

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0817

Development description: prior notification for installation of two antennas on new support poles and one cabinet, relocation and refurbishment of existing cabinet and ancillary antenna support apparatus under Part 16

Site address: land south of Toft House Farm. Aislaby Road, Whitby

Parish: Aislaby

Case officer: Miss Lucy Gibson

Applicant: EE and Cellnex
4th Floor Berkshire, 2 Blagrove Street, Reading, RG1 1AZ

Agent: Daly International
fao: William Davies, Flat 506, 1 Advent Way, Manchester, M4 7LS

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	PLAN02	<p>Strict Accordance With the Plans/Specifications or Minor Variations</p> <p>The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.</p>

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	PLAN00	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Strategic Policy A and NYM Strategic Policy C, which seek to conserve and enhance the special qualities of the NYM National Park.

Informative(s)

Informative number	Informative code	Informative text
1	MISCINF12	<p>Birds</p> <p>Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.</p>

		<p>If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.</p>
2	INFO0	<p>Any materials should be stored on hardstanding or raised off the ground to prevent animals sheltering underneath, and any below ground works should be covered overnight, or a ramp added to ensure no animals are stuck within.</p>

Consultation responses

Parish

No objections

Third party responses

None received

Publicity expiry

Advertisement/site notice expiry date: 22 December 2022



This photograph shows the mast as existing, photograph taken looking towards the south east.



This photograph shows the mast as existing, photograph taken from the Bridleway to the north of the site.

Background

This prior notification application seeks approval for works to an existing 20m lattice tower structure supporting 6 no. antennas with a ground-based complex, located to the east of Aislaby Village, set 115m south east of Toft House Farm. The mast site is located in close proximity, albeit outside of the Aislaby Conservation Area. There is a Bridleway and PRow located to the north and west of the site. The site is bordered by multiple mature trees to the north and west, which form a backdrop and hides the development from the adjacent Aislaby Lane.

The site has been in situ since 2000 with subsequent upgrades including additional antennas and dishes being installed over time.

The works proposed are to install a 5G mobile base station at the site and comprise:

- The installation of 2 no antennas on new antenna support poles.
- The installation of 1 no cabinet.
- An internal cabin refresh.
- The installation of sector and dish antennas on the mast with ancillary antenna support apparatus.

Main issues

Policy BL10 - Communications Infrastructure - seeks to permit the provision of infrastructure for radio, broadband and other telecommunications and information technology only where it is of a scale and design appropriate to the National Park and helps meet the needs of local communities, and there is no unacceptable adverse visual impact upon the character of the locality and the wider landscape.

Furthermore, Government Guidance states that National Parks should respond positively to telecommunications development proposals whilst taking into account the need to protect the best and most sensitive environments.

The English National Parks and The Broads Circular 2010 is a UK Vision and Circular is explicit in its positive approach to encouraging communications infrastructure in National Parks. In the context of the additional constraints presented by protected landscapes, the Government nevertheless “is committed to working with operators to ensure the best possible outcome.”

In terms of Planning Legislation and Prior Notification procedures, telecommunications operators benefit from certain permitted development rights with regard to the installation, alteration or replacement of telecommunications apparatus. This means that development is either 'permitted development' under Part 16 of the Town and Country (General Permitted Development) (England) Order 2016 (the GPDO), or it

requires 'planning permission' for which an application must be made to the Local Planning Authority.

Permitted development rights are restricted in certain designated areas, such as National Parks.

The only factors that can be considered under an application for prior approval are those concerning the 'siting' and 'appearance' of the proposed development. Factors concerning siting may involve, height of the site in relation to surrounding land, topography of the site and vegetation, openness and visibility of the site, designated areas, the site in relation to existing masts, structures or buildings or proximity to residential property. With regard to appearance this can include details such as; materials, colour, design, dimensions, overall shape, solid or open framework. No other factors can be considered by the Local Planning Authority for this type of application.

The important considerations in terms of the proposed installation of two antennas on new support poles and associated works would have a detrimental impact on the character of the locality and the wider landscape.

The principle of the mast has already been established and the proposed works would only include additions to the existing tower and would add no additional height. It is recognised that the mast is in an elevation position however it can be seen in context of the backdrop of mature trees and therefore it is considered that there would be no additional harm caused to the landscape, adjacent Conservation Area and PRoW or long-distance views.

The Authority's Ecology team also have no objections to the proposed works and have suggested the inclusion of an informative in relation to breeding birds and other wildlife.

In view of the above considerations, it is recommended that no objections be raised.

Pre-commencement conditions

N/A

Explanation of how the Authority has worked positively with the applicant/agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.