CASE OFFICER'S REPORT

Application Reference:	PL/2023/09107
Application Type:	Prior notification: Development by telecoms operators
Site Inspection:	
Consultation ends:	24 November 2023
Case officer:	Gavin Forrest

Site Address:	Hook, Midge Hall Nurseries, Coped Hall, Wootton Bassett, Swindon, SN4 8ER
Proposal:	Proposed Base Station upgrade to the existing 12.0m High Phosco monopole. Proposed removal and replacement of existing 12.0m high CU Phosco K3 monopole and existing 3No. antennas with proposed 17.5m high CU Phosco Monopole c/w 4.9 headframe and proposed 3No. antennas and 1No. GPS Node. Existing 300ø dish to be relocated to proposed monopole. Existing Equipment Cabin to be upgraded internally and associated ancillary works.
Recommendation:	Prior Approval Granted

SITE AND SURROUNDINGS

The proposed site is an established telecommunication installation.

The immediate area surrounding the existing installation is rural in nature, with a small cluster of residential properties to the North of the M4. Long distance views benefit from partial screening from the tree coverage along the M4 carriageway.

The nearest residential property located to the North benefit from tree and bush coverage concealing views of the installation and thus do not directly overlook the site. When travelling on the bridge over the M4, the installation is out of view and therefore doesn't have a visual impact on motorists.

RELEVANT PLANNING HISTORY

The previous development s which have occurred at the site are not considered relevant to the application currently before the Local Planning Authority.

PROPOSAL

Confirmation is sought on whether prior approval is required for the following:
The current monopole installation is being replaced with a slightly larger monopole installation of similar monopole design, to facilitate significantly improved connectivity to the Royal Wooton Bassett area.
The proposed works includes the removal of the existing 12.0m high monopole (with an overall height of 14.6m) and 3No. antennas and the installation of a slightly larger monopole (overall height 17.5m) and 3No. antennas.

CONSULTATION RESPONSES

National Highways: No objection subject to the imposition of conditions

Lydiard Tregoze Parish Council: Noted this application with no comment

REPRESENTATIONS

No letters of representation received regarding this application.

CRITERIA

The application is made under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the Order).

ASSESSMENT
Schedule 2, Part 16, Class A of the Order identifies the following as permitted development:
Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—
(a) the installation, alteration or replacement of any electronic communications apparatus,
(b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
(c) development ancillary to radio equipment housing.

The proposed works includes the removal of the existing 12.0m high monopole (with an overall height of 14.6m) and 3No. antennas and the installation of a slightly larger monopole (overall height 17.5m) and 3No. antennas existing cabinets and ancillary development. The proposal would therefore fall within the provisions of Schedule 2, Part 16, Class A, Sub-Paragraphs (a) and (c).

On the basis that the proposal would fall under the provisions of Sub-Paragraphs (a) and (c) of Class A, it is necessary to assess the proposal against the circumstances set out within Class A where development is not permitted. Paragraph A.1 covers circumstances where development is not permitted and consists of 10 sections. Those sections are outlined below:
(1) Development not permitted: ground-based apparatus.
(2) Development not permitted: building-based apparatus other than small antenna and small cell systems.
(3) Development not permitted: apparatus on masts.
(4) Development not permitted: antennas and supporting structures installed, replaced or altered on article 2(3) land or land which is a site of special scientific interest.
(5) Development not permitted: electronic communications apparatus installed, replaced or altered on a dwellinghouse.

(6) Development not permitted: small antennas installed, replaced or altered on a building which is not a dwellinghouse.
(7) Development not permitted: ground or base area.
(8) Development not permitted: driver information systems.
(9) Development not permitted: radio equipment housing.
(10) Development not permitted: public call box

Each section in addressed in turn below.
(1) Development not permitted: ground-based apparatus. This section is relevant since the proposal includes the alteration to ground-based electronic communications apparatus. Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if—

(a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level; The proposal does not include the installation of electronic communications apparatus, other than the mast, which would exceed 15m in height. Criterion A.1(1)(a) is satisfied.
(b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;

The proposal does not include the alteration/replacement to/of any electronic communications apparatus, other than the mast, which would exceed 15m in height. Criterion A.1(1)(b) is satisfied.

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—
(i) 30 metres above ground level on unprotected land; or
(ii) 25 metres above ground level on article 2(3) land or land which is on a highway;

The proposed replacement mast would measure 17.5metres. Criterion A.1(1)(c) is satisfied.

(d) in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of—
(i) 30 metres above ground level on unprotected land; or
(ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or

The proposed alterations to the mast would not lead to its height exceeding relevant limits, excluding any antenna. Criterion A.1(1)(d) is satisfied.

(e) in the case of the alteration or replacement of a mast—
(i) the mast is on any land which is, or is within, a site of special scientific interest; and
(ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third.

The site is not within an area of special scientific interest. The proposed mast would not exceed the original width of the mast by more than one third. Criterion A.1(1)(e) is satisfied.

Section A.1(1) is satisfied.

(2) Development not permitted: building-based apparatus other than small antenna and small cell systems.

This section is not relevant to the proposal since the proposed works would not constitute building-based apparatus (the proposal relates to ground-based apparatus). Accordingly, none of the criteria listed under Section A.1(2) would be triggered.

Section A.1(2) is satisfied.

(3) Development not permitted: apparatus on masts.
This section is relevant since the proposal includes alteration to a mast, which includes the installation of apparatus on said mast. Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than an antenna) on a mast is not permitted by Class A(a) if the height of the mast (including the apparatus installed, altered or replaced) would exceed any relevant height limit specified in paragraph A.1(1)(c) or (d) or A.1(2)(a) or (b). For the purposes of applying the limit specified in paragraph A.1(2)(a), the words “taken by itself” in that paragraph are omitted.

The proposal would not trigger A.1(1)(c) or (d) or A.1(2)(a) or (b), as assessed within the preceding sections of this report.
Section A.1(3) is satisfied.

(4) Development not permitted: antennas and supporting structures installed, replaced or altered on article 2(3) land or land which is a site of special scientific interest.
This section is relevant since the proposal includes the installation of a mast with antennas. Development consisting of the installation, alteration or replacement of an antenna, a mast or any other apparatus which includes or is intended for the support of an antenna, or the replacement of an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced, is not permitted by Class A(a)—

(a) on any article 2(3) land unless—
(i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land;
(ii) the antenna or apparatus comprises or is part of a small cell system and is on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse;
(iii) the antenna is a small antenna and the development is within the limitations specified in paragraph A.1(5) or (6); or
(iv) where the antenna or apparatus is not a small cell system or a small antenna, the development is within the limitations specified in paragraphs A.1(1)(c)(ii), A.1(1)(d)(ii) or A.1(2)(f).

The site is not located on article 2(3) land. Criterion A.1(4)(a) is satisfied.

(b) on any land which is, or is within, a site of special scientific interest unless—

(i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land; or
(ii) the development is within the limitations specified in paragraph A.1(5).

The site is not located within a site of special scientific interest. Criterion A.1(4)(b) is satisfied.

Section A.1(4) is satisfied.

(5) Development not permitted: electronic communications apparatus installed, replaced or altered on a dwellinghouse.

This section is not relevant since the proposal would not involve the installation, alteration or replacement of any electronic communications apparatus on a dwellinghouse or within the curtilage of a dwellinghouse. Accordingly, none of the criteria under Section A.1(5) would be triggered.

Section A.1(5) is satisfied.

(6) Development not permitted: small antennas installed, replaced or altered on a building which is not a dwellinghouse.

This section is not relevant since the proposal would not involve the installation, alteration or replacement of a small antenna on a building which is not a dwellinghouse or within a curtilage of a dwellinghouse. Accordingly, none of the criteria under Section A.1(6) would be triggered.

Section A.1(6) is satisfied.

(7) Development not permitted: ground or base area. This section is relevant since the proposal relates to ground-based equipment. Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than—
(a) a mast;
(b) an antenna;
(d) any apparatus which does not project above the level of the surface of the ground; or
(e) radio equipment housing,

is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres.

Note criteria (c) is removed under Statutory Instrument 2019 No. 907.

The proposal does not include any equipment not listed under (a), (b), (d) or (e) which would have a ground or base area in excess of 1.5 square metres.Criterion A.1(7)(a) is satisfied.

Section A.1(7) is satisfied.

(8) Development not permitted: driver information systems.

This section is not relevant given the proposal is not directly relevant to driver information systems under the description provided within the provisions of Road Traffic (Driver Licensing and Information Systems) Act 1989. Accordingly, Section A.1(8) is not triggered.

Section A.1(8) is satisfied.

(9) Development not permitted: radio equipment housing.
This section is relevant since the proposal involves the alteration of radio equipment housing. Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if—
(a) the development is not ancillary to the use of any other electronic communications apparatus;
The radio housing would be ancillary to the use of other electronic communications apparatus contained within the proposal (the mast). Accordingly, criterion A.1(9)(a) is satisfied.

(b) the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or
Calculations utilising the proposed plans indicate that the cubic content of relevant aspects of the proposed works would be below the 90 cubic metre limit. Accordingly, criterion A.1(9)(b) is satisfied.

(c) on any land which is, or is within, a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency.
The site is not on land designated as being of special scientific interest. Accordingly, criterion A.1(9)(c) is satisfied.

Paragraph (9A) specifies that sub-paragraph (9)(b) and (c) does not apply where the development is carried out within a permitted compound (and accordingly the development described in that sub-paragraph is permitted by Class A(a)). The site is not within a permitted compound and as such Paragraph (9A) is not applicable in this instance.

Section A.1(9) is satisfied.

(10) Development not permitted: public call box Development consisting of the installation, alteration or replacement of a public call box is not permitted by Class A. This section is not relevant since the proposal does not relate to the installation, alteration or replacement of a public call box. Accordingly, Section A.1(10) is not triggered.

Section A.1(10) is satisfied.

It is concluded that the proposal would accord with Paragraph A.1. Accordingly, development is permitted subject to the conditions outlined within Paragraph A.2. The proposal should be assessed against the provisions of Paragraph A.2(1) and, subject to accordance with Paragraph A.2(1), should subsequently adhere to the conditions set out within Sub-Paragraphs A.2(2-6).

(1) Class A(a) and A(c) development is permitted subject to the condition that—
(a) the siting and appearance of any—
(i) mast;

(ii) electronic communications apparatus installed, altered or replaced on a mast;
(iii) antenna or supporting apparatus;
(iv) radio equipment housing; or
(v) development ancillary to radio equipment housing, constructed, installed, altered or replaced on a building (other than a building which is a mast) are such that the effect of the development on the external appearance of that building is minimised, so far as practicable;

The provisions of Paragraph A.2(1)(a) are not relevant in this instance given that the proposal does not relate to the construction of any equipment as defined through sub-paragraphs i-v on a building.

Criterion A.2(1)(a) is satisfied.

(b) the siting and appearance of any—
(i) mast;
(ii) electronic communications apparatus installed, altered or replaced on a mast;
(iii) antenna or supporting apparatus;
(iv) radio equipment housing; or
(v) development ancillary to radio equipment housing, which has been constructed, installed, altered or replaced in a manner which does not require prior approval under paragraph A.2(3) are such that the visual impact of the development on the surrounding area is minimised, so far as practicable;

The visual impact of the mast, antenna or supporting apparatus and radio equipment housing would be installed in such a manner that the proposal would minimise the visual impact of the development on the surrounding area, as far as practicable. All elements of the proposal are necessary for its function and no unnecessary elements are included which would be of detrimental impact to the character and appearance of the area. It is not considered reasonable to require additional design alterations on this basis.

Criterion A.2(1)(b) is satisfied.

(c) the siting and appearance of any development which is visible from a site which is—
(i) article 2(3) land;
(ii) a scheduled monument or a listed building;
(iii) the curtilage of a schedule monument or a listed building;
(iv) a World Heritage Site;
(v) a site designated by the Secretary of State under section 1 of the Protection of Wrecks Act 1973; or
(vi) land registered by Historic England in a register described in section 8C of the Historic Buildings and Ancient Monuments Act 1953, are such that the visual impact of the development on the site is minimised so far as practicable, taking into account the nature and purposes of the site; The proposal is not within the vicinity or setting of any heritage assets identified within Criterion A.2(1)(c).

Criterion A.2(1)(c) is satisfied.

(d) the siting of any development is such that it—

(i) does not prevent pedestrians from passing along a footway;
(ii) does not prevent access to premises adjoining a footway; and
(iii) is determined having regard to— (aa) the needs of disabled people; and
(bb) the guidance document “Inclusive Mobility” issued by the department for Transport in December 2021.

Regard is had to the provisions of the Inclusive Mobility (2021) guidance document. Whilst adjacent to, the proposal is not located on a footpath and would not prevent access to a footpath or premises adjoining a footway. The proposal would not be of detriment to the needs of disabled people. Criterion A.2(1)(d).

Paragraph A.2(1) is satisfied.

Accordingly, Class A (a) and (c) development is permitted subject to compliance with the conditions set out within Paragraphs A.2. It is concluded that the development is compliant with Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) as such approval should be granted.

CONCLUSION
The proposal would accord with the provisions of Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) as such approval should be granted subject to conditions.

Conditions: (2)

1 (1) The development hereby permitted shall be carried out in accordance with the following approved plans received 19th October 2023:
Site Location Maps – 100A
Proposed Site Plan – 201A
Proposed site elevation – 301
Lease Drawing – 101

REASON: For the avoidance of doubt and in the interests of proper planning.

2 Before the erection of the new mast details 'CG 300 - Technical approval of highway structures' shall be submitted to National Highways via the Local Planning Authority given the height of the proposed mast and its proximity to the highway. In this case the proposals would require a minimum of a Cat 0 design and Check Certificate, which lists the standards that the mast has been designed to. The certificate must be signed by a competent engineer whose CV accompanies the certificate submission.

The details shall also include if the existing foundation is being reused, an assessment shall be undertaken to demonstrate it is capable of taking the additional loading arising from the taller mast.

Informatives: (2)

3 (1) The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

4 The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England’s website for further information on protected species