

Parish: Snape with Thorp

Ward: Tanfield

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Committee date: 12 October 2017

Officer dealing: Mrs H Laws

Target date: 20 October 2017

17/01440/TCC

Application for prior notification for the installation of 17.5m high mast, 3no antenna, 2no transmission link dishes, 2no equipment cabinets, 1no electricity meter cabinet and ancillary development

At: Land at Prices Paving and Tile Limited, The Stone Yard, Meadow Lane, Snape

For: Cornerstone Telecommunication Infrastructure Limited

This application is referred to Planning Committee due to the level of local interest in the proposals.

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The site lies on the northern side of Snape, outside the boundary of the Snape Conservation Area. The site currently forms part of a paddock that lies to the rear of the commercial business unit operating as Price's Paving and Tile Limited. The proposed mast would lie approximately 60m to the rear of the existing showroom. Agricultural land lies to the north of the site.

1.2 The position of the mast would lie within the north eastern corner of the paddock adjacent to the boundaries of the site, which comprise of timber post and rail fencing and trees.

1.3 It is proposed to install a 17.5m tall galvanised monopole mast with 3no. antennas and 2no. transmission dishes. Two equipment cabinets and a meter cabinet, coloured grey, would be sited at the base. The mast and cabinets would be enclosed within a 1.2m high timber post and rail fence.

1.4 The submission is an application for a determination as to whether the prior approval of the Local Planning Authority is required as to the siting and appearance of the development. Siting and appearance are details included within the submission; these are the only matters that can be considered by the Planning Authority. The application includes supporting statements and an ICNIRP (International Commission on Non-Ionising Radiation Protection) Certificate of compliance. The mast would allow two mobile operators to pool their network infrastructure while running two independent networks. The aim of the mast is to provide new 2G, 3G and 4G coverage and would be able to accommodate more advanced technologies when they come on stream in the future.

1.5 A number of alternative options have been considered prior to the submission of this application; these include siting on the roof of the Snape Methodist Church (not high enough); Snape Sewage Works, Ings Lane (owner permission not given); streetworks on Meadow Lane (within Conservation Area and likely to have greater visual and neighbouring amenity impact); Castle Arms Inn (within Conservation Area and likely to have greater visual and neighbouring amenity impact); rooftop of Snape Castle (unsuitable due to historic importance); and Salmon House, Salmon Lane (too far south of village to provide required coverage).

1.6 A mast of 15m in height would be classed as permitted development in this location.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 – Access

Core Strategy Policy CP3 – Community assets

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

Development Policies DP6 – Utilities and infrastructure

Development Policies DP28 - Conservation

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – The Parish Council acknowledges the significant concerns, with regard to health and safety issues, the environmental impact and the close proximity to the conservation area, expressed by many people in the parish in connection with this application. The Parish Council has, therefore, given further consideration to the application and in recognising the concerns expressed, it therefore has to register its objection to the proposed mast. Further, the Parish Council would like to see a more thorough investigation of alternative sites carried out. It is noted that some alternative sites have been indicated in the responses received by Hambleton District Council.

4.2 Highway Authority – no highway objections

4.3 Historic England – objects to the application on heritage grounds. The development site sits in a sensitive location outwith the boundary of the Snape Conservation Area but between the grade II listed Thorp Perrow Registered Park and Garden, the nationally important Scheduled site of Roman buildings and field system in Snape' and the nationally important Scheduled Snape Castle. Whilst prior approval means that the principle of development is not an issue, the Local Authority can consider siting and appearance. In this respect the applicant has to demonstrate that the chosen location is the only possible location and the appearance is the only possible solution and that neither cause 'harm'. The amended information does not include any assessment of heritage assets and therefore it is still not possible to establish whether the proposal will generate harm to the significance of designated and undesignated heritage assets. Similarly there is no clear assessment of alternative locations and the degree of harm to designated and undesignated heritage assets generated by the proposed development at those locations.

4.4 Natural England – no comments

4.5 MOD – no safeguarding objections

4.6 Public comments – a total of 34 letters of objection have been received from the local community whose comments are summarised as follows:

- It will not only be highly visible from our house and garden, but also it is too close to our property and those around it to be safe. Huge amount of radioactive waves are produced by these masts, which doesn't only concern me but I have two children and animals that will be in close proximity to it
- There is no need for more 'white space' to be provided by such a mast as we have fibre broadband in the village already. All the villagers that I speak to have enough coverage on their mobile phones
- If such a mast is required then why not erect it further out of Snape Village - we are surrounded by acres of fields, some with good hills.
- Grave concerns relating to the Radiation/Carcinogenic threat to surrounding properties and primary school
- Devaluation of property
- This tall construction is totally out of keeping with the character of the village, which is in a 'conservation' area, although I assume it will be outside of it but only just, they are by nature an industrial structure which does not fit in a village setting close to homes and our nursery/primary school
- The village has a certain ambiance, avenue of trees, castle, babbling brook, little bridges and old fashioned street lamps, it is a small picturesque village, a 17.5m mast will tower above all the buildings and is certainly not in keeping
- The coverage maps submitted show that significant coverage overlap will occur while leaving the village of Well still underprovided. The implication is that Snape has been chosen because a willing site host has been found even though a more effective location would be to the south west
- It will be out of keeping with the grade I listed castle and chapel as well as other older buildings in the immediate area
- Bats in the locality may be affected
- It will severely impact not only on the village but also on the grade I listed castle, the adjacent grade II listed Thorp Perrow gardens and the scheduled Roman settlement of Roman Buildings and Field System.
- We understand it is beneficial to have speedy and efficient mobile reception , however we have chosen to live in this very beautiful village and accept that there are compromises to be made.
- It is considered that Clarke Telecom have not done everything possible to consider alternative sites.
- The photos are mis-leading due to the locations from which they have been taken.
- The appeal decision in Uxbridge is totally irrelevant to this situation as Snape is a small picturesque village in a Conservation Area with a historic castle and many listed buildings. The mast would be seen from many parts of the village and would be completely out of keeping with the rural character of the village.

A petition of more than 90 names has been received stating that those who are most affected by a telecom mast should be the ones to decide whether the project should go ahead. If you feel the mast will cause health problems it becomes a material planning consideration and must be taken into account by the Council. The government funded Stewart report is very clear; no masts near schools (our's is less than 200yds); no masts near the homes of children or other vulnerable people (it would be surrounded by kids and the elderly). The Council needs to adopt, in full, the precautionary approach recommended by the Stewart Report. PPG8 is for guidance only as loss of amenity is a very valid planning issue. Worrying about the implications to one's health, particularly if visible from one's home, is going to affect

the person's quality of life – thus leading to a loss of amenity. We would also direct you to the Human Rights Act of 1998, an individual as a right to the enjoyment of their property. The environmental impact of a planning decision on a neighbouring property brings into play the right for respect for home, privacy and family life.

5.0 OBSERVATIONS

- 5.1 The issues are (i) the principle of a telecommunications mast and the provisions of the Code of Best Practice., (ii) the visual impact of the proposals on the character of the area; (iii) the effect on residential amenity; (iv) the effect on heritage assets; and (v) highway safety.

The principle of the telecommunications mast in this location and the Code of Best Practice

- 5.2 The NPPF supports an advanced, high quality communications infrastructure, as it is essential for sustainable economic growth and to enhance community facilities and services (paragraph 42). Paragraph 43 states that existing masts should be used unless the need for a new site has been justified. There are no existing masts within the vicinity.
- 5.3 The Code of Best Practice on Mobile Network Development in England (2013) is a material consideration in establishing the procedures of consultation, notification and determination of telecommunication applications.
- 5.4 As set out in the Code of Best Practice the consideration of alternative locations is an integral part of the process of assessing an application for the approval of the siting of a new mast. This exercise acknowledges the sensitivity of the location of such structures and serves to emphasise the importance of searching for the optimal location rather than just one that is acceptable. To properly address this issue, it is necessary to identify the alternative possibilities, if any, and then evaluate those potential candidates to arrive at the best location for the proposal.
- 5.5 The NPPF advises that Local Planning Authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.
- 5.6 The applicant has considered 6 possible alternative locations within or close to the village of Snape and all have been discounted for reasons that there is no permission from the landowner, the required coverage could not be achieved or the mast would have a more harmful impact on the visual appearance of the village or the amenity of local residents than the proposed development.
- 5.7 It is therefore accepted that the sequential test has been adequately carried out and there would be no other sites that would be better placed given the rural nature of the area and the potential visual impact a mast would have on the countryside, and also giving consideration to the neighbouring commercial use and the adjacent field boundary trees which would help to assimilate the mast into its environment.

Visual impact on the surrounding area

- 5.8 LDF Policies CP16 and DP30 require new development to respect the openness and intrinsic character and quality of the landscape. The Code of Best Practice, referred to above, provides examples of where the visual impact of a mast can be greatly reduced. These include placing masts near similar structures, for example, industrial

and commercial premises; adjacent to an existing group of trees; using simple designs; and using appropriate colouring.

- 5.9 The mast would have a maximum height of 17.5m, which would be taller than the nearby trees. There are other vertical structures in the vicinity including trees and telegraph poles although none would be as tall as the proposed development. The reason for this is to allow the mast to 'see' over adjacent structures. A lower mast would not be effective.
- 5.10 The site lies outside of the village but not too far for it to lie within the open countryside, which effectively begins to the north of the paddock within which the mast would be sited. When viewed from the open countryside it would be seen within the context of the village rather than the undeveloped open countryside. The adjacent trees would not screen the mast from all viewpoints but would soften the impact and break up views allowing glimpses rather than long range views. The mast would lie approximately 60m from the Price's Paving showroom and closer still to an agricultural building on the neighbouring property so it is considered that its siting would not detract from the openness of the rural landscape and would be in accordance with LDF policies and government guidance.
- 5.11 The position of the mast is such that it would be visible above the rooftops of the houses that front onto Meadow Lane and would therefore be seen within the context of the Conservation Area. The views would generally be longer range views and glimpses and would be only of part of the mast rather than a large proportion of the structure. At its closest point the mast lies more than 120m from the street frontage. Existing telegraph poles and other street paraphernalia lie within the Conservation Area although are lower in height but have a much greater visual impact. It is considered that the position of the mast within the 'village fringe' is ideally placed in respect of its relationship to both the village and the adjacent countryside and would comply with LDF Policies CP16 and DP30.

Effect on residential amenity

- 5.12 LDF Policy DP1 requires development to adequately protect amenity, with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed mast would lie approximately 80m from the nearest domestic neighbour and would not therefore affect residents as a result of, for example, a loss of privacy or an increased sense of enclosure. Although the mast would be visible from several properties in the village it would not cause a loss of amenity contrary to Policy DP1.

Heritage assets

- 5.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.14 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Snape Conservation Area.
- 5.15 The site lies outside the boundary of the Snape Conservation Area but is within close proximity of the Grade I listed and scheduled Snape Castle, the grade II listed Thorp Perrow Registered Park and Garden and the Scheduled Roman settlement of 'Roman buildings and field system in Snape' thereby the development has the potential to impact on the setting of these heritage assets.

- 5.16 The proposed mast lies approximately 520m to the east of the Castle and approximately 120m from the south eastern tip of Thorp Perrow. Any views of the mast would not be seen in the context of these heritage assets and will cause less than substantial harm to their significance. The harm would be that glimpses of the mast would be possible from Thorp Perrow and from close proximity to the Castle.
- 5.17 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Consideration of the principle of the mast installation is not within the remit of the Local Planning Authority and matters such as the need for a mast in this location are not material to the decision. The coverage maps clearly show the installation of a mast in this location would infill a significant number of gaps in the network. As stated within paragraph 42 of the NPPF 'advanced, high quality communications is essential for sustainable economic growth' and therefore the proposed site is considered to provide an acceptable solution for the proposed development.

Highway Safety

- 5.18 Following the installation of the mast, access to the site would be limited to visits for inspection and maintenance. The intensification of the use of the existing access would not be significant and would not give rise to issues of highway safety.

Other matters

- 5.19 There is a significant amount of concern among local residents regarding the health risks of the proposed mast. Due to the inclusion with the application submission of an ICNIRP Certificate this matter cannot be included as a material planning consideration and is not relevant to the Local Authority's decision.
- 5.20 The Human Rights legislation includes provision for the protection of an individual's home and property from inappropriate interference by (local authorities) but makes provision for interference in the interests of the general public, provided that interference is undertaken lawfully, such as through planning legislation.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 100A, 200A and 300AB received by Hambleton District Council on 27 June 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.