
2022/0835

MBNL

Proposed 25m high telecommunications 'Cypress Tree design' mast with associated antennas, dishes, and equipment (Prior Approval Telecommunications)

Land off Wood Street, Wombwell, Barnsley, S73 0LH

Site Description

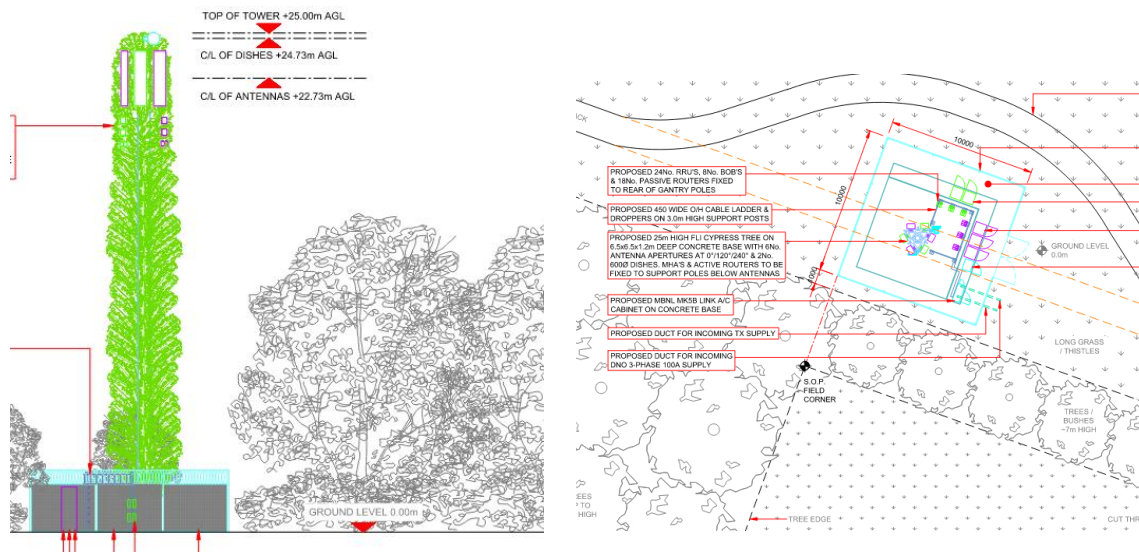
The site is located off Wood Street, Wombwell, with the proposed development itself being located in a pocket of land to the south of Wood Street and accessed off Hough Lane, with an alternative access from Beech House Road, Hemingfield.

The site is located to the rear of residential properties on Hough Lane, beyond the Wood Street allotments, adjacent to a small woodland area. The site is located between 120m and 230m from the properties on Hough Lane.

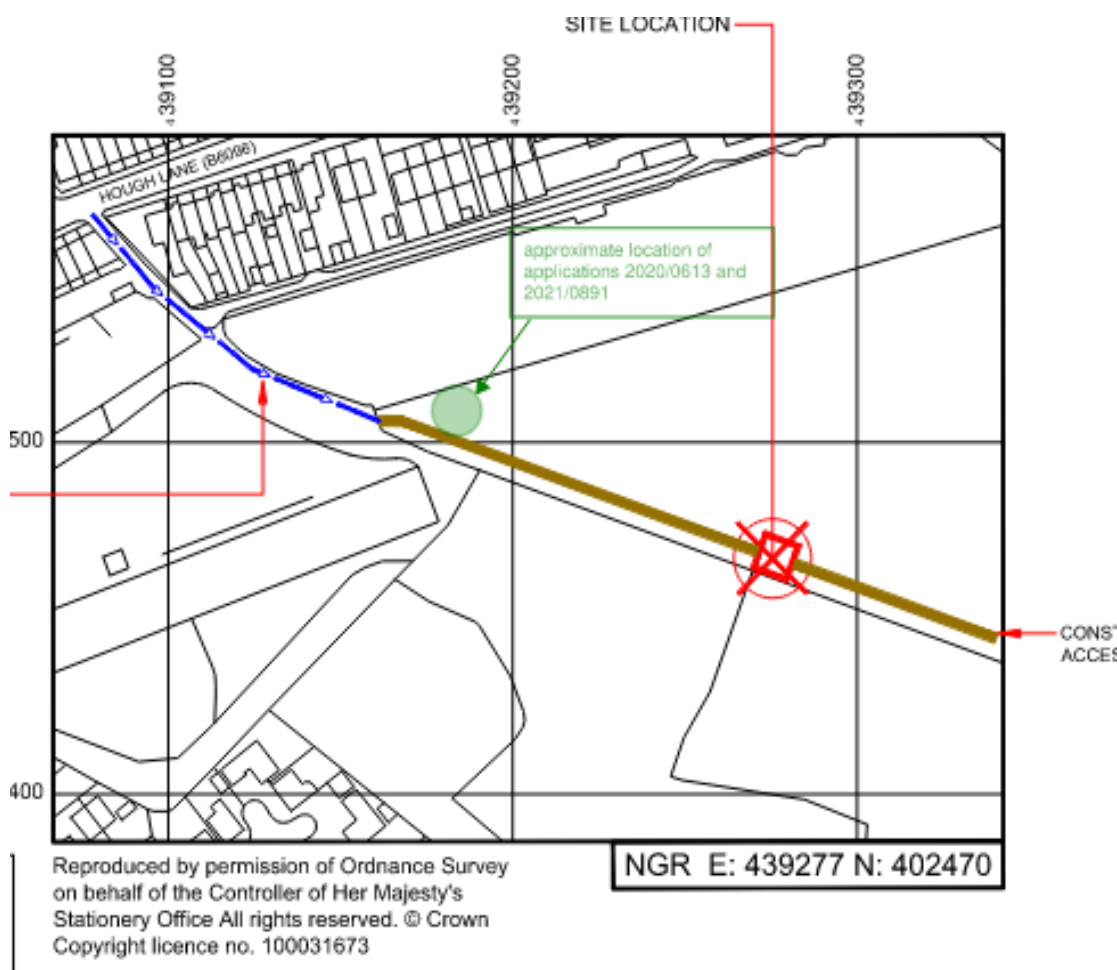


Proposed Development

The applicant has submitted a Prior Notification application for the erection of a 25m high telecommunications 'Cypress Tree design' mast with associated antennas, dishes, and equipment to provide 5G network coverage. The mast itself is set on concrete base measuring 6.5m x 6.5m, within a compound measuring 10m by 10m.



The plan below left, shows the approximate location of the previous applications, green circle, with the red cross indicating the position of this application. The picture below right showing the design of the mast subject to the most recent refusal 2021/0891.



picture below right shows the design of the mast subject to the most recent refusal 2021/0891

Site History

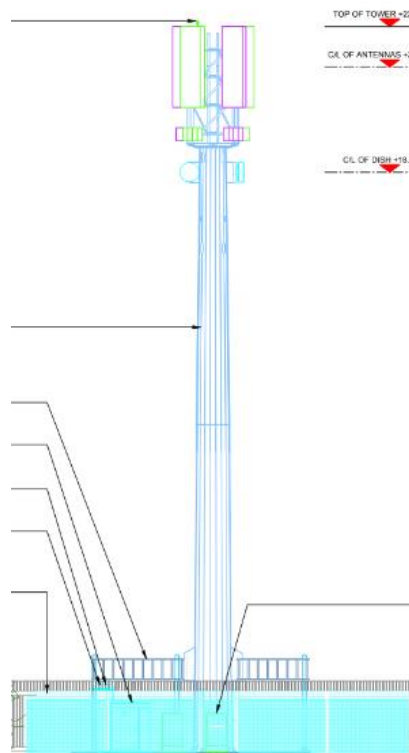
2020/0613 – Proposed 22.50m high telecommunications slimline and associated equipment (prior approval) – refused August 2020 for the following reason:

In the opinion of the Local Planning Authority the development would materially harm the visual amenities of the locality by virtue of its excessive height and the bulk of the antenna head which would make it an overly dominant feature in close proximity to existing residential dwellings on Hough Lane which in turn would have a detrimental impact on their outlook. The proposal is therefore contrary to Local Plan policies D1 High Quality Design and Place Making and GD1 'General Development'. Furthermore, insufficient information has been submitted regarding the design, safety, and security of the proposed fencing - despite this information being requested by the Local Planning Authority.

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The application was appealed and subsequently dismissed with the Inspector concluding that the siting and appearance of the development would have a harmful visual effect on the character and appearance of the local area.



Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise, and the National Planning Policy Framework 2021 (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted by the Council in January 2019 along with a series of Supplementary Planning Documents.

The site is designated as Green Belt in the adopted Local Plan and therefore the relevant policies are:

Local Plan

Policy GB1 Protection of Green Belt
Policy D1 High Quality Design and Place Making
Policy GD1 General Development
Poll1: Pollution Control and Protection

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Section 10 – Supporting high quality communications of the NPPF, paragraph 114 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G and full fibre broadband connections).

Paragraph 115 goes on to state that the number of electronic communications masts, and the site 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.

Section 13 – Protecting Green Belt Land

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

Pollution Control – No objections

Highways – No objections

Forestry Officer – No objections subject to conditions

Ward Councillors – No comments received.

Representations

Neighbour notification letters have been sent to surrounding properties and the application has been advertised by the way of a site notice; 1 letter of representation has been received, raising the following concerns:

- Mast already located on Hough Lane, therefore this is not required
- Impact on the beauty of the area
- Access to the site for large vehicles, not suitable due to the volume of cars etc of residents and visitors to the park.

Whilst only one objection was received in relation to this application, multiple objections were revived in relation to the earlier application 2021/0891, these comments were as follows:

- Loss of outlook – the tower would be located immediately to the rear of the existing residential properties on Hough Lane, having a detrimental impact upon the outlook from these properties.
- Environmental impact – The tower would have a detrimental impact upon the wildlife which is often seen in these fields. There have also been sightings of Deer and bats in the field and nearby area.
- Design – whilst the proposal is identified as a ‘replacement’, the proposed telecommunications mast far exceeds the existing size and height of the existing tower located on the nearby site.
- Proliferation of masts in the vicinity

Other concerns were raised such as:

- Health concerns through the emission of harmful rays,
- Loss of a view, and
- Impact upon the house prices of the existing residential properties.

However, these are not considered to be material planning considerations and have not been taken into consideration during the assessment process.

Assessment

Schedule 2, Part 16 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) 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 –electronic communications code operators
Permitted development

A. 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

Development not permitted: ground-based apparatus

A.1- (1) Development consisting of the installation, alteration, or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if—

(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;

(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;

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—

- (i) 25 metres above ground level on unprotected land; or
- (ii) 20 metres above ground level on article 2(3) land or land which is on a highway; or

(d) in the case of the alteration or replacement of a mast, the mast, excluding any antenna, would when altered or replaced—

(i) exceed the greater of the height of the existing mast or a height of—

(aa) 25 metres above ground level on unprotected land; or

(bb) 20 metres above ground level on article 2(3) land or land which is on a highway; or

(ii) together with any antenna support structures on the mast, exceed the width of the existing mast and any antenna support structures on it by more than one third, at any given height.

Development not permitted: radio equipment housing

(9) Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if—

(a) the development is not ancillary to the use of any other electronic communications apparatus;

(b) the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or

(c) on any article 2(3) land, or on any land which is, or is within, a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency.

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 Schedule 2, Part 16, Class A of the GPDO (as amended) and is therefore permitted development, subject to adequate design, siting and appearance.

Following the refusal of the previous two applications for telecommunication towers the applicant has proposed a relocation of the proposal along with an amended design, which is to disguise the tower to some extent, to give it the appearance of a Cypress tree. Whilst a tree design can limit the impact of a standard telecommunications tower, it can also result in a more obvious feature within the street scene, particularly where it is not located within the vicinity of existing vegetation or where such vegetation is not on a comparable scale. However, in this instance the masts design and location have been designed to keep its impact to a minimum, and the tree helps to minimise the impact of the antenna head which was an issue with previous applications. The mast is also located adjacent to the existing area of trees, and whilst it is acknowledged that it would be taller than the trees, it is not considered the difference of 9m would pose a significant impact on the character of the area or the green belt beyond given that public views will be mainly from a distance away and the surrounding trees will provide some mitigation of its impact.. In addition, its location would not significantly impact the properties on Hough Lane given the mast has been sited approximately 120m from the nearest residential property, increasing to 230m.

Concerns have been raised in relation to the access of the site; it is intended to gain access via an existing and established farm access off Beech House Road in Hemingfield. The proposed 1600m long access track follows an existing route used by farm vehicles and also follows the route of Public Right of Way (PRoW) for a distance of approx. 80m as it passes under the A6195, this section of PRoW is also used by farm vehicles. Taking into account the infrequent need for vehicles to visit the telecommunications site (apart from during the initial construction phase) the increase in use of the site access, access track and short section of PRoW would be imperceptible from the general daily use by farm vehicles. The proposals are therefore considered to have minimal highway implications and there are no objections on highways development control grounds.

As mentioned previously the proposed mast is to be located adjacent to a woodland of trees, whilst not protected by a tree preservation order, there is potential for the proposed works to impact on the trees. Concerns were initially raised by the tree officer as no information was provided to ascertain the impact of the proposal on the trees, however, following the submission of additional information, whilst quite scant, it is sufficient to determine that the works will take place outside of the rooting area of the trees immediately adjacent. The trees will require protection during the construction phase and as such a condition will be included requiring details to be provided prior to commencement on site.

Based on the assessment above it is considered that the siting, design and appearance of the proposed 25m high telecommunications 'Cypress Tree design' mast with associated antennas, dishes and equipment is acceptable.

Recommendation

Prior approval required and approved