

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0467

Development description: Listed Building consent for replacement antenna on gantry pole, installation of GPS unit and feeder poles together with equipment cabinet within building

Site address: Stable Yard, Hackness Hall, Scarborough,

Parish: Hackness

Case officer: Miss Emily Jackson

Applicant: MBNL

Thames Tower, Station Road, Reading, RG1 1LX,

Agent: DOT Surveying

fao: Mr Cameron Wilson, 2 Anderson Place, Edinburgh, EH6 5NP,

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	TM02	The works authorised by this consent shall begin not later than three years from the date of this consent.
2	PL02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved.
3	MC00	The external feeder cable hereby permitted shall be coloured black and shall be fixed to follow the line of the existing guttering and maintained in that condition in perpetuity.

Reason(s) for condition(s)

Reason	Reason	Reason text
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Document title

number	code	
1	RSN TM02	To ensure compliance with Sections 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
2	RSN PL01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
3	RSN BCMT02	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.

Informative(s)

Informative number	Informative code	Informative text
1	MC INF01	All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately, and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
2	MC INF 13	Swift populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website (https://www.swift-conservation.org/); with additional swift box ideas from Action for Swifts (http://actionforswifts.blogspot.com/).

Consultation responses

Parish

No Objections

Third party responses

None Received

Publicity expiry

Advertisement/site notice expiry date – 24th August 2023

Photograph showing the internal facing elevation of the southwestern building within the Stable Yard at Hackness Hall; 1No replacement antenna at 13.05m on a new gantry pole within the clock tower proposed to be installed. Feeder Cable from clock tower proposed to run along existing ridge line of building.



Background

The Stable Yard at Hackness Hall comprises a group of Late 18th Century, Grade II Listed Farm Buildings positioned in a courtyard formation located to the east of Hackness Centre and 10m southeast of Hackness Hall itself. The buildings are constructed of finely tooled sandstone with ashlar dressings and slate roofs, with the building to the southwest of the courtyard featuring an attractive stone clock tower.

This application seeks permission to upgrade the existing telecommunications infrastructure within the Stable Yard at Hackness Hall in order to improve 4G capacity and coverage to the surrounding area. The upgrades include: the replacement of 1No antenna at 13.05m on a new gantry pole within the clock tower, the installation of a 1 GPS unit at the side of the brick cabin at ground level, the replacement of a feeder cable on the external face of the listed building, and the installation of additional telecommunication equipment cabinet to be located in existing internal room.

Main issues

Statutory Duties

The Authority have a statutory duty to protect Listed Buildings as they are significant to the built and cultural heritage found within the North York Moors National Park. These Buildings contribute meaningfully to the history and distinct character of areas within the National Park, and once lost, they cannot be replaced.

Section 16, paragraph 199 of the National Planning Policy Framework 2019 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Section 16, paragraph 200 of the National Planning Policy Framework 2019 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The Authority has a general duty in respect of Listed Buildings when exercising planning functions as set out under Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in considering whether to grant planning permission (or permission in principle) 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.

Local Plan

The most relevant policies contained within the North York Moors Local Plan 2020 are to consider with this application are Strategic Policy I (Historic Environment) and Policy ENV11 (Historic Settlements and Built Heritage).

Strategic Policy I seeks that at all development affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through conservation and, where appropriate enhancement of the historic environment. Development should conserve heritage assets and their settings in a manner appropriate to their significance, particularly assets that contribute to the wider historic landscape and legacy of the park; archaeological sites and monuments; and, the vernacular building styles, materials, form and layout of the historic environment, including conservation areas.

Policy ENV11 seeks to conserve the built heritage of the National Park by ensuring that development fosters a positive and sympathetic relationship with traditional architecture, materials and construction and that developments utilise high standards of design that conserve and enhance the distinctive historic, cultural and architectural features of settlements by considering appropriate scale, height, massing, alignment; design detailing, materials and finishes.

Material Considerations

Overall, the proposed works to the Listed Building would be minimal. The works seek to replace and upgrade the pre-existing telecommunications infrastructure located at Hackness Hall; therefore, it is not considered that the replacement of such infrastructure would have an adverse impact on the setting or appearance of the Listed Building in comparison to the already existing infrastructure. Further, the proposed works would have a wider public benefit by increasing mobile connectivity within the area.

The Authority's Building Conservation Officer has no objections to the proposal, subject to the replacement feeder cable being coloured black and following the line of the existing guttering so as to reduce visual impact. For the avoidance of doubt, a condition has been applied to ensure that this specification is followed.

Conclusion

For the reasons outlined above, the proposal meets the aims of Strategic Policy I and Policy ENV11, in addition to Section 16 of the National Planning Policy Framework 2019 and Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as such, approval is recommended.

Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

The proposal is not considered to unduly affect any people with protected characteristics.

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.