

69598 - Grass verge at junction of Higher Lane/Church Lane, Whitefield

Prior approval for proposed 5G telecoms installation comprising of H3G 15m street pole and additional equipment cabinets

The above application 69598 is a re-submission of the refused application, 69041, below.

The difference between the re-submission and previously refused application, 69041, is a reduction in the height of the proposed mast by 3 metres from 18 metres to 15 metres and a shrouded antenna cluster with a reduced visual profile. All other aspects of the re-submission with regards to siting, design and mass are identical to the refused application. The height of the mast was not the only reason the application was refused.

The applicant has not addressed the heritage reasons for the refusal of 69041 in the re-submission or provided any sort of heritage impact assessment as to the acceptability and justification of the harm caused by the proposal to the All Saints Conservation Area and the setting of the listed buildings identified. As such the re-submission proposal will not preserve or enhance the character and appearance of the conservation area for the same reasons assessed under 69041. The re-submission proposal would cause severe harm to the settings of the listed buildings identified for the same reasons assessed under application 69041 and as such would cause an unacceptable loss of their heritage significance. As such the assessment of harm to the heritage assets under application 69041 is relevant to the re-submission.

69041 – Grass verge at junction of Higher Lane/Church Lane, Whitefield

Prior approval for proposed 5G telecoms installation comprising of H3G 18m street pole and additional equipment cabinets

The application site is within All Saints Whitefield Conservation Area and is within the setting of All Saints Church, Whitefield (1822) a Grade I listed church of national significance, a Grade II listed war memorial (1920), Grade II listed monument to Joseph Leng (1856), a Grade II listed monument to John Munn (1877) and the grade II listed Stand Rectory at 32 Church Lane.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving a listed building or its setting or any feature of architectural or historic interest it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building.

The church and its grounds form part of the conservation area and as such make a strong contribution to character and appearance of the conservation area.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

EN2/1 - Character of Conservation Areas - The Council will take action as appropriate to preserve or enhance the character or appearance of the Borough's Conservation Areas. The Council will be especially concerned with encouraging and, where appropriate, implementing measures to:

- retain, replace and restore features of historical and architectural interest.
- retain and enhance existing landscape features including trees, parks and gardens.
- initiate and promote environmental improvement/enhancement schemes such as landscaping, refurbishment of street furniture, traffic management and pedestrian schemes.
- remove dereliction and bring unused land or buildings back into beneficial use.
- prepare and promote design guidelines to ensure sympathetic development.

EN2/2 - Conservation Area Control - Development within a Conservation Area will only be acceptable if it preserves or enhances the special character or appearance of the area. In considering proposals for development in Conservation Areas, regard will be had to the following criteria:

- the nature of the development in terms of its bulk, height, materials, colour, design and detailing.
- the relationship between the proposed development and the architectural and visual qualities of the surrounding area.
- where demolition is proposed, the contribution of any proposed new building to the character or appearance of the area as compared to the building to be demolished.
- in the case of the re-use of buildings or the introduction of new uses, the impact of the proposal on the character or appearance of the area and the fabric of the existing building.

EN2/3 - Listed Buildings - The Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features. Proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that the building(s) cannot be retained.

In considering applications for Listed Building Consent, the Council will have regard to the following criteria

- a) the impact of the proposal on the historic fabric of the building.
 - the relationship of any extension to the Listed Building in terms of its height, size, design, and roofscape.
- the need to protect the setting of the Listed Building.
- the impact of associated ancillary facilities and infrastructure works.

Paragraph 199 of the National Planning Policy Framework (NPPF) states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 of the NPPF states that 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 proposed mast at 18m in height and associated equipment cabinets at a height of 1.80 metres would not lead to a total loss of significance of the heritage assets identified. However, as such the level of harm caused would be that of less than substantial harm to the significance of the heritage assets and would be considered to be at the highest end of that spectrum. As such there would need to be identified public benefit(s) that would outweigh any harm identified.

The proposed mast and cabinets would, by virtue of their siting, design, size and mass represent incongruous features in that part of the conservation area. That

part of the conservation area is characterised by the core of the conservation area being All Saints church its grounds and links with the cricket ground and Hamilton Road Park and views along Church Lane and Higher Lane. The proposal would be at odds with the built form of that part of the conservation area. The proposal would also have a severely detrimental impact on the visual amenity provided by the trees in close proximity and further afield and dominate the street scene to such an extent as to cause, by reason of its incongruity, severe harm to the visual amenity of the street scene and character and appearance of the conservation area. The proposal would represent less than substantial harm within the terms of paragraph 201 of the NPPF. As such the proposal would not preserve or enhance the character or appearance of that part of the All Saints conservation area and therefore would not comply with or be contrary to adopted UDP policies EN2/1 – Character of Conservation Areas, EN2/2 – Conservation Area Control and paragraphs 199 and 201 of the NPPF.

The proposal would by virtue of its siting, size, design and mass have a severely detrimental impact on the setting of the listed buildings identified and in particular on the war memorial sited only approximately 20 metres away and the church. The proposal would be a visually dominant and uncompromising feature in the setting of the listed church and war memorial to such an extent that the significance of those heritage assets would be severely harmed to an unacceptable level. Within the terms of paragraph 201 of the NPPF the level of harm in not resulting in the total loss of significance is that of less than substantial harm, but at the higher end of that spectrum. The proposal would not comply with or be contrary to adopted policy EN2/3 – Listed Buildings and paragraphs 199, 200 and 201 of the NPPF.

In conclusion there are public benefits in the provision of new and upgraded digital infrastructure however it is considered the harm caused to such nationally and locally significant heritage assets would not be outweighed by this single benefit.

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Conservation Officer

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