
2022/1103

Applicant: CK Hutchison Networks (UK) Ltd

Erection of 18m high telecommunications monopole with associated equipment (Prior Approval)

Address: Shrewsbury Road, Penistone, S36 6DY

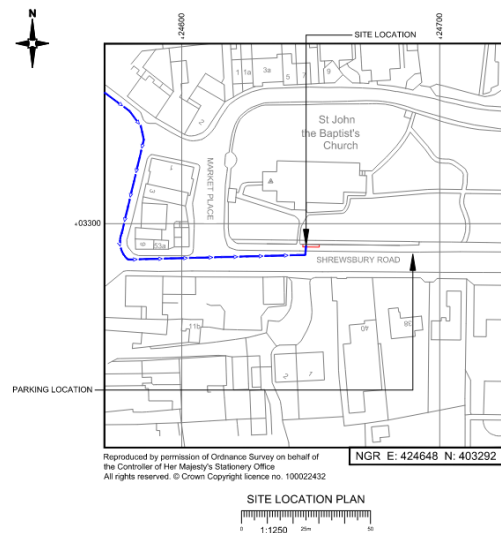
Site Description

The site is located on Shrewsbury Road directly in front of the entrance to St John The Baptist Church. The Church is a Grade I Listed building, and is located within the Penistone Conservation Area, in the Centre of Penistone. The church is bound by a stone wall and is accessed from Shrewsbury Road. Along the front of the wall is an area of planting which provides a verge between the pavement. This area of planting is bound by a low stone wall.

Historical Context and Listing

The Church is listed at the highest grade, and is in the top 25% of nationally listed buildings and is of exceptional historic significance. The building is mainly medieval in origin (C13 to C15) with later C19 work but includes fragments of pre-conquest fabric within the nave. The building has been the centre of historic Penistone for 700 to 1000 years and represents the pre-eminent historic and communal building in the town. Consequently, the building is listed at Grade I due to its exceptional specialist interest and significance which is underpinned by clear and elevated historic, architectural, communal, and evidential values.





Local Plan

Planning decision 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 site is allocated as a Conservation Area.

Policy D1 Design

Policy GD1 General Development

Policy Poll1: Pollution Control and Protection

Policy T4: New Development and Transport Safety

Policy HE1: The Historic Environment

Policy HE3: Developments affecting Historic Buildings

Policy HE4: Developments affecting Historic Areas or Landscapes

NPPF

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

114. 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).

115. 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.

116. 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.

117. 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.

118. 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.

Chapter 16. Conserving and enhancing the historic environment

Proposals affecting heritage assets

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

197. In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering potential impacts

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Consultations

Highways – No objection. Highways have advised that contact should be made with the Authorities Network Management Team prior to works being undertaken.

Ward Councillors – 3 Objections from Local Councillors and 1 from the MP
Parish Councillors – Objections
Pollution Control – No objections
Conservation Officer – Objections
Historic England - Objections

Representations

The application was advertised by site notice and neighbour notifications:

67 Objections received
3 Letters of support
1 Letter of Comment

Assessment

Principle of development:

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 25m above ground level on land which is on a highway.

Under Class A.7 the installation of electronic communications apparatus is permitted if 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:

The NPPF actively promotes the growth of telecommunication infrastructure as it is recognised as being essential to promoting sustainable economic growth and enhancing the provision of local community facilities and services.

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.

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 and is therefore permitted development, subject to an assessment on the siting and appearance.

In this case, the site is in a prominent position at the back edge of the footpath along Shrewsbury Road, directly in front of a Grade I Listed building and within the Penistone Conservation Area. Due

to the sensitive location, the proposal will not only affect the setting of the Grade I Church, but also the setting of a host of grade II listed monuments within the medieval churchyard, and other listed buildings within close vicinity of the Church, along with the Conservation Area. Church towers were designed to be the most prominent feature in the surrounding streetscene and wider landscape. Their height is therefore not only of aesthetic prominence but also demonstrates the intentions of the original church builders and the status of the building at the time.

The proposed mast and antenna would be located just outside the southern porch. The location plans and the elevations clearly show the impact the development will have with the mast and antenna which will be competing with the tower of the medieval building behind for prominence. Given the proximity, height, colour and design of the mast and associated equipment, the proposal would be extremely harmful in this setting and severely damaging the significance of the designated heritage assets.

In addition to the height of the proposal, the circumference of the proposed pole and the size of the antenna head will visually dominate the existing street scene to the detriment of the historical character of the Conservation area and as a result fails to preserve and enhance the character and appearance of the Conservation Area in conflict with planning policy.

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

Recommendation

Prior Approval required and refused.