

DELEGATED DECISION REPORT

DET/2024/0029
Valid 19/08/2024

HARPUR HILL ROAD
HARPUR HILL
BUXTON

APPLICATION FOR PRIOR
APPROVAL OF
TELECOMMUNICATIONS
DEVELOPMENT FOR THE
INSTALLATION OF A NEW
SHARABLE 25M LATTICE
MAST, 2NO. HEADFRAMES,
12NO. ANTENNAS, 2.4M HIGH
PALISADE FENCING, 6NO.
OPERATOR CABINETS, 1NO.
METER CABINET AND
ANCILLARY DEVELOPMENT
THERE TO.

MAIN ISSUES

- Whether the proposed development complies with Schedule 2, Part 16, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- Whether Prior Approval is required with regards to the Siting, Design and Appearance of the proposed development.

DESCRIPTION OF SITE

The application relates to the installation of a new telecommunication mast at land at Harpur Hill (E406865 N371223). The site is situated in open countryside. There is an existing telecoms mast 204m to the north west of the site. The site is accessed via the A515 to the east. There are three mature trees to the eastern boundary of the telecom compound.

The proposal site does not lie within Article 2(3) land, is not within an SSSI, and is in excess of 100m from the nearest highway. The site is situated to the east of Fox Low Bowl Barrow which is a Scheduled Ancient Monument (SAM).

PROPOSAL

This application is to be assessed under the provisions of Class A – electronic communications code operators, of Part 16, Schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The application seeks a determination as to whether the prior approval of the LPA is required for the installation of a new sharable 25m lattice mast, 2no. headframes, 12no. antennas, 2.4m high palisade fencing, 6no. operator cabinets, 1no. meter cabinet.

The application was accompanied by:

- Covering letter
- Developer Notices
- Supplementary Information (report explaining site selection process)
- Drawing pack: site location plan, existing and proposed site plans and existing and proposed elevation plans
- Photomontage
- New Location Plans (document showing views from application site)
- Icon Tower report
- WePlan data report
- ICNIRP declaration

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Two recent prior approval application have been submitted for similar proposals on land within the immediate vicinity of the application site but both were withdrawn before determination.

DET/2024/0023: Application to determine if prior approval is required for proposed installation of a new sharable 20m lattice mast which is collocated with an existing compound approximately 90m to the northwest of the site. The development includes 6no. antennas mounted directly to the mast, installation of 7no. cabinets and ancillary development thereto.

DET/2024/0002: The installation of a new sharable 25m lattice mast which is collocated with an existing compound approximately 90m to the northwest of the site.

CONSULTATIONS

Public Comments

Representations have been received from local residents:

- 13 people have indicated support for the proposal citing that there is a need to improve mobile reception in Buxton.
- 2 people have indicated neutral comments and queried whether the mast will provide full mobile coverage for the whole of Buxton.
- 1 objection queries safety concerns of the mast.

Councillor Grooby (Cote Heath) has indicated her support for the application.

Derbyshire County Council Highways

It is considered that the installation of the mast and the associated equipment will not have a detrimental impact on the highway and on that basis there are no highway authority objections to the application.

The applicant shall be responsible for ensuring that any necessary authorisations required to deliver the masts is obtain prior to the works commencing.

OFFICER COMMENTS

Relevant considerations

High Peak Local Plan (2016)

- Policy CF3: Local Infrastructure provision
- Policy EQ2: Landscape Character

National Planning Policy Framework (NPPF)

National Planning Practice Guidance

Code of Best Practice on Wireless Network Development in England (2022)

OFFICER COMMENTS

Legislative Context:

This is not a planning application, it is an application via Prior Notification procedures seeking confirmation that the proposed development is deemed permitted development afforded to electronic communications operators. The legislation in this respect is set out in Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended.

In broad summary, certain forms of telecommunication development, including mobile telephone masts, are known as 'permitted development' and subject to 'prior approval' from the Local Planning Authority. The prior approval procedure means that before beginning the development the developer 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. Local Planning Authorities can consider only the siting and appearance of the development (Part 16, A.3(4)) and any representations made to them as a result of the consultations or notices (Part 16, A.3(7)).

The local planning authority has 56 days in which to let the mast operators know of its decision on whether prior approval is required for siting and appearance and to let the operator know of its decision to allow or refuse approval.

Whether the proposal meets the criteria contained within Schedule 2, Part 16 of the GPDO

Schedule 2, Part 16, Class A permits development by or on behalf of an electronic communications code operator in the case of the installation, alteration or replacement of electronic communications apparatus (other than on a building) subject to certain criteria being met.

In the case of the installation, replacement or alteration of a mast at this site (an unprotected area i.e. Article 2(3) land):

- the mast, excluding any antenna, must not exceed 30 metres in height above ground level, or

- the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, must not exceed a height of 25 metres above ground level

The proposed development consists of:

- a 25m lattice mast (including height of antennae)
- a fenced and gated 120 square metre compound containing the mast and associated equipment, none of which exceeds the 1.8m height of the proposed fence.

Accordingly, the proposal is permitted development.

As outlined in the proposal section of this report, the application was accompanied by support documentation which adequately addresses the requirements of Part 16 A.3 Prior Approval.

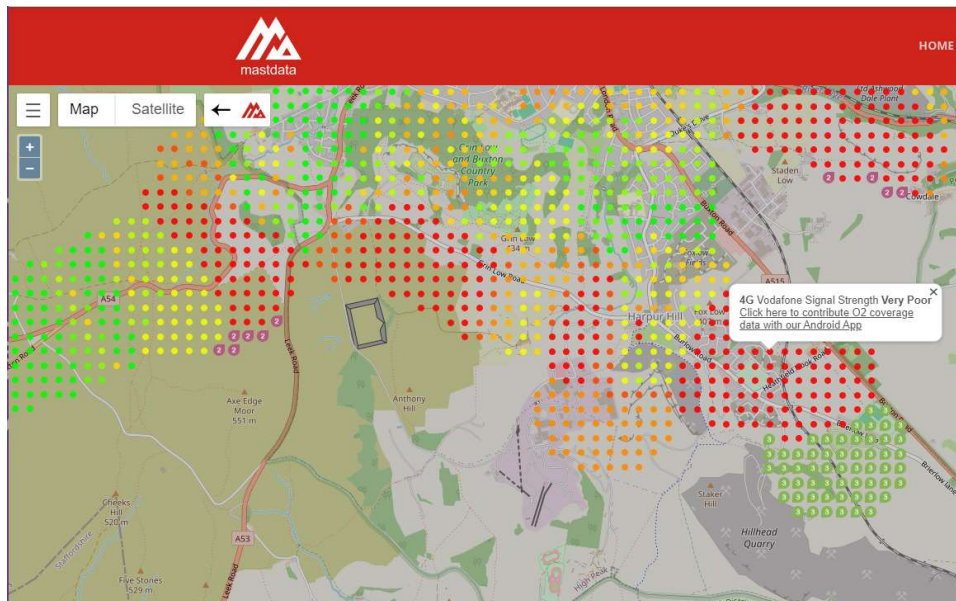
Assessment of relevant issues

The application is made by Icon Tower Infrastructure Ltd (Icon) which specialises in providing sites and infrastructure for shared use by telecoms operators to deliver 5G mobile networks.

Supporting documentation submitted with the application states that the existing mast within the locality cannot support the necessary upgrades and to prevent the proliferation of masts Icon Tower has decided to co-locate the mast nearby an existing one.

It also explains that the existing location, particularly the residential dwellings to the south west of the proposed mast in Harpur Hill lack coverage from the main UK operators at present and this area has been identified as a 'not-spot'. Although the existing mast 204m away is operational, it is not high enough to provide Vodafone customers with adequate coverage in Harpur Hill.

The report makes reference to external data to corroborate the claim and an extract from the website mastdata indicates how poor Vodafone coverage currently is in Harpur Hill currently.



EE and O2 coverage is also a very poor in the south west of Harpur Hill. Furthermore, this lack of coverage has been verified by residents, primarily of the new developments in Harpur Hill, explaining they get no or very little mobile phone reception. The lack of mobile reception is also holding back other technologies such as smart meters and real time information boards at bus stops.

The site is situated in an elevated location, which is evidently an essential requirement for telecommunication development to ensure that the mast provides the broadest coverage. There is in the existing mast in close proximity which is not possible to upgrade. The existing mast that was approved by application DET/2005/0009 is only 12m high and was installed to provide mobile coverage for Vodafone. It was approved under a past edition of the GPDO, which was prescribed a more restrictive height limitation for masts to be deemed PD, in order to facility 3G coverage.

Although mast sharing is something that has been promoted through planning guidance previously during the rollout of the 3G and 4G masts. The Code of Practice for Wireless Development advises on site sharing, rather than mast sharing, at paragraph 69:

“Operators should seek to share sites where possible, site sharing reduces the number of sites required and network proliferation. However, site sharing means that masts must safely accommodate equipment for all technologies (2G- 5G) from multiple operators. Existing masts may be required to be strengthened or replaced with a larger, lattice-type structure. This may be desirable and more appropriate in rural areas, but less so in more urban environments, where greater densities of base stations will be required.

The proposal is considered a site sharing location due to proximity to the other mast. In time it is likely that the other mast will become obsolete as technology progresses. Also being in a lattice style mast it will be able to support multiple operators equipment and two headsets with 12 antennas are proposed.

Government policy, as set out in the NPPF (paragraphs 118 -122) strongly supports the provision of advanced, high quality and reliable telecommunications infrastructure, seen as essential for sustainable economic growth and for enhanced provision of local community facilities and services. The anticipated improvements in coverage, benefiting networks, including 5G and full fibre broadband, weigh strongly in favour of the proposals.

The supporting statement emphasises that the application has been prepared in the context of public engagement with local residents. No formal pre-application advice was sought but two applications for prior notification have previously been submitted, and subsequently withdrawn, DET/2024/0002 was withdrawn following the request for photomontages to assess the impact of the proposals in the landscape. The Code of Practice does advocate pre-application engagement with local authorities and stakeholders.

One objector has raised health concerns about the proposal on local residents. However, the applicant has provided the relevant document which confirms full compliance with the requirements of the radio frequency (RF) public exposure criteria as defined by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), as set out in "ICNIRP Guidelines, for limiting exposure to electromagnetic fields (100KHz to 300GHz)", in all areas permissibly accessible to members of the public. This complies with Class A, Part 16 of the GPDO.

The main issues for this application are the effect the appearance and siting of the proposed installations would have on the character and appearance of the surrounding area.

Appearance and Siting

The proposed mast is lattice style and 25m in height, it would be sited on 7.1sq.m concrete base and would have two head frames hosting 12 antennas. The mast would be galvanised and the antennas would be light grey. 6 operator cabinets would be sited within the compound (Grey RAL7035) and the compound would be surrounded by 2.4m fencing (fir green in colour). The appearance of the mast is quite typical in terms of their design and choice of colour to minimise visual impact and is considered appropriate.

The mast has been sited so that it is adjacent to a row of three mature trees which vary in height between 14m and 16m. The Code of Practice and planning guidance does encourage masts to minimise impact on their setting and suggests placing a mast adjacent to trees as means of minimising visual impact. But it is also notes that antennas will need to be sufficiently elevated to clear the treeline and the trees may need to be maintained to prevent growth above a certain level.

The proposed siting adjacent to the trees is considered appropriate and it is noted that the drawings indicate that the existing drystone wall will need rebuilding, it is welcome that this feature is retained given the rural context. The supporting information indicates that the location was chosen on the basis of discussions with the community and is a different location than was proposed by DET/2024/0023 which proposed a 20m mast closer to the existing mast.

Photomontages have been provided for four locations that illustrate before and after scenarios from: A515 (Ashbourne Road), Heathfield Nook Road, Grin Low Road and Harpur Hill Road (junction with Berwick Road). As you would expect, given its height the mast will be visible from locations beyond its immediate surroundings and is visible from all four of these viewpoints but it is read in the landscape in the context of other features. It would not be reasonable to suggest that the mast has a harmful landscape impact, merely it exists in the landscape with other features. The site is not a protected landscape and it is accepted that masts need to be located proximate to urban locations that they serve.

Notwithstanding the acceptability of the proposal from a landscape perspective, the site is immediately adjacent to the Fox Low Bowl Barrow which a Scheduled Ancient Monument. The application documentation makes no reference to the proximity of this important heritage asset and accordingly the level of heritage harm to the SAM has not been assessed. This is contrary to local plan policy EQ7 and the NPPF.

CONCLUSION / PLANNING BALANCE

The proposed development meets the stipulations of Class A of Schedule 2, Part 16 (Communications) of the Town and Country Planning (General Permitted development) (England) Order 2015 in terms of its height being less than 30m. However, the application, as submitted, fails to demonstrate that the height, siting and appearance would not adversely affect the setting of the schedule ancient monument, contrary to Policy EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

OFFICER RECOMMENDATION : Prior Approval Required and Refused

Case Officer: Rosie Dinnen

Recommendation Date: 03.10.24

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council