

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January

2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan

The site is located in Urban Fabric.

Policy D1 Design

Policy GD1 General Development

NPPE

The paragraphs below are extracted from Chapter 10 'Supporting High Quality Communications' of the National Planning Policy Framework (Feb 2019):

112. 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; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

113. The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. 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.

114. Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:

- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

115. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
- b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

c) for a new mast or base station, evidence 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.

116. Local planning authorities must determine applications on planning grounds only. They should 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.

Consultations

Highways – Concerns regarding visibility splays for Hallcroft Gardens

Ward Councillors – No comments

Representations

The application was advertised by site notice and neighbour notifications. 8no. objection have been from neighbouring properties and two of those objections were also sent via an MP, the main points of concern are;

- Negative impact on visual amenity & streetscene
- Potential health implications
- Potential anti social behaviour
- More suitable locations within the area

Assessment

Schedule 2, Part 16 of the Town and Country (General Permitted Development) (England) Order 2015 sets out the permitted development rights for electronic communications code operator with regards to development for the purpose of the operators electronic communications network.

Class A.1 (c) (ii) allows for the installation of a mast upto 30m above ground level on land which is on a highway.

Under Class A.7 the installation of electronic communications apparatus is permitted if the base area of the structure does not exceed 1.5m²

Under Class A.9 the installation of radio equipment housing is permitted where the development is ancillary to other electronic communications apparatus and the cubic volume does not exceed 90m³.

In accordance with the above, the proposed development falls under permitted development rights. However, paragraph A.3 (4) states that before beginning the development described in paragraph A.2(3), the developer must apply to the LPA for a determination as to whether prior approval of the authority will be required as to the siting and appearance of the development. This is explored below.

Siting and Apperance:

This application is for prior notification and this assessment relates to whether or not the Council would seek a prior approval application for the proposed works. The proposed complies with these restrictions as set out in Schedule2, Part 16, Class A of the GPDO (as amended) and is therefore permitted development, subject to adequate siting and apperance.

The proposed monopole is 15m high which is considerably less than what could fall under Part 16 and is also a slimmer design than previous monopoles have been. It is also noted that the immediately adjacent building is 3 storeys in height with a 3 storey building immediately opposite. There are also vertical features within the area such as lampposts and mature trees. However, the monopole would stand around 4m higher than the adjacent 3 storey building and higher still than the building opposite due to the land levels. The lampposts are also only relatively modest and predominantly stand on the opposite side of the road within the immediate surroundings of the site. The trees are also on a lower level than the site within a housing development which slopes away, down to the railway line.

The site is within a very prominent location. It is noted that it is on a lower level than the land to the West but it is located on a bend, on a higher level than the land to the East with views from King Street when travelling towards the site. It is also directly opposite Millhouses Street with views of the site travelling North on Millhouses Street and from the junction with King Street. There are also views from the junction between Millhouses Street and Newcomen Way which is also on a lower level than the site.

Although there is a 3 storey building immediately to the North West, the site backs onto a parking court associated with that building and there are also 2 storey terraced dwellings which are set back from the highway. The dwelling to the North East is also set back from the highway and surrounded by gardens and low level outbuildings, as such, the immediate area is relatively low rise, especially as the land levels fall to both the South and East.

It is noted there is an existing small cabinet immediately adjacent to the site as well as a directional sign for the Elsecar Park and Ride, however, the addition of the monopole and the associated cabinets would lead to clutter within this prominent area to the detriment of visual amenity.

As such, the proposed monopole would be very prominent within the streetscene and detrimental to visual amenity, contrary to Local Plan Policies D1 and GD1.

Furthermore, the Highways officer has raised concerns with the siting of the monopole and cabinets adjacent to the junction between King Street and Hallcroft Gardens. The reason why the footpath is so wide at that point is to achieve the required visibility given the junction is on a bend and opposite a neighbouring junction. No visibility splays have been demonstrated on the drawings showing that the required 2.4m x 43m splay is in no way impeded by the proposed installation.

Given the comments above, and the concerns raised regarding the siting and appearance of the proposal, prior approval is both required for the proposal and refused.

Recommendation

Prior Approval required and refused