

COMMITTEE REPORT

Date: 13 October 2021 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 21/01692/FUL
Application at: Mast Adjacent To Gas Holder Off Hawthorn Grove York
For: Relocated replacement 32m high telecommunications mast, associated equipment and enclosure
By: Heworth Green Development Ltd
Application Type: Full Application
Target Date: 14 October 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 This application relates to the telecommunications equipment at the Heworth Green former gasworks site. The site has outline permission for residential development (19/00979/OUTM). The layout of buildings on site was an approved detail in the outline permission and necessitates relocation of the existing equipment. The approved footprint of one of the buildings in zone B overlaps the area where the mast is positioned currently. The masterplan for the site relocated the mast to the proposed area to avoid buildings and remove the mast from obscuring views of the Minster from East Parade.

1.2 The existing mast is located to the east of where the gasholder was previously located. It sits on a concrete base at a ground level of approx. 13 m AOD. The mast is 29.5 m high.

1.3 The application is to replace the existing mast and associated equipment on site, with a new, taller and relocated mast. The proposed mast will be some 60m north-east of the existing mast site, closer to housing at Heworth Mews. Its base will be at between 13.1 m and 13.2 m AOD. The mast would be 32 m high.

1.4 The two masts are of similar construction; steel framed lattice type masts. The structure design is necessary to accommodate the amount of equipment and its necessary height to provide adequate coverage.

1.5 The current proposal will continue to provide 2G, 3G & 4G coverage and add fifth generation coverage (5G).

1.6 Also included in the scheme is a cabin accommodating equipment, which would be around 2.8m high. The cabin and the mast would be enclosed within a 2.1 m high fence.

1.7 The top of the proposed mast would be at approximately 45 m AOD. This would be taller than the approved buildings at the former gasworks site. Within the outline approval the maximum building heights are 30.87 m AOD for block B and 28.47 m AOD and 27.87 m AOD for blocks A and C respectively (the latter being the blocks on the Heworth Green side of the site).

Call-in

1.8 The application is brought to planning committee at the request of Cllr Fitzpatrick. Grounds for the call-in are as follows –

- The strength of feeling of local residents due to the apparent lack of engagement from the developers regarding the application.
- The loss of amenity to local residents by creating an obstruction to their only outside view.
- A hazard in terms of children trying to play on the compound and its equipment as it is so close to a children's play area.
- Due consideration would not appear to have been given to alternative sites that would lessen the harm to resident's amenities.
- The increased height of the mast represents a reduction to the amenity of all neighbouring residents and also residents further into Heworth.

2.0 POLICY CONTEXT

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

2.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these should be applied.

2.3 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

2.4 Key policies / sections of the NPPF are as follows -

10. Supporting high quality communications
12. Achieving well-designed places
16. Conserving and enhancing the historic environment

2.5 The Publication Draft City of York Local Plan 2018 ('2018 DLP') was submitted for examination on 25 May 2018. The policies can be afforded weight in accordance with paragraph 48 of the NPPF. Key relevant policies are

- C1 Communications Infrastructure
D1 Placemaking

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainability

3.1 Sought for further analysis to illustrate impact on the setting and justification for the proposed design and increased height. Any further comments will be reported verbally.

EXTERNAL

Guildhall Planning Panel

3.2 Object. Agree with the other objections in that this new tower is too tall and in the wrong place.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 There have been 15 objections from nearby properties, at 19 Hawthorn Grove, 7-14 Heworth Mews, the old bakery, behind Mill Lane and other properties on Mill Lane. Comments were as follows -

- Damaging effect on city centre skyline.

- Unduly over-dominant over houses, especially those at Hawthorn Grove and Heworth Mews. Unduly close to Heworth Mews and their outside amenity space, including upper floor balconies.
- The mast will be unduly prominent due to its height and in particular in the winter months.
- Suggested alternative locations, example of Foss Islands Chimney provided, on the buildings to be developed at the former gasholder site, and elsewhere on site, further from residential properties and close to Eboracum Way.
- There was no consultation when the existing mast was introduced. There were proposals previously to relocate the mast to the application subject area. The proposals were refused by planning committee.
- Re-development and re-location should secure an enhancement; making the equipment more discreet. Disappointment the new mast would be more intrusive.

Councillor Webb

4.2 Objection on the following grounds:

- No clear answer why the equipment cannot be located on the approved buildings for the site.
- Lack of detail over the appearance of the mast.
- Negative effect on the conservation area due to the proposed mast being taller than the existing. Adverse effect on views of the Minster.
- Adverse impact on residents. Particularly around Hawthorn Grove and Heworth Mews. The mast will impinge on their views, reducing visual amenity

5.0 APPRAISAL

Key issues

The key issues are as follows –

- Principle of the proposed development

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- Impact on Heritage Assets
- Impact on visual and residential amenity

Principle of the proposed development

Policy context

5.1 Section 10 of the NPPF “Supporting high quality communications,” states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

5.2 Publication Draft Local Plan 2018 (DLP) policy C1 relates to communications infrastructure. It states applications will be approved wherever possible, unless adverse impacts on the special character of York significantly outweigh the benefits; that proposals will be supported where development relates to an existing mast or site and where mast sharing is facilitated. The policy gives the following relevant examples where refusal of an application could be applied –

- The development is of inappropriate location, scale and design, to the extent there would be an unacceptable adverse impact on residential amenity of people and properties.
- There are significant or demonstrable adverse impacts that outweigh the benefits of the scheme, particularly in areas of sensitivity including conservation areas, listed buildings and their setting, areas containing or in proximity to a heritage asset and areas of high visual amenity including protecting key views.

The policy goes on to state that a planning condition will be used to secure removal of redundant masts and equipment where appropriate.

Appraisal

5.3 The former gasworks site currently accommodates a telecommunications mast and equipment for multiple operators. The replacement mast would continue to accommodate this equipment and include equipment for 5G. As such, applying the NPPF and Draft Local Plan policy C1, the proposals are acceptable in principle and should be supported and approved wherever possible. Draft Local Plan (DLP) policy C1 explains where applications may not be acceptable. This includes where there would be an unacceptable adverse effect on residential amenity or there are significant or demonstrable adverse effects on heritage assets.

Impact on Heritage Assets

5.4 NPPF paragraph 195 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

5.5 DLP policy D1 Place-making refers to York's special qualities and the significance of the historic environment. Relevant to this application is the reference to building heights and views and the following design principles; to respect York's skyline by ensuring development does not challenge the visual dominance of the Minster or the city centre roofscape and to respect and enhance views of landmark buildings and important vistas. Section 1 of the DLP sets out the background and vision for the plan. In paragraph 1.52 regarding the historic environment it states that the city's landmark monuments, in particular the City Walls and Bars ... are of strategic importance to the significance of York and are key considerations for the enhancement and growth of the city.

5.6 The masterplan for the residential development of the site has planning permission. It was, in the arrangement and scale of buildings on site, informed by the prominent public views of the Minster from East Parade. A view corridor was identified and is annotated on the masterplan drawings. The scheme involved lower building heights within this viewing corridor to preserve the existing view. The relocation of the mast (as proposed in this application) moved the structure outside of this identified view corridor. This element of the scheme presented an enhancement in terms of the setting of the Minster. The mast needs to be relocated as it conflicts with the footprint of zone B, as approved in the outline permission.

5.7 This application site is not within a Conservation Area. The Heworth Green Conservation Area includes buildings to the north, along Heworth Green and on East Parade to the north-east. The Conservation Area description notes the varied nature of Heworth Green – the collective small village scale, identity and character typical of piecemeal development of Heworth Road, East Parade, Heworth and Heworth Green. Heworth Green also has the most architecturally significant and the largest of the suburban houses and villas in the conservation area.

5.8 The scheme would have no adverse impact on the setting of the Heworth Green Conservation Area, nor the Central Historic Core Conservation Area. As noted above, by relocating the mast on-site, it is taken out of the public vista of the Minster from East Parade. The character of Heworth Green is its varied architecture and its significant and large suburban houses and villas. Both the existing and proposed masts will be comparable in terms of the visual impact on the setting of Heworth Green. This is despite the proposed mast being some 25 m closer and 2.5 m taller, taking into consideration tree cover along Heworth Green and as the buildings

approved on site, within zones A and C fronting Heworth Green, will be up to 5 storey in height.

Impact on visual and residential amenity

5.9 The NPPF in paragraph 130 states development proposals should provide a high standard of amenity for existing or future users. In consideration of applications for telecommunications DLP policy C1 advises a scheme could be refused if development is of inappropriate location, scale and design, to the extent there would be an unacceptable adverse impact on residential amenity of people and properties.

5.10 The proposed relocated mast would be closest to the apartment block at Heworth Mews (7-14), some 25m away at its closest point. The existing tree cover on the Sustrans embankment is significant; there is no space for further tree planting without removal of existing trees. The apartment block at Heworth Mews is 3-storey with balconies outside living rooms on the elevation facing the former gasholder site.

5.11 The mast structure is a lattice type and narrows so its upper half is some 2 m in width / depth. The structure is of the same type and scale to the existing. The variation is in overall height, the proposed being 2.5m taller.

5.12 The tree cover remains visually dominant alongside the Sustrans route. No further tree removal is proposed to accommodate this scheme. The mast would be taller than the tree cover and, like the existing mast, its upper section would be seen from surrounding properties.

5.13 The apartments closest to the proposed mast have solid side walls which give enclosure to the balcony areas (with living room windows recessed further). These walls impede outlook from the apartments, towards the proposed mast location. The apartments at Heworth Mews are orientated so they would not look towards the proposed mast. The mast would not be in the direct line of sight from the apartments at Heworth Mews. The mast would be closer to Heworth Mews and could be viewed (although at an angle) from rear windows of buildings. It would be behind 19 Hawthorn Grove (over 50 m from the rear of the property), closer to 15, 17 and 19 Hawthorn Grove than the existing mast. Due to the design and height of the mast, it is unsightly and therefore there would be an adverse effect on the outlook from these dwellings. However there would be a comparable beneficial effect on other houses along Hawthorn Grove, which the mast would no longer be directly behind. There have been no objections from residents at 1-17 Hawthorn Grove.

5.14 The associated cabinets and enclosing fence would be under 3m high. They can be coloured to blend in with the tree cover and would not be visually prominent.

5.15 In giving weight to the adverse impact of the mast, the local policy test is set out in DLP policy C1. It states refusal is justified if there are significant or demonstrable adverse impacts that outweigh the benefits of the scheme.

5.16 The adverse effect is deemed not to be significant. The mast would not be materially different to the current structure in appearance and would continue to be evident, above tree cover, from surrounding houses. Whilst the mast is closer to housing at Heworth Mews, the closest properties are angled so they would look away from the mast location. There would not be a harmful adverse effect on outlook from living room windows and views from other areas would be of oblique views of the mast only.

5.17 A condition to require removal of the existing mast when it becomes redundant and the approved equipment at end of its lifetime is considered reasonable, given the visual impact.

6.0 CONCLUSION

6.1 The NPPF and Publication Draft Local Plan policy C1 state that telecommunications should be supported where possible. The NPPF states such infrastructure is essential for economic growth, and DLP policy C1 supports mast sharing and continued use of existing sites. The taller mast enables 5G to be accommodated. Further, it weighs in favour of the scheme that the relocation is to facilitate redevelopment of the site for new housing and the setting of the Minster, the views from the conservation area in East Parade would be enhanced. No harm to Heritage Assets has been identified.

6.2 The visual impact on the local area is comparable to the existing mast, which is evident above existing tree cover. The new mast would be some 2.6 m taller and of comparable lattice type design. The mast would be closer to housing at Heworth Mews and 19 Hawthorn Grove than the existing mast, but the relocation moves it further from other housing along Hawthorn Grove.

6.3 The mast would have an adverse impact on the amenity of surrounding residents in terms of outlook. This is, and would be, the case with the existing and alternative locations on-site. The equipment on the mast needs to be located at certain height. It would be no less obtrusive on the townscape or in the outlook from surrounding houses if it were located on the proposed buildings on-site; it would need to be some 15m taller than the tallest buildings. In any event the developers of

the site and the mast operators have discounted this option, for example due to issues around maintenance access and as there would be compromise on the design and function of the proposed dwellings.

6.4 The visual impact of the proposed mast is mitigated by the separation distance from housing and prominence of tree cover. Overall, the mast would not be significantly more intrusive than the current structure, to the extent that would justify a refusal on amenity grounds.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Site plan - 19140-VB-ZC-XX-M3-A-(03M)005

Site plan - 306408-06-100-MD007-7 rev 7

Proposed mast elevation - 306408-06-150-MD007-7 rev 7

Proposed location with ground levels - 0575-RFM-XX-XX-SK-L-1031

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Tree Protection

No development shall commence until a method statement regarding protection measures for the existing trees has been submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not

remove' shall be attached to each section of fencing.

Reason: Required prior to commencement to ensure protection of existing trees which make a significant contribution to the amenity of the area and are required to screen the proposed development from surrounding buildings.

4 Removal of existing mast

Prior to commencement of development the Local Planning Authority shall be notified of the programme of works for installation of the development hereby permitted and the removal of the redundant mast and its associated equipment. The programme of works for the removal of redundant equipment shall be approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: Details are required prior to commencement in the interests of visual and residential amenity and the setting of heritage assets, in accordance with NPPF sections 12 and 16 and policies D1 and C1 of the Publication Draft Local Plan.

5 Screening to enclosure / compound fence

The development shall not be brought into use until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme illustrating soft landscaping to screen the exterior of the compound.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within the lifetime of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and good design, in accordance with NPPF paragraphs 115 and 130.

6 Colour finish to associated equipment

The compound fence and access gates and the exterior of the equipment cabinets hereby permitted shall be colour coated so to blend in with the adjacent tree cover and shall be maintained as such at all times.

Reason: In the interests of visual amenity and good design, in accordance with NPPF paragraphs 115 and 130.

7 Removal of approved equipment (at the end of its lifetime)

The equipment hereby permitted shall be fully removed from site at the end of its lifetime.

Reason: In the interests of visual and residential amenity and the setting of heritage assets, in accordance with NPPF sections 12 and 16 and polices D1 and C1 of the Publication Draft Local Plan.

8.0 INFORMATIVES:

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: the use of planning conditions.

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