

COMMITTEE REPORT

Date: 14 December 2016 **Ward:** Wheldrake
Team: Major and **Parish:** Elvington Parish Council
Commercial Team

Reference: 16/02212/FUL
Application at: Proposed Telecommunications Mast Elvington Lane
Elvington York
For: Erection of 22.5m monopole to support 3no.
telecommunications antennae for shared use by Vodafone
and Telefonica, which together with the installation of 2no.
dishes and 3no. ground based equipment cabinets will
provide 3G and 4G mobile electronic communication
services from the installation.
By: Shared Access & CTIL
Application Type: Full Application
Target Date: 16 December 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is a full planning application for a new 22.5m telecommunications mast with 3 cabinets and sited within a small compound.

1.2 The site is adjacent to a wooded area and accessed via an existing track off Elvington Lane which provides access to the pitches at the sports club. It is within the Green Belt. The mast and compound will be situated just beyond the football pitches on a flat grassy site. Adjacent to the site is a doctors' surgery, play area and sports' pavilion.

1.3 The application is brought to Main Planning Committee as the proposal constitutes inappropriate development within the general extent of the Green Belt.

2.0 POLICY CONTEXT

See Section 4

3.0 CONSULTATIONS

INTERNAL

3.1 No comments received.

EXTERNAL

Elvington Parish Council

3.2 No objection.

Neighbour notification and publicity

3.3 No representations received.

Pre-Application Consultation

3.4 The applicant has indicated that pre-application consultation was undertaken with Elvington Primary School, doctor's surgery, airfield and the parish council. A request for more information was received from the parish council and this was supplied. A self-certification certificate for compliance with the International Commission Guidelines has been submitted.

3.5 The site is outside the playing fields, therefore Sports England has not been consulted, and no impact is anticipated on sports pitch provision on the site.

4.0 APPRAISAL

4.1 KEY ISSUES

- Policy context
- Principle of the development – Assessment of harm to Green Belt
- Other considerations – Telecommunication improvement and specific location; Impact on trees; Access

POLICY CONTEXT

Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Local Plan

- 4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

Emerging Local Plan

- 4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

The National Planning Policy Framework NPPF

- 4.5 The NPPF was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.
- 4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Your officer's view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

GREEN BELT

- 4.7 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt

apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

- 4.8 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:
- to check the unrestricted sprawl of large built-up areas
 - to prevent neighbouring towns merging into one another
 - to assist in safeguarding the countryside from encroachment
 - to preserve the setting and special character of historic towns
 - and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.9 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 does allow certain types of development providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. This application does not fall within the list of development types considered acceptable in para.90 and therefore should only be approved where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations amounting to very special circumstances.

PRINCIPLE OF THE DEVELOPMENT

ASSESSMENT OF HARM TO GREEN BELT

- 4.10 The NPPF states that inappropriate development is by definition harmful to the Green Belt. There is also some limited harm to openness as a result of the compound, cabinets and mast which are an intrusion in to the otherwise open aspect of this part of the playing field. The site is however adjacent to a wooded area which will provide some screening of the development from long range views such that only the top section of the mast above the trees will be visible. The compound is 2.6m in height and will appear an intrusion in the openness of this part of the playing fields but it will be finished in green and is set against a backdrop of a densely wooded area. It is also in proximity to the football net which are similar in scale and will ensure this area of the site is not entirely undeveloped. At 22.5m the mast will exceed the height of the trees but the applicant states that this is necessary to provide good telecommunications coverage. Within the wider playing field site there are flood lighting columns which are sited in a far less sensitive position within the middle of the site.

4.11 Limited harm has been identified to openness as a result of the compound, cabinets and mast introducing an intrusive element in to an otherwise relatively undeveloped area. The wooded area to the rear does however provide some screening and the applicant has indicated that the equipment will be finished in a green colour. While relatively close to the highway, the site is significantly screened by the doctor's surgery and it is considered that little of the development will be visible in long range views.

OTHER CONSIDERATIONS – TELECOMMUNICATIONS IMPROVEMENT AND SPECIFIC LOCATION

4.12 As stated above, the NPPF clarifies that the form of development proposed constitutes inappropriate development within the Green Belt and should therefore only be approved in very special circumstances. The applicant has therefore provided the following statement detailing these very special circumstances:

- Improvement to the telecommunications network across a range of technologies where there is a demonstrable need for improved coverage. The site is efficiently sited within an area identified by CTIL Radio Planners as being deficient in coverage. Specifically the mast will provide coverage to the rural villages of Elvington, Sutton upon Derwent and the immediate surrounds.
- The mast will be painted green, so as to assimilate its immediate location set against the trees immediately to the east which provide screening beyond. Special consideration has been given to the discrete location and design of the proposed mast where the mast will appear camouflaged from views in the surrounding area.
- The list of candidate sites demonstrates the search undertaken to find alternative locations to erect a telecommunications installation. It has been clearly stated that the surveyed sites do not provide adequate opportunities by means of structural composition and the need to increase the overall size of development.
- The club would like to improve their drainage system for the grass pitches to facilitate more use during the autumn and winter months, with interest in also resurfacing the MUGA to allow for all weather and multi-sport use, better storage facilities and improvements to the clubhouse itself. The investment into the club would aid such improvements to the club.

4.13 The NPPF states in para.45 that applications for telecommunications equipment should be supported by the necessary evidence to support the proposed development. This supporting evidence should include the outcome of consultations with organisations with an interest in the proposed development; evidence that consideration has been made of siting the

equipment on an existing building or mast sharing; and a statement that certifies that when operational the equipment will meet International Commission guidelines.

- 4.14 It is considered that the need to site the mast within the target area provides the most relevant aspect . Coverage is currently poor within the villages of Elvington, Sutton on Derwent and surrounding areas and the proposed mast will significantly improve this. The applicant has also provided a list of sites which have been considered as alternatives but do not provide the benefits of the application site. The financial incentive to the Club referred to is not considered to be a relevant material planning consideration that should be taken into account in determining the application.

IMPACT ON TREES

- 4.15 Three trees adjacent to the site were identified as potentially impacted by the proposal. The site overlaps the Root Protection Zone of one of these trees. To ensure minimum damage to the roots, a specialist form of foundation consisting of a steel platform fastened to the ground at the corners with screws will be utilised and a no-dig load bearing surface will be used along the access road to avoid compaction. A small amount of pruning of the trees above the site will be required to allow construction and ensure coverage. A condition is suggested to ensure the works to the trees are carried out in accordance with the submitted tree survey.

ACCESS

- 4.16 Access to the site is good and is via a short track off Elvington Lane down the side of the doctor's surgery. This track currently provides secondary access to the playing fields with a main access to the car park at the other side of the surgery.

5.0 CONCLUSION

- 5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. Having regard to the purpose of the RSS policies it is considered appropriate and justified that the proposal is therefore assessed against the more restrictive policies in the NPPF relating to protecting the Green Belt.
- 5.2 The NPPF indicates that very special circumstances cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, harm has been identified by way of inappropriateness and impact on openness. The applicant has indicated that the siting of the proposal provides improved

telecommunications coverage to an area that is presently not well served. Evidence has been submitted to show that alternative sites have been considered, but no appropriate site has been identified outside the Green Belt which provides the same level of telecommunications coverage.

- 5.3 In the circumstances of this case the need for the mast and the evidence of a lack of suitable alternative sites outside the Green Belt is considered to clearly outweigh the harm to the Green Belt by way of inappropriateness and any other harm, even when giving substantial weight to such harm. There are no other material planning considerations that would warrant refusal of the application and therefore the development is recommended for approval subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to conditions

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out in accordance with the following plans:-

Location plan 100 Rev B

Proposed elevations 301 Rev B

Proposed site plan 201 Rev B

Tree survey SA134AIA

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

- 3 Development shall be carried out in accordance with the information contained within the tree survey ref. SA134AIA.

Reason: To protect the existing trees adjacent to the site.

7.0 INFORMATIVES: Notes to Applicant

1. 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 (paragraphs

186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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