

**Item Number:** 10  
**Application No:** 17/00109/FUL  
**Parish:** Terrington Parish Council  
**Appn. Type:** Full Application  
**Applicant:** EE Limited (James Hill)  
**Proposal:** Erection of a 15m high telegraph pole style telecommunications mast with associated equipment cabinets and ancillary equipment and erection of an adjacent satellite backhaul dish on a 2.7m high pole all within a 1.2m high stock proof fenced compound together with formation of a 3m wide access track from Mowthorpe Lane and an area for the parking of vehicles  
**Location:** Land To The East Of Mowthorpe Lane Terrington

**Registration Date:**  
**8/13 Wk Expiry Date:** 29 March 2017  
**Overall Expiry Date:** 3 March 2017  
**Case Officer:** Charlotte Comforth **Ext:** 325

#### CONSULTATIONS:

<b>Parish Council</b>	Supports but requests conditions
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Paul Jackson AONB Manager</b>	Concerns

**Neighbour responses:** Ms Kathryn Lazenby, David & Susan Mellows-Facer,

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#### SITE:

The site is to the south of the village of Terrington. located within the wider open countryside, that is designated as the Howardian Hills Area of Outstanding Natural Beauty.

The site is located off Mowthorpe Lane, approximately 90 metres to the west of an existing field entrance off Mowthorpe Lane.

#### PROPOSAL:

Erection of a 15m high telegraph pole style telecommunications mast with associated equipment cabinets and ancillary equipment and erection of an adjacent satellite backhaul dish on a 2.7m high pole all within a 1.2m high stock proof fenced compound together with formation of a 3m wide access track from Mowthorpe Lane and an area for the parking of vehicles.

The site is to give coverage to the surrounding area and also link other sites into the Network. This is as part of a project to give mobile, data and emergency services coverage via mobile phones to more remote areas in the UK.

The application is presented to Members for determination because 2 letters of objection have been received from local residents, raising material planning considerations. These will be discussed in the appraisal section of this report.

Members should also note that extensive discussions have taken place between this provider and the provider of the mast at the Terrington Village Hall. In this instance, it is not possible for both Mobile Network Operators to share a site. The Telecommunication Notification for the mast at the Village Hall site has been determined and approved (Reference 17/00252/TELN56) on 28th April 2017.

A substantial structure and ground based area would have been required to accommodate the equipment of both operators. This would primarily comprise of the antennas themselves and the cabinets at ground level. It is not possible for both operators to share the same equipment given each has specific technical requirements relating to the bandwidths at which they operate. For example, it wouldn't be possible for the providers to simply use the equipment proposed at each site and vice versa. Therefore, a new substantially larger mast would have been required to accommodate both operators in a site sharing arrangement. Such structures where all Mobile Network Operators are accommodated are typically lattice type structures of 20 metres in height or more. This height is required so that the antennas can be arranged in a 'dual stack' formation so that the radio signals do not interfere with each other.

The agent has therefore requested that this application for a 15 metre high telegraph pole style telecommunications mast is determined as submitted.

## **HISTORY:**

There is no planning history in connection with the site.

## **POLICY:**

### The Ryedale Plan - Local Plan Strategy (2013)

Policy SP 10 - Physical Infrastructure  
Policy SP 13 - Landscapes  
Policy SP 16 - Design  
Policy SP 18 - Renewable and Low Carbon Energy Policy  
Policy SP 19 - Presumption in Favour of Sustainable Development  
Policy SP 20 Generic Development Management Issues

### National Planning Policy Framework (2012)

Chapter 1 - Building a strong, competitive economy  
Chapter 5 - Supporting high quality communications infrastructure  
Chapter 11 - Conserving and enhancing the natural environment

### National Planning Practice Guidance (2014)

## **APPRAISAL:**

The main considerations to be taken into account are:

- i. Impact upon the visual amenity of the locality - The Howardian Hills Area of Outstanding Natural Beauty
- ii. Highway safety
- iii. Neighbouring amenity and safety
- iv. Other matters
- v. Conclusion

### i. Impact upon the visual amenity of the locality - The Howardian Hills Area of Outstanding Natural Beauty

The Howardian Hills AONB Manager has stated the following with regard to the proposal:

1. The Howardian Hills AONB Management Plan seeks to support the roll out of mobile telecommunications infrastructure, where this can be achieved without impacting on the defined Special Qualities of the AONB.

2. The relationship to other nearby masts, and the assessment process by which this site was chosen, is impossible to assess due to a cut-and-paste error on p1 of the Site Detail document. Locations D1 and D2 are near Scarborough, as is Spikers Hill Farm as referenced in relation to D3. D4 clearly refers to a topographical location that is not Terrington, and I'm not sure where Hawthorne Wood might be. No map has been provided to show the locations of these alternatives (unsurprisingly, as it would show that they're all relating to another mast site on the south western edge of Scarborough), so this section is of no use in evaluating any site assessment process used.
3. As alluded to in comments submitted by Terrington residents, Vodafone/O2 are consulting independently on a proposed mast site very close by on the Village Hall playing fields. Whilst this application needs to be judged on its own merits, without reference to what may or may not be proposed or permitted in the future, the current increased speed of rollout of new masts by the two parallel networks does potentially cause issues.
4. As both networks are known to be looking to install very similar masts only 150m apart, I think in this case it is material to consider potential alternatives such as mast or site sharing.
5. In my view, mast sharing in this vicinity would create a more significant visual impact, as the resultant mast would need to be taller in order to accommodate both sets of antennae.
6. I'm not able to find reliable information indicating minimum separation distances for 15m masts with the type of antennae proposed, but I do feel that in this instance, and given the local landscape features, site sharing should be considered as a possibility. I would expect the two networks to be discussing their respective plans for this area and developing a joint proposal if possible.
7. Whilst the proposed site does make some use of an adjacent hedgerow tree as an existing landscape feature, I have concerns about the open nature of the site. As plots haven't been provided I'm unable to assess whether a site nearer the lane, or to the west of it, is technically feasible. This would make use of more substantial landscape features to act as screening.
8. Although the proposed monopole would be viewed against the sky from some viewpoints, it will also be seen in wider back-dropped views from other locations. In general I don't find that the galvanised steel finish is the most universally satisfactory, so if approved I would wish to see ALL equipment (including pole, shroud, microwave dishes and equipment cabinets) coloured to RAL 6003 in a matt finish.
9. The access track and vehicle parking area should be surfaced in a locally appropriate material such as limestone chippings.
10. Given the proximity of 11KV overhead power lines, I assume that a mains power supply will be connected. This would create a significant additional visual impact if it were to run overhead, so if Approved a Condition should be imposed to stipulate an underground power supply.

With regard to point 2, the agent has submitted a revised Site Detail document. The AONB Manager has stated that Terrington Moor would have been a less visually exposed location, but it is in a dip and I can see how that would have been rejected by Radio. Ray's Moor, dependent on exact location, might have been starting to impinge on the Castle Howard Registered Park & Garden, although if sited near the woodlands the public views would have been quite long-distance.

With regard to point 4, 5 and 6 extensive discussions have taken place between this provider and the provider of the mast at the Terrington Village Hall. In this instance, it is not possible for both Mobile Network Operators to share a site.

With regard to point 7, the site is open in nature and does make some use of an adjacent hedgerow tree as an existing landscape feature. Whilst there may be some visual impact of the proposed mast, it is considered that due to its slim monopole design and the equipment being coloured RAL 6003 (Dark Green) will help to mitigate this impact. Furthermore, the agent has stated that:

There are existing power lines along the road which is partly why we can't put it on the adopted highway. Therefore we sited this one next to a tree to provide some screening. We also took the decision to move the site as far away from the housing as possible. If we move it back to the west it will clip the hill and not cover the target road.

With regard to point 9, a condition will be attached to the Decision Notice if planning permission is granted regarding the surfacing treatments.

With regard to point 10, the agent has confirmed that the mains power supply would be underground.

It is considered that the proposal will not result in a material detrimental impact upon the natural beauty and special qualities of the AONB. The proposal is therefore considered to be compliant with Policies SP13 (Landscapes), SP16 (Design) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

#### ii. Highway safety

The Local Highway Authority has raised no objection to the proposal and have stated the following:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters: The design standard for the site is DMRB and the required visibility splay is 2.4 metres by 90 metres. The available visibility is 2.4 metres by 90 metres. The existing field access gate is approximately 5 metres wide, and the verge crossing is un-made.

Due to the nature of traffic allied to the construction phase and subsequent maintenance vehicle visits, the access should be widened and upgraded in construction specification across the verge (the first 6 metres).

They have recommended that conditions relating to the verge crossings, the parking spaces to remain and precautions to prevent mud on the highway are attached to the Decision Notice if planning permission is granted.

#### iii. Neighbouring amenity and safety

2 letters of objection have been received from the occupiers of 3 Cliffe Mews and The Bungalow (South Back Lane). 3 Cliffe Mews is located approximately 700 metres to the north west of the site and The Bungalow is located approximately 600 metres to the north west of the site.

Their full letters of objection can be viewed on the Council's website, but in summary they state:

- Impact upon the AONB as a natural, unspoilt landscape
- The upgrade of existing masts
- No regard seems to be made to the sharing of masts within one small village
- Conifer tree design masts are available

A letter was subsequently sent by the Case Officer to both occupiers advising them why, in this instance it was not possible for both Mobile Phone Operators (this site and the Village Hall site) to share a mast. The occupier of 3 Cliffe Mews responded and have stated:

All our objections still apply.

If the planning committee is going to pass a 15m structure within an AONB then a 20m one would not make any difference as the natural beauty would have already been destroyed. There is plenty of room on the considered land for a 20m one as you are aware there is only one tree to 'hide' the mast. If the planning is agreed for this 15m mast what is the other alternative? 3 masts in Terrington to accommodate every provider??

Other options to consider which other planning district councils do is the siting of these masts in forests well hidden in the trees and/or on existing electricity pylons.

Additionally we already have very fast Broadband speeds and 'What's App' allows you free, clear calls from any network.

A company called 'Rural Sim' offers a sim card that roams between O2, Vodafone and EE without user intervention.

The emergency services have never had an issue here or in the surrounding area making contact or calls (a firefighter lives in the village and can confirm this).

Ultimately this is the countryside and an AONB for a reason.

Notwithstanding the above comments, in this instance, it has not been possible for both Mobile Network Operators to share a site. A mast within the Church Tower has also been mentioned but this is not something that the Local Planning Authority are aware of. It is considered that a conifer tree design mast would be more intrusive in this location. This proposal involves a slim, 15 metre high monopole design and the equipment being coloured RAL 6003 (Dark Green). A 20 metre shared high mast would need to be a lattice type structure, rather than a slim monopole design. The smaller slim monopole is considered to be less visually intrusive in this location and when read in conjunction with the existing tree within the hedgerow to the west of the mast and the hedgerow itself.

Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy states:

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise

New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance

All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/ potential risks posed by contamination in accordance with recognised national and international standards and guidance

The submission of an ICNIRP certificate confirms that the development complies with health guidelines controlled by other legislative powers.

The proposal is not considered to be overbearing in presence to residential properties due to the physical separation from the site to the nearest residential properties which are in excess of approximately 400 metres from the site. The proposal is therefore considered to be compliant with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

#### iv. Other matters

The Parish Council have stated the following with regard to the proposal:

Terrington Parish Council have given consideration to the above planning application. During a meeting of the public held in the village this week, attended by a number of Parish Councillors, a 'sounding' was taken to gauge the views of those present.

In accordance with the majority view expressed, Terrington Parish Council supports this application but strongly request that conditions to the granting of permission should include:

- Significant planting of screening with vegetation/ trees, appropriate as far as possible to this location within an AONB and which the operators of the site should remain under a duty to maintain and replace as and when necessary.
- A limitation on the heights of mast and satellite dish should the designs/ requirements change now or in the future for taller/ larger mast/ dish. Such limitation should not be to an extent that would prevent the sharing of a mast and other equipment on the site by other users.
- Upon completion or termination of the use of the site for telecommunications purposes, the operators should be required to dismantle, excavate and remove all above and below ground structures, restoring the ground to an approximation of its current state.

The feeling of the majority of Parish Councillors, in common with many at the public meeting, is that we do need improved mobile phone coverage and would not wish to be excluded from coverage by the proposed ESN (Emergency Services Network). The 'cost' is the visual intrusion of the equipment necessary, in an AONB. If a site were used that were to be of benefit to the community either due to it being concealed and/or generated revenue that came to the community, such a site might be preferred, although with the same conditions applying to any permission. Whilst there is currently only one planning application to be considered here, there are two mast site proposals. The second, for which a planning application is understood to be forthcoming, is also in Mowthorpe Lane but sited close to a corner of the village Recreation Ground/ Playing Field. This is for a different pair of mobile phone companies to the one who have already submitted an application. From views expressed at the public meeting, it was thought that you should be made aware of the second proposal. A third, using equipment located within the tower of the Church in Terrington, has been put on hold.

With regard to screening, the existing hedges and trees will be retained and the plan showing this will be added as an approved plan condition. This is considered acceptable. With regard to limitations on the height of the mast should any requirements change, some amendments may or may not require planning permission. If any amendments do require planning permission, the Parish Council would again be consulted and their comments taken into account as part of the decision making process.

Since this formal consultation response from the Parish Council, the notification for the mast at the Village Hall has been determined and approved. The Parish Council supported this proposal.

#### v. Conclusion

It is considered that the agent has demonstrated why this site is acceptable in planning terms to serve the coverage area required. The Local Planning Authority considers that the proposal will not have a material detrimental impact upon the natural beauty and special qualities of the AONB and it will provide the greatest amount of coverage for the area required. Furthermore, extensive discussions have taken place between this provider and the provider of the mast at the Terrington Village Hall. In this instance, it is not possible for both Mobile Network Operators to share a site.

On balance, in light of the above, the proposal is considered to meet the relevant policy criteria set out within Policies SP10, SP13, SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval.

**RECOMMENDATION:                      Approval**

1            The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2            Unless otherwise approved in writing by the Local Planning Authority, the telecommunications, antennas and associated equipment shall be painted RAL 6003 (Dark Green) within one month of the erection of the mast and equipment.

Reason:- To ensure a satisfactory external appearance and to comply with Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

3            Prior to the commencement of the development hereby permitted, details of proposed planting to supplement existing landscape features, shall be submitted to the Local Planning Authority for approval in writing.

Reason: To comply with Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

4            The development, use or works hereby permitted shall be discontinued and the land reinstated to its former condition if the use of the mast and associated equipment ceases.

Reason:- To ensure that the land is restored to its former use and to comply with Policy SP13 of the Ryedale Plan - Local Plan Strategy.

5            Prior to the commencement of the development hereby permitted, details of the hard landscaping and surfacing within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To satisfy the requirements of Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

6            Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

c. The existing access shall be improved by widening to achieve a width of 10 metres at the carriageway edge and 6 metres at the highway / field boundary and upgrading of construction specification over the first 6 metres measured from the carriageway edge in accordance with Standard Detail number DC/E9A.

e. Any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

g. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted and agreed with the local planning authority in consultation with the local highway authority in advance of the commencement of the development and maintained thereafter to prevent such discharges.

h. The final surfacing of any private access within 10 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

- 7 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number ESN5010/75251-02 Issue B for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 8 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 9 Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway (Mowthorpe Lane, south of the access to the village hall / Southwood Farm) has been carried out, together with a schedule of monitoring inspections and carrying out of identified repairs during the construction period as covered by the overall programme of completing the works in a manner approved in writing by the Local Planning authority in consultation with the Highway Authority.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of highway safety and the general amenity of the area.



- 10 Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
  - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
  - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

- 11 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Location Plan - Drawing No ESN5010/75251-01  
Site Layout Plan - Drawing No ESN5010/75251-02  
Equipment Layout - Drawing No ESN5010/75251-03  
South East Elevation - Drawing No ESN5010/75251-04  
Antenna Schematic - Drawing No ESN5010/75251-08

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

**Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties