

Urgent Item	Committee Date 9 January 2017	Notifier's Reference SJW931LC
Site Address Land adjacent to Dean Cottage Kirkby Lonsdale Road Over Kellet	Proposal Erection of a 7.3m high wooden telegraph pole with associated overhead wires	
Name of Notifier BT Openreach	Name of Agent	
Expiry of Consultation Period 12 January 2017	Reason For Delay N/A	
Case Officer	Miss Megan Atkinson	

(i) Procedural Matters

This is an urgent item as the 28 day notification period expires on 12 January 2017. The Local Planning Authority were notified on 15 December 2016, a day before our report deadline, so it was not possible to draft a standard report in time. Furthermore, it is only during the consultation period that the level of local objection has intensified to the point where the Chief Officer deems a report to Committee is the appropriate approach.

1.0 The Site and its Surroundings

- 1.1 The site is on the south side of Kirkby Lonsdale Road within the village of Over Kellet within a section of pavement adjacent to the front boundary wall of Dene Cottage. It falls within the Over Kellet Conservation Area.

2.0 The Proposal

- 2.1 This notification seeks to erect a 7.3m high wooden telegraph pole with associated overhead wires connecting to a recently erected pole c52m to the north by Yew Tree Barn and c42m to the south west to an existing wooden pole. A further c14m overhead wire will be routed north from the pole by Yew Tree Barn.

3.0 Site History

- 3.1 A telegraph pole has already been erected to the north of this site by Yew Tree Barn, but no notification was required as it falls outside the Conservation Area.

4.0 Consultation Responses

- 4.1 It is the responsibility of the notifier to undertake the consultation and therefore comments will be directed to them.

5.0 Neighbour Representations

- 5.1 It is the responsibility of the notifier to undertake the consultation and therefore comments will be directed to them. However, the Local Planning Authority is aware of the level of local opposition to the telegraph pole, which has resulted in this report.

6.0 General Permitted Development Order

- 6.1 Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 16 – Telecommunications

7.0 Comment and Analysis

- 7.1 BT Openreach, a code operator, notified the Local Planning Authority on 15 December 2016 of the intention to erect a wooden telegraph pole at a height of 7.3 metres within Over Kellet's Conservation Area within 28 days of the notification.
- 7.2 Under the Town and Country Planning (General Permitted Development) (England) Order 1995 telecommunications infrastructure, such as cabinets, telegraph poles and overhead lines were subject to a prior approval process when deployed on protected landscapes, including Conservation Areas. This provided 56 days for planning authorities to consider the siting and appearance of the apparatus before they were constructed on such land.
- 7.3 This legislation has been consolidated by the Town and Country Planning (General Permitted Development) (England) Order 2015 which has removed the prior approval process from some protected landscapes, including Conservation Areas.
- 7.4 This legislative alteration forms part of a Government initiative to accelerate the deployment of broadband, specifically to lower the cost of broadband deployment to rural areas. To recompense the removal of the prior approval process, a Code of Practice was agreed between planning authorities and code operators, which outlined that the visual impact of the siting of a pole should be considered by the operators in Conservation Areas.
- 7.5 Normally this issue would have not been raised at Planning Committee due to its nominal impact on the powers enacted to the Local Planning Authority. However, there have been numerous complaints by residents of the area that the Local Planning Authority should influence BT Openreach to site the pole elsewhere even though there are no powers to do so.
- 7.6 The Conservation Officer met BT Openreach surveyors on site to discuss the proposed telegraph pole in December 2016. BT Openreach surveyors outlined that potential alternatives were deemed unfeasible from legislative perspective as they would contradict the Flying Wires Act 1984. The Conservation Team offers no objection to the siting of the pole and its location will not have an adverse impact on the architectural or historic interest of the area.

8.0 Planning Obligations

- 8.1 Not applicable.

9.0 Conclusions

- 9.1 This report is to make Members of the Planning Committee aware of the situation and the regulations that govern such works.

Recommendation

As it is a notification and not an application, there is no recommendation. This report is for information only.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

Not applicable.

Background Papers

Copy of the Notification