

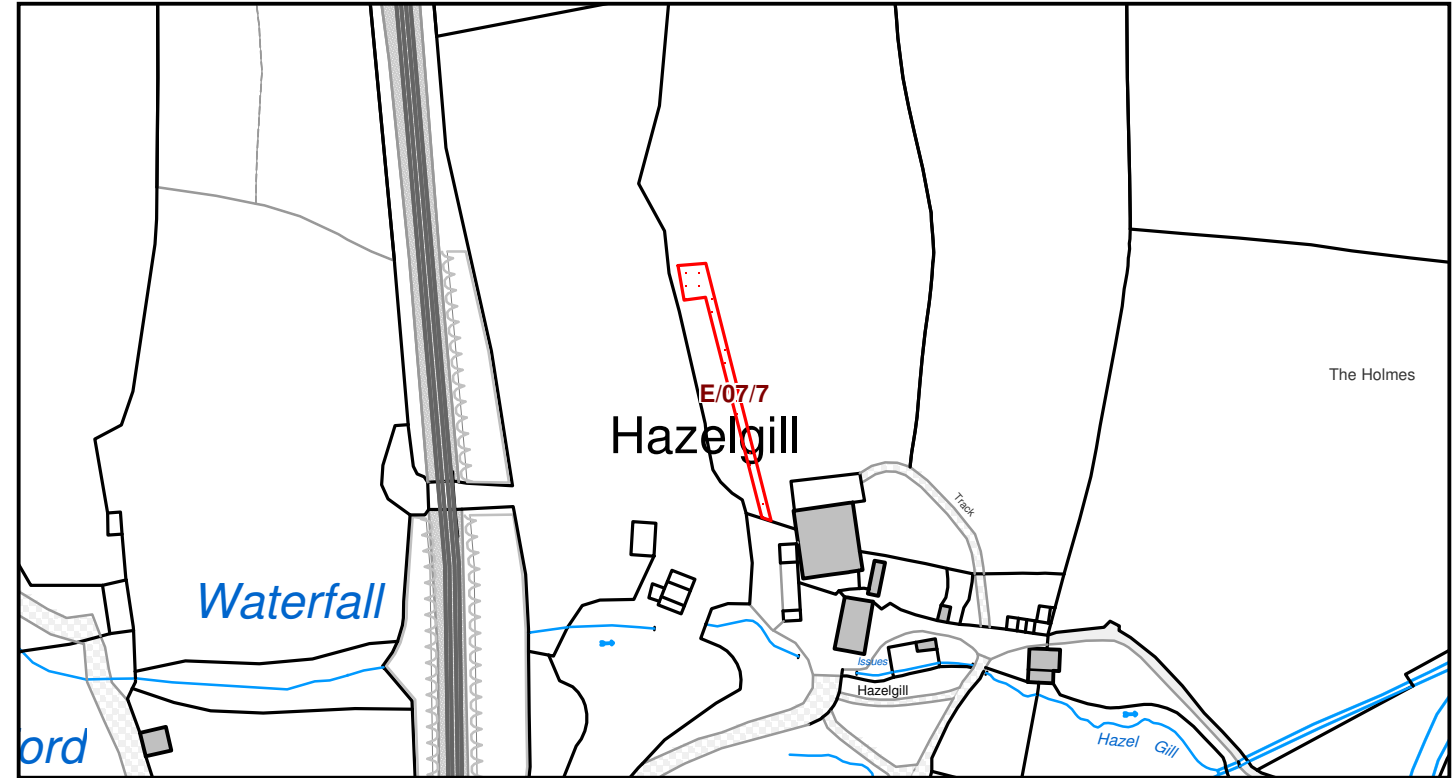
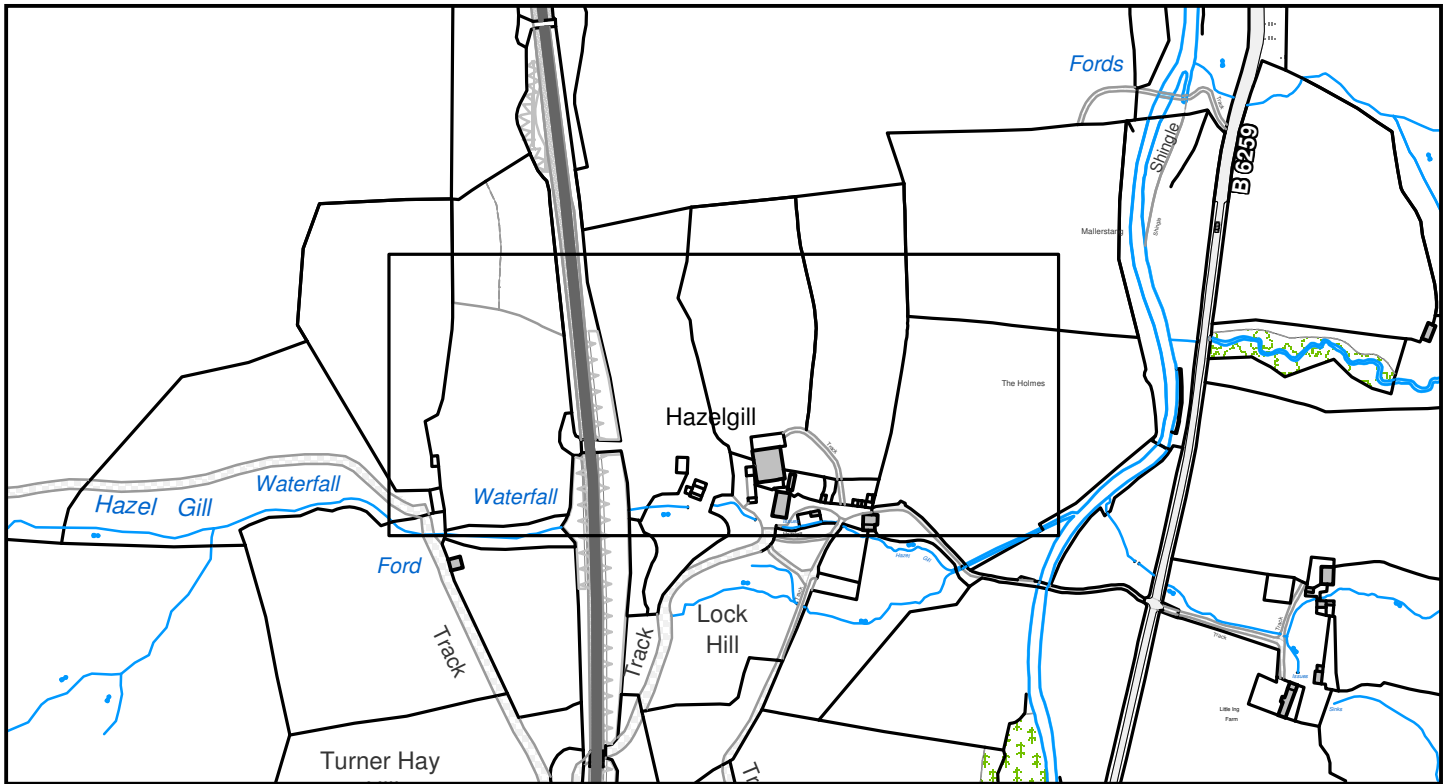
# Yorkshire Dales National Park Authority

Application Code: E/07/7

Committee Date: 13/08/2019

Location: Hazel Gill Farm, Mallerstang

# 05



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## Schedule No:5

<b>Application No:</b>	E/07/7	
<b>District:</b>	Eden	
<b>Parish:</b>	Mallerstang	
<b>Applicant's Name:</b>	EE UK Ltd	
<b>Grid Ref:</b>	SD77969986	
<b>Received by YDNP:</b>	21/05/2019	<b>Officer:</b> Andrew Bishop

**PROPOSAL:** Section 73 application to vary Condition 3 of S/2016/567 in respect of revised equipment colour (full planning permission for installation of 1 no. 15m lattice tower structure supporting 2 no. antennas and 2 no. transmission dishes. The mast will be sited within a permanent enclosure surrounded by a 1.5m high dry stone wall, housing 3 no. equipment cabinets and further ancillary equipment)

**LOCATION:** Hazel Gill Farm, Mallerstang

### CONSULTEES

**Mallerstang PM** The Parish Meeting has written to confirm that it shares the views of residents as set out in the Public Responses section below.

### PUBLIC RESPONSES

A letter has been received signed by two correspondents objecting on the following grounds

- set a precedent for site at Castlethwaite;
- the mast at Castlethwaite and on railway line were painted on site;
- the current application would require on-site repainting of antennas and cabinets.

### RELEVANT PLANNING POLICIES

EC6 (E) - Telecommunications Infrastructure  
DEV1 (E) - General Approach to New Development  
DEV5 (E) - Design of New Development

### OFFICER OBSERVATIONS

#### REASON FOR COMMITTEE CONSIDERATION

This application is reported to the Planning Committee for the following reason; the recommendation of the Parish Meeting is contrary to the decision that the Head of Development Management proposes to take.

#### APPLICATION SITE

The application site is a telecommunications base station consisting of a 15m high slim line lattice tower with associated cabins and equipment erected as part of the Emergency Services Network (ESN). The site is on the western side of the Mallerstang valley 110m from Hazel Gill Farm and just below the Settle to Carlisle Railway line. The site visually sits

## **Schedule No:5**

at the break in the slope between the pasture fields of the valley bottom and the open moorland above the railway line. The mast stands within a stone walled base station enclosure next to an individual tree. The site is accessed via the Hazel Gill Farm track from the Mallerstang B6259 road. A designated public right of way footpath passes the application site.

### **PROPOSAL**

The application is made to vary Condition 3 of approval reference S/2016/567. The existing condition states:

#### **Condition 3:**

“Notwithstanding the details submitted with the application the mast and all cabinets, antennas and satellite dishes and associated equipment and any replacements, shall be coloured dark olive green RAL 6009 at the time of their installation and shall be retained such colour thereafter.”

#### **Reason:**

“To ensure that the mast, cabinets, antennae and satellite dishes are an appropriate recessive colour in the interests of visual amenity and in accordance with Eden District Council Core Strategy (2010) policies CS1, CS2, CS16 and CS18 and Eden Local Plan (1996) saved policies NE1 and SE6 and the National Planning Policy Framework (2012).”

Following discussions with the applicant the proposed wording of Condition 3 has been varied to the following:

#### **Condition 3**

“Notwithstanding the details submitted with the application within two months of the date of this decision notice the respective elements of the telecommunications base station shall be colour finished and thereafter maintained as follows, including any replacement parts:

- a) The mast, antennas, dish and MHA's shall be coloured RAL 7011 Iron Grey;
- b) The cabinets, satellite dish and associated ground based equipment shall be coloured RAL 6003 Olive Green.”

### **RELEVANT PLANNING HISTORY**

S/2016/567 - Installation of 1 no. 15m lattice tower structure supporting 2 no. antennas and 2 no. transmission dishes. The mast will be sited within a permanent enclosure surrounded by a 1.5m high dry stone wall, housing 3 no. equipment cabinets and further ancillary equipment. This application was approved on 24th October 2016 and the telecommunication base station has been developed and made operational.

### **KEY ISSUES**

- principle of the development
- impact on character and appearance of the countryside
- parish council comments

### **PRINCIPLE OF THE DEVELOPMENT**

National Planning Policy Framework Section 10 “Supporting high quality communications” sets out at paragraph 116 that applications for communications infrastructure must be determined on planning grounds only. NPPF Section 15 “Conserving and enhancing the natural environment” paragraph 172 states:

“172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have

## **Schedule No:5**

the highest status of protection in relation to these issues.”

Eden Local Plan (ELP) DEV5 – ‘Design of New Development’ requires that new development meets specified criteria including:

“Protects and where possible enhances the district’s distinctive rural landscape, natural environment and biodiversity.”

Policy EC6 - ‘Telecommunications Infrastructure’ supports the expansion of the electronic communication network and when proposals for new telecommunication equipment are being considered the following criteria are to be taken into account:

“The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area.”

The policy also specifies that equipment should not harm sensitive areas designated for their landscape importance, whilst at the same time giving regard to the operational requirements of the telecommunications network.

The justification for the base station as part of the Government’s ESN network was established at the time of the original application. This site covers a considerable length of the B6259 and upper Mallerstang where there was no other telecommunications coverage. The site is capable of becoming part of EE’s commercial services for use by the public and businesses.

The proposed change to the colour of the tower, cabinets and other apparatus does not raise issues relating to the principle of the need for the development. It has previously been established that there is a justified need for the telecommunications base station.

### **IMPACT ON CHARACTER AND APPEARANCE OF THE COUNTRYSIDE**

The application is for a variation of Condition No.3 which specifies the finish colour for the lattice mast, antennas, dish cabinets and its associated dishes and equipment. Therefore the sole planning issue to be considered is whether the proposed colour scheme would harm the special landscape qualities of the National Park. The approved scheme specified by Condition No.3 is for a “dark olive green RAL 6009”. The base station has been constructed with the lattice tower a factory finish colour of Iron Grey RAL 7011. The antennas are white, the meter cabinet a Fir Green RAL 6009 and equipment cabinets a light grey RAL 7035.

The cabinets are at ground level and largely hidden from wider view by the new stone walled enclosure for the base station. The application proposes that all of the cabinets are painted Olive Green RAL 6003. Olive Green is the colour specified by the current condition No.3. Unfortunately, the RAL number specified in the condition is RAL 6009 which is a ‘Fir Green’. To avoid ambiguity the condition should be changed to ‘Olive Green RAL 6003’. As Olive Green is the approved colour for the cabinets they should be painted this colour at the earliest opportunity.

From any distance it is the lattice tower and antennas that are the most obvious features of the base station. The lattice tower has been erected with a factory painted colour of Iron Grey RAL 7011. The proposal is that it be retained this colour. The applicant claims that if it were now to be painted the approved Olive Green on site the overall finish of the paintwork would not be as good or durable and it would deteriorate due to the adverse weather and maintenance. The alternative of replacing the mast with one factory painted Olive Green is claimed to require a ‘downtime’ of up to 4 weeks during which time public safety would be

## **Schedule No:5**

put at risk. Notwithstanding the applicant's comments the proposed scheme would require repainting of various elements on-site, if not the mast itself.

The two objectors are concerned that a decision on the variation of the colour at Hazelgill would have an impact on the telecommunications site further up the dale at Castlethwaite. The base station at Castlethwaite was approved and developed at approximately the same time as that at Hazel Gill. However, the landscape context of that site is different as the mast stands higher up on the hillside and is seen against the backdrop of conifer trees. Any proposal to vary the condition controlling the colour of that tower would have to be considered on its own merits. It is claimed that the mast at Castlethwaite and the two others erected in the dale by the operators of the railway line were painted in-situ. It is also noted that the current application proposals would require on-site repainting of antennas and cabinets.

The antennas at the head of the mast have been erected in white when they should also be Olive Green. The proposal is that these be painted Iron Grey to match the erected mast. When the hillside is viewed from any distance it is the white antennas which are the feature that most attracts the eye. By themselves they draw attention to the presence of the mast. The painting of the antennas to Iron Grey would be a significant visual improvement.

The Iron Grey of the mast itself is a muted colour that does not stand out in a particularly visually harmful way. The base station is located at a low level below the rising flank of Wild Boar Fell. The hillside has a number of grey landscape features such as tree trunks, field walls, railway embankment stone and the bare rock of natural scars. If the antennas at the top of the mast were painted the same Iron Grey as the mast then their visual impact would be significantly reduced. There would be no significant visual harm when seen from across the dale on the Mallerstang B6259 road.

The position of the base station means that the mast is only seen against the sky when approached along the public footpath along the same side of the dale. From close up views a grey coloured tower is likely to be less visually defined against the backdrop of a cloudy sky than any green colour.

The purpose behind specifying the Olive Green colour scheme as set out in the wording of Condition No.3 is intended to ensure that the lattice tower, antennas, cabinets and other elements of the base station do not unduly stand out visually in the landscape. Olive Green was chosen as it is a recessive colour that related to the general tone of colours in the Mallerstang landscape. The Iron Grey of the erected mast is also a recessive colour that blends in easily with this landscape. The most harmful visual impact is caused by the white antennas. If these are painted to match the Iron Grey of the erected tower then the visual harm would be substantially removed.

At the time of the original approval it was noted that the erection of the telecommunications base station would cause some minor visual harm and this would apply with the approved Olive Green. The proposed alternative of Iron Grey for the tower and antennas is not significantly any more harmful and the variation of the condition is therefore considered to be acceptable.

### **PARISH COUNCIL COMMENTS**

Mallerstang Parish Meeting have stated that their views are accurately reflected in the letter from the objectors.

## **Schedule No:5**

### **ANALYSIS OF MATERIAL CONSIDERATIONS**

The need for the telecommunications base station has previously been justified. The variation of the mast and antennas to an Iron Grey colour would not have a significantly greater adverse visual impact than Olive Green and would not adversely impact on the special qualities of the National Park landscape or a public right of way and is in accordance with Eden Local Plan (2014-2032) policies DEV1, DEV5 and EC6 and the National Planning Policy Framework (2019) paragraphs 116 and 172.

### **RECOMMENDATION**

That planning permission be granted for the variation of Condition No.3 of approval reference S/2016/567 and the following conditions:

- plans and drawings
- implementation of the approved painting scheme within two months