
Bath & North East Somerset Council

Improving People's Lives

To: All Members of the Planning Committee

Bath and North East Somerset Councillors: Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie and Manda Rigby

Co-opted Voting Members:

Chief Executive and other appropriate officers
Press and Public

Dear Member

Planning Committee: Wednesday, 10th February, 2021

Please find attached a **SUPPLEMENTARY AGENDA DESPATCH** of an amended report for planning application no. 6. Due to an administrative error details of the officer recommendation, conditions and plans list were omitted from the original report. Please treat these papers as part of the agenda.

Papers have been included for the following items:

ITEM NO. 6 - LARKHALL SPORTS CLUB, CHARLCOMBE, BATH

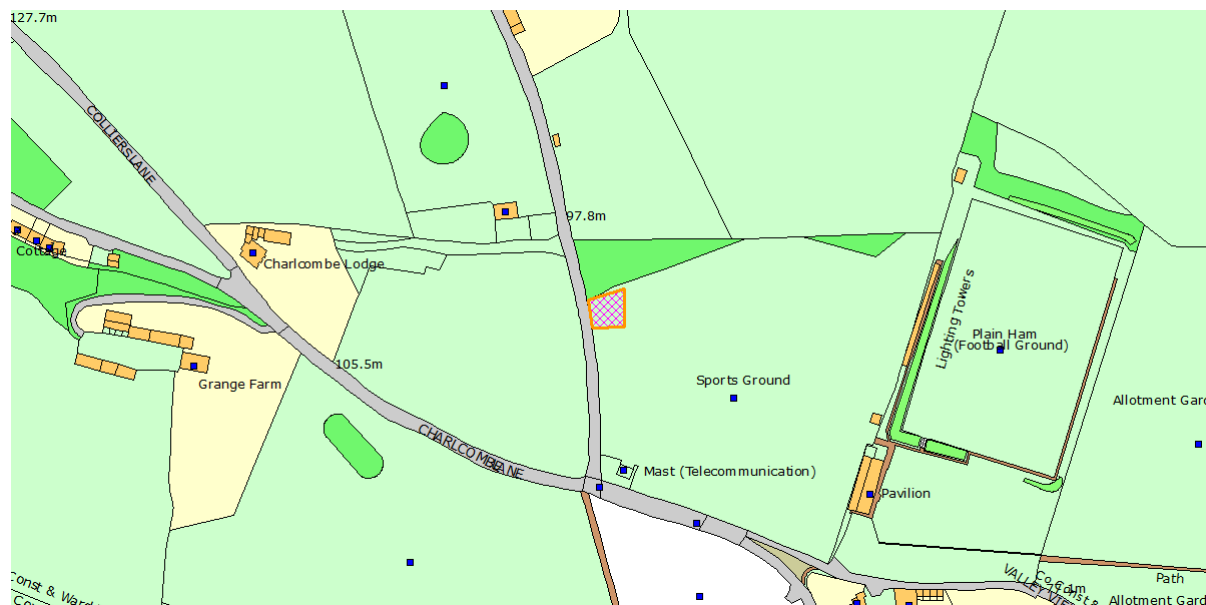
Yours sincerely

Marie Todd
for Chief Executive

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Item No: 06
Application No: 20/03255/FUL
Site Location: Larkhall Sports Club Charlcombe Lane Charlcombe Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Full Application

Proposal: Erection of a 20m high monopole supporting 3no. antennas and 2no. 0.3mm dishes above the top of the pole, the installation of 1no. equipment cabinet on new base and the installation of ancillary equipment.

Constraints: Article 4 The Swainswick Valley, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Vodafone Ltd

Expiry Date: 11th February 2021

Case Officer: Chris Griggs-Trevarthen

To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING TO COMMITTEE

Cllr. Sarah Warren has requested that the application is determined by committee if officers are minded to recommend approval. Swainswick Parish Council and Charlcombe Parish Council have also objected to the proposal. In accordance with the scheme of

delegation the application was referred to the chair and vice chair of the planning committee.

The chair of the planning committee made the following comments:

"Having regard to my declaration of interest to the December meeting of the planning committee and the level of public interest in this planning application, this decision should be made by the Vice-Chair."

The vice chair made the following comments:

"I have studied the application and association information, some of which is very detailed, all points raised have been considered as the application has been assessed against relevant planning policies. It is clearly controversial, as was a similar one which was determined by the planning committee, and the Ward Cllr has requested this one be determined by the planning committee if recommended for approval. To remain consistent with similar applications in the area and our decision-making process, I recommend the application be determined by the planning committee."

The application is therefore referred to the committee in accordance with the decision of the vice-chair of the planning committee.

DESCRIPTION

The application site comprises a small parcel of land (0.1 hectares) in the north west corner of Larkhall Sports Club adjacent to Woolley Lane. The site is currently grassland which does not form any part of any playing pitches.

There is a broad boundary tree belt to the north of the proposed development and a boundary hedge to its west.

The site is situated within the Bristol and Bath Green Belt, the Cotswolds Area of Outstanding Natural Beauty (AONB) and, although not within its boundary, falls within the setting of the City of Bath World Heritage Site. There is a site of nature conservation interest (SNCI) located to the southwest of the site on the opposite side of Charlcombe Lane. There is a grade II listed building (Twinfield Farm) approximately 150m to the north of the site.

This application seeks the erection of a 20m high monopole supporting 3no. antennas and 2no. 0.3mm dishes above the top of the pole, the installation of 1no. equipment cabinet on new base and the installation of ancillary equipment. The total height of the proposals with the antennas on top of the proposed mast is 23.4m.

The applicants have submitted a supporting statement with the proposal and have also provided a Certificate complying with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines on the limitation of exposure of the general public to electromagnetic fields.

PLANNING HISTORY AND OTHER RELEVANT APPLICATIONS

Application reference: 20/01315/TEL

Applicant: Sinclair Dalby Ltd

Description: The erection of a 20m high monopole supporting 3no. antennas and 2no. 0.3mm dishes above the top of the pole, the installation of 1no. equipment cabinet on new base and the installation of ancillary equipment.

Status: WITHDRAWN - 29th May 2020

There is an existing telecommunication mast located in the same field approximately 60m to the south of the current proposals. The planning history for this mast is listed below:

Application reference: 04/01170/FUL

Applicant: Hutchison 3G UK Ltd

Description: Erection of telecommunications base station comprising 15m high monopole and equipment cabinet measuring 1.5m x 1.96m x 0.7m

Status: PERMITTED - 16th June 2004

Application reference: 19/05534/FUL

Applicant: Waldon Telcoms Ltd

Description: Erection of 20 metre-high telecommunications monopole accommodating 6no antenna apertures, 4no transmission dishes and 8no ground-based equipment cabinets.

Status: REFUSED - 17th December 2020

ENVIRONMENT IMPACT ASSESSMENT

This application proposal has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that the application does not represent EIA development and that an Environmental Statement is not required.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below.

LANDSCAPE: No objection, subject to conditions

CONSERVATION: Scope for revision

Based on the available evidence, the mast will have a very minor, almost negligible, harmful impact on the setting of the listed building.

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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Under the NPPF where a development proposal will lead 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 including, where appropriate, securing its optimum viable use. The courts have held that even a very low level/negligible level still amounts to less than substantial harm and must be given appropriate weight in the planning balance.

In this case, it is recognised that the wider public benefits of mobile technology would be material to the planning balance.

ECOLOGY: No objection, subject to conditions

HIGHWAYS: No objection, subject to condition

SWAINSWICK PARISH COUNCIL: Objection

This Council objects to this application on these grounds:

1. The proposed masts proximity to residential properties, schooling and leisure activity areas.
2. The structure's intrusion into an AONB.
3. At 20 metres high the visual impact on local residents and also when entering this World Heritage City from the Swainswick/Woolley valley along the lanes or from the A46, is unacceptable.
4. 5g technology is not proven regarding its safety/potential impact on people and this location maximises any risk to, in particular, the younger generations that frequent this area.

CHARLCOMBE PARISH COUNCIL: Objection

Charlcombe Parish Council remains strongly opposed to this application, as it was with the previous and almost identical application 20/01315/TEL, withdrawn 29th May 2020. A consent to this application would mean there being two towers at this site in close proximity to each other. The council also feels that that the numerous objections to the original application, as above, and those for the upgrading of the existing tower, 19/05534/FUL, should be taken into consideration for this application as well.

The sports ground lies within the Cotswold National Landscape and is an AONB, as well as being very close to the Charlcombe Conservation area. The site is a well-used sports ground used for many purposes by the local community and by local schools. Also, the lane that runs alongside the site is well used by runners, cyclists, walkers and horse riders.

The application remains counter to the policies as stated in our objection to 20/01315/TEL: -

Greenbelt (Policy CP8): The openness of the Greenbelt will be protected from inappropriate development

Area of Outstanding Natural Beauty (Policy NE2A): New development will be expected to reinforce the local landscape character and make a positive contribution to the views.

Protected Landscape Setting (Policy NE2A): Any developments should seek to conserve and enhance the landscape setting of settlements and their landscape character, views and features.

In conclusion, as it did with the application 20/01315/TEL, the council feels that the visual impact of this, a second tower, and the assorted antennae, dishes and cabinets would be harmful to the vista and enjoyment of this important leisure area. It asks that the application be refused.

COUNCILLOR SARAH WARREN: Comment

This location is in the AONB and Green Belt, 100m from the World Heritage Site and directly across a narrow lane from a site of Nature Conservation Interest. The 20m pole will be the second such pole in the same field. Even one of these huge 20m poles will detract from visual amenity in the AONB and Green Belt, and the public benefit of erecting a second in the same field in the World Heritage Site Setting should be seriously called into question. If 5G poles are considered permissible at this location, then the functionality should be combined onto a single installation. There remain questions, however, about the impact of the technology on both wildlife and human health - an environmental impact assessment on the nearby site of Nature conservation interest should be carried out, and the amenity of local residents, some of whom may consider their health impacted by the technology, must be considered.

BATH PRESERVATION TRUST: Comment

There appears to be a misnomer within this planning application; whilst the monopole itself would be 20m, the total height of the structure including the proposed antennas would be 23.4m. It is this latter height that should be consequently referred to throughout the application when considering visual impact.

The Trust maintain concerns regarding the apparent, continued absence of a demonstrated scheme or operations plan regarding ongoing upgrades within and around Bath. The Trust continue to note that we have reached a period in which a widescale replacement of existing, outdated masts is imminent, and therefore it is critical at this moment to establish a fixed framework for appropriate mast designs and positions in the landscape, as well as Bath's townscape (see application 20/02388/TEL). No mention is made regarding rollout proposal discussions with the Cotswolds Conservation Board that may have informed the location and design of this proposal, despite the Joint Accord signed by Vodafone in 2013. The Trust continue to feel that this application could propose an intensification of mast usage in this hillside area of the AONB, in conjunction with the existing mast at the junction of Charlcombe Lane and Woolley Lane, which has not been demonstratively considered in the weighing of harm against public benefit.

Whilst no tree works are being proposed as part of this application, the Trust feel the proposal could exacerbate future pressure on trees to the north and east boundaries of the playing field site. The lanes are characterised by the strong presence of hedging and grouped mature planting, resulting in an enclosed, verdant appearance, particularly along Charlcombe Lane. Consequently, the removal or drastic crowning of mature trees in this area would be at the direct detriment to the rural character of the Green Belt and AONB, and, should the monopole structure be permitted, it would be dependent on the this tree cover to mitigate potential visual harm within short-range and long-range views through the AONB, Green Belt, and wider landscape setting of the World Heritage Site. Therefore, the Trust emphasise the need for careful consideration of the mast's proposed placement

and height in relation to boundary tree cover to best prevent future, ongoing detriment to the appearance and character of the area.

However, should this proposal be deemed acceptable, we feel that the current, more slender monopole design is preferable to a more visually bulky lattice tower. The Trust are supportive of the applicant's cooperation with B&NES officers to negotiate a more appropriate paint colour and finish, should the monopole be approved. The Trust feels that a darker colour paint finish would better blend the monopole with its surrounding tree cover, particularly as viewed from the north (see Photomontage 4) and across the playing field (see Photomontage 2).

THIRD PARTIES/NEIGHBOURS: 131 letters of OBJECTION have been received the main issues raised were:

A large number of the comments were concerned about the visual impact of the proposed replacement mast. The proposed mast was considered too tall and too wide and would result in harm to the landscape, the skyline and the important views. It was considered harmful to the Cotswold AONB, the Bath World Heritage Site, the Conservation Area and the openness of the Green Belt. It is also considered to be inappropriate development in the Green Belt. This harm was considered to be emphasised by the design of the mast and its utilitarian appearance.

Some comments suggest that the description is misleading by saying that the mast will be 20m high, when the overall height including the antenna is 23.4m.

Several comments also refer to the cumulative impact of this proposal alongside the nearby proposals for a replacement telecommunications mast in the same field (19/05534/FUL). There was also concern about a lack of coordination for the strategic rollout of new masts.

There were concerns that the proposals would result in the removal of trees which would lead to landscape harm, destruction of wildlife habitat and increase flooding in the area. There was concern that tree-work had taken place to lower the height of trees and that some of the visual impact assessments may therefore be out of date.

A significant number of the comments also raised concerns about the safety of 5G technologies, citing the following issues - lack of evidence of safety, evidence of harm to humans, animals, insects and plants, concern about impact upon children and other vulnerable people. The perception and fear of harm arising from the proposed mast was also raised as an issue. Some were also concerned about an invasion of privacy and data security risks which it was suggested might arise with 5G technology.

A few comments were concerned that the proposals were contrary to the Council's declaration of a Climate and Nature Emergency.

Several comments felt that the proposed mast was unnecessary or that there were alternative locations it could be sited.

Several suggestions were made that the application was missing details and technical information about the replacement mast and that there was a lack of consultation undertaken.

Several comments considered that the proposals were contrary to many of the policies within the development plan and the NPPF.

3 letters of SUPPORT have been received. The main issues raised were:

The comments suggest that the currently level of internet services in Bath is poor with huge capacity issues. It is suggested that the proposals will improve this situation. They consider this particularly important at the moment.

One letter raises concerns about what is described as the level of baseless hysteria over the rollout of 5G technology. They indicate that there is no credible peer reviewed scientific evidence that 5G is in anyway harmful.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
- o Policy GDS.1 Site allocations and development requirements (policy framework)
- o Policy GDS.1/K2: South West Keynsham (site)
- o Policy GDS.1/NR2: Radstock Railway Land (site)
- o Policy GDS.1/V3: Paulton Printing Factory (site)
- o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

RELEVANT CORE STRATEGY POLICIES

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- SD1 Presumption in favour of sustainable development
- DW1 District Wide Spatial Strategy
- B4 Bath World Heritage Site
- CP6 Environmental Quality
- CP8 Green Belt

RELEVANT PLACEMAKING PLAN POLICIES

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- D2 Local Character and Distinctiveness
- D5 Building Design
- D6 Amenity

D8 Lighting
GB1 Visual Amenities of the Green Belt
NE1 Development and Green Infrastructure
NE2 Conserving and Enhancing the Landscape and Landscape Character
NE2A Landscape Setting of Settlements
NE3 Sites, Species and Habitats
NE6 Trees and Woodland Conservation
PCS1 Pollution and Nuisance
PCS2 Noise and vibration
ST7 Transport Requirements for Managing Development
LCR7A Telecommunications Development

National Planning Policy Framework and the National Planning Practice Guidance can be afforded significant weight.

LEGISLATION

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 'In considering whether to grant planning permission for development which affects a listed building or its setting' to '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.'

There is also a duty placed on the Council under s85 Countryside and Rights of Way Act 2000: "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are:

1. Principle of development
2. Green Belt
3. Landscape, visual impact and heritage
4. Trees and woodland
5. Ecology
6. Highways and access
7. Health
8. Very special circumstances
9. Other matters
10. Conclusion

1. PRINCIPLE OF DEVELOPMENT

Policy LCR7A of the Placemaking Plan supports the principle of telecommunications development and states that they will be permitted if they meet the listed criteria.

Criterion 1 requires that the siting and appearance of the apparatus minimises the impact upon visual amenity, character or appearance of the surrounding area. Criterion 4 requires the development not to have an unacceptable effect on areas of ecology, landscapes or heritage assets such as the World Heritage Site. Both criteria are considered further in the landscape, visual impact and heritage section below.

Criterion 2 applies only to apparatus proposed on a building and does not apply in this instance.

Criterion 3 requires that, in the case of new masts, it is demonstrated that the possibility of erecting apparatus on existing masts or structures has been fully explored. There is an existing mast located approximately 60m to the south of this site, but it is a relatively small 15m high monopole which is not capable of accommodating all of the equipment and apparatus of the proposed network provider. It is also proposed that the new mast will be used by two providers instead of just a single provider. This will reduce the need for additional masts to be in the area whilst ensuring sufficient coverage.

Subject to the consideration of criteria 1 and 4, the principle of a replacement mast in this location is acceptable and consistent with policy LCR7A of the Placemaking Plan.

2. GREEN BELT

In accordance with paragraph 145 of the NPPF, new buildings (or structures) in the green belt are to be regarded as inappropriate development unless they meet one of a few limited exceptions. Paragraphs 145 and 146 set out a limited number of exceptions of development types which are not considered to be inappropriate in the Green Belt. However, none of these exceptions cover the erection of a telecommunications mast. The proposed telecommunication mast is therefore considered to be inappropriate development in the green belt.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The case for very special circumstances is considered in the relevant section below.

3. LANDSCAPE, VISUAL IMPACT AND HERITAGE

The site lies within the Green Belt; The Cotswolds Area of Outstanding Natural Beauty; the indicative landscape setting of the settlement of Bath; and the indicative setting of the Bath World Heritage Site. These multiple designations underscore the quality and importance of the surrounding landscape character, features and views and suggest that it may be sensitive to development which is visually prominent.

The submitted photomontages show that while views of the upper part of the mast and the antennae are likely to be possible from the portion of Woolley Lane which borders the site's western boundary they also demonstrate that the surrounding mature boundary vegetation is likely to screen most other views of the mast.

Though the three antennae at its top are likely to be visible because they are above this tree line, it is considered that the submitted photomontages demonstrate that they would not be a visually prominent feature and would tend to blend into the backdrop of wooded hillsides and nucleated settlements in middle distant views from Public Rights of Way on higher ground to the north west (PROW BA5/3 and BA5/4); and distant views from the higher ground to the west and east (Lansdown, Little Solsbury Hill).

In light of this, it is considered that the landscape and visual impact of the proposed mast is unlikely to be significant.

Furthermore, the Larkhall Sports Club already contains a number of manmade vertical features including a significant number of floodlighting columns and an existing 15m high telecommunications mast in the western corner of the field. In longer views, the sports club stands out due to the prevalence of these vertical manmade features and the presence of dense conifer tree lines along its eastern boundary. Whilst there will be some additional visual impact as a result of the cumulation of manmade features, the introduction of an additional 20m telecommunications mast in this context will not significantly change the character of the Larkhall Sports Club when viewed within the wider landscape.

It is also considered that there is scope for mitigation of the visual impact of the proposals upon the landscape through the retention of the bordering tree line and through the design including an appropriate colour and finish for the mast and its equipment. Such matters could be secured through planning conditions and further reduce the likelihood of any significant impacts.

The landscape officer has no objection to the proposals.

The proposals are therefore considered to conserve the natural beauty of the Area of Outstanding Natural Beauty, the visual amenity of the Green Belt, the landscape setting of the settlement of Bath and the setting of the World Heritage Site.

There is some limited intervisibility between Twinfield Farm (Grade II) and the proposed mast. The rural setting of Twinfield is buffered by intervening tree cover. Nevertheless submitted imagery of a before and after view looking from Twinfield Farm back towards the application site does show a portion of the mast projecting above the trees. This feature will appear incongruous in the rural landscape. Based on the available evidence, the Conservation Officer considers that the mast will have a very minor, almost negligible, harmful impact on the setting of the listed building.

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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Under

paragraph 196 of the NPPF, where a development proposal will lead 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 including, where appropriate, securing its optimum viable use. Even a very low level/negligible level of harm still amounts to less than substantial harm and must be given appropriate weight in the planning balance.

This is considered further in the planning balance section below.

4. TREES AND WOODLAND

There is a broad boundary tree belt to the north of the proposed development and a boundary hedge to its west.

The proposed site plan (GalifordTry, Drawing Number 200 Rev C) shows the concrete base on which the monopole would be positioned as coming close to the tree canopy of the boundary tree belt and the proposed 2.1m high boundary fence as overlapping it. However, it is assumed the tree canopies shown on this drawing are diagrammatic.

The submitted Arboricultural Report (ACS Consulting dated August 2020) states that no tree will be 'lost' 'affected' or 'pruned' as a result of the development proposals and the * 'Arboricultural Layout' drawing ref ARB/4202/100 shows that the concrete base would not encroach upon the Root Protection Area (RPA) of any of the trees within the tree belt. The protective tree fencing would need to be adjusted to allow for the construction of the site security fence the line of which would encroach within the RPA of two of the surrounding trees. The Council's Arboriculturalist therefore has no objection to the proposed development provided the submitted Arboricultural method statement is followed during construction works. This can be secured by condition.

5. ECOLOGY

The site itself is not subject to any ecological designations, although it is fairly near to the Charlcombe Lane SNCI. The proposals for a new mast do not raise any significant ecological issues. In particular, the Council is satisfied that the proposals are not likely to have a significant effect upon any European sites, or have any effects for which a European protected species licence would be required.

The Council's ecologist has recommended that, if a landscaping scheme is required, this should incorporate measures to benefit wildlife. However, in light of the conclusions in respect of the visual impacts of the proposals it is considered that there is no need for a landscaping scheme to be secured by condition.

Furthermore, the plans do not indicate that any lighting will be installed on the proposed mast. Planning conditions controlling the installation of any new lighting can be utilised to prevent any future impacts upon bats or light sensitive species.

6. HIGHWAYS AND ACCESS

No changes to the site access from the highway or car parking are proposed.

The site plan indicates that the site will be reached from the Highway via the sports club's existing access on Valley View Road and then on a proposed temporary access track from the field access gate. The location plan indicates the sports ground being accessed from the south via Charlcombe Lane and turning tightly right into Valley View Road. This route would not be suitable for access due to the layout of the road. This can be controlled through a Construction Management Plan.

Due the narrow width, layout and nature of Valley View Road and the challenge that bringing construction equipment and materials to this site would bring, a Construction Management Plan should be produced to manage the impact on highway safety and residential amenity.

The Highways Officer has no objection to this application subject to a Construction Management Plan being secured by planning condition.

7. HEALTH CONCERNS

Numerous comments have raised health concerns about the use of 5G technology. However, the NPPF guidance on this issue is clear and set out in paragraph 116:

"Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure."

The applicant has submitted a certificate of compliance with the ICNIRP public exposure guidelines. This certifies that, when operational, the proposed mast and apparatus used will meet the ICNIRP guidelines and will not pose a threat to safety. The ICNIRP guidelines have been prepared following a wide-ranging review of scientific data on the effects of exposure to human health. This has included major reviews from international organisations and original scientific papers.

Various findings from other studies have been submitted in response to the consultation on this application. None of these provide evidence which is more compelling than that presented by the recent ICNIRP guidelines. In light of the compliance with the ICNIRP guidelines, it is considered that the proposals will not have any significant impacts upon human health and comply with national and local policy in respect of this matter.

8. PLANNING BALANCE

As discussed in the Landscape, Visual Impact and Heritage section above, the proposals are considered to result in less than substantial harm to the setting of Twinfield Farm. In accordance with policy HE1 and paragraph 196 of the NPPF this harm should be weighed against the public benefits of the proposal.

Paragraphs 193 and 194 of the NPPF state that great weight should be given to the conservation of a heritage asset and that any harm should require a clear and convincing justification. Furthermore, there is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 'In considering whether to grant planning permission for development which affects a listed building or its setting' to '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.'

The Conservation Officer concludes that the proposed mast will have a very minor, almost negligible, harmful impact on the setting of the listed building.

The public benefits of the proposal include the provision of 2G, 3G, 4G network capacity and the ability to cater for future network demands including 5G. The wider public benefits of providing mobile technology and increased connectivity, particularly during the current covid-19 pandemic, are clearly material and are afforded significant weight.

These public benefits are considered to represent a clear and convincing justification for the proposals which outweigh the great weight given to the harm to the setting of Twinfield Park. The proposals are therefore considered to comply with policy HE1 of the Placemaking Plan and the NPPF.

Green Belt - Very special circumstances

As indicated above, the proposals are inappropriate development in the Green Belt which should only be permitted if very special circumstances exist. Paragraph 144 of the NPPF indicates that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

It should also be noted that the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and that any harm to the Green Belt should be given substantial weight.

There are several matters which weigh in favour of the application which must be considered in this balance.

Firstly, a base station is required in this locality to maintain the existing 2G, 3G and 4G network capacity, following the removal of the former telecommunications installation which has now been removed from Colliers Lane to the west. This proposed installation will also cater for any future network demands of Vodafone including 5G provision.

The rollout of 5G technology will enable higher capacity, increased bandwidth and lower latency than compared to 4G. This will enable significant advancements in terms of connectivity, technology and business. It is difficult to quantify the benefits arising from these advancements, but it is certainly the case that the currently ongoing public health crisis (covid-19) has highlighted the importance of digital connectivity within modern society. These benefits are therefore afforded significant weight in the planning balance.

There is strong support from national government for the 5G network roll out expressed through the policies of the NPPF. Paragraph 112 states that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Furthermore, paragraph 116 of the NPPF states that Local Planning Authorities must not seek to prevent competition between different operators or question the need for an electronic communications system.

Secondly, there is a temporary mast currently providing coverage to the area, also located to the west on Colliers Lane. This proposal for a permanent mast would enable the temporary mast to be removed. Whilst it is not possible to secure the removal of this temporary mast through this application, the granting of permission for a permanent mast provides an incentive for the removal of the temporary mast and there is no reason to believe that this would not be the case. Therefore, this matter can be given some limited weight.

Thirdly, the application includes details of alternative sites which were considered and gives reasons why each of these options were discounted. Officers have reviewed the alternative sites considered, all of which are also within the Green Belt, and agree with the reasons given for not progressing these alternative sites. These included consideration of sharing the existing mast located approximately 60m to the south of the application site. Given the type of mast structure currently on this site it would not be possible to accommodate all the equipment of the various network providers on the existing (15m monopole) or recently refused mast (20m monopole). For this site to be capable of accommodating the amount of equipment required by these multiple providers, a more substantial lattice mast would be required which would likely be 5-8m taller than the proposed mast. Such a structure would likely have a much greater visual impact than the currently proposed mast.

If this application were to be refused, then the applicant would have to seek permission for one of these alternative locations to site the required equipment. Given that these locations are also in the Green Belt, they are also likely to be considered inappropriate development. As discussed in the visual impact section of this report, Larkhall Sports Club already stands out in long views due to the prevalence of these vertical manmade features (floodlights, existing masts, etc.) and the presence of dense conifer tree lines along its eastern and southern boundaries. This is therefore considered the most appropriate location within the locality for the siting of a new mast.

In summary, the accepted need to maintain continuity of existing 2G, 3G and 4G network capacity, the (albeit not guaranteed) removal of the temporary mast from Colliers Lane, the benefits of and government support for the next generation of mobile technology (5G) combined with the consideration and discounting of reasonable alternatives are considered to clearly outweigh the harm to the green belt and the negligible harm to the setting of Twinfield Farm. No other harm has been identified and it is therefore considered that very special circumstances exist which justify the proposed development in the green belt.

9. OTHER MATTERS

Cumulative impact and application 19/05534/FUL

Planning application 19/05534/FUL for a replacement of an existing mast nearby was refused by the planning committee in December 2020 for the reason of being inappropriate development in the Green Belt and having a harmful impact upon the AONB and local landscape character and local distinctiveness.

The current application is materially different to this nearby recently refused application. The current application is for a new mast and not a replacement mast but it is also materially different in terms of its design. The currently proposed mast is narrower than the previously refused mast and contains a much smaller mast head. This gives the currently proposed mast a much less bulky appearance than the recently refused mast.

The applicant for 19/05634/FUL has until June 2021 to appeal against the decision. It remains therefore technically possible that application 19/05534/FUL could be allowed at appeal and therefore also be erected within 60m of the current application site. However, the outcome of such an appeal cannot be known and it will be the responsibility of the Inspector to consider the cumulative impacts of the proposals should the current application have been approved by the time an appeal is heard.

Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposals do not raise any particularly significant issues in respect of the equalities duty, but a couple of points are noted.

Those with disabilities which limit their independence or elderly people who are home bound can often be reliant upon digital and wireless technology to stay connected to their family and friends and to access public and private services and goods. The proposed improvements to connectivity associated with the roll out of the next generation of mobile networks could potentially benefit these groups.

Privacy and security

Several comments have been received questioning the security of the latest 5G technology and expressing concerns that their privacy may be invaded. No evidence has been submitted to substantiate these concerns and there is no reason to consider that the next generation of mobile technology will be any less secure than the current generation. Furthermore, these matters do not concern themselves with the use of the land.

Climate Emergency

Several comments received suggest that the proposals are counter to the Council's declaration of a climate and ecological emergency. As is discussed in the report above, the proposals are not considered to have any adverse impacts upon ecology and biodiversity. Whilst the construction of a mast and the associated equipment will entail some carbon emissions (as most construction projects do), the operational phase of the development is unlikely to generate a large amount of carbon emissions. Furthermore,

new technological contributions to meeting the climate crisis are likely to benefit from the increased connectivity provided by the next generation of mobile technology.

Application errors and consultation

Many comments point to supposed errors or inconsistencies in the application documents or that it lacked enough detail to be properly considered. The application has been reviewed by the Local Planning Authority and was considered to meet all the requirements of a valid application when it was registered. Planning applications need only provide a reasonable and proportionate level of detail sufficient to understand what is being proposed. Officers are satisfied that there is enough information to determine the application.

Other comments have questioned whether adequate consultation has been undertaken on this planning application. Officers can confirm that all consultation requirements for this application type, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's 'My Neighbourhood' planning protocol document, have been met. This includes the erection of a site notice displayed on the site for a period of no less than 21 days.

10. CONCLUSION

The proposed telecommunications mast would conserve the natural beauty of the Area of Outstanding Natural Beauty, the visual amenity of the Green Belt and the landscape setting of the settlement of Bath. However, it would constitute inappropriate development in the Green Belt by definition and result in very minor harm to the setting of Twinfield Farm.

However, the accepted need to maintain continuity of existing 2G, 3G and 4G network capacity, the benefits of, and government support for, the next generation of mobile technology (5G) combined with the consideration and discounting of reasonable alternatives are considered to represent very special circumstances to justify the proposed development. Furthermore, and affording great weight to the conservation of designated heritage assets, the public benefits of the proposal are considered to outweigh the identified harm to the setting of Twinfield Farm.

The potential removal of the temporary mast from Colliers Lane may be an added benefit but is not secured by this permission and is given only limited weight in this assessment.

The proposals comply with nationally prescribed health safeguards and, subject to suitable conditions, do not result in any significant harm to trees, ecology and highways.

It is therefore considered that the proposals accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including access and storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway accordance with policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

3 Mast Paint Colour and Finish (Bespoke Trigger)

The mast hereby approved shall not be installed until details and a sample of the painted finish for the mast have been submitted to and approved in writing by the Local Planning Authority. The mast shall thereafter be finished in the approved details prior to it being brought into use.

Reason: To ensure that the painted finish of the mast matches the natural scale and variation of the *Leylandii* foliage in light, shade and deep shade and to ensure that the adverse landscape impacts of the replacement mast are adequately mitigated in accordance with policy NE2 of the Placemaking Plan.

4 Compliance with Arboricultural Method Statement (compliance)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement (ACS Consulting, August 2020) and Tree Protection Plan (ARB/4202/Y/100). A signed compliance statement from the appointed Arboriculturalist shall be submitted to and approved in writing by the Local Planning Authority on completion of the works.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Local Plan. To ensure that the approved method statement is complied with for the duration of the development.

5 External Lighting (Bespoke Trigger)

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights;
2. Predicted lux levels and light spill;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE.3 and D8 of the Bath and North East Somerset Placemaking Plan.

6 Removal of equipment (Compliance)

Within 6 months of the site ceasing to be used for telecommunication operations the mast, all equipment and the compound shall be entirely removed from the site.

Reason: To ensure that the telecommunication equipment is removed should it no longer serve an operational purpose and in the interests of protecting the openness of the Green Belt in accordance with policy CP8 and the National Planning Policy Framework.

7 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

1 LOCATION PLAN
200 B PROPOSED SITE PLAN
301 A PROPOSED ELEVATION PLAN

2 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

4 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

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