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# Bath & North East Somerset Council

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## 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 late papers which were not available at the time the agenda was published. Please treat these papers as part of the agenda.

Papers have been included for the following items:

### **UPDATE REPORT**

Yours sincerely

Marie Todd  
for Chief Executive

<p><b>If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.</b></p>
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**BATH AND NORTH EAST SOMERSET COUNCIL**

**Planning Committee**

**Date 10<sup>th</sup> February 2021**

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN  
AGENDA**

**ITEM**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No.</b>	<b>Application No.</b>	<b>Address</b>
006	20/03255/FUL	Larkhall Sports Club Charlcombe Lane Charlcombe, Bath

**Representations**

Three additional objection comments have been received. The full detail/text of these comments can be found on the Council's website, the main new issues raised were:

- There is a lack of a clear and convincing justification to allow very special circumstances required for new development in the AONB and Green Belt.
- The proposals represent a duplication of telecoms equipment and could be accommodated on an existing installation within 60m of the site. This has not been fully explored.
- Claims of inconsistencies in the planning assessment.
- Trees outside of the application site cannot be relied upon for mitigation and their condition is unknown. The tree line is likely to be kept lower to provide clear lines of sight for signals.
- Information provided in the AVRs is [not] in accordance with the Landscape Institute's Technical Guidance or standards. The view from Fairfield and Larkhall has been largely ignored. These areas contain listed buildings the settings of which may be affected.
- Concern that Radio Frequency Radiation is a type of pollution and that the health impacts of the proposal have not been properly considered against paragraph 180 of the NPPF. There is also concern about the lack of an exclusion zone on the plans.
- Querying why the removal of the temporary mast on Colliers Lane cannot be secured by condition.

## **Green Belt**

The main committee report acknowledges that the proposed telecoms mast is classified as inappropriate development in the Green Belt which must be justified by very special circumstances to be considered acceptable.

Paragraph 144 of the NPPF is clear 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. However, the question of whether very special circumstances exist is a matter of planning judgement.

The committee report considers this matter in detail in the 'Green Belt – Very special circumstances' section.

## **Alternative site for telecoms equipment**

The committee report explains that the existing mast 60m to the south of the current application site is a relatively small 15m monopole which is not capable of accommodating all the equipment for the proposed network providers. A larger replacement mast would be required to achieve this. In relation to this matter, it is material to note that proposals for a larger replacement mast on this alternative site were refused by the planning committee in December 2020 (ref: 19/05534/FUL)

No other alternative sites have been identified.

## **Trees and mitigation**

The comments received raise concerns that trees along the boundaries of the Larkhall Sports Club are not within the application site and are not protected and therefore cannot be relied upon for purposes of mitigation or controlled by condition.

As explained within the main report, the arboricultural information submitted with the application confirms that the proposals will not require the removal of any existing trees.

In terms of their ability to provide mitigation for the visual impacts of the proposal, it is acknowledged that these trees are not subject to TPO protections and are not within the control of the applicant. It is therefore not possible ensure their retention using planning conditions.

However, whilst this can be seen as a factor placing some limits on the weight to be attributed to their role in providing visual mitigation, the existing trees around the Larkhall Sports Ground do form part of the established landscape and it is correct to take them into account when assessing the visual impact of the proposed development. In any event, the committee report acknowledges

that the mast head of the proposed development will be visible above the tree line.

## **Photomontages**

The application is supported by photomontages as opposed to AVRs (Accurate Visual Representations). These photomontages do not meet the standards required of AVRs as set out in the Landscape Institute Guidance.

However, the submitted photomontages have been reviewed by the Council's Landscape Officer who considers that they are of sufficient quality to enable a proper assessment of the proposals. The photomontages have also been considered in combination with the other plans/drawings submitted.

The information submitted is also sufficient to conclude that, whilst the setting of Twinfield Farm (Grade II) will be affected, no other listed buildings (or their settings) will be affected by the proposals.

## **Health Concerns**

All of the information and submissions submitted by objectors raising public health concerns have been carefully considered. The LPA has also had regard to national and local planning policy, in particular paragraph 116 of the NPPF which states that:

*“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 objections refer to para 180 NPPF which states that:

*“180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*

*b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*

*c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

In this case the Council is making a planning decision about land use and must determine the application on planning grounds only. The NPPF is necessarily broad in scope, meaning that LPAs are often required to balance the different policies contained in it. In this case, the NPPF contains a specific section on communications infrastructure which states that LPAs should not set health safeguards which are different from the International Commission guidelines for public exposure. The applicant has complied with those requirements. It is therefore considered that the objections based upon public health grounds, which the Council acknowledges are borne out of genuine concern, are outweighed by para 116 NPPF and by the applicant's compliance with the International Commission guidelines.

### **Temporary Mast Condition**

Planning conditions must meet 6 tests. They must be:

1. Necessary
2. Relevant to planning
3. Relevant to the development to be permitted
4. Enforceable
5. Precise
6. Reasonable in all other respects

A planning condition to require the removal of the temporary mast at Colliers Lane would need to meet all of the above tests to be acceptable. Ultimately, such a condition is unnecessary because, as a matter of planning judgement, the proposed mast is considered to be acceptable without securing the removal of the temporary mast.