

MEETING:	PLANNING COMMITTEE
DATE:	14 June 2017
TITLE OF REPORT:	<p>163673 - PROPOSED ERECTION OF 15M MONOPOLE TO SUPPORT 2NO. ANTENNAS AND 1NO. DISH, FLOODLIGHTS, TOGETHER WITH THE INSTALLATION OF 5NO. EQUIPMENT CABINETS AND ERECTION OF 1NO, 10M FLOODLIGHT STRUCTURE WITH 2NO. NEW FLOODLIGHTS AT THE PAVILION TENNIS CLUB, LEDBURY, HEREFORDSHIRE, HR8 2JE</p> <p>For: Shared Access Limited per Mr Richard Morison, First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163673&search=163673

Reason Application submitted to Committee – Re-direction

Date Received: 16 November 2016 Ward: Ledbury South Grid Ref: 371349,237053

Expiry Date: 12 January 2017

Local Member: Councillor EL Holton

1. Site Description and Proposal

- 1.1 Ledbury Lawn Tennis Club is on the eastern side of the A449/Gloucester road in the Ledbury Conservation Area. The class I road provides the western boundary to the Malvern Hills AONB, which continues northwards to the north-west bound A449 as it continues onto Malvern and includes Ledbury Park. The adjoining land to the tennis courts inclines steeply to the east up to Coneygree Wood.
- 1.2 The proposal has two distinct elements: the first is the erection of a 15 metres high monopole to support two antennas and one dish and the second is the upgrading of existing floodlighting on 10 metres high poles around the tennis court. This will be supplemented by the installation of olive green coloured equipment cabinets used in association with the telecommunications equipment and the floodlighting.
- 1.3 The monopole is proposed to be sited a short distance from the north-western corner of the three tennis courts. The monopole will have a galvanised finish and is slightly wider at the top than the bottom. The dishes will be fixed on the structure at just below the 10 metres height. The Planning Statement confirms that the monopole is a joint venture between Vodafone and O2, where infrastructure is shared. It is stated that the monopole is intended to address coverage deficiencies in order that more people can access 4G high speed internet technology.

- 1.4 There is a line of evergreen trees between the proposal site and the stone walled fringed footpath to the Gloucester road. There is extensive housing development on the other side of Gloucester road that declines south-westwards.
- 1.5 The second element is the upgrading of existing floodlighting. One new floodlight will be sited at a height of 9.5m on the proposed monopole, also existing lighting will be upgraded to 3 lights on two existing columns, upgraded on the southern end of the courts from one to two lights and a new two light structure again, 10 metres high will be sited on the northern end of the 2.7 metres high fenced tennis courts
- 1.6 This application was also supplemented with details for the routing of the works which is through the car-park for the tennis club and then between a line of evergreen trees that adjoin the Gloucester road and the tennis courts. A crane will be used sited outside the site on the Gloucester road. A Certificate of Compliance with ICNIRP (International Commission on Non-Ionising Radiation Protection) was also submitted.

2. Policies

2.1 Herefordshire Local Plan Core Strategy:

SS6	-	Environmental Quality and Local Distinctiveness
LB1	-	Development in Ledbury
SC1	-	Social and community facilities
MT1	-	Traffic Management and Highway Safety
SD1	-	Sustainable Design and Energy Efficiency
LD1	-	Landscape and townscape
LD4	-	Historic environment and heritage assets

2.2 NPPF

Chapter 5: Supporting high quality communications infrastructure

Chapter 8: Promoting healthy communities

Chapter 11: Conserving and enhancing the natural environment

Chapter 12: Conserving and enhancing the historic environment

2.3 NPPG

2.4 Neighbourhood Plans

The Neighbourhood Plan for Ledbury is at a preliminary drafting stage and therefore does not attract weight for the purposes of this planning application.

2.5 In respect of the impact on designated heritage assets, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant. These set out the local planning authority's heritage duties in respect of the implications of the proposal relative to the designated heritage assets; which include nearby listed buildings (section 66) and Conservation Area (section 72) – see paragraph 4.5 below for identification of the heritage assets.

2.6 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

- 3.1 NE2002/0920/F – Variation of Condition 4 of MH92/004 - 30 minutes extension of persons to use floodlights on tennis courts from 9.30pm until 10.00pm – Approved 22 May 2002

4. Consultation Summary

Statutory Consultations

- 4.1 AONB Officer advises:

This application lies within the boundaries of the Malvern Hills Area of Outstanding Natural Beauty (AONB). The AONB is an area designated for its national landscape importance. The Malvern Hills AONB Unit seeks to encourage high quality developments and to protect and enhance the local landscape.

Whilst the AONB Unit does not consider that mobile phone masts conserve or enhance the natural beauty of the AONB landscape it does recognise that there is a need for them. It also accepts that it will not always be possible to site such structures outside of the AONB.

The Planning Statement submitted outlines the consideration which has been given to making use of existing masts (the Unit supports mast sharing where possible) and to alternative locations (candidate sites) for a new structure. The Unit has not had an opportunity to assess the effects of a mast in these other locations, for example, on the industrial estate adjacent to Ledbury train station. The Unit would generally prefer development on a site outside of the AONB if this can be achieved with reduced visual effects but in any case it appears that these sites have been discounted by the applicant.

Visual effects

As noted, the proposed site lies inside but on the edge of the AONB. The Unit considers that the key views of the proposed development from within the AONB would be those from the higher ground to the east of the site. There appear to be no rights of way running through Ledbury Park (immediately adjoining the site) and the closest rights of way to the east are within and behind Coneygree Wood, and consequently likely to offer few if any significant views of the site. However, there are important footpaths running along the western edge of Coneygree Wood adjoining Ledbury Park, presumably as part of open access arrangements within the Wood itself. These footpaths do offer views over the proposed development site. However, in many of these views we consider that the proposed development would be seen against the backdrop of trees that border the site to the west and against the backdrop of residential development in the southern part of Ledbury itself. Consequently, the Unit does not consider that the effect of the development on these views would be major.

The Unit has not had an opportunity to consider views from outside the AONB looking back on to the designated area but believes that these should also be taken into account in arriving at a decision on this application.

Colour and materials

Colour can play a significant role in integrating development in the landscape and the Unit considers that careful attention should be paid to material colour choices. The Unit does not believe that a galvanised metal monopole would be appropriate, merely on the basis that it will match the finish of existing lighting columns on the site. For the monopole itself a darker

colour in a matt (non-reflective) finish is more likely to be lost in the backdrop of trees and houses to the west of the site and may also help integrate the column in views from the west, against the backdrop of grassland and trees. The AONB Partnership's Guidance on the Selection and Use of Colour in Development could be used to inform colour selection for both the monopole and associated infrastructure with a focus given to the colour and texture of the landscape setting

Other works

Any crowning of trees to the west of the development site should be kept to an absolute minimum since these trees will play a significant role in helping to screen the development in views towards the AONB.

Heritage Assets

We leave it to the Local Planning Authority to assess the effects of the proposed development on heritage assets in the vicinity.

Internal Council Consultations

4.2 Transportation Manager has not responded

4.3 Conservation Manager (Landscape) conditional support:

The proposal is for the erection of a 15m monopole sited to the south west corner of the tennis courts. There are a number of designations on site, the site lies at the edge of the Malvern Hills AONB, within Ledbury Conservation Area and adjacent to Ledbury Park unregistered park and garden.

Notwithstanding the above the site forms part of the tennis club located within the original urban settlement boundary. The site has already undergone a degree of change in terms of levelling, fencing and existing flood lights in order to provide these community facilities

I have visited the site and read the comments made by both the AONB officer and the town council. Given the current usage of the site I do not consider that the proposal will unduly harm the character of the site and its surroundings, in terms of visual amenity. Currently the site is well contained by mature vegetation in keeping with its landscape character type; Principal Wooded Hills. In my view the integration of the proposal into its surroundings is dependant upon the retention of the surrounding vegetation. I note that the proposals state that there will be a degree of crown reduction to the existing trees the extent of which needs to be clarified. A further point is that the proposed base units appear to potentially be encroaching upon the RPA's of existing vegetation – an arboricultural impact assessment is therefore required.

Finally in respect of application of colour and materials of the materials these should be agreed via a condition.

4.4 Conservation Manager (Trees)

I have reviewed the additional arboricultural information on the installation of the mast at the above site.

Although some of the graphics are a little questionable, I consider that the scheme is viable from an arboricultural perspective as long as the recommendations within the arboricultural method statement are adhered too – this should be conditioned.

I also consider that a condition should be applied for a suitably qualified 'clerk of works' to oversee any excavations required to enable the underground services to be installed close to the existing trees.

4.5 Conservation Manager (Historic Buildings): No objection

The proposals would cause less than substantial harm to the setting of 'Underdown'. The harm is considered as being at the lower end of the scale and should be weighing against other planning considerations in accordance with NPPF section 134.

Background to Recommendation:

There are several heritage assets the setting of which could potentially be affected by the proposals. These include 'The Wylde' a C17 farmhouse engulfed by later development (Grade 2) ; 'Underdown', a gentlemans small country house dating from the C18, set within its own small scale landscape setting (Grade 2 and an un-registered P&G); and listed buildings on the southern periphery of the Ledbury Conservation Area.

In terms of the Wylde, it is felt that the setting of this building has been eroded to the extent that the proposals would have no impact upon it, it has been engulfed by later development, so the understanding of it set within its farmland has been lost.

The difference in height of the proposed mast compared with existing surrounding vegetation and floodlighting combined with the distance from the conservation area is such that the proposals would not have an impact upon the appreciation of the setting of listing buildings on the periphery of the settlement.

The impact on the setting of 'Underdown' is greater than other nearby assets. Despite later development to the SW of the road, the building broadly retains its landscape setting. The principal approach to the building still exists and its design was intrinsic to the appreciation of the building and is therefor a key aspect of its setting. This road aligns with the proposed mast. It would be a stretch to consider the mast an eye catcher as part of this miniature landscape associated with the house, however given the existing development in terms of floodlighting etc, it is not felt to be major harm to the setting of the building and therefor would be considered less than substantial harm and at the lower end of the scale. This minor harm should be weighed against the benefits of the proposals under NPPF section 134.

5. Representations

5.1 Ledbury Town Council object:

The recommendation made by the Committee was not to support the application for the following reasons:

- Inappropriate site in the proximity of residential area and the AONB;
- Heath and Safety;
- Light pollution and loss of amenity to local residents;
- No alternative sites have been suggested.
-

5.2 Fifteen letters of objection have been received making the following main points:

- Intrusive in beautiful landscape, Ledbury Park and AONB
- Interrupts views westwards through site to Leadon Valley and upslope to Coneygree Wood
- Precedent
- Alternative sites not considered

- Health risk to nearby residents
- Affects TV signals
- Floodlighting intrusive day and night; do not abide by 10 pm switch off
- Pre –application consultation by applicants poorly executed

5.2 The consultation responses can be viewed on the Council’s website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163673&search=163673

Internet access is available at the Council’s Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer’s Appraisal

6.1 Chapter 5 of the National Planning Policy Framework (NPPF) provides the guidelines for new telecommunication development and the upgrading of existing facilities. The NPPF makes clear that high quality communications infrastructure is essential for sustainable economic growth, which is also one of the core principles of the Herefordshire Local Plan-Core Strategy. The Core Strategy does not contain a telecoms-specific policy. The Ledbury NDP is not drafted and attracts no weight at present.

6.2 The development site is a sensitive one as it is not only within part of the designated AONB, but also within part of a Conservation Area; a designated heritage asset. Whilst it would normally be the case that the erection of telecommunication apparatus would not normally be encouraged in Areas of Outstanding Natural Beauty, each proposal for development needs to be placed in the context of that particular area of AONB. This is a previously developed area of land on the urban fringe with contouring that is well established; 10 metre high flood-lighting columns on site allied with the established evergreen trees along the boundary of the site, which also delineates the boundary of the AONB, as well as for the proposal site. The monopole will not be viewed in isolation in this part of the AONB. This is visually a well contained site that does not provide significant continuous views from higher ground to the east down through the site or from public vantage points outside of the site particularly from the housing development down slope from the Gloucester road. The erection of a monopole would be viewed in the context of existing trees on the Gloucester road, together with the existing floodlighting columns.

6.3 The additional floodlighting can be provided without impinging upon the scenic beauty of this part of the AONB and will not cause significant harm to the character or appearance of this part of the designated Conservation Area. This is due to the established tree screening to the west in particular and given that modern lighting has sharper definition, such that the lighting is directed more efficiently to the playing surface; thus reducing associated light-spill. A condition will be attached governing when the flood-lighting will be switched off, as is the case for the use of the existing flood-lighting at present. This is for the avoidance of any doubt in respect of both new and any existing floodlighting that will be retained, in the interests of the amenity of residents living within the vicinity of the site. It should be noted that floodlighting has been in use on the site for over 24 years. It is considered that the changes proposed are not such that with the retention of existing tree screening this element of the scheme cannot be supported as according with Policies SD1, LD1, LD4 and SC1 of Core Strategy.

6.4 The Conservation Manager (Historic Buildings) has assessed the proposal against the legislative framework, development plan policies and national guidance. He identifies less than substantial harm in relation to the setting of Underdown. This level of harm needs to be considered in the context of NPPF paragraph 134; CS LD4 has no guidance for the decision-maker where *some* harm is identified.

6.5 Paragraph 134 says that where a proposal leads 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. The planning balance is referred to below.

6.6 The issue of impacts on public health has arisen, particularly in the light of the relative proximity to housing on the western side of the Gloucester road. NPPF Paragraph 46 states:

“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.”

(case officer emphasis)

6.7 This proposal was accompanied by the relevant 'ICNIRP' certification and confirms that the radiation falls well within the permitted thresholds. The proposal therefore accords with the guidelines in the NPPF and notwithstanding the representations received, this proposal cannot be reasonably resisted on public health grounds.

6.8 The other matters raised including precedent are not considered such that it establishes grounds for resisting development on its own merits as set out above. An application for any new monopole requiring planning permission would need to satisfy the guidelines set out in the NPPF as well as any other relevant planning policies.

6.9 It is not clearly evident why this site was chosen over say a site close to the railway station, as cited by the AONB Officer in response, however the fact that he considers that the proposal will not have a major impact, although visible from footpaths on Coneygree Hill is a material ground for supporting this particular proposal. It is also acknowledged that this mast will be shared by two operators.

Conclusion

6.10 The application site is in a sensitive landscape afforded the highest degree of protection via the CS and NPPF. It is, however, within a context that has already been developed. Having regard to the comments of the AONB office and Landscape Officer, it is concluded that the proposal can be supported subject to careful consideration of a non-reflective colour that allows for continuing screening of the site following the erection of the monopole and controls in respect of the use of flood-lighting.

6.11 Less than substantial harm has been identified in relation to the setting of the Grade II listed Underdown. This harm, which is described by the Conservation Manager as minor, goes into the unweighted balance at 134 i.e. harm to significance vs. public benefits.

6.12 In judging this balance, officers attach significant weight to the benefits the monopole will bring in terms of increasing accessibility to high-speed internet access; this is something that the CS and NPPF attach significant importance to. On this basis, and given the harm to significance is described as minor, officers consider that the public benefits outweigh the harm identified.

6.13 With environmental safeguards in place as per the conditions below, officers consider that the application accords with the development plan and NPPF guidance and is recommended for approval accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

Further information on the subject of this report is available from Mr Andrew Prior on 01432 261932

1. **A01- Time limit for commencement**
2. **B01- Development in accordance with the approved plans**
3. **The finish to the monopole shall be the subject of the prior written approval of the local planning authority. The finish shall be applied in accordance with the approved details and maintained thereafter as such.**

Reason: To minimise the impact of the development in this part of the AONB and Conservation Area so as to accord with Policies LD1 and LD4 of the Herefordshire Local Plan-Core Strategy.

4. **Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plans: 'Seventy-Two' Arboricultural Development Report (Ref:SA107AIA) dated 11.02.2017, Response to tree officers comments (Ledbury LTC – SA107) dated 14.03.17 and 'Vodafone/Shared Access' Proposed Overall Site Plan (Ref:BPLTA00492) revised 21.03.17**

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority so as to comply with Policies LD1 and LD2 of the Herefordshire Local Plan-Core Strategy

5. **Prior to the commencement of the development hereby approved, a suitably qualified and competent arboricultural 'clerk of works' should be appointed. The clerk of works will ensure that all construction works in the proximity of trees, are carried out as per the approved documents and plans. The clerk of works shall monitor these works and inform the Local planning Authority following each relevant stage of the project.**

Reason – Compliance with approved documents/plans and the continued good health of the retained trees ensuring that they are not adversely impacted by the construction works so as to comply with Policies LD1 and LD2 of the Herefordshire Local Plan-Core Strategy

6. **The floodlights shall be turned off no later than 10.00 pm.**

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy SD1 of Herefordshire Local Plan-Core Strategy.

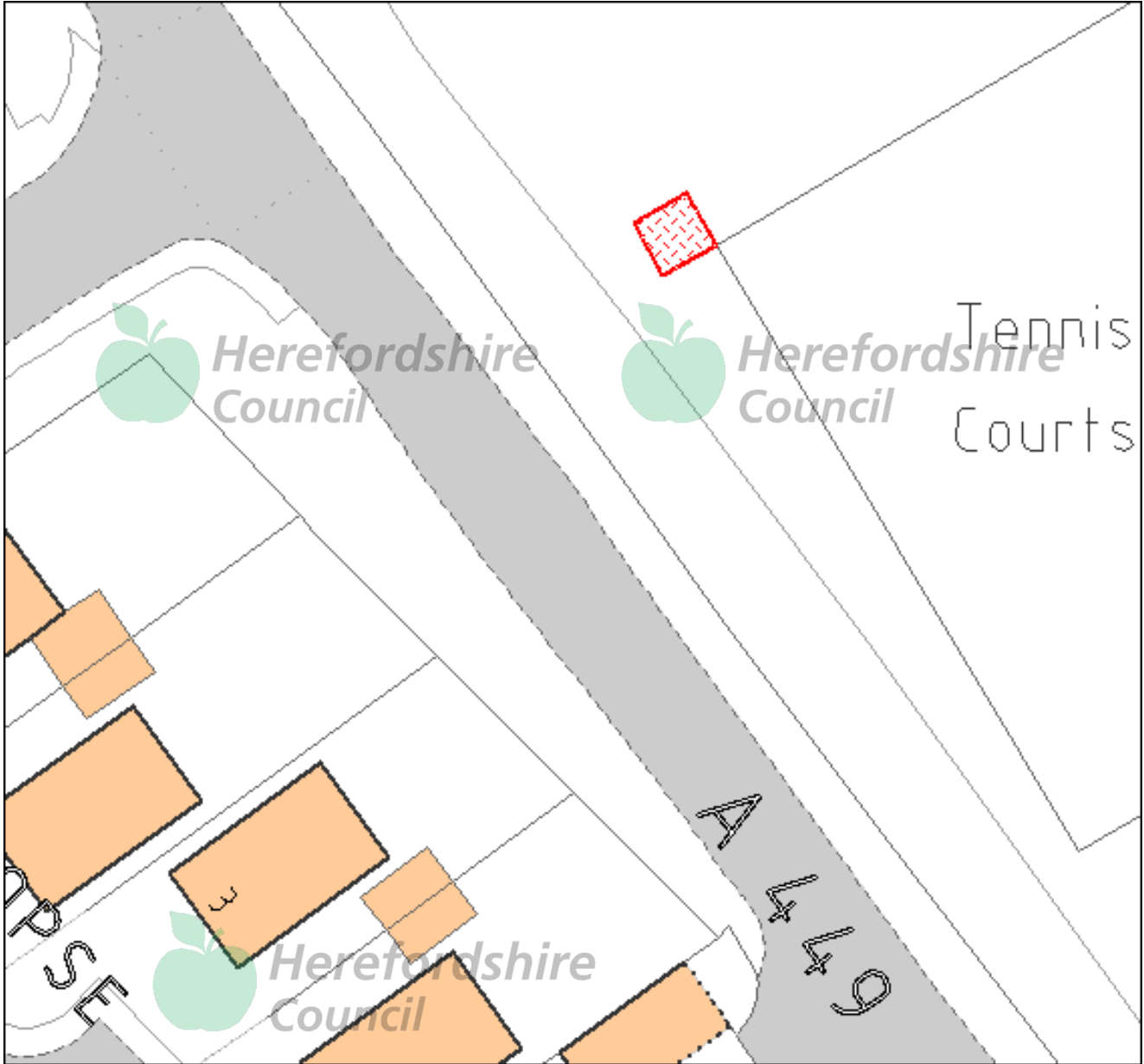
7. **H27- Parking for site operatives**
8. **I16- Restriction of hours during construction**

INFORMATIVES:

1. **Positive and pro-active working**

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163673

SITE ADDRESS : THE PAVILION TENNIS CLUB, LEDBURY, HEREFORDSHIRE, HR8 2JE

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