

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 /92742/W

Site Address	Dathan Tool & Gauge, Mean Lane, Meltham, Holmfirth, HD9 5RU
---------------------	--

Description	Telecommunication notification for base station installation; install 20.0m High V2 Orion structure mounted on T9 root foundation; c/w 6 antennas; 2 300Ø dishes; 2 cabinets and associated ancillary works; 7 600x600 paving slabs and root foundation for future expansion cabinet to be installed
--------------------	---

Recommending Officer	Katie Chew
-----------------------------	-------------------

DECISION – TELECOMMUNICATION 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: 07-Nov-2023

Officer Report

Site Description

Dathan Tool & Gauge, Mean Lane, Meltham, Holmfirth, HD9 5RU

The site relates to a portion of grassed land directly adjacent (along the eastern elevation) to the existing Dathan Tool & Gauge building which is commercial in nature. Surrounding the site in all directions are a number of residential and commercial properties.

The mast is to be located adjacent to an existing car parking area, with some mature planting within the site along the southern and eastern boundaries.

The application site is not located within a Conservation Area, or in close proximity to any Listed Buildings.

Description of Proposal

The applicant is seeking prior notification for a base station installation; install 20.0m High V2 Orion structure mounted on T9 root foundation; c/w 6 antennas; 2 300Ø dishes; 2 cabinets and associated ancillary works; 7 600x600 paving slabs and root foundation for future expansion cabinet to be installed.

The mast would have an overall height of 20.5m and this includes 6 no. antennas (3 no. in upper position and 3 no. in lower position), 3 no. RRU's mounted below the lower antennas, and 2 no. 300 Ø dished. The mast would have a diameter of 0.45m and is to be used by a single telecommunication operator – VM02 (commonly known as 02) however, it is stated that the mast would have the potential for future mast sharing opportunities. The proposed new facility will require the installation of a limited number of equipment cabinets at ground level in close proximity to the base of the mast. These include "York and Shire" cabinets mounted on the root foundation, however, as these cabinets would be Permitted Development without needing prior notification, they do not form part of this application.

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.

Relevant Planning History

2003/92250 – Erection of single storey extension to production area and first floor office extension. Approved 15th July 2003.

2002/90348 – Erection of plant room extension. Approved 28th March 2002.

96/90880 – Erection of extension to factory with additional car parking and tree planting. Approved 23rd May 1996.

93/03404 – Erection of extension to offices. Approved 9th September 1993.

Pre-application Advice

2023/21188 – Telecommunication Notification. Advice was provided by the Council on the 29th of August 2023. Officers noted that no justified reason had been provided for the 'need' for another base station, and that there are already two sites to the north of the application site. In addition, the benefits of consolidation and site sharing are outlined but there is no evidence of this within the submission or why this hasn't been considered in this instance. No evidence was also provided to outline what other sites have been considered and discounted. Finally, the proposed mast was deemed to be very close, and at a lower level than new housing to the east of the site. In this location the siting could be harmful to visual amenity and create an overbearing appearance.

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 Town and Country Planning (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 excluding the mast and antenna would be below 15m.
(a) 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.
(b) 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 (i) 25 metres above ground level on article 2(3) land which is on a highway; or	Pass: The site is not to be located on the highway, and is not within article 2(3) land however, the masts height excluding the antenna is less than 25m above ground level.
(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 (i) 25 metres above ground level on article 2(3) land or land which is on a highway; or	N/A: The proposal seeks a new installation.
(e) in the case of the alteration or replacement of a mast – (i) The mast is on any land	N/A: The proposal seeks a new installation which is not located on any land that is within a site of special scientific interest.

which is, or is within a site of special scientific interest, and (i) The mast would, when altered or replaced, exceed the original width of the mast by more than one third.	
---	--

The proposal is in accordance 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 outlines a set of conditions that the developer must adhere too. Condition (4) stipulates the need for the developer to comply with Paragraph A.3, which includes the requirement 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.

Representations

Publication of the application has been undertaken in accordance with 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 19th October 2023.

As a result of the publicity, 2 representations have been received in objection to the proposals. Comments are summarised below.

- Having done due diligence prior to purchasing our home we bought our property knowing it was not near any monstrous telecoms mast. The proposed siting will dominate over surrounding houses.

Officer note: Noted.

- The mast is an ugly addition to what is a lovely area.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

- As the site is on the boundary of Meltham/Helme, surely a more central mast would benefit the village better. There is an industrial site at

Meltham Mills where this would not visually impact peoples lives the same as it would placing it directly next to people's homes.

Officer note: Noted. The proposed mast is to replace an existing installation located approximately 85 metres north-west of the proposed site, and therefore this location which is in close proximity to the existing mast is deemed appropriate on this occasion.

- The mast will tower over our view.

Officer note: Noted. Unfortunately, as there is no right to a view this would not form a material planning reason that can be assessed within this Officer report.

- The current mast is generator driven and regularly runs out of power, why can this or a new mast in the same location not be powered by electricity?

Officer note: Noted. In terms of the existing location, within the submitted documents the applicant has outlines that due to redevelopment plans of the existing site, the existing installation has been served a 'Notice to Quit' and therefore this location would not be suitable for a replacement mast.

- If the new mast is to be located on Dathan Tools land, could it not be situated on the other side of the factor overlooking the cricket pitch and therefore not have a negative visual impact on the residential area?

Officer note: Whilst Officers note the above comments, the applicant has chosen this location for the siting of the installation and therefore an assessment has been undertaken in respect of this positioning. Nevertheless, from undertaking a site visit Officers would consider the best location for the mast would be either to the north or east of the existing building, due to the restricted access to the site. Either of the above locations are considered to have a similar impact on neighbours to the east/north-east and therefore an amendment to the mast's location was not considered reasonable on this occasion.

In addition to the above, 1 comment has also been received in support. Again, comments are summarised below.

- For over 2 years there has been intermittent mobile phone coverage at the head office of Rosenbauer UK in Meltham. This has caused major disruption to the business operations, resulting in staff working from home in order to receive reliable mobile phone coverage.
- It has never been acceptable to have a mobile phone mast running from a diesel generator in close proximity to a built up area, so there is no solution other than to build this new mast to ensure connectivity for businesses and residents in the area.

Consultation Responses

KC Highways Development Management – Comments received 18th October 2023. No objections to the proposals subject to the imposition of a

condition requiring the submission and approval of a construction management plan.

KC PROW – Comments received 18th October 2023. If consent is granted Public Rights of Way are in receipt of an application to upgrade public footpath Meltham 59 to a bridleway.

KC Environmental Health – Comments received 4th October 2023. No objections to the proposals subject to the inclusion of a condition in respect of unexpected land contamination.

Parish/Town Council

Meltham Town Council – No comments received within statutory timescales.

Local Ward Members

None.

Relevant Policy

The application is for a telecommunications notification for approval of siting and design and is not an application for planning permission. Notwithstanding this fact, insofar as it relates to siting and design 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 (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP4 – Providing Infrastructure**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**

National Planning Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, 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 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 10 – Supporting high quality communications
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

Legislation:

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

Assessment

As per Part 16, Class A, A.3(4), the following matters are considered in the assessment below –

1. Siting and appearance
1. Conclusion

1.1– Sequential Approach, Land Allocation and Visual Amenity

The site is required to provide coverage including 2G/3G/4G services and essential 5G coverage all from the same installation for WM02.

Within an identified cell search area, the NPPF establishes the following sequential approach when looking to install new telecommunication equipment:

1. Mast and site sharing
2. Existing buildings structures
3. New ground-based installations

The applicant states that a new mast and ancillary equipment is required in this instance to replace an existing installation located approximately 85 metres north-west of the proposed site. The existing mast has been served a Notice to Quit due to redevelopment plans. The existing 17.5m high street works pole is therefore to be removed. This application has been submitted to ensure the continued provision of wireless connectivity for VMo2 customers in this area of Meltham.

In this instance, the applicant has provided a sequential test contained within the Site-Specific Supplementary Information (SSSI) document.

In this case, six options for the location of the telecommunications mast have been explored within the local vicinity, these were all dismissed based on a multitude of reasons such as lack of access to the site, insufficient space to

accommodate the equipment, location too far away to deliver the required level of coverage to the target area, too narrow of a footway, and finally, that the installation would be too exposed and is surrounded by residential properties.

Officer's note that the submitted documents do make reference to the pre-application engagement whereby concerns were raised by Officer's in respect of the 'need' for another base station. This aspect of the pre-application advice has been overcome given that the new mast is proposed to replace an existing mast within the area. In terms of site sharing, the applicant outlines that there are no sequentially preferable locations within the defined site search area suitable to share, stating that local planning authorities should support the expansion of electronic networks. Whilst no detailed evidence of this assessment has been provided, given that the mast is to replace an existing structure, on balance Officers deem this to be acceptable on this occasion. The pre-application advice also requested details on what other sites have been considered and discounted, this has been provided within the SSSI as discussed above. Finally, the proposed mast was deemed to be very close, and at a lower level than new housing to the east of the site. In this location the siting was considered to potentially be harmful to the visual amenity and create an overbearing appearance. Whilst no changes have been made to the proposed siting and size of the mast, a site visit was undertaken by Officer's on the 28th September 2023. An assessment of the findings from the site visit against the submitted plans is provided below.

Local Plan Policy LP4 and Chapter 10 of the NPPF offer significant weight to supporting the delivery of infrastructure. However, Paragraph 115 of the NPPF states that new masts should be sympathetically designed and camouflaged where appropriate.

Policy justification paragraph 11.8 for Policy LP24 of the KLP states that *"All telecommunications infrastructure should be capable of accommodating changes in technological requirements, without having a negative impact on the streetscene."*

With regard to the siting of the proposed mast, the mast is to be situated on existing grassed area to the east of Dathan Tool & Gauge industrial unit which is surrounded by both commercial and residential uses. Given the detached nature of the site, there is minimal street furniture within the area where the mast is proposed. However, as the mast is to be located adjacent to a single storey building, set back from the public highway, within a site which does have some screening in the form of mature planting to the south and west, and that the site does not lie within, or adjacent to any designated heritage assets, it is considered that it would have no significantly adverse impacts upon the wider landscape or townscape. In addition, this mast is to replace an existing mast within the area and therefore will not add to any street clutter within the area. It is also considered that there is a sufficient degree of separation between the mast and surrounding residential properties for the proposals to not appear cramped or incongruous. Whilst it is more desirable for proposed masts to be sited on existing buildings or existing

telecommunication infrastructure, in this instance it is considered that no other suitable site can be identified within the immediate vicinity to cover the required cell area. Consequently, there will inevitably be some degree of visual harm, however it is not considered unacceptable, especially when weighed in the planning balance against the benefit of quality infrastructure in the area.

In respect of the height of the mast, the applicant notes that physical objects such as buildings and trees can obstruct radio signals causing a reduction in signal strength and coverage. The height of the proposed monopole is therefore necessary for the installation to enable the continued coverage to be achieved and delivered to the residents and businesses in the area.

Furthermore, the applicant outlines that the monopole design has been selected to minimise visual impact by integrating with the existing street furniture, having similar vertical lines and overall appearance to the street lighting columns and tall trees that are common features in the built environment.

Overall, whilst significant weight has been afforded to the development for telecommunication within the NPPF, for the reasons set out above in relation to the siting and appearance of the proposed mast, the proposal is not considered to result in harm to the visual amenity of the street scene and therefore would accord with Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

1.1– Impact on Residential Amenity

The proposed mast would be located directly adjacent to the Dathan Tool & Gauge industrial unit, approximately 23+ metres away from the nearest residential properties located to the north-east.

Despite the substantial height of the mast, its positioning, separation distance and oblique relationship with neighbouring properties is considered to be sufficient to prevent there from being any detrimental harm upon the amenity of these neighbours in terms of overlooking, overshadowing, loss of light, or the proposals appearing overbearing in nature.

In summary, it is considered that the proposal would not have a detrimental impact in terms of residential amenity and therefore it is considered that the proposal would comply with the aims of Policy LP24 and Chapter 12 of the NPPF which seek to ensure development does not harm the amenity of the neighbouring residents.

1.3 – Impact on 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 within a grass verge to the east of Dathan Tool & Gauge and would not intrude onto a footway or within the existing car parking area. It is therefore considered that the development would not significantly affect pedestrian safety or convenience.

In addition, the site is located away from the existing access, or public highway and therefore is set back far enough so as not to impact on visibility splays. Once installed and operational the mast will generate virtually no traffic except for the occasional vehicles associated with maintenance/inspection. The construction phase will involve delivery of component parts and use of a mobile crane for installation. Plans submitted indicate that this can be accommodated within the existing car parking area, although this will result in some of the car parking spaces being unavailable during this period.

Nevertheless, the Highways DM team conclude that they had no objections to the proposed scheme as it is considered that traffic generated by the proposal will have no material adverse impact on the operation or safety of the local highway network and that the construction phase can be satisfactorily managed by the implementation of a Construction Management Plan. It is noted that the prior approval regime does not provide for the Local Planning Authority to impose conditions. If minded to approve it would be recommended a footnote be included to address Highway officer concerns.

The proposal is therefore considered to have an acceptable impact on highway safety, in accordance with LP21 of the Kirklees Local Plan, the Council's adopted SPD and the aims of the National Planning Policy Framework.

1.4– Land Contamination

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The site of the proposed development is on land identified by the Council's Environmental Health Officers as potentially contaminated land (our site reference: 143/15). However, given the nature of the proposals, they do not consider there to be any significant environmental health impacts associated with the proposed development. Nevertheless, they do recommend the imposition of a condition to secure the reporting of any unexpected contamination. It is noted that the prior approval regime does not provide for the Local Planning Authority to impose conditions. If minded to approve it would be recommended a footnote be included to address Environmental Health Officers concerns.

Taking the above into account, and subject to the recommended condition, the proposals are deemed to comply with the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

2. Conclusion

An ICNIRP declaration has been provided with the application.

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

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.

The proposal is therefore considered to be acceptable, conforming with both national and local planning policy. Prior approval is therefore recommended to be approved.

Recommendation:

Prior Approval Required and Granted

Decision Authorisation - Delegated Powers

Application Number: 2023/92742

Officer Recommendation: Approved.

NOTE: The Council's Environmental Health Team recommend that given the sites location on land identified as potentially contaminated land (our site reference: 143/15), in the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the

implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

NOTE: The Council's Highways Development Management Team recommend the submission of a construction management plan and maintenance plan to the Local Authority in conjunction with the proposed development of the hereby approved telecoms installation.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.*

NOTE: Public Footpath Meltham 59 is the access to the site and must not be interfered with or obstructed, prior to, during or after development works.

The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way is based at Civic Centre 1, Huddersfield, HD1 2NF and the email address is publicrightsofway@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Site Location Maps	100	A	14 th September 2023
Code Agreement Drawing	101	A	14 th September 2023
Code Agreement Plan	102	A	14 th September 2023
Code Agreement Construction Access Plan	103	-	14 th September 2023
Existing Site Plan	200	A	14 th September 2023
Proposed Site Plan	201	A	14 th September

			2023
Existing Site Elevation	300	A	14 th September 2023
Proposed Site Elevation	301	A	14 th September 2023
General Background Information for Telecommunications Development – Supporting Information	-	-	14 th September 2023
Site Specific Supplementary Information and Planning Justification – Supporting Information	-	-	14 th September 2023
ICNIRP Declaration – Supporting Information	307 40800	-	14 th September 2023
Cornerstone Health and Mobile Phone Base Stations Document – Supporting Information	-	-	14 th September 2023
Site Provider Letter – Supporting Information	307 40800	-	14 th September 2023
Developers Notice – Supporting Information	307 40800	-	14 th September 2023
GPDO Notice by WHP Telecoms Ltd – Supporting Information	307 40800	-	14 th September 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 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 amendments were sought as it was considered that the proposal was acceptable upon submission.

Report Dated:

20/10/2023

