

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2381/OF1
2.	Proposed Development:	EXISTING TELECOMS INSTALLATION UPGRADE INVOLVING THE REMOVAL AND REPLACEMENT OF 3NO. ANTENNAS ONTO EXISTING POLES, THE RE-LOCATION OF 1NO EXISTING 0.3M MICROWAVE DISH AT A LOWER HEIGHT BY 500MM, THE INSTALLATION OF 1NO. NEW CABINET ONTO A NEW CONCRETE BASE (HAVING DIMENSIONS OF 1900X600X1752), THE REMOVAL AND REPLACEMENT OF 1NO EXISTING CABINET TOGETHER WITH THE INSTALLATION OF ANCILLARY EQUIPMENT. THE CUMULATIVE VOLUME OF ALL CABINETS INSTALLED DOES NOT EXCEED 90M3.
3.	Location:	ALBION STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>The application relates to the chimney located on Albion Street within Whitehaven Town Centre. The site lies to the west of Rosemary Lane and it falls within the Whitehaven Conservation Area.</p> <p>The mast currently houses various pieces of telecommunications equipment.</p>

PROPOSAL

Planning permission is sought for the installation of upgraded telecoms equipment. The works involve the removal and replacement of three antennas onto existing poles, the re-location of one existing 0.3m microwave dish at a lower height by 500mm, the installation of one new cabinet onto a new concrete base (dimensions of 1900x600x1752), the removal and replacement of one existing cabinet together with the installation of ancillary equipment. The cumulative volume of all cabinets installed does not exceed 90m³.

RELEVANT PLANNING APPLICATION HISTORY

Planning permission has previously been refused for '3 no. cross polar antennae flat mounted to chimney, 3 no. possible future 0.6mm transmission, dishes, 1 no. portasilos midi cabin and associated' (ref: 4/01/0011/0).

Planning permission has previously been granted for '3 no. wideband antenna mounted to existing, redundant chimney, 1 no. midi cabin on concrete, base with associated equipment in fenced off' (ref: 4/02/0225/0) and the 'upgrade of existing antennae' (ref: 4/09/2128/0).

CONSULTATION RESPONSES

Consultees

Whitehaven Town Council – No objection.

Conservation Officer – No objection.

Public Representations

The application has been advertised by way of site notice and press notice.

No objections have been received as a result of this consultation, although one query questioned the use and increased range of the equipment.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy T2 – Information and Communications Technology

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM23 – Information and Communications Technology

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning (Listed Building and Conservation Areas) Act 1990 (LBCA)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on the heritage assets.

Principle of Development

Development which seeks to improve connectivity through existing telecommunications in all parts of the Borough will be supported subject to detailed criteria, which are considered below.

The applicant provided justification for the upgrade works which will provide the surrounding area with mobile coverage, while linking other sites into the wider Network. At present, there is a gap in network coverage within this particular area. The site has been chosen as upgrading the existing equipment on Albion Street will reduce the need for another telecoms installation in the area, which accords with governmental guidance regarding using existing telecoms locations.

On this basis, the principle of development is acceptable in accordance with Policy ST1 and ST2.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure high standards of design are maintained, with appropriate scale and materials, responding to

the character of the site.

Policy DM23 supports communications technology development while considering whether the proposal is within a visually prominent location or protected area including Conservation Areas. The need to site and design equipment to minimize its impact on the surrounding area is also considered.

The proposal will upgrade the existing telecoms equipment and therefore it is considered to be suitably located. The replacement and reduced height of the equipment on the chimney will minimise impact on the surrounding area as it will be seen in the context of the existing development. The new cabinet and plinth will be well screened due to the boundary fence and relationship with the adjacent building. The proposal is therefore considered to be appropriate in scale and it will not be excessively prominent within the Conservation Area or on nearby residential areas.

On this basis, the proposal is considered to comply with Policy DM10 and DM23 from the Local Plan.

Heritage Assets

Policy ENV4 and DM27 seek to protect the built heritage and maximise the value. DM27 supports development proposals which protect, conserve and where possible enhance the historic and cultural architectural character of the Borough's historic sites and their settings.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 72 of the LBCA requires that: 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance' of a conservation area.

Paragraphs 184 – 202 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as listed buildings, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public benefits of a development.

The Conservation Officer considered that the development will have a neutral direct and indirect impact on the chimney (non-designated heritage asset) and the character and appearance of the Conservation Area from the replacement and relocated equipment located on the chimney. It was also considered that the development will have neutral impact on the settings of the listed buildings that appear in views with the chimney, or have a view of it.

The addition of the new cabinet and plinth will be well concealed, and have negligible harm on the setting of the chimney, which will be affected only when standing in the immediately vicinity of it, or looking down at it from the pavement on Rosemary Lane. On this basis, it was considered that the cabinets will have neutral impact on the character and appearance of the Conservation Area.

Overall, the Conservation Officer raised no objection to the proposal as it was considered that the very minor harm appears justified by the proposed benefit. In accordance with the tests set out in the LBCA and the NPPF, the potential harm of the proposed replacement communications technology is considered to be minor and great weight should be given to the clear benefits of the proposal.

	<p>On this basis, the proposed communications technology is considered to meet Policy DM27, thereby satisfying the duties set out in the LBCA.</p> <p><u>Planning Balance and Conclusion</u></p> <p>On balance, the upgraded communications technology development is considered to be suitably located and the minor harm on the character of the Conservation Area is outweighed by the proposed benefits that will result from the scheme. The application is therefore considered to be an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <li data-bbox="183 768 1435 840">1. The development hereby permitted must commence before the expiration of three years from the date of this permission. <p style="margin-left: 40px;">Reason</p> <p style="margin-left: 40px;">To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li data-bbox="183 1119 1458 1190">2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: - <p style="margin-left: 40px;">Site Location Plan, scale 1:1250, received 23rd August 2021; Existing Site Plan, scale 1:50, received 23rd August 2021; Existing Elevation, scale 1:200, received 23rd August 2021; Proposed H3G Site Plan, scale 1:50, received 23rd August 2021; Proposed H3G Elevation, scale 1:200, received 23rd August 2021; Site Detail Sheet, received 23rd August 2021; Planning Justification Statement, received 23rd August 2021.</p> <p style="margin-left: 40px;">Reason</p> <p style="margin-left: 40px;">To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p>

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant Listed Building Consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Unsworth

Date : 21/10/2021

Authorising Officer: N.J. Hayhurst

Date : 21/10/2021

Dedicated responses to:- N/A