

DELEGATED DECISION REPORT

DET/2022/0021
Valid 15/12/2022

**PROPOSED
TELECOMMUNICATIONS
INSTALLATION OLD HALL
SQUARE
HADFIELD
GLOSSOP**

**PROPOSED
TELECOMMUNICATIONS
INSTALLATION: PROPOSED
15.0M PHASE 8 MONOPOLE
C/W WRAPROUND CABINET
AT BASE AND ASSOCIATED
ANCILLARY WORKS.**

**(TELECOMMUNICATIONS
DETERMINATION)**

MAIN ISSUES

- Whether the proposed development is compliant with all relevant parameters contained under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended
- Whether Prior Approval is required with regards to the siting and design of the proposed development and in the event that such approval is required, whether the submitted details are acceptable having regard to all relevant material considerations

DESCRIPTION OF SITE

The application relates to a small parcel of land that functions as public amenity space characterised by mowed grass situated between Hadfield Cross to the west and Warhurst Fold to the east, opposite the junction with Chapel Lane, Hadfield.

The site lies within a highly visual and prominent location in the heart of the Hadfield Conservation Area and within the setting of 3no. Grade II Listed Buildings that are located within circa 35 metres of the application site; the Old Hall Public House lies to the north-west on the opposite side of the public highway, with Nos. 5 & 7 The Cross situated a short distance to the south-west, and No.46 Hadfield Road situated a short distance to the south-east.

PROPOSAL

This Prior Notification application has been submitted under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended which relates to proposed development described as:

“Proposed telecommunications installation; Proposed 15.0m phase 8 monopole c/w wraparound cabinet at base and associated ancillary works.”

The application is supported by a document that sets out the justification for the proposed mast. It is understood that there is a requirement to upgrade the telecommunications network to provide 5G services to provide increased broadband speed and to handle more data.

The documentation makes clear that the cabinets that are associated with the proposed mast do not require planning permission and as such do not form part of the proposed development.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S1 Sustainable Development Principles
EQ6 Design and Place Making
EQ7 Built and Historic Environment
CF3 Local Infrastructure Provision

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Supporting high quality Communications	Chapter 10
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Site Notice: N/A
Neighbour Consultation: 10th January 2023
Press Advert: 26th January 2023

Public Comments

A total of 186 letters of objection have been received in connection with this application, the main material grounds of which are summarised as follows:

- Inappropriate location
- Harm to heritage assets
- Harm to residential and visual amenity
- Impacts upon highway safety

HPBC Conservation Officer

Objection – Recommend Refusal

The scheme has not taken into account Heritage at any level. There is no acknowledgement of the Conservation Area, nearby heritage assets and their setting, nor does there seem to be thorough exploration and therefore justification of the placement of this completely alien element. It appears no Heritage Statement or Heritage Impact Assessment accompanies the proposal to meet NPPF paragraphs 194 and 200.

The location of the pole is completely inappropriate and should be moved elsewhere, preferably not in the centre of an intimately sized Conservation Area. Currently it looks to be very visually detracting and there doesn't appear to be anything to mitigate this. In terms of harm imposed combined with the lack of regard for any heritage in this application, it is seen to cause substantial harm and as such I cannot support this scheme.

Glossop & District Heritage Trust

This application fails to mention that the site is in the Hadfield Conservation Area and in proximity to three Listed buildings, or to address any planning issues arising, and makes contradictory statements as to whether pre-application discussion has taken place with yourselves, at which we would have expected these issues to have been raised.

The Listed buildings in question are No 46 Hadfield Road; Nos 5 and 7 The Cross; and Hadfield Old Hall. The latter, with a datestone of 1646 but internally possibly much older, is one of the oldest and most important surviving buildings in the area. The site is in direct line of sight from the Old Hall, 36 metres away, and 5-7 The Cross, 25 metres away, and 25 metres from the rear of 46 Hadfield Road, and the proposal therefore affects the setting of all of them. It is also very close to the base of the former cross, not Listed as there is some doubt as to its antiquity, which was moved from its original location when the site was remodelled and landscaped in 1967.

It is also likely that there is significant buried archaeology at the site, as it sits within the boundaries of a double line of probably 17th or 18th century cottages and farm buildings the last of which were demolished in the 1950s. Both the application itself and the Council's determination of it need to fully address these issues.

DCC Highway Authority

No highway safety comments to make; the applicant will require appropriate highway authority authorisation for the installation of equipment in publicly maintainable highway.

OFFICER COMMENTS

- 1. Whether the proposed development is compliant with all relevant parameters contained under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended**

Schedule 2, Part 16 refers specifically to electronic communications code operates. Class A permits the following:

- 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 period not exceeding 6 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**

In order for the proposed development to be permitted, it must comply with all relevant parameters under Paragraph A.1.

There are 10no. aspects of development, separated in to the following sub-paragraphs:

- (1) ground-based apparatus
- (2) building-based apparatus
- (3) apparatus on masts
- (4) ground or base area
- (5) antennas installed, replaced or altered on article 2(3) land or SSSI's
- (6) driver information systems
- (7) apparatus near a highway
- (8) radio equipment housing
- (9) antennas installed replaced or altered on a dwellinghouse
- (10) antennas installed, replaced or altered not on a dwellinghouse

An assessment of the proposed development against the relevant sub-paragraphs set out above is undertaken as follows.

- (1) Development is not permitted by Class A(a) if—**

- (a) in the case of the installation of apparatus (other than on a building or other structure) 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 apparatus already installed (other than on a building or other structure), 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; or
- (c) in the case of the alteration or replacement of an existing mast (other than on a building or other structure, on article 2(3) land or on any land which is, or is within, a site of special scientific interest)—
 - (i) the mast, excluding any antenna, would when altered or replaced—
 - (aa) exceed a height of 20 metres above ground level;
 - (bb) at any given height exceed the width of the existing mast at the same height by more than one third; or
 - (ii) where antenna support structures are altered or replaced, the combined width of the mast and any antenna support structures would exceed the combined width of the existing mast and any antenna support structures by more than one third.

The proposed development comprises the installation of telecommunications apparatus (a mast) that reaches a height of 15m above ground floor level, and is therefore compliant with Paragraph A.1(a)(1)(a) and (b) and does not relate to the alteration or replacement of an existing mast, thus Paragraph A.1(a)(1)(c) is not relevant to this application.

- (3) Development is not permitted by Class A(a) if, in the case of the installation, alteration or replacement of apparatus (other than an antenna) on a mast, the height of the mast would, when the apparatus was installed, altered or replaced, exceed any relevant height limit specified in respect of apparatus in paragraphs A.1(1)(a), (b) and (c), and A.1(2)(a) and (b), and for the purposes of applying the limit specified in paragraph A.1(2)(a), the words “(taken by itself)” in that paragraph are omitted.

The plans show that the height of all apparatus including the mast would not exceed 15m and thus complies with the limits under Paragraph A.1(1) – Paragraph A.1(2) not being relevant to this case. As such the application is compliant with Paragraph A.1(3).

- (4) Development is not permitted by Class A(a) if, in the case of the installation, alteration or replacement of any apparatus other than—

- (a) a mast;
- (b) an antenna;
- (c) a public call box;
- (d) any apparatus which does not project above the level of the surface of the ground; or
- (e) radio equipment housing,

the ground or base area of the structure would exceed 1.5 square metres.

The proposed development relates to the installation of a mast and therefore the fact that the ground/base area of the structure exceeds 1.5 square metres means that there is no conflict with Paragraph A.1(4).

- (7) Development is not permitted by Class A(a) if, in the case of the installation of a mast, on a building or structure which is less than 15 metres in height, such a mast would be within 20 metres of a highway**

As shown on the Proposed Site Plan, the proposed mast would be located within 20 metres of a public highway. However, the installation is not less than 15 metres in height and as such there is no conflict with Paragraph A.1(7).

Further to the above assessment of the proposed development against all relevant sub-paragraphs under Schedule 2, Part 16, Class A of the General Permitted Development Order, it is concluded that the proposed development is permitted, subject to relevant conditions set out under Paragraphs A.2 and A.3, which includes a determination as to whether Prior Approval is required as to the siting and design of the proposed development.

- 2. Whether Prior Approval is required with regards to the siting and design of the proposed development and in the event that such approval is required, whether the submitted details are acceptable having regard to all relevant material considerations**

Having concluded that the installation of the proposed 15m mast complies with Schedule 2, Part 16, Class A, Paragraph A.1 and thus constitutes permitted development, subject to all relevant conditions set out under Paragraphs A.2 and A.3.

Paragraph A.3(3) makes clear that the developer must apply to the Local Planning Authority must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development, and, within a period of 56 days from the date of submission, a determination as to whether prior approval is approved or refused.

Is Prior Approval Required?

The proposal consists of a 15m mast with associated ancillary ground works, some aspects of which do not require planning permission.

The site lies within the heart of the Hadfield Conservation Area in a highly prominent and visually sensitive location immediately adjacent to the public highway which functions as an area of open public amenity space, and within the setting of 3no. Grade II Listed Buildings.

The application has attracted strong objection from the Council's Conservation Officer and the Glossop & District Heritage Trust, not to mention a substantial number of objections from members of the general public, the majority of whom have objected on the grounds of harm to heritage assets.

Given the highly sensitive location of the site, its situ within and close proximity to statutory heritage assets, and the nature of the proposed development, specifically with regards to its height and visual appearance, the Council categorically conclude that Prior Approval is required with regards to its siting and appearance.

Are the submitted details acceptable with regards to siting and appearance?

Having concluded and determined that Prior Approval is required with regards to siting and appearance, this section of the report considers whether the details submitted are acceptable having regard to all relevant policy considerations.

Planning Legislative and Policy Context

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy CF3 relates specifically to the provision of local infrastructure, and states that this will be provided (amongst other things) by supporting improvements to telecommunications and high speed broadband infrastructure ***that does not have an inappropriate impact on the landscape or townscape.*** (My Emphasis)

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

Chapter 10 of the NPPF contain national policies aimed at supporting high quality communications. Paragraph 114 of the NPPF states that advance, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing, and that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).

Paragraph 117 of the NPPF states that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by necessary evidence to justify the proposed development.

Paragraph 118 of the NPPF states that local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for electronic communications system, or set health safeguards different from the international commission guidelines for public exposure.

Chapter 16 of the NPPF contains the restrictive national planning policies that relate to the conservation and enhancement of the historic environment.

Paragraph 194 makes clear that:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution make by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understood 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..”

Paragraphs 199-202 of the NPPF sets out how a local planning authority should assess the significance of a heritage asset and the potential impact of a development proposal upon that asset.

Assessment

The application is accompanied by a document titled 'Site Specific Supplementary Information. This document confirms that pre-application consultation was carried out within the local planning authority and the local school.

Following on from a description of the proposed development, the document contains a 'Policy Analysis' section, which contains the following key statements:

- *The proposed works would qualify as a visual change to the area, but **would respect and continue to maintain the appearance of the area**, with public benefits outweighing the perceived harm, being suitably distant from potentially sensitive users, and thus demonstrating compliance with the Development Plan and the NPPF (My Emphasis)*
- *The proposed works are **not to the visual detriment of the surrounding area being suitably distant from sensitive receptors** (My Emphasis)*
- *The proposed development **would not result in demonstrable harm to the character of the immediate or wider area** (My Emphasis)*
- *Although it is accepted that there will be an intensification in the amount of equipment (an additional monopole and associated cabinets in the area), it is felt that **such a minor increase would not detract from the character in which the proposal sits** (My Emphasis)*

The document sets out a (brief) analysis of a sequential test considering other sites within the surrounding area. Figure 5 shows a map of alternative sites considered. It is submitted by the applicant the location put forward within this application is the only viable option with reasons for discounting other sites relating to (i) the prominence from neighbouring residential properties (ii) the narrowing of footpaths adjacent to the public highway and (iii) presence of overhead cables preventing deployment.

No further analysis beyond this short summary has been submitted with regards to the sequential test (e.g. photographs from nearest visual receptors and photo montages showing visual impact).

The analysis of the impacts associated with the proposed development having regard to all relevant legislation, national and local planning policies is clumsily prepared in what appears to be a standard template format and is severely lacking in detail.

The applicant has failed to submit a Heritage Statement prepared by a suitably qualified professional that assess the significance of the heritage assets and their setting within proximity of the site, and any assessment of the impacts on such assets, contrary to paragraph 194 of the NPPF.

Officers fundamentally refute the statements made by the applicant within the supporting document highlighted above. The statements are baseless (i.e. they are not informed by any detailed assessment). The claim that the proposed development would not be to the visual detriment of the surrounding area being suitably distant from sensitive receptors is objectively incorrect and inaccurate, given the fact that the site is located within a statutory heritage asset and within a short distance from 3no. Grade II Listed Buildings, not to mention the habitable windows of surrounding neighbouring properties.

It is considered that based on an assessment of the site context, the absence of any detailed assessment of heritage significance and impacts, and the strong objection

from the Council's Conservation Officer, the Glossop & District Heritage Trust, and a substantial number of local residents that the proposed 15m mast would by its very siting, and by virtue of its height and visual appearance, result in harm to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

For the purposes of relevant paragraphs under Chapter 16 of the NPPF, the degree of harm identified is considered to be 'less than substantial'. As such, the Council are duty bound to undertake a planning balance as to whether the public benefits associated with the proposed development outweigh this identified harm.

Whilst it is accepted that there is a clear and fundamental need for the provision of new telecommunications equipment to enhance the 5G network and thereby facilitate economic growth and social wellbeing, it is the view of the Council that in this particular instance these benefits do not outweigh the identified harm to heritage assets.

As such, the proposed development is contrary to Local Plan Policies S1, EQ6 and EQ7, and relevant restrictive paragraphs contained under Chapter 16 of the NPPF, relating to heritage conservation, underpinned by Sections 66(1) and 72(1) of the Town & Country Planning (Listed Building and Conservation Areas) Act 1990.

CONCLUSION / PLANNING BALANCE

This Prior Notification application has been submitted under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended for the installation of a 15m telecommunication mast as part of a national roll out to provide 5G data coverage.

An assessment of the application has concluded that the proposed development does comply with the relevant parameters under Schedule 2, Part 16, Class A and thus constitutes permitted development, subject to compliance with conditions under Paragraphs A.2 and A.3.

The developer is required to apply to the LPA for determination as to whether Prior Approval is required as to the siting and appearance of the development, and, within a period of 56 days from the date of submission, a determination as to whether prior approval is approved or refused.

The Council conclude categorically that Prior Approval is required with regards to the siting and design of the proposed mast, due to the highly prominent and sensitive location of the site within the heart of the Hadfield Conservation Area and within the setting of a number of Grade II Listed Buildings.

In line with the above assessment, the Council conclude that the public benefits associated with the provision of enhanced telecommunications infrastructure do not outweigh the identified 'less than substantial' harm to heritage assets which includes the setting of 3no. Grade II Listed Buildings, and thus the application is contrary to Local Plan Policies S1, EQ6 and EQ7, and relevant restrictive paragraphs contained under Chapter 16 of the NPPF, relating to heritage conservation, underpinned by

Sections 66(1) and 72(1) of the Town & Country Planning (Listed Building and Conservation Areas) Act 1990.

The recommendation is thus that Prior Approval is Required and Refused.

OFFICER RECOMMENDATION : Prior Approval Required and Refused

Case Officer: James Stannard

Recommendation Date: 9th February 2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council