

DELEGATED DECISION REPORT

DET/2025/0020
Valid 04/11/2025

WHALEY BRIDGE
BOWLING CLUB 43
BUXTON ROAD
WHALEY BRIDGE

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
INSTALLATION OF A VERY
SLIM-LINE RADIO MAST, 20
METRES HIGH (ANTENNA
CENTRE-LINE MEAN HEIGHT
21.3M), WITH A SMALL AND
UNOBTRUSIVE ANTENNA
CONFIGURATION AT THE
TOP, WHICH HAS BEEN WELL
DESIGNED TO BLEND INTO
THE EXISTING STREET
SCENE**

**(TELECOMMUNICATIONS
DETERMINATION)**

MAIN ISSUES

- Whether the proposals comply with 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 appearance of the proposed development.

DESCRIPTION OF SITE

The application site refers to an area of hardstanding which comprises part of the car parking area associated with Buxton Bowline Club.

The surrounding area is predominantly residential in nature although there are commercial and leisure and light industrial uses to the north of the site.

PROPOSAL

This Prior Notification application seeks consent to determine whether the proposals comply with Schedule 2, Part 16, Class A of the General Permitted Development Order (GPDO) and proposes the erection of a slim-line mast and antenna 20m in

height (21.3m inclusive of the antenna) and would be surrounded by 2m mesh fencing.

The application is made by Arqiva, an Electronic Communications Code Operator and so benefits from the right set out in Paragraph 9 of the Electronic Communications Code to carry out street works. The Electronic Communications Code is found at Schedule 2 of the Telecommunications Act 1984, as amended.

The development proposed forms part of Arqiva's planned smart water metering network for United Utilities. United Utilities is a water and wastewater service provider with more than seven million domestic and business customers in the North West of England. United Utilities is committed to a large-scale smart meter rollout across the North West, with a goal of installing over 900,000 smart meters during the AMP 8 period (2025-2030). This initiative aims to reduce water leakage, improve water management, and support water conservation efforts by providing real-time data.

Arqiva is licensed by Ofcom, the independent regulation of the UK's communications industries, to use the 412-414MHz spectrum for the development of smart metering networks. The proposed base station will operate in this frequency range, which is the same as that being used in northern England and Scotland. As part of the examination of a suitable site in Whaley Bridge, the applicant reviewed a total of 14 sites, concluding that the proposed site represented the best balance between environmental and operational considerations. A number of the other sites were rejected due to their proximity to residential properties, being within the conservation area or being situated in excess of the cell centre.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS – N/A

CONSULTATION

Public Comments

4 public comments have been received, 3 neutral comments and one objection. Their comments are summarised as follows:

- Insufficient Information Regarding Public Health Considerations
- Visual impact and harm to residential amenity
- Impact on property – overshadowing & industrialisation of the residential setting
- INCIRP calculations should be listed.
- Flood risk
- Could be potentially viewed from Conservation Area, Peak District National Park, Memorial Park, and Reservoir Rd.
- Lack of detail / imagery
- Lack of pre-app engagement
- Flashing red light beacon should be added to warn pilots

Derbyshire County Council Highways

Whilst the proposed antenna is not expected to generate any significant vehicle movements when erected, there is some uncertainty about the ability for those vehicles associated with the construction of the antenna to access the site.

The access to the location of the antenna is narrow and only capable of accommodating one way movements and considering the length of the antenna, it is not clear how the antenna will be transported to the site via the access. It is recommended that the applicant submit a Construction Management Plan detailing the vehicle movements required to transport the antenna to the site.

Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Network Rail

Thank you for consulting Network Rail on the above proposal. We do not object in principle to the provision of new electronic communications development, however the LPA has a duty under NPPF paragraph 116:

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.*

Much of the national railway network is controlled and operated by its own electronic communications systems, and as such, it is important that any proposals for new telecommunications equipment near to the railway do not interfere with the safe movement of trains. To ensure that Radio Frequency (RF) risks are addressed and mitigated, the Applicant must adhere to Network Rail processes for telecoms clearance (NR standard NR/L2/TEL/3006) before installing new or upgrading an

existing radio transmitter within the distance proposed in the planning application, as a means of ensuring that the evidence required under the NPPF is obtained.

Conservation Officer

Having looked at the proposal and site location I do not wish to make any heritage comments in relation to this application.

LLFA

No comment

Canal & River Trust

Based on the information available our substantive response is that the Trust has no comment to make on the proposal.

OFFICER COMMENTS

Background

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 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.

- 1. Whether the development complies with Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended**

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, **(Complies)**

(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 **(N/A)**

(c) development ancillary to radio equipment housing. **(N/A)**

Development not permitted

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; **(N/A – The works relate to a mast)**

(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; **(N/A – The works relate to a mast)**

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

(i) 30 metres above ground level on unprotected land; or

(ii) 25 metres above ground level on article 2(3) land or land which is on a Highway.

(Complies – The radio mast height would not exceed 20m and 21.3m inclusive of the antenna)

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

(i) 30 metres above ground level on unprotected land; or

(ii) 25 metres above ground level on article 2(3) land or land which is on a highway;
(N/A)

(e) in the case of the alteration or replacement of a mast—

(i) the mast is on any land which is, or is within, a site of special scientific interest; and

(ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third.

(N/A)

CONCLUSION

The proposals fall within the requirements of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Having concluded that the installation of the proposed 20m mast complies with Schedule 2, Part 16, Class A, Paragraph A.1 and thus constitutes permitted development, consideration must be given to the 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.

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

The proposal consists of a 20m mast with associated ancillary ground works, which do not require planning permission.

The site lies on an area of hardstanding which forms part of a car parking area. The mast would not obstruct any roadways or Public Rights of Way, nor would it occupy a prominent position within the street scene.

No objections have been raised by any statutory consultees. 4 public comments have been received, one of which objects to the proposals.

The comments received relate to a variety of issues, comprising health and safety, helicopter safety measures, insufficient detail, harm upon residential amenity, flood risk and lack of pre-application engagement further to comments regarding the siting and appearance. It is noted that the applicant consulted with three local ward councillors, Whaley Bridge Town Council and Whaley Bridge Primary School, prior to the submission of this application. It is stated that no responses were received.

One comment has been received regarding the lack of ICNIRP calculations. A INCIRP certificate and declaration has in fact been submitted in support of the application identifying that the proposed mast meets the ICNIRP guidelines. Guidance from the Planning Practice Guidance 8 Telecommunications (PPG) which states that *“if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider*

further the health aspects and concerns about them." Accordingly, the applicant has met the requirements of the PPG.

With respect to the impact on residential amenity the mast would be located at its closet point nearly 100m from properties along Buxton Road, with buildings associated with the bowling club and the bowling green in the intervening area. Given this distance it is considered that the mast would not cause any overbearing impacts. It is noted that the location of mast would be immediately adjacent to a playground serving Whaley Bridge Primary School, however as the required ICNIRP certificate has been submitted, it is considered that the applicant has confirmed adherence to the Governments standards for electromagnetic field exposure.

With respect to flooding concerns, although the site lies within flood zone 2, the development would not fall within the thresholds as set out in the PPG for permitted development rights and flood risk, and the need to submit a flood risk assessment.

Therefore, the scope of Prior Approval has been established to be limited to siting and appearance.

Comments relating to the design, siting and appearance raise concerns that the proposals would lead to the industrialisation of the residential setting, and could potential be viewable from a wide area including statutory designations of the Whaley Bridge Conservation Area and the Peak District National Park.

The proposed mast location would be 200m from the nearest point of Whaley Bridge Conservation Area and 1.2km from the Peak District National Park at its nearest point. Memorial Park lies approximately 25m to the west of the application site. The Conservation Officer has not objected to the proposed works and the proposals are deemed to be in keeping with their immediate surrounding. Additionally, the car parking area is bound to the west by a dense strip of large mature trees which will provide a significant degree of screening with only glimpse views of the mast afforded from Memorial Park. Therefore, the development is not deemed to have any unacceptable impacts upon the Protected Major Park.

With regard to the above, the proposals are not judged to have any impact upon the named sensitive designations. Given the site location to the rear of the bowling club, on an area of vacant hardstanding to the south of warehousing and other commercial and light industrial uses the proposals are not judged to contribute to the industrialisation of a residential area.

In this instance given the lack of statutory consultee objections and limited public objection further to the visually insensitive location of proposed development and lack of statutory designations in the vicinity of the site, the Council conclude that Prior Approval is not required with regards to its siting and appearance.

OFFICER RECOMMENDATION : **Prior Approval Required and details submitted approved**

Case Officer: Stuart Talbot

Recommendation Date: 17/12/2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council