

Application Number: 18/11316 Full Planning Permission

Site: COMMUNICATIONS SITE AT CAT PLANTATION,
RINGWOOD ROAD, HINTON, BRANSGORE

Development: 35m high lattice telecommunications mast; equipment cabinet and
ancillary development

Applicant: Trustees of the Meyrick 1968 Combined Trust

Target Date: 21/11/2018

Extension Date: 11/01/2019

RECOMMENDATION: Service Man Planning Grant

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation is a departure from adopted Green Belt Policy.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Green Belt
Cranemoor Wood North SINC
Aerodrome Safeguarding Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality
CS8: Community services and infrastructure
CS10: The spatial strategy
CS17: Employment and economic development

National Planning Policy Framework (NPPF)

NPPF Ch. 10 – Supporting high quality communications infrastructure
NPPF Ch. 13 – Protecting Green Belt Land

Conservation Area: N :
Tree Preservation Order: N TPO No:

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

- 6.1 ENQ/18/20709/SFAT - The applicant sought the Council's pre-application advice on the proposed mast, which advised that the formal submission should demonstrate the very special circumstances to justify projects within Green Belt, including a Green Belt justification statement and landscape assessment in addition to the standard plans and statements.
- 6.2 02/74691 - Erect a 22.5m monopole telecommunication mast, antennae, equipment cabinet and ancillary development - granted July 2002

7 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council - PAR 3 Approval. The Parish Council welcomes this proposal to improve communications in the area and considers the proposal will have little impact on the surrounding area.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Ecologist - No objection. The further information has been helpful and is welcomed. It demonstrates impacts are modest and capable of mitigation. The consultant has been able to confirm the location of records of the rare plants that make the site notable at a county and national level. The applicant is undertaking active management of invasive species on the site. Sufficient information is available to the Council to enable assessment and demonstrate accordance with policy.
- 9.2 National Air Traffic Control - no safeguarding objection
- 9.3 Ministry of Defence - No Objection
- 9.4 Landscape Team - The Landscape and Visual Impact Assessment (LVIA) makes a very clear demonstration of the potential visual impacts of this proposal, using recognised guidance to inform a logical methodology that has been applied consistently to the study area and identified viewpoints. The report has identified the most sensitive receptors with an appropriate weighting of the visual impacts that may affect those receptors. While this report concentrates on potential visual impacts of the increased height of the proposed mast, it is silent on the impacts of the enlarged footprint of the base equipment, however given its location within a woodland block with no public access, this aspect of the proposal can be accommodated without loss of landscape character or adverse visual impacts. Disturbance to the woodland during the construction phase can be managed through appropriate conditions.

With regard to the comments of the objecting party (EE and 3G) contained in their letter and LVIA, there may be some value in assessing the cumulative effects of all the masts mentioned, however the scale of

the development is not sufficient to require this aspect via an EIA, and neither are the landscape impacts of the Cat Plantation proposal alone considered so significant that they cannot be mitigated. Further arboricultural information is required to clarify trees to be retained, removed or reduced, and to identify opportunities for mitigation. The views expressed previously have not altered as a result of the objector's LVIA.

- 9.5 Tree Officer - The arboricultural report submitted by Barrell Tree Consultancy suitably addresses tree constraints in relation to the proposed replacement telecommunications mast and associated construction. The report states that only one Turkey Oak tree will be lost as a result of the proposal and that 2 trees (Beech and Oak) will require pruning works to clear the compound, this is considered to be acceptable and will not have an adverse effect on the public amenity value of the woodland. If the no dig concrete slab, hand-dug fencing and tree protection fencing is undertaken in conjunction with the site guide notes within the Manual for Managing Trees on Development Sites V2.1 then the potential harm to retained trees will be minimal. No objection subject to tree protection condition.
- 9.6 Economic Development Section - The District Council recognises the importance of digitally connected local communities as being drivers for economic prosperity. This is reflected in the District Council's adopted Economic Development Strategy 2018-23 which states amongst its actions "Work with stakeholders to increase digital coverage and quality in underprovided areas". Approximately 5% of the New Forest's working age population work mainly from or at home (Census 2011) but there is an increasing trend towards this working practice so it will be ever more important that individuals have the digital capability to enable this. Furthermore, businesses operating from dedicated premises are ever more reliant upon digital connectivity to operate their business with the threshold of what is considered 'adequate' broadband also increasing as online technologies develop. Despite the often rural location of businesses operating in the surrounding geography, their need to connect digitally should not be underestimated. These businesses are just as likely to require connectivity as their more urban counterparts. Ofcom data for Bransgore and Bashley Ward (2016) show that the average broadband speed is 20.7Mbps (against a UK average of 37.8Mbps) and connections unable to receive 10Mbps stands at 8.2% (against a UK average of 4.9%). Therefore measures which provide an uplift in the number of premises able to connect to superfast broadband and/or the average overall speeds which can be achieved are welcomed as these will benefit the local business base and their associated workforce. From an Economic Development perspective, this development would improve the competitiveness of local business and importantly, futureproof them in terms of new digital developments.

10 REPRESENTATIONS RECEIVED

- 10.1 Representations and a LVIA have been made on behalf of EE Limited and Hutchison 3G, who currently transmit from the existing monopole sited within CAT Plantation, objecting to the proposed application for the following reasons:

- Need has not been proven for the new lattice structure
- Existing mobile network provision is provided by the existing monopole and any increase in height will not provide an improvement in network coverage
- The proposed lattice structure will not reduce the number of masts within the area as it is intended that the existing antennas will be relocated from the monopole into the new lattice. A like for like replacement but with a more dominant, taller, bulkier structure.
- Insufficient evidence has been submitted with regards to Landscape visual impact, ecological impact and habitat reports.
- It is considered that 'very special circumstances' have not been proven by the applicant within the submitted documentation

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

13 WORKING WITH THE APPLICANT/AGENT

The applicant sought the Council's pre-application advice on the proposed mast, which advised that the formal submission should demonstrate the very special circumstances to justify projects within Green Belt, including a Green Belt justification statement and landscape assessment in addition to the standard plans and statements. The applicant provided additional information in respect of tree and ecology impacts, which have satisfied the concerns of consultees.

14 ASSESSMENT

14.1 The Site and Proposal

14.1.1 The proposal relates to an area which is generally in use for forestry/woodland purposes within the countryside near Hinton. The site is beyond any defined built up area and within Green Belt and Cranemoor Wood North Site of Interest for Nature Conservation (SINC). The site is currently occupied by a single monopole telecom mast of 22.5m in height, which would need to be removed from the site to facilitate the development. The site is set within mature, albeit unprotected, trees which assist in screening the existing monopole.

14.1.2 It is proposed to erect a 35m high lattice telecommunications mast in place of the existing monopole structure of 22.5m. The applicant states that the replacement structure is required to improve localised broadband coverage by clearing the height of surrounding trees, which have grown in the years since 2001 when the 22.5m mast was erected. A larger concrete base, equipment cabinet, fencing and ancillary structures are sought at ground level to facilitate the development. As the applicant is a non-code system operator: a planning application is required in order to formalise what is proposed here.

14.2 Policy Context

14.2.1 Policy CS10 of the Core Strategy and Chapter 13 of the NPPF seek to retain and support the Green Belt by safeguarding the countryside from encroachment by built development and unrestricted sprawl. Policy CS8 states that New Forest District Council will work with service providers with the aim of ensuring the delivery of adequate services, to serve existing and proposed development in the plan area and support the local economy, ensuring that any adverse impacts arising are minimised. Policy CS2 of the Core Strategy relates to design quality and among other things, seeks to ensure that development does not impact adversely on the character of the area. Chapter 10 of the NPPF relates to telecommunications and sets out the need to support high quality communications infrastructure.

14.3 Main Considerations

14.3.1 The principal issues to consider, having regard to relevant development plan policies, the National Planning Policy Framework and all other material considerations are as follows:

- i. Is the development appropriate in the Green Belt?
- ii. What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt
- iii. Would there be any other non-Green Belt harm?
- iv. Are there any considerations which weigh in favour of the development?
- v. Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and thus demonstrate that the 'very special circumstances' to justify allowing inappropriate development in the Green Belt?

14.3.2 i) Is the development appropriate in the Green Belt?

14.3.2.1 The application site is located within the Green Belt and therefore the proposal must also be assessed against Green Belt policies. The NPPF attaches great importance to Green Belts, designated in order to keep land permanently open. The development of a mast is defined as a building and does not fall within any of the exceptions to the general policy presumption against the construction of new buildings in the Green Belt and is therefore inappropriate development and harmful by definition. In such cases applicants are required to demonstrate that very special circumstances to outweigh the harm which is caused by definition, together with any harm to the openness and purposes of the Green Belt and any other harm.

14.3.2.2 The application is accompanied by a Planning Statement and other supporting documentation outlining the case as to why very special circumstances exist to permit inappropriate development within the Green Belt, which is assessed below.

14.3.3 ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?

14.3.3.1 “Openness” is often understood as meaning simply the absence of development. However, recent case-law has confirmed that, in addition to considering whether, as a matter of fact, a proposal would introduce new development, it is also necessary to have regard to the visual impact on openness.

14.3.3.2 In the present case, the proposal would extend the existing compound (133 sq.m) by 60 sq.m. The extended compound would be finished with a concrete base, bound by 1.8m high fencing, with an equipment cabinet sited centrally. In so far as it would result in a larger developed area than is currently the case, this would have some effect on openness. However, the proposed increase in the size of the compound is relatively small and would be negligible in terms of diminishing the level of Green Belt openness or its purposes. Being entirely enclosed by woodland the proposed development would not markedly change the appearance of the land itself.

14.3.3.3 Replacement of the 22.5m monopole mast with a 35m high lattice mast could impact on the openness of the wider Green Belt as it would protrude above the existing tree canopy. That said, the proposal is for a replacement mast, the site is not elevated and is set well back from Ringwood Road with a substantial tree belt on all sides. The increased height of the mast would not be prominent within the Green Belt or impact significantly on its openness or its purposes, which weighs in favour of the proposal. This view is supported by the comments of the Council's Landscape Team.

14.3.3.4 In summary, while there would be some impact on openness, this is considered to be minor.

14.3.4 iii) Would there be any other non-Green Belt harm?

14.3.4.1 a) Policies CS2 and CS10 of the Core Strategy relate to design quality and among other things, seek to ensure that development does not impact adversely on the character of the area. Rising to some 35m high the proposed mast would project above surrounding trees. However, the submitted Visual Impact Assessment makes a very clear demonstration of the potential visual impacts of the proposal, using recognised guidance to inform a logical methodology that has been applied consistently to the study area and identified viewpoints. The report has identified the most sensitive receptors with an appropriate weighting of the visual impacts that may affect those receptors. The Visual Impact Appraisal clearly demonstrates, that the proposal would not impact significantly or harmfully upon the character of the area or countryside or setting of the National Park in accordance with Policies CS2, CS3 and CS10. The Landscape Team raise no objections to the proposal on visual impact grounds and do not concur with the views offered by the objecting party in respect of its effects on landscape character, visual amenity and the special qualities of the National Park and on the openness and purposes of the Green Belt.

- 14.3.4.2 b) The site is within Cranemoor Wood North SINC. The main reason for the area being designated a local wildlife site relates to the presence of a nationally rare plant, heath lobelia. The site is of national importance as well as being locally designated. Therefore if the extension was likely to result in any impacts there may be the need for specialist botanical survey in the correct period (i.e. spring 2019), botanical translocation and post construction monitoring and management. However, it is not considered likely that the proposal would result in any significant impacts on ecological interests as the site is located within a part of the woodland that is already open to access for mast servicing. The compound would be extended slightly into this area. Although the initially submitted plans were unclear as to precisely where the compound would be extended and its potential impacts on ecological interests, the applicant has provided an updated plan and ecological survey information, the content of which has satisfied the Council's Ecologist, who raises no objections.
- 14.3.4.3 c) The proposal would not encroach significantly into the woodland, the compound being extended into an existing open area of the woodland, used for access purposes. However, the originally submitted plans were unclear as to precisely where the compound would be extended and its potential impacts on existing trees. Consequently the Council's Tree Officer requested additional information in relation to tree impacts and the applicant provided an updated plan identifying the proposal in relation to existing trees. The Tree Officer raises no objection to the proposal, subject to a tree protection condition.
- 14.3.4.4 d) The Government has determined that where a mobile phone base station is compliant with the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) then it should not be necessary for planning authorities to consider further the health aspects of the proposed development or concerns about them. The applicant confirms that the proposal is compliant with the guidelines of ICNIRP.
- 14.3.4.5 e) It is acknowledged that the proposed lattice structure will not reduce the number of masts within the area as it is intended that the existing antennae will be relocated from the monopole onto the new lattice. It is also noted that the proposal is the first of a portfolio of sites throughout the Meyrick Estate where masts will need to be erected in order to provide the triangulation coverage required for the enhanced broadband service. The objecting party states that at least three masts of similar height to the current proposal will need to be erected, some on sites beyond the boundaries of NFDC, which have been identified in the applicant's submission. The objecting party suggests that the impact of these additional masts on the landscape and Green Belt must be considered cumulatively. In response to the objection, the Council's Landscape Team confirm that the landscape and visual impacts of the Cat Plantation proposal alone are not so significant that they cannot be mitigated. The proposal is for a replacement mast, albeit a taller and bulkier structure, which must be assessed on its own merits under this application. The cumulative impacts of the scheme cannot be assessed at this stage as full details of the other masts including their height, whether they replace existing structures, compound dimensions and proximity to screening are not available. Applications for the other masts will need to be

considered on their own planning merits, by the relevant authorities and in possession of full details. However, in relation to the overall enhancement of localised broadband coverage, it is recognised that the 35m lattice mast proposed here should not come forward in isolation, this is due to the fact that on its own, the mast would not achieve the desired broadband enhancement which establishes the need for the development in the first place.

14.3.4.6 f) Due to the relatively isolated nature of the site and likely intensity of use, it is not anticipated that the proposed development will impact significantly on other matters, which are often of concern when considering planning applications, such as residential amenity and highway impacts.

14.3.5 iv) Are there any considerations which weigh in favour of the development?

14.3.5.1 The applicant has provided the following details in relation to the submission, which seek to demonstrate that very special circumstances exist which justify allowing inappropriate development in the Green Belt.

- The proposal is for a replacement mast in a well screened location and the submitted Landscape Assessment demonstrates that the visual impact of the mast would be minimal.
- There is a coverage requirement for the higher mast in the locality and the proposal will improve local broadband coverage with resultant community benefits.
- Mast sharing with other operators would be welcomed
- Officers concur that the proposal is for a replacement mast, in a well screened location, where the proposal would not significantly adversely affect the openness of the Green Belt or landscape generally.

14.3.5.2 The enhanced coverage achieved is a key issue in considering whether very special circumstances exist. Enhanced telecommunications provide an important role in connectivity for residents and local economies and the proposal would be of benefit to the community. Provision of such coverage would be consistent with targets to enhance superfast broadband coverage nationwide.

14.3.5.3 The applicant has demonstrated in their submissions (which include a household survey of the study area), that a significant number of local properties do not currently have access to superfast broadband coverage. The objector has argued that many properties within this area will in fact already have access to superfast broadband through broadband cabinets. However, as the information submitted by the applicant demonstrates, due to the rural nature of the study area there is still a significant population which does not have access to broadband in areas where broadband cabinet installation is unlikely and where mast triangulation to provide the requisite level of coverage is the only realistic alternative. This is confirmed by the consultation response of the Council's Economic Development Section who consider this development would improve the competitiveness of local business and, importantly, futureproof them

in terms of new digital developments. Consequently, officers are satisfied that there is a justified need for the development and there is no compelling evidence to counter the applicant's justification statement and supporting information, which weighs in favour of the proposal.

14.3.5.3 Officers are satisfied that there are no alternative sites that meet the requirements of the development outside of the Green Belt, particularly as the mast would replace an existing 22.5m structure very close to the proposed footprint, where the new mast would form the hub of the localised broadband relay service, where broadband connection already exists and screening is robust.

14.3.6 v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm and so amount to “very special circumstances” which justify allowing inappropriate development in the Green Belt?

14.3.6.1 As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt.

14.3.6.2 With respect to ‘any other harm’, the site would be visually enclosed and the proposal would not result in any significant harm to the openness of the Green Belt or character of the area. The applicant has provided further information to address tree and ecology impacts, which have satisfied the concerns of the Tree Officer and Ecologist. The proposal is ICNIRP compliant and would not have any harmful impact upon adjoining amenity. Your officers are not aware of any other matters that would weigh against the scheme.

14.3.6.3 In respect of those matters which weigh in favour of the scheme, the fact that the proposed development is well screened, on a largely previously developed site and well related to the applicant’s existing telecommunications infrastructure is not in itself a “benefit”, but is relevant in so far as it reduces or mitigates any harm which might be caused. However, the applicant has provided evidence in relation to the need for the development, which (notwithstanding the points made by the objector) officers consider demonstrates that the proposal would deliver community benefits to an area where there is a requirement for enhanced coverage. The proposal is thus consistent with national policy, which states that policies and decisions should support the expansion of electronic communications networks.

14.3.6.4 Officers note that these benefits are dependent upon the installation of other masts, referred to in the application. In order to ensure that the benefits would in fact be forthcoming, it would therefore be necessary to ensure that any development authorised pursuant to the present application could only be carried out in conjunction with the installation of those other masts. This is a matter which can be secured by a section 106 agreement saying that the development cannot be commenced until all the other consents for the remainder of the network are in place and that contracts are agreed for their construction. Subject to this, in your officers’ view, the case put forward in relation to the needs of the applicant to provide enhanced

localised broadband coverage is sufficient to outweigh the presumption against development of this Green Belt site and therefore the very special circumstances do exist for the proposed development, in the form of the locational need for the development, lack of alternative sites and benefits derived to warrant a departure from established and adopted Green Belt policies.

14.3.6.5 The principle of the proposed development within the Green Belt is therefore considered to be acceptable in this instance, subject to the applicant entering into a legally binding agreement with the Council. The agreement would preclude erection of the mast until such time that the other identified mast sites have the benefit of planning permission and are capable of being implemented.

14.4 Conclusions

14.4.1 While the proposed development is inappropriate development within the Green Belt, it would not have any significant adverse effect on the countryside, the openness of the designated Green Belt, amenity, ecology or trees. It would deliver community benefits and is ICNIRP compliant. In light of these considerations it is considered that the applicant has demonstrated very special circumstances to warrant a departure from Green Belt Policy. The proposal is therefore recommended for approval, subject to conditions and a legal agreement to ensure the identified benefits of the proposal are delivered.

14.4.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

That the Service Manager Planning Development Control be **AUTHORISED TO GRANT PERMISSION** subject to the applicant entering into a S106 agreement with the Council to ensure the identified benefits of the proposal in terms of localised broadband coverage are delivered and the imposition of the following conditions:

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: CAT/01 Rev B, CAT/02 Rev B, CAT/03 Rev B, CAT/04 Rev B, 1:12665 Mast Location Plan, Visual Impact Appraisal by Sue Sutherland Landscape Architects dated August 2018, Supporting Letters by HMPC Ltd dated 25th September 2018, Ecological Survey and Assessment by Ecosa dated 4/12/18, Arboricultural Assessment and Method Statement by Barrell Tree Consultancy dated 4/12/18, Tree Protection Plan ref. 18398-BT1 and Barrell Tree Consultancy Manual for Managing Trees on Development Sites

Reason: To ensure satisfactory provision of the development.

3. Any apparatus or structure provided in accordance with this permission shall be removed as soon as is reasonably practicable after it is no longer required for telecommunications purposes and the land restored to its former condition.

Reason: In the interests of the amenities of the area and to comply with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

4. The existing apparatus and structures on the site associated with the 22.5m monopole shall be removed as soon as the 35m mast the subject of this permission is operational and the land restored to a condition that is acceptable to the Local Planning Authority.

Reason: In the interests of the amenities of the area and to comply with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

5. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Barrell Tree Consultancy Arboricultural Assessment & Method Statement dated 4 December 2018 Ref: 18398-AA-AS, the Tree Protection Plan Ref: 18938-BT1 and the Manual for Managing Trees on Development Sites V2.1 whilst in accordance with the recommendations as set out in BS5837:2012.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

Notes for inclusion on certificate:

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

The applicant sought the Council's pre-application advice on the proposed mast, which advised that the formal submission should demonstrate the very special circumstances to justify projects within Green Belt, including a Green Belt justification statement and landscape assessment in addition to the standard plans and statements. The applicant provided additional information in respect of tree and ecology impacts, which have satisfied the concerns of consultees, Consequently the proposal is acceptable as submitted.

Further Information:

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**Planning Development
Control Committee**
January 2019

Item No: 3e
Communications Site
Cat Plantation
Ringwood Road Hinton
18/11316

Scale 1:2500
N.B. If printing this plan from
the internet, it will not be to
scale.

