

Delegated Report

Telecommunications Works Application

Application no: 20240208

Location: Land At Vale Road Northfleet Gravesend

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice for a proposed replacement MBNL Base Station.

Applicant: George Oliver

Site Visit Date: N/A

Submitted Documents/Plans

Drawing no. 1707938_GVM091_30702_M001 Rev. A;
Drawing no. 1707938_GVM091_30702_M001 Rev. A;
Drawing no. 1707938_GVM091_30702_M001 Rev. A;
Drawing no. 1707938_GVM091_30702_M001 Rev. A;
Drawing no. 1707938_GVM091_30702_M001 Rev. A;
Consultation Letter;
Declaration of Conformity;
Replacement Assessment.

Relevant Planning History

Reference	Description	Decision	Decision Date
20231191	Application for determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended, as to whether prior approval is required for proposed telecommunications Installation. Installation of a 20m monopole, 12 no. antenna apertures, 2no. 600mm transmission dishes, 6 no. equipment cabinets and development ancillary thereto.	Prior Approval Refused	17.01.2024
20230936	Application for determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended, as to whether prior approval is required for proposed telecommunications Installation of a 20m monopole, 12 no. antenna apertures, 2 no. 600mm transmission dishes, 6 no. equipment cabinets and development ancillary thereto.	Prior Approval Refused	24.10.2023

Site Description

The application site consists of part of a grass verge on the western side of Vale Road north of Thames Way and just south of the railway line. To the east is a terrace of two storey dwellings, to the north is the railway line; to the west is Northfleet Urban Country Park and to the south is a continuation of the grass verge:





Proposed Development

This is an Electronic Communications Code notification application for the installation of a proposed replacement MBNL Base Station.

This would consist of a 20m telecoms mast which would be a 'Phase 7 Streetworks' monopole with wraparound diplexer cabinet with 12 no. antenna apertures and 2 no. 600Ø dishes at 12.86m attached to the proposed monopole. There would also be a number of cabinets in the form of 1 no. EE E/// 6130 or Nokia Weston cabinet, 1No. EE Wiltshire cabinet, 1No. H3G bowler cabinet, 1No. H3G E/// 6130 cabinet and 1No. EE/H3G MK5B link AC.

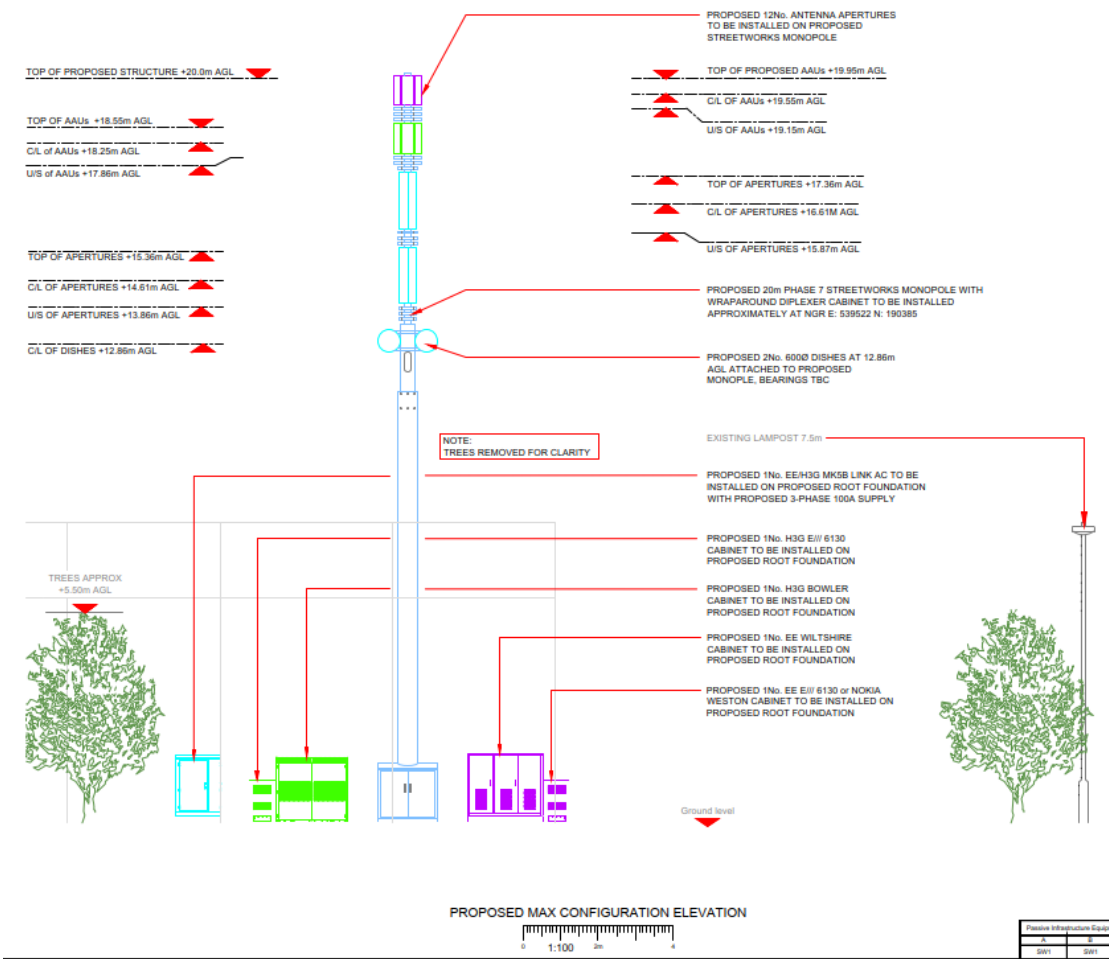
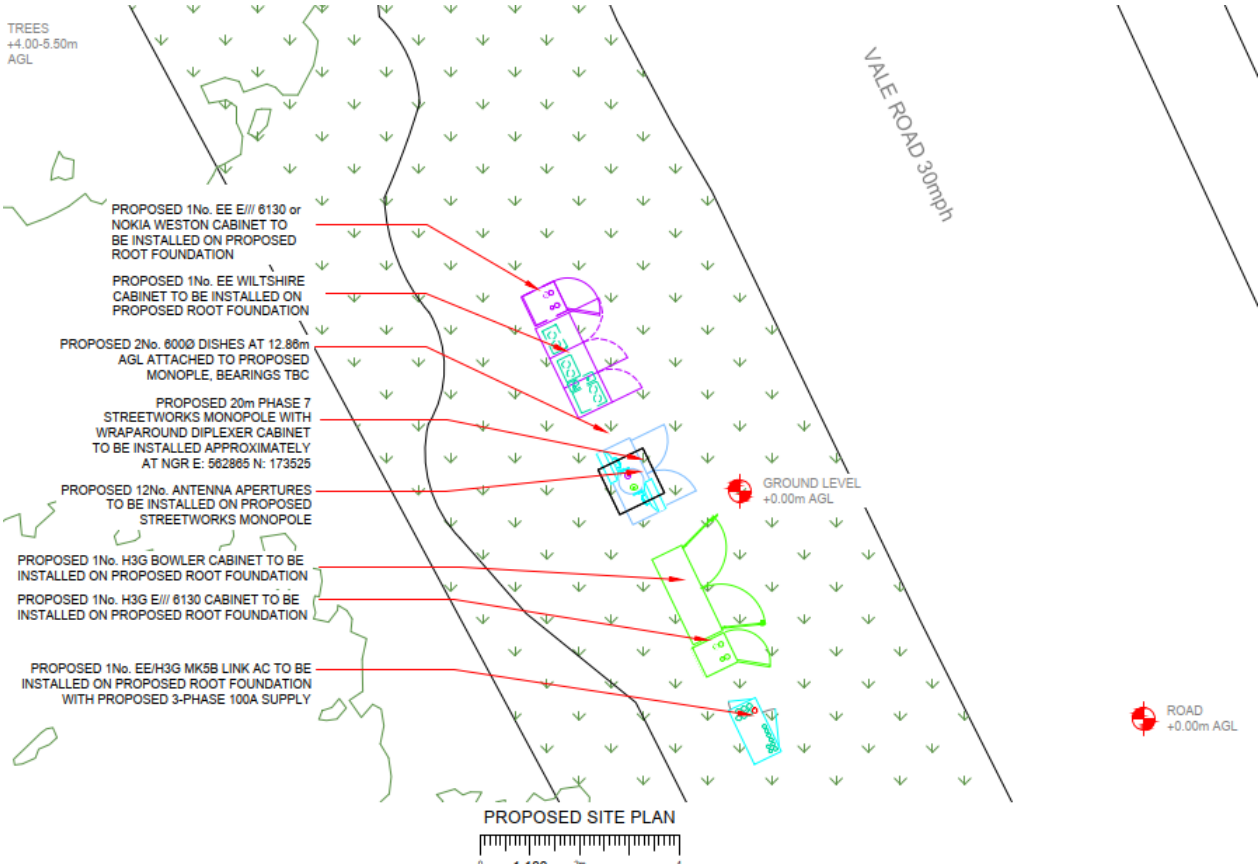
It is stated in the submission that the proposal stems from the client's need to remove an existing monopole mast at B&S Motors, Vale Road which has received a Notice to Quit as planning permission has been granted for redevelopment of that land and that the proposal would be a replacement of this existing mast.

It is stated in the covering letter that the two previous refusals under the prior approval process were refused because it would have been a new site but with changes in permitted development and the requirements now to replace a site, this proposal is again required and now benefits from permitted development rights as this is a direct replacement for the existing site in the same cell to maintain the existing coverage and capacity.

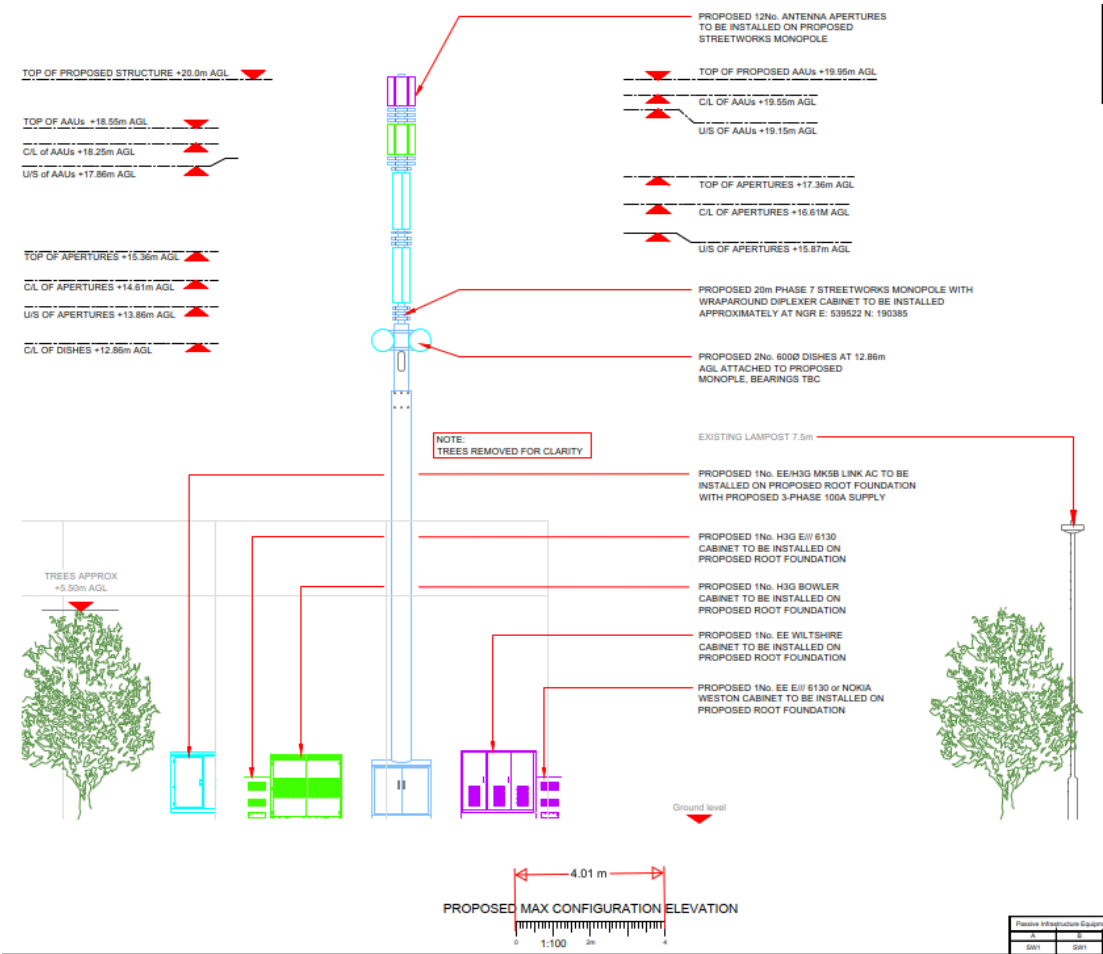
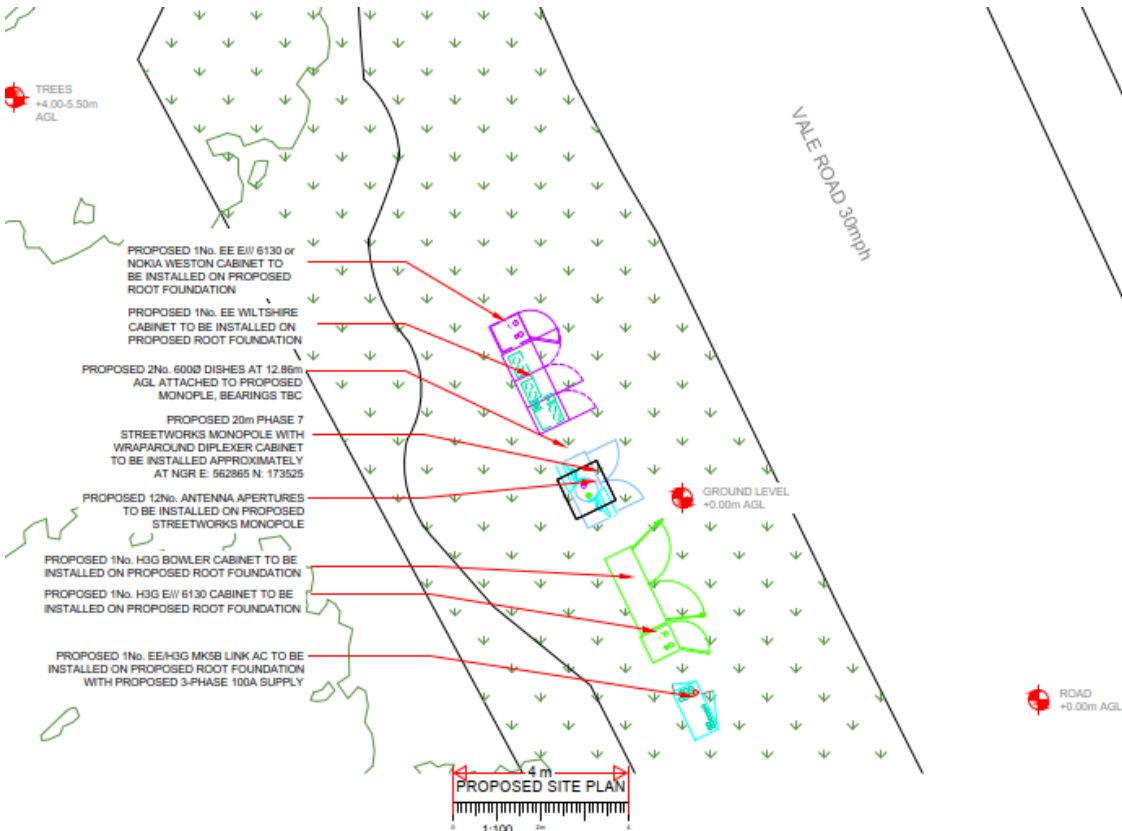
Firstly, it should be noted that the first Prior Approval application was refused as notice had not been served on the landowner Kent Highways and the second Prior Approval application was refused due to matters of siting and appearance. Secondly the mast that is being replaced is located some 140m to the north-west. Although it is not defined in the GPDO what defines a replacement mast, a distance of 140m is considered excessive. The existing mast at B&S Motors, Vale Road is in a compound behind a palisade fence therefore moving it outside of that to the proposed site of a grass verge which is some 140m away with a railway line in between is not considered to constitute replacement of an existing mast.

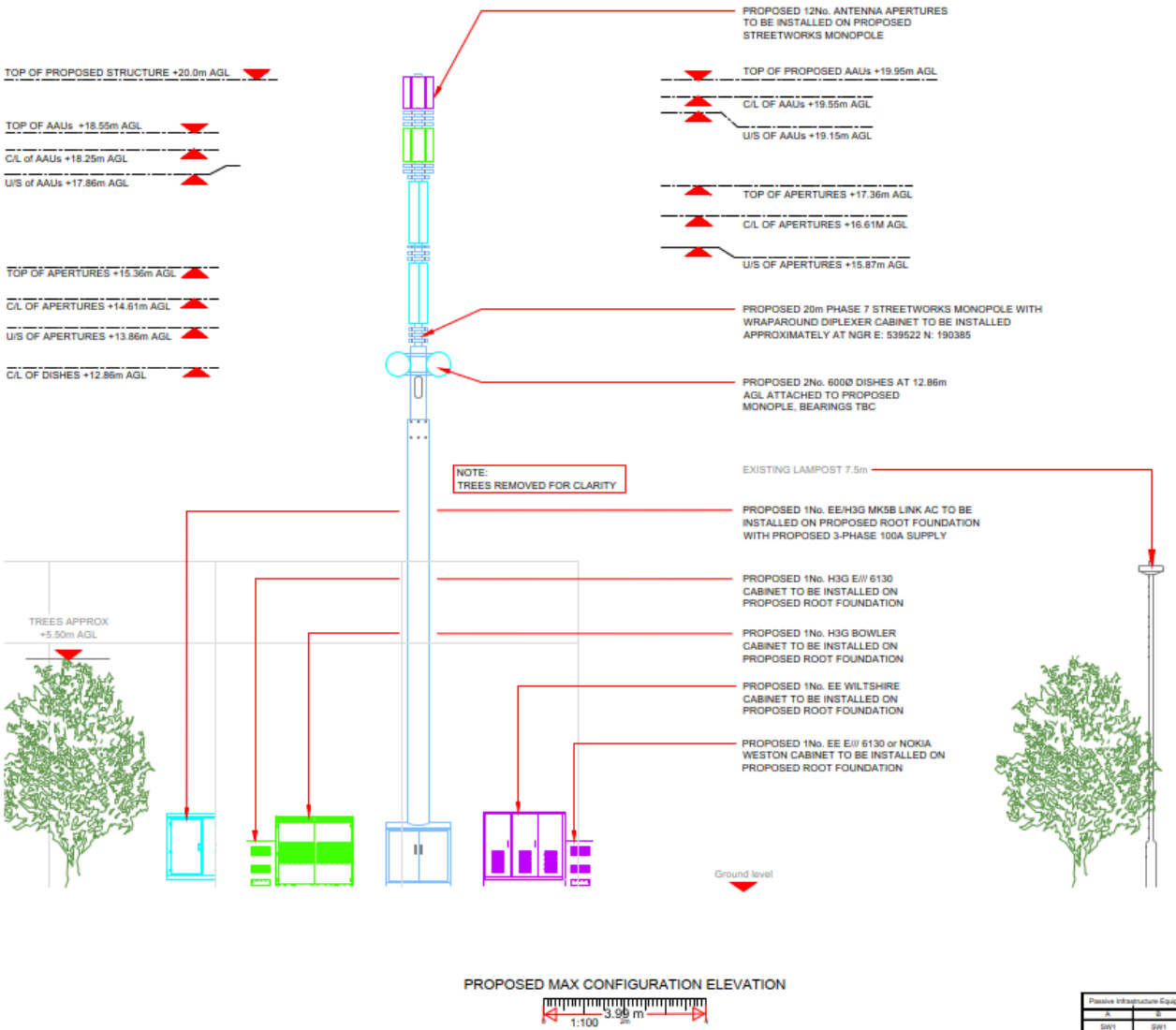
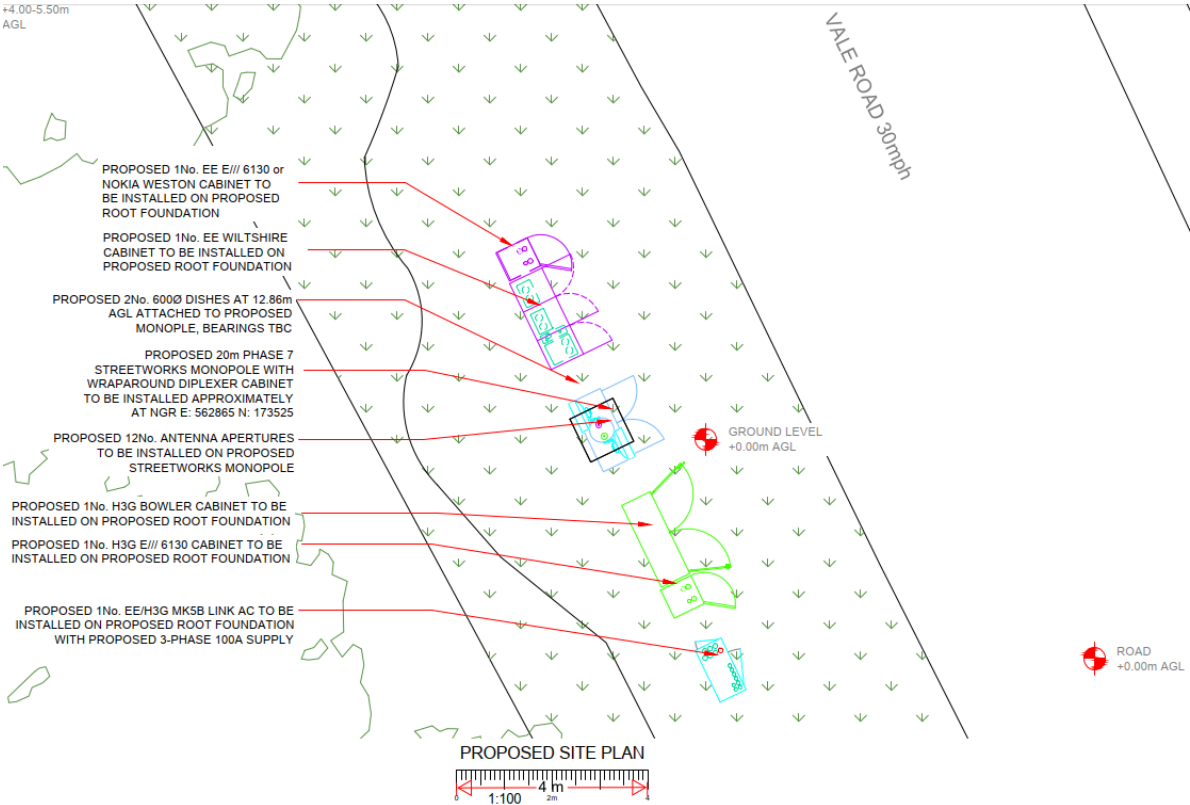
The proposal is the same as that which was proposed and refused in Prior Approval applications refs. 20230936 and 20231191 as seen below:

Prior Approval application ref. 20230936:



Prior Approval application ref. 20231191:





Analysis

A telecoms mast could be permitted development under Schedule 2, Part 16, Class A(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), specifically paragraph A.1 (1). This paragraph states that ground-based apparatus would not be permitted if:

(1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if—

(a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;

The elements of the proposal which are not a mast and not antenna, i.e. the cabinets, would not exceed 15m in height above ground level (the highest point of the cabinets would be 1.8m from ground level). Therefore this falls below the maximum height requirement of A.1 (1) (a) of the GPDO.

(b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;

As the proposed development is for the installation of a new mast and cabinets and there is no existing electronic communications apparatus on the site which would be replaced A.1 (1) (b) is not relevant.

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—

(i) 30 metres above ground level on unprotected land; or

(ii) 25 metres above ground level on article 2(3) land or land which is on a highway;

The site is located on a grass verge which is adopted highway land highway, however the proposed mast would not exceed a height of 25m (it would be 20m).

(d) in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater height of the existing mast or a height of—

(i) 30 metres above ground level on unprotected land; or

(ii) 25 metres above ground level on article 2(3) land or land which is on a highway;

The proposed development is for the installation of a new mast, not altering or replacing an existing mast as there is currently no mast on the site therefore A.1 (1) (d) is not relevant.

(e) In the case of the alteration or replacement of a mast—

(i) the mast is on any land which is, or is within, a site of special scientific interest, and

(ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one this

The proposed development is for the installation of a new mast, not altering or replacing an existing mast as there is currently not a mast on the site therefore A.1 (1) (e) is not relevant.

In respect of conditions the Local Planning Authority must determine whether the siting and appearance of the development is acceptable under A.2 (1) (b) and whether they wish to determine whether the prior approval of these matters is required.

The proposed development is the same as that refused under application refs. 20230936 and 20231191. For the same reasons as before therefore the proposed 20m monopole and other ground based apparatus is considered unacceptable.

The proposed site is located in a prominent position at the top end of the grass verge which slopes up on the western side of Vale Road from just north of the entrance to the Fleet Health Campus up to the railway bridge. Being located at the top end of this section of grass verge the point where the development is proposed therefore extremely prominent and visible. The grass verge itself also slopes up from the back edge of the pavement up to the back edge of the trees adjoining the site to the east. There are trees located behind the proposed development area, which are part of the Northfleet Urban Country Park, but none in front therefore, there is no form of vegetation, landscaping or trees that would act as a screen to mitigate the visual impact and the pole and associated cabinets and would be located only 3.5 from the back edge of the highway. With the exception of one streetlamp (7.5m in height) and a traffic sign (approx.

3.5m in height) which are just to the north of the development site and parking restriction signs (approx. 2.5m in height) further to the south, the grass verge is devoid of any other structures and is an open grass verge. The considerably lower heights and slender nature of those elements means the proposed development would not 'submerge' into any existing tall street features to mitigate its impact. In any case a 20m high pole would be extremely visible. This prominent and visible site at the top of a sloping grass verge with a relatively open character which is generally free from clutter and is immediately adjacent to an urban country park and opposite modest two storey terraced dwellings, would be harshly interrupted by the large mast and apparatus. Therefore, the proposed development would erode the open character of the area and would introduce an alien structure, in terms of scale and design, to the detriment of the character and appearance of the street scene and surrounding area.

Conclusion

In summary, in consideration of the matter of siting and appearance the proposed development would materially change the character of Vale Road. The proposed development would introduce a large mast and ground-based apparatus in a highly prominent position. There is no mitigation offered by tree coverage or the existing streetlamp or traffic signs. Therefore, the proposal would have a detrimental impact on the character and appearance of the street scene and the surrounding area and accordingly does not meet the requirements of Schedule 2, Part 16, Class A, A.2 (1) (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Recommendation

Objection Raised

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	19 th March 2024	Dated:	20 March 2024