

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2034/0F1
2.	Proposed Development:	THE REMOVAL OF 6 ANTENNAS, AND INSTALLATION OF 6 ANTENNAS ON NEW SUPPORT STEELWORK, REPLACEMENT OF EQUIPMENT CABINET AND INSTALLATION OF ANCILLARY EQUIPMENT ON NEW SUPPORT STEELWORK
3.	Location:	BRITISH TELECOM, CATHERINE STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - 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: Site And Location	<p>This application relates to the British Telecom building, located on Catherine Street in Whitehaven. The Salvation Army is situated to the south west, a car park for use by the British Telecom building to the north east, the Cumbria Record Office to the north west and terraced houses opposite to the north east.</p> <p>The site falls within the Whitehaven Conservation Area.</p>

Proposal

Planning Permission is sought to upgrade the existing telecommunications infrastructure. It will include the removal of 6 antennas and installation of 6 new antennas on new support steelwork, the replacement of an equipment cabinet and the installation of ancillary equipment on new support steelwork.

The application is supported by the following:

- Application Form;
- Covering Letter/Planning Statement;
- Site Location Plan;
- Proposed Plans and Elevations;
- Declaration of Conformity;
- 5G Helping to Tackle Climate Change Information;
- 5G Health and Safety Information;
- National Policy Delivering Ultra Fast Broadband Mobile Connectivity Information.

Relevant Planning Application History

Erection of telecommunications antennae and equipment cabinets, approved in September 1997 (application reference 4/97/0582/0 relates);

1 flagpole antennae and 2 equipment cabinets, approved in July 2000 (application reference 4/00/0335/0 relates);

Installation of 3 no. H3G antennas, 3 no. transmission dish antennas, 2 no. equipment cabinets and ancillary development, approved in February 2003 (application reference 4/02/1399/0 relates);

Installation of three antennas mounted on 2.5m mast and installation of grillage to support mast and associated handrailing, approved in April 2004 (application reference 4/04/2205/0 relates);

Installation of 4 no. face mounted antennas and 3 no. 600mm transmission link dishes and sic pack equipment cabinets, approved in July 2004 (application reference 4/04/2443/0 relates);

Upgrade of existing O2 facility comprising the addition of 3 no. 3G antennas on the roof of the exchange, approved in August 2004 (application reference 4/04/2759/0 relates);

Removal of 6 no. existing antennas and installation of 6 no. replacement antennas, 1 no. transmission dish, removal of 3 no. existing equipment cabinets, approved in August 2016



Cumberland Council

(application reference 4/16/2239/0F1 relates).

Consultation Responses

Whitehaven Town Council

No objections.

Conservation Officer

Description: The BT Exchange is an interesting building as it is so different stylistically from the majority of the rest of Whitehaven. Despite this, it has some merit architecturally, and serves as a dramatic representation of late modernist architecture in the town. The side that addresses Catherine Street is its best, with a range of volumes that break up and articulate the central mass. The façade treatments are lively, with a range of rectilinear panels, corrugated cladding, and glazing that provide an impressive effect, yet one that still adopts a height at street side that reflects that of the houses on the opposite side. The separation of the main part of the building from its surroundings, and the fact that when seen from the other side it is viewed against the backdrop of the rising land to the east, significantly reduce the visual impression. The antennae, pipework and railing on top of the building add to its character. It is one of very few buildings left in Whitehaven that might be considered industrial and remains complete.

There appears to be a substantial ivy growing up the eastern corner of the building. Though picturesque, this should be removed if it hasn't already as it is likely to lead to damage.

Conclusion: No objection

Assessment:

- I would view the proposal as entailing a neutral impact on the significance of the building, and on the character and appearance of the conservation area.

Environmental Health

There are no objections to this proposal from Environmental Health.

Whilst there have been some health concerns about exposure to electromagnetic radio waves, there is no definitive causal link.

The installation produces radio waves which are non-ionising, meaning they do not damage human DNA cells in the way that gamma rays, X-rays and UV rays may do.

The applicant has provided a Health & Safety supporting document outlining the ICNIRP Public Exposure Guidelines concerning compliance with national and international safety thresholds on exposure to non-ionising radiation and a Declaration of Conformity to these guidelines.

In terms of possible interference with existing radio and television coverage in the area,

Environmental Health are unaware of any previous issues of this nature after similar planning approvals, and the applicant has noted that further advice / redress to the public on this matter is provided by Ofcom, who also oversee the operation of the user's licence.

Public Representations

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

No responses have been received as a result of this advertisement.

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local 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

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM23 – Information and Communications Technology

Policy DM27 – Built Heritage and Archaeology



Cumberland Council

Emerging Copeland Local Plan 2021-2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Policy BE1PU – Heritage Assets

Policy BE2PU – Designated Heritage Assets

Policy CO1PU – Telecommunications and Digital Connectivity

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

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

Conservation Area Design Guide 2017

Assessment

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

Principle of Development

Developments which seek to extend or improve connectivity through existing and emerging telecommunications in the Copeland area will be supported subject to appropriate safeguards, which are considered below.

The proposal relates to a building within Whitehaven Town Centre which benefits from existing telecommunications equipment.

The site is being utilised for the provision of 5G and the infrastructure upgrade 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 the development is therefore considered to be acceptable in accordance with Policies ST2, T2 and DM23 of the Local Plan, CO1PU of the ELP and the NPPF guidance.

Scale and Design

Policy ST1 of the CS, DS1PU of the ELP and section 12 of the NPPF seek to safeguard good levels of quality and attractiveness. Policy DM10 of the CS and DS6PU of the ELP seek to ensure development is of an appropriate scale and design which is appropriate to their surroundings.

Policy DM23 requires proposals to generally avoid high quality landscapes, particularly visually prominent locations and to protect conservation areas, listed buildings and their settlements and requires the siting and design of equipment to minimise its impact on the surrounding area. Policy DM23 also requires the availability of alternative sites or possible sharing facilities with other operators must be considered.

Policy CO1PU of the ELP supports the provision of infrastructure for connectivity, particularly where it provides access to 5G. It requires sensitive sites to be safeguarded and any adverse impacts to be mitigated.

The proposal will replace the existing antenna and include some new steel work and equipment cabinets. The additional infrastructure will be seen in context with the existing features on this building and it is unlikely that it will look materially different.

On this basis, the proposal is acceptable in accordance with Policies DM10 and DM23 of the Copeland Local Plan, DS1PU and DS6PU of the ELP and section 12 of the NPPF.

Amenity Impacts

Policy DM10 of the CS and DS6PU of the ELP seek to ensure developments do not adversely affect the amenities of adjacent dwellings.



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Environmental Health were consulted on the application. They confirmed that they have no objections to the proposal as it relates to radio waves which are non-ionising, meaning they do not damage human DNA cells in the way that gamma rays, X-rays and UV rays may do. In addition, the applicant has provided a Declaration of Conformity with ICNIRP Public Exposure Guidelines concerning compliance with national and international safety thresholds on exposure to non-ionising radiation.

In terms of possible interference with existing radio and television coverage in the area, the applicant has assured within the application that “the telecommunications infrastructure...accords with all relevant legislation and as such will not interfere with other electrical equipment”.

On this basis, the proposal is not considered to harm the amenity of the surrounding area and the proposal is acceptable in accordance with Policy DM10 of the Local Plan and DS6PU of the ELP.

Heritage Impacts

Policies ENV4 and DM27 of the CS and BE1PU and BE2PU of the ELP relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DM10 of the CS and DS6PU of the ELP requires good design.

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 66.1 requires that: *‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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 requires that: *‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance’* of a conservation area.

The application is supported by a covering letter which includes a heritage statement. This has been fully assessed by the Council’s Conservation Officer who concluded that the proposal is likely to have a neutral effect on the Conservation Area and that the building’s furniture adds to its character.

It is considered that the proposal will consist of negligible harm to the appearance of the building with the new antenna being viewed in context with the existing property.

The public benefit in terms of 5G coverage appears reasonable justification for the changes.

Overall, the proposed alterations will comply with policies ENV4 and DM27 of the Copeland Local Plan and BE1PU and BE2PU of the emerging local plan, respecting the character of the Whitehaven Conservation Area.

	<p><u>Planning Balance and Conclusion</u></p> <p>The application seeks planning permission to upgrade the existing telecommunications equipment in Whitehaven. It will provide 5G connectivity and the overall works will be modest in scale. The provision of increased connectivity for the Borough is considered to carry significant weight within the planning balance.</p> <p>Given the existing building furniture it is considered that the replacement of the antennae and addition of minor infrastructure will have a neutral impact on the amenity of the area and the surrounding Conservation Area. There will be significant public benefit and this will outweigh any potential harm.</p> <p>On balance, the proposal represents an acceptable form of sustainable 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"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> 2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - <p>Application form, received 25th January 2024; Covering letter, received 25th January 2024; Proposed Site Plan, scale 1:200, drawing number 163496-22-110-MD010 10, received 29th February 2024; Equipment Plan Proposed, scale 1:25, drawing number 163496-22-111-MD010 10, received 29th February 2024; Proposed Elevation, scale 1:200, drawing number 163496-22-160-MD010 10, received 29th February 2024; Proposed Antenna Plans, scale 1:50, drawing number 163496-22-161-MD010 10, received 29th February 2024; Proposed Antenna Schematics, drawing number 16349-22-163-MD010 10, received 29th February 2024;</p>



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Council**

Declaration of Conformity, received 25th January 2024.

Reason

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.

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 planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Sarah Papaleo

Date : 20/03/2024

Authorising Officer: N.J. Hayhurst

Date : 20/03/2024

Dedicated responses to:- N/A