services with data uses operating through the 4G and 5G higher capacity network.

It is considered that this approach is in accordance with Chapter 10 and the proposal is therefore acceptable in principle subject to an assessment of amenity issues and any other materials which shall be addressed below.

## 2 – Impact on visual amenity and Conservation Area:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Policy LP35 seeks to ensure that the development should either preserve or enhance the significance of a heritage asset which, in this case is the Huddersfield Town Centre Conservation Area. Due to the siting of the works, on an existing roof top and due to the equipment proposed with some equipment being removed and replaced, it is not considered that the impact of the scheme within an existing, established telecommunication site would have an adverse impact on visual amenity or the wider Conservation Area. The works would accord with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the NPPF and the relevant sections of the Planning (Listed Buildings and Conservation Areas) Act 1990 and are therefore considered to be acceptable.

## 3 – Impact on residential amenity:

The building is within the Huddersfield Town Centre which is not a primary residential area. The replacement and limited additional equipment is not considered to generate significant noise levels and therefore it is not considered that there would be a significant impact on the residential amenity of nearby residential properties.

In addition, the application has been submitted with a declaration of conformity with the ICNIRP (International Commission on Non-Ionizing Radiation Protection) public exposure guidelines.

#### 4 – Impact on highway safety:

Parking and access arrangements would not be affected and therefore it has no highway safety implications.

#### 5 – Other matters:

*Climate Change* - On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

*Coal High Risk* - The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 180 and 189 of the National Planning Policy Framework.

#### 6 – Representations:

None

#### 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**

**APPROVE**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2023/91895

**Officer Recommendation:** Approve

**Conditions:**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 LP1, LP2, LP24 and LP35 of the Policies within Chapters 10, 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	88153-00-004-ML001 – Rev: A		26 <sup>th</sup> June 2023
Legal Plan	88153-00-010-ML001 – Rev: A		26 <sup>th</sup> June 2023
Legal Plan	88153-00-010-ML001 – Rev: A		26 <sup>th</sup> June 2023
Existing site plan	88153-02-001-MD003 – Rev: 3		26 <sup>th</sup> June 2023
Existing elevation	88153-02-002-MD003 – Rev: 3		26 <sup>th</sup> June 2023
Proposed site plan	88153-02-100-MD003 – Rev: 3		26 <sup>th</sup> June 2023
Proposed elevation	88153-02-150-MD003 – Rev: 3		26 <sup>th</sup> June 2023
Planning Statement	Teligent Ltd – COM-0025118 Huddersfield Ramsden Street		26 <sup>th</sup> June 2023

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
ICNIRP Certificate	Cellnex Ltd – Ref: 1999/519/EC		26 <sup>th</sup> June 2023

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 any negotiations with the applicant due to the application being acceptable in its submitted format.

**Report Dated:**

5<sup>th</sup> January 2024

Coal – high