

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. 2024/N /90498/W

Site Address	land off, Bank End Lane, Almondbury, Huddersfield, HD5 8ES
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Description	Prior notification for installation of telecommunications of a 25.0m high lattice tower on proposed 6.00 x 6.00 x 1.00m concrete foundation, together with 6 antennas, 2 300 Dishes, 3 cabinets, 1 meter cabinet and associated ancillary works
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Recommending Officer	Katie Chew
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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.**

Kevin Walton

AUTHORISED OFFICER

Date: 15-Apr-2024

Officer Report

Site Description

Land off, Bank End Lane, Almondbury, Huddersfield, HD5 8ES

The site relates to a portion of grassed land located between Bank End Lane, Tinderley Grove and Fernside Avenue. This area of land is located within Urban Green Space. Directly surrounding the site is undeveloped grassland however, further afield is a plethora of residential properties to the north, south and west.

The tower is to be located within the south-eastern corner of the parcel of land adjacent to mature planting and Public Right of Way HUD/125/10 found to the south.

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 installation of telecommunications of a 25.0m high lattice tower on proposed 6.00 x 6.00 x 1.00m concrete foundation, together with 6 antennas, 2 300 Dishes, 3 cabinets, 1 metre cabinet and associated ancillary works.

Officer note: The associated cabinet equipment is permitted development (without Prior Approval) and thus does not form part of this application.

The proposals are to replace an existing installation which is sited at Almondbury High School (located around 260m away to the east). As outlined within the submitted Supplementary Information a Notice to Quit has been served due to redevelopment of the school building. The existing installation will therefore be decommissioned and removed from the site.

It is also important to note that a 1.8m palisade compound fencing is to be erected around the tower and associated equipment, with a 1m wide gate for access.

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 on 4th April 2022 and are the regulations against which this application is submitted.

Relevant Planning History

There is no relevant planning history at the application site, or adjacent to it. There is however pre-application advice for this site, details of which have been provided below.

2023/21762 – Telecommunication Notification. Advice was provided via email on the 9th January 2024.

'I would recommend views of the site be provided particularly from within the area of UGS but also from vantage points to the north taken from the highway.

The following alternative sites put forward and discounted appear to be those which are most (potentially) viable as alternatives. I would recommend details of the following sites be provided (including photographs / precise locations of the sites) which would allow for a suitable comparison of the alternatives in light of the proposal site.

- *Southfield Road Huddersfield, HD5 8SA, Eastings 416918, Northings 415576*
- *All Hallows' CofE, (VA) Primary, School, Huddersfield, HD5 8XW, Eastings 416534, Northings 415003*
- *Blacksmiths Fold, Huddersfield, HD5 8XH, Eastings 416889, Northings 415091*
- *Fenay Crescent, Huddersfield, HD5 8XY, Eastings 417247, Northings 415303*
- *Almondbury, Junior School, Thorpe Lane, Eastings 417164 Northings 415639*

Other discounted sites do not appear to be viable on the basis they do not provide the required coverage or it is not realistic they can be utilised'.

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 not exceed 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. In addition, the masts height excluding the antenna would not exceed 30 metres 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	N/A: The proposal seeks a new installation.

land which is on a highway; or	
(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 (i) The mast would, when altered or replaced, exceed the original width of the mast by more than one third.	N/A: The proposal seeks a new installation which is not located on any land that is within a site of special scientific interest.

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

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.

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 29th March 2024.

As a result of the publicity, no representations have been received on the proposals.

Consultation Responses

KC Highways Development Management – Comments received 4th March 2024. No objection subject to the imposition of a condition requiring the submission and approval of a construction access management plan. An informative is also requested in relation to any changes proposed within the adopted highway.

KC Environmental Health – Comments received 5th March 2024. No objections.

KC PROW – Comments received 11th March 2024. Object to the application as no plans or details have been provided which include the public right of way, with no details showing the access from the adopted highway. Further clarification is required to resolve this objection.

Officer note: Following receipt of the above comments the applicant's agent emailed on the 27th March 2024 highlighting an insert of page 101 of the submitted drawings which shows the access route for the proposed site marked in brown, a blue box has also been included around the adjacent PROW which is located to the south of the site. Whilst no further comments were received from PROW on this information, the Council's Highways team have requested a Construction Access Management Plan be submitted to the Council, which should outline any impacts construction would have on the Public Right of Way, and in addition to this an informative is to be included which requires Public Footpath HUD/125/10 to not be interfered with or obstructed, prior to, during or after development works. The above is considered to be sufficient mitigation on this occasion.

Parish/Town Council

N/A.

Local Ward Members

Councillor Munro – Emailed Officers on the 26th February 2024 outlining that there are houses below within the direct path of the proposed mast off Greenhead Lane, at Harwood Close, Coachgate Drive, houses at Fernside and Bank End Lane too. Councillor Munro asked why a new mast was required at this location when there has been no need for one previously.

Officer note: Officers responded to Councillor Munro on the 26th February 2024 stating that as part of the application a site specific supplementary information document has been submitted (available to view [here](#)). As part of this document the following is stated:

'This site is proposed as a replacement for a NTQ site at Almondbury High School. Many sites have been investigated and assessed and discounted before proposing this site. Amongst other sites investigated, a site share at Almondbury cricket club was considered but unfortunately the existing installation is not capable of supporting the required equipment for VMo2 and it

would need a complete redesign for a much taller and bulkier structure, which we believe would result in a greater visual impact.'

Section 5 of the site-specific supplementary information document sets out alternative sites considered and the reasons they have been discounted. As this application is an application for prior approval, the LPA can only assess the proposal in regard to siting and appearance. Furthermore, the LPA only has 56 days from the date of receipt to determine an application for prior approval. In this case the LPA is required to make a decision by 16th April 2024.

Councillor Munro responded on the 27th February 2024 noting the email but highlighting that she is concerned for the houses below the proposed mast location at Harwood Close and the farm building off Bank End Lane.

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**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP61 – Urban Green Space**

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 December 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. 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 efficient 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

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.

The proposal is to provide a 25.0m high lattice tower on proposed 6.00 x 6.00 x 1.00m concrete foundation, together with 6 antennas, 2 300 Dishes, 3 cabinets, 1 meter cabinet and 1.8m high palisade fencing. The new radio base station is required at this location to provide 2G, 3G and 4G coverage and capacity in and around this area of Huddersfield whilst also providing the latest 4G technology and new 5G service provision to the local area. This ensures high quality indoor service provision is maintained.

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
1. Existing buildings structures
2. New ground-based installations

The applicant states that a new tower and ancillary equipment is required in this instance to replace an existing installation located approximately 260 metres to the east of the proposed site at Almondbury High School. The existing mast has been served a Notice to Quit due to redevelopment plans at the school. The existing mast is therefore to be decommissioned and removed from the site. This application has been submitted to ensure the continued coverage of wireless connectivity for VMo2 customers in this area of Huddersfield when the existing installation goes off air.

In this instance, the applicant has provided a sequential test contained within the Supplementary Information document. In this case, 20 options for the location of the telecommunications equipment have been explored within the local vicinity, these were all dismissed based on a multitude of reasons such as visual and residential impact, close proximity to overhead powerlines, outside of search area, future redevelopment of sites, site sharing not possible, sloped topography of land, and insufficient space to accommodate the required equipment.

Officer's note that the submitted documents do make reference to the pre-application engagement whereby concerns were raised by Officers in respect of the 'need' for the proposal and it was not clearly demonstrated at that time whether alternative site sharing had been fully explored. Concerns were also highlighted in respect of the site's prominent location, adjacent to a number of Public Rights of Way within an area of Urban Green Space. It is considered that these aspects of the pre-application advice have been overcome given that the new lattice tower is 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 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 tower is to replace existing telecommunications infrastructure, on balance Officers deem this to be acceptable on this occasion. The applicant has also submitted an SSSI which outlines what other sites have been considered and discounted, this has been discussed in more detail above. Finally, in terms of the location and open nature of the site no changes have been made in regards to this however, a site visit was undertaken by Officer's on the 29th February 2024. 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 119 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 lattice tower, the tower is to be situated on a new concrete base located within an area of open fields, which is surrounded by residential properties to the north, south and west. Given the detached nature of the site, there is minimal street furniture within the area where the mast is proposed, and whilst sited in a prominent location, the site is surrounded by heavy landscaping and trees measuring approximately 12m in height providing some more low-level coverage of the tower. Also due to the sloped topography of the area, whereby the land raises upwards from the north to the south, the mast would be viewed against the existing residential dwellings located on Fernside Avenue. 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 telecommunications equipment to be sited on existing buildings or on existing 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 tower, 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 lattice tower is therefore necessary for the installation to enable the identified required coverage and capacity to be achieved and delivered to the residents and businesses in the area.

Furthermore, the applicant outlines that the lattice tower design has been selected to minimise visual impact, this is due to the lattice tower being more transparent structure and can be seen through in particular from medium to long range views allowing the tower to assimilate with its surroundings. The colour of the structure is to be grey which will help to blend the structure into the skyline. Whilst the applicant does offer the possibility of the structure being coloured green or brown to blend in with the adjacent trees, Officers agree that the grey colour would help with longer distance views into the site and therefore believe this approach to be the most suitable. It is also acknowledged that the appearance of the tower is typical of that which would expect to be seen in relation to telecommunications development.

In terms of land allocation, 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 a 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.

Taking the above assessment into consideration, significant weight has been afforded to the development for telecommunication within the NPPF, however, notwithstanding that for the reasons set out above in relation to the siting and appearance of the proposed tower, 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.

1.2 – Impact on Residential Amenity

The proposed lattice tower would be located within a detached parcel of grassland located approximately 74+ metres away from the nearest residential properties located to the south (Fernside Avenue), west (Bank End Lane) and south-west (Tinderley Grove).

Despite the substantial height of the tower, 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 proposed installation is to replace an existing telecommunications installation sited at Almondbury High School. The school site is to be redeveloped and the existing installation therefore needs to be decommissioned and removed. The replacement installation is necessary to facilitate the continued coverage for this area of Huddersfield.

The proposal would see the siting of equipment cabinets and a telecoms mast on a new concrete base within the corner of a portion of open, undeveloped grass land which is currently used as public open space. Drawing No. 101 Revision 'B' - Site Location Maps 2 of 2, shows the location of the installation and access arrangements. The drawing indicates that the site is accessed from Bank End Lane via a new gated access with a right of access across the field to the proposed telecommunications tower. The position of the access is considered acceptable, it is assumed the access will take the form of dropped vehicular crossing. The access shall be constructed under Section 184 of the Highways Act 1980.

Officers also note that there is a Public Right of Way adjacent to the site to the south (HUD/125/10), whilst the proposals will be visible from this Public Right

of Way given the points of access outlined above it is not considered that the proposed works would disrupt or obstruct the PROW prior to, during or after construction works. Nevertheless, an informative of this nature is recommended should permission be granted.

It is considered that once constructed the site will generate negligible traffic, other than occasional vehicles associated with routine inspections and maintenance. It is acknowledged that during the construction phase there will be a need for construction traffic to access the site, to safely manage this phase of the development a condition requiring submission and implementation of a Construction Access Management Plan is proposed. This plan should also include reference to the adjacent PROW HUD/125/10 and how/if this would be impacted during construction works.

The Council's Highways DM team therefore conclude that they have no objections to the proposals subject to the inclusion of a condition requiring the submission of a Construction Access Management Plan, and an informative relating to works being carried out within the adopted highway.

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 that a footnote be included to address Highways Officers concerns in respect of construction access management.

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, Chapter 15 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 Council's Environmental Health Officers were consulted on the proposals, they do not consider there to be any significant Environmental Health impacts with this development and therefore they raised no objections to permission being granted for this development.

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

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 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.

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: 2024/90498

Officer Recommendation: Approved.

NOTE: The Council's Highways Development Management Team recommend the submission of a Construction Management Access Plan to the Local Authority in conjunction with the hereby approved telecoms installation.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Highways Asset Management Team at vehicle.crossing@kirklees.gov.uk with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Public Footpath HUD/125/10 is located to the south of 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 1 of 2	100	B	21 st February 2024
Site Location Maps 2 of 2	101	B	21 st February 2024
Existing Site Plan	200	B	21 st February 2024

Proposed Site Plan	201	B	21 st February 2024
Existing Site Elevation	300	B	21 st February 2024
Proposed Site Elevation	301	B	21 st February 2024
Health and Mobile Phone Base Stations Document – Supporting Information	-	-	21 st February 2024
WHP Telecoms ZVI Wireframe Report – Supporting Information	23559	-	21 st February 2024
INCRP Declaration – Supporting Information	30749800	-	21 st February 2024
Supplementary Information – Supporting Information	30749800	-	21 st February 2024
Developer's Notice as required under the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2016 – Supporting Information	30749800	-	21 st February 2024
General Background Information for Telecommunications Development – Supporting Information	-	-	21 st February 2024
GPDO Application Letter – Supporting Information	30749800	-	21 st February 2024
Site Provider Letter to Fisher German – Supporting Information	30749800	-	21 st February 2024

Site Provider Letter to Kirklees Council – Supporting Information	30749800	-	21 st February 2024
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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. Additional information was requested from the applicant in respect of the access and the adjacent PROW HUD/125/10, following receipt of comments from the Council's PROW Officers.

Report Dated:

10th April 2024.