

**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 /92268/W

**Site Address land adj allotments, Golcar,
Huddersfield, HD7 4QH**

**Description Prior notification for installation of
telecommunications lattice tower
and equipment cabinets**

Recommending Officer John Holmes

DECISION – TELECOMMUNICATIONS 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.**

Kevin Walton

AUTHORISED OFFICER

Date: 20-Sep-2023

THE SITE

The application site relates to an area of land which is within an Urban Green Space allocation. To the immediate north east and west is open land used for agriculture / allotments and the keeping of livestock.

To the wider north, west and south east are residential properties which form part of the settlement of Golcar. The nearest school building to the site is approximately 150m to the south west (St Johns C of E Junior and Infants School) with Golcar J & I and Nursery being 250m to the south west.

A Grade II listed building is located approx 140m to the north of the site.

THE PROPOSAL

The Scheme

The applicant is seeking Prior notification for installation of telecommunications lattice tower and equipment cabinets

The proposal would see 2.no ground based equipment cabinets. The proposed tower would be 20m in height, the whole site would be enclosed with a 1.8m high weld mesh fence and is 100m² in size.

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)(England) Order 2015(as amended) updated on 4th April 2022 and are the regulations against which this application is submitted.

The Site Specific Supplementary Information Document sets out that a copy of the pre-application consultation letter and a copy of site plans were sent to the Headteacher and Chair of Governors via email on 18/04/2023 for the nearest school (St Johns C of E Junior and Infants School) with no reply detailed as having been received.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:-

- Application Form
- Letter dated 20th July 2022
- Site Specific Supplementary Information
- ICNIRP certificate dated 20th July 2022

PLANNING HISTORY

The site falls within the red line boundary for the following application:-

2004/92633 - formation of new playing fields, running track and associated car parking – Conditional Full Permission 16th December 2004

It is considered the planning history is of limited relevance in this case given the nature of the proposal.

REPRESENTATIONS

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. The expiry date of the publicity period was the 9th September 2023.

Letters of Objection

Ten letters of objection has been received, including one from a local ward member, have been received – raising the following concerns:

- Siting is inappropriate
- Proposal would be highly visible for some distance given the open nature of the site
- Incredibly inappropriate and the appearance is ugly
- Appearance and siting are far too detrimental to the locality
- lack of medium-term epidemiological medical research that proves that living near a 5G mast is safe and healthy.
- the research to conclusively prove the safety of 5G does not exist
- Cancer risk linked to electromagnetic radiation
- IGNIRP certification is not applicable to those who have a presence of metal as a result of medical procedures
- Questionable guidelines are being provided to place blind trust within

Letters of Support

None

Letters of Comment

None

CONSULTATIONS

The following consultations have been undertaken for this application with the summarised responses listed below.

Kirklees Council Highways DM Team – No response received

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

PROCEDURAL MATTERS AND POLICY CONTEXT

The proposal constitutes development as defined within Section 55 of the Town and Country Planning Act 1990. Class A of Part 16 of Schedule 2 of The General Permitted Development (England) Order 2015 (as amended), 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 of the Town and Country Planning (General Permitted Development) Order 2015 (England) (as amended).

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;	Pass: The height of the equipment (not the mast) would not exceed 15m.
b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the 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;	N/A: The proposal seeks a new installation.
(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 site is on the highway but is not within article 2(3) land. The mast's height excluding the antennae would not exceed 20m
(d) in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna,	N/A: The proposal seeks a new installation.

<p>would when altered or replaced exceed the greater of the height of the existing mast or a height of –</p> <p>(i) 30 metres above ground level on unprotected land; or</p> <p>(ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or</p>	
<p>(e) in the case of the alteration or replacement of a mast –</p> <p>(i) The mast is on any land which is, or is within a site of special scientific interest, and</p> <p>The mast would, when altered or replaced, exceed the original width of the mast by more than one third.</p>	<p>N/A: The proposal seeks a new installation which is not located on any land that is within a site of special scientific interest.</p>

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 of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022.

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.

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 site notice, this has been undertaken.

The application is for a telecommunications notification for approval of siting and appearance, and is not an application for planning permission. Notwithstanding this fact, insofar as it relates to siting and appearance local and national planning policy is used as a frame of reference against which to assess this proposal.

Local guidance and policy is provided by the Kirklees Local Plan as such the following legislation, policy and guidance is considered most relevant to the determination of this application:-

Kirklees Local Plan

- LP1 – Achieving sustainable development
- LP2 – Place Shaping
- LP3 – Location of new development

LP4 – Providing Infrastructure
LP21 – Highway Safety
LP22 – Parking
LP24 – Design
LP61 – Urban Green Space

National Planning Policy

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, 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 2 – Achieving sustainable development
Chapter 10 – Supporting high quality communications
Chapter 12 – Achieving well-design places

Legislation

The Town and Country Planning (General Permitted Development) Order 2015 (as amended)

ASSESSMENT

The site is within an Urban Green Space allocation as identified within the Kirklees Local Plan (KLP). Development within Urban Green Space would usually need to confirm to the requirements of policy LP61. This requires that development is only permitted where an assessment shows the green space is clearly no longer required or replacement open space of an equivalent value is provided or the proposal is for an alternative open space provision.

In this case and for the purposes of Article 32 of the Town and Country Planning (Development Management Procedure) Order 2015, the development which is under consideration benefits from a planning permission granted in law (subject to undergoing the prior approval process) and as such the determination of a prior approval application is not an planning application or in itself granting planning permission. On the basis and as no alternative sites are proposed which would be considered preferable to the Urban Green Space allocation then it is considered little weight can be afforded the allocation of the site within the local plan in the determination of this application for prior approval.

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

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

Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Principle Policy LP4 of the Kirklees Local Plan is relevant to the consideration of this application and sets out that Desirable infrastructure is described as infrastructure which would improve the capacity and deliver place making benefits. This policy sets out that the council will work with partners to bring forward the necessary and proportionate desirable infrastructure.

Chapter 10 of the NPPF sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time.

Paragraph 115 of the NPPF 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.

Paragraph 117 sets out that for a new mast or base station, evidence should be provided that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met. In relation to how Local planning authorities must determine applications paragraph 118 of the NPPF sets out the determination must be on planning grounds only, not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

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 by recognised guidelines.

The applicant has detailed alternative sites / options and why they have been discounted.

Seven alternative sites have been raised, and discounted, within the submitted Site Specific Supplementary Document. These are discussed as follows:

Land off Parkwood Road, Parkwood Road, Huddersfield, HD3 4TS (E: 410020 / N: 416600)

Reason Discounted: An installation at this location is considered to be too exposed with limited screening/backdrop and is too prominent in the streetscene and other alternatives exist which are more appropriate in order to deliver the required coverage to the target area. This site has therefore been discounted for this reason.

This site would be within the Green Belt and is prominent when viewed from the highway. It is considered the reason to discount this site is appropriate in this case.

Land Behind Meadow View, Meadow View, Huddersfield, HD7 4QP (E: 409899 N: 416548)

Reason Discounted: *A site in this location would be more exposed with little screening to the residential properties south and west of the area.*

This site would be within the Green Belt and is prominent when viewed from the highway. It is considered the reason to discount this site is appropriate in this case.

Leymoor Road, Huddersfield, HD7 4QP (E: 410128 / N: 416458)

Reason Discounted: *The footway at this location is too narrow to accommodate the operator's equipment. As such, it would lead to highway safety issues. Therefore, a site in this location has been discounted for this reason.*

In addition to the reason to discount this site, it is considered that the visual impact in the street would be significant in relation to the amount of street clutter, in addition to existing installations, which would arise. It is considered the reason to discount this site is appropriate in this case.

Intake, Huddersfield, HD7 4RF (E: 410154 / N: 416353)

Reason Discounted: *The footway at this location is too narrow to accommodate the operator's equipment. As such, it would lead to highway safety issues. A site in this location has therefore been discounted for this reason.*

It is considered the reason to discount this site is appropriate in this case.

Pastures Way, Huddersfield, HD7 4QH (E: 409877 / N: 416290)

Reason Discounted: *The footway at this location is too narrow to accommodate the operator's equipment. As such, it would lead to highway safety issues. A site in this location has therefore been discounted for this reason.*

It is considered the reason to discount this site is appropriate in this case.

St John's School, Leymoor Road, Huddersfield, HD7 4QQ (E: 409883 / N: 416096)

Reason Discounted: *An installation at this location is considered to be too exposed with limited screening/backdrop and is too prominent in the streetscene and other alternatives exist which are more appropriate in order to deliver the required coverage to the target area. More recently, a streetworks pole was refused by the LPA (2022/N/93610/W) for being in a prominent location, in which a site in location would be similar in nature. This site has therefore been discounted for these reason.*

Whilst the case referenced to appears to be more applicable to the first listed discounted site, it is considered that an installation at St John's School, Leymoor Road, would not be preferable to that than the application site. This conclusion is drawn on the closer proximity to the Conservation Area, and prominence within the street which this site would have given it is adjacent to a public right of way. It is considered the reason to discount this site is appropriate in this case.

Thorpe Green Bowling and Social Club, Leymoor Road, Leymoor, Golcar, Kirklees, HD7 4QP (E: 410090 / N: 416442)

Reason Discounted: There is an issue with the strength of the rooftop as it has a corrugated iron sheet rooftop, therefore it is not structurally capable of accommodating the telecommunications equipment. would not be possible for wooden batons to support the telecoms kit as each antenna weighs approximately 50kg, and also heavy feeder cables. The building is not designed to take such weight. As for ICNIRP compliance on a pitched roof the only acceptable design would be pole mounts on the side of the building. The rooftop is only two stories high and in order to reach the target coverage area, the pole mounts would need to be very tall to reach the target coverage area and avoid clipping and ICNIRP sterilisation of the roof. The pole mounts would need to be secured to the side of the building by large bolts which would have to go through the entire wall and be secured with back plates.

From the details provided it appears this site is a unrealistic option which could ensure the development could be achieved. It is considered the reason to discount this site is appropriate in this case.

In this case it is considered that sufficient information has been provided to satisfactorily demonstrate that new infrastructure is required to be installed. No alternatives raised as part of this application are considered to be preferably than that as proposed. In addition there are no known alternative options which could realistically be achievable (such as an area for a street works installation) which the LPA would seek to direct the proposed development to which are in the nearby vicinity of the site.

The nature of 5G and the network services it provides, means the equipment and antennas required are quite different to the previous, and existing, service requirements. In particular, the nature of the antennas, and the separation required from other items of associated equipment, is such that it cannot utilise some existing structures that provide an installation for another operator, most notably in a street works or highways environment.

Subject to an acceptable assessment in relation to highway safety, siting and appearance (discussed in detail in the following report) the proposal is concluded to accord with policies LP1, LP2 & LP4 of the KLP and Chapter 10 of the NPPF.

Highway Safety

Section 9 ('Promoting sustainable transport') of the Government's National Planning Policy Framework document is relevant together with policies LP21 and LP22 of the Kirklees Local Plan and relate to access and highway safety and parking provision for new development. The Council's adopted Highways Design Guide SPD s also considered to be of relevance.

The proposal would see the siting of equipment cabinets and telecoms monopole on a site which is approximately 60m from the end of a turning head (and 80m from the end of another). Access would be take from these in relation to the construction and operational phases of the development.

Given the nature of the proposal and the fact the roads from which access would be taken are relatively quiet and do not appear to have significant issues in relation to on street parking it is considered that in this case the impact of the proposal upon access and highway safety would nor be significant and the proposal meets the requirements of the aforementioned policy and adopted SPD in this regard.

Siting and appearance

Section 12 ('Achieving well-designed places') of the Government's National Planning Policy Framework document is relevant, in particular paragraph 130. Policy LP24 of the Kirklees Local Plan is considered to be of relevance to the consideration of this notification. Paragraph 11.8 of the Kirklees Local Plan sets out that all telecommunications infrastructure should be capable of accommodating changes in technological requirements, without having a negative impact on the streetscene.

The proposal would see a mast structure with antennae affixed towards the top of the structure. The appearance of the proposal is typical of that which would expect to be seen in relation to telecommunications development.

The concerns raised are noted, however it is considered that when viewed from distance the impact of the proposal would be somewhat mitigated by the fact the site is upon land which rises to the north and west and built form is beyond the site at this higher level.

Taking account of the surrounding landscape / built form, topography of the site and the design of the proposal, in this case, the impact of the proposal upon the character / visual amenity of the locality would not be of such significance as to warrant refusal.

Given the distance of the proposal from surrounding neighbouring residential properties, and scale of the proposal it is considered the impact to properties to the nearest neighbouring properties on Moorcroft Avenue, whilst visible would not be of such a degree that the proposal would be unacceptably oppressive by virtue of the 40+ separation distance and partial tree cover. Views of the proposed mast from properties on Intake are of sufficient distance and orientation not to have a significant impact. Views of the mast from Arthur Street, whilst clearly visible are of sufficient distance (70m+) not to have a significant impact.

The proposal is therefore on balance and by virtue of the lack of other appropriate sites concluded to be acceptable in terms of its visual impact and impact upon the residential amenity of neighbouring occupiers, and would accord with Policy LP24 of the Kirklees Local Plan and the policies within Chapter 12 of the NPPF.

Health

Concerns have been raised in objection to the proposal, in relation to the impact of the proposal in relation to health matters. These are detailed within the representations section of this report.

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.

CONCLUSION

The proposal is concluded to meet the requirements of policy LP4 of the Kirklees Local Plan and Chapter 10 of the NPPF and have an acceptable visual impact. The development is not considered to be detrimental to access and highway safety or the health of the wider public.

It is therefore considered that the principle of the development is acceptable, subject to the impact upon siting and appearance – in this case the impacts of such on access and highway safety / visual amenity being concluded to be acceptable.

The proposal is therefore considered to be acceptable, prior notification is therefore recommended to be approved.

Recommendation: PRIOR APPROVAL REQUIRED AND GRANTED

Decision Authorisation: Delegated Powers

Application Number: 2023/92268

Officer Recommendation: Approve

Plans and specifications schedule: -

Plan / Document Type	Reference	Version	Date Received
Application Form			28 th July 2023
Site specific Supplementary Information			28 th July 2023
ICNIRP Certificate			28 th July 2023
Letter dated 20 th July 2023			28 th July 2023
Site Location Plan	100RevA		31 st July 2023
Existing site Plan	200RevA		31 st July 2023
Proposed Site Plan	201RevA		31 st July 2023
Existing site Elevation	300RevA		31 st July 2023
Proposed Site Elevation	301RevA		31 st July 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

11th September 2023

