



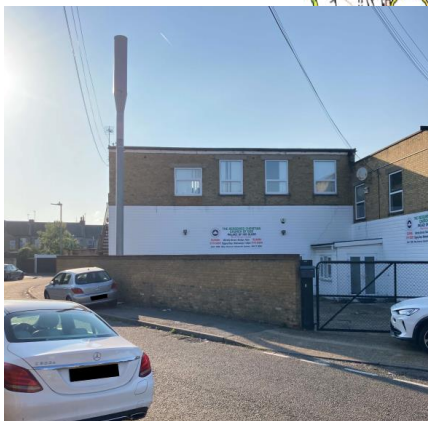
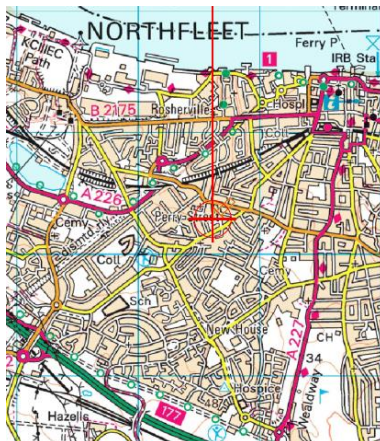
Delegated Report

Telecommunications Determination (PRIOR)

Application No:	20240786
Location:	Communication Station Lansdown Place, Northfleet, Gravesend, Kent, DA11 8RU
Description:	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 high Valmont streetworks pole with 9No. proposed antennas, and 2No. GPS nodes at the top of the headframe, with associated equipment. Installation of 6 cabinets and ancillary apparatus.
Applicant:	MBNL, Mobile Broadband Network Limited
Site Visit:	19 September 2024

Site Description

The site is located on the northern side of the highway, with the curtilage of 'The Redeemed Christian Church of God'. The telecommunications apparatus has been in situ for approx. 20 years.



Submitted Documents/Plans

- Application Form – dated 29 August 2024;
- Covering Letter to Gravesham Borough Council (dated 27 August 2024);
- Supplementary Information – Developers Notice (dated 15 August 2024);
- Supplementary Information – ICNIRP Declaration (dated 29 August 2024);
- Supplementary Information – Site Specific Supplementary Information (dated 27 August 2024);
- Drawing no. 001 – Drawing Register;
- Drawing no. 002 – Site Location Plan;
- Drawing no. 100 – Existing Site Plan;
- Drawing no. 150 – Existing Elevation;
- Drawing no. 215 – Proposed Site Plan (Max Configuration);
- Drawing no. 265 – Proposed Elevation (Max Configuration).

Relevant Planning History

Reference	Description	Decision	Decision Date
20140899	Application for determination pursuant to Part 24 of the Town & Country Planning (General Permitted Development) Order 1995 as to whether prior approval is required for the siting and appearance of a replacement 12m high tower mast and associated works.	APPROVAL OF TELECOMMS	11.11.2014
20040700	Application for determination pursuant to Part 24 Class A of the Town and Country Planning (General Permitted Development) Order 1995 as to whether prior approval is required for the siting and design of a 11.7 metre high slimline mobile phone telecommunication monopole and ancillary development.	APPROVAL OF TELECOMMS	08.09.2004

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS10 – Physical and Social Infrastructure
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Paragraph 33 of the National Planning Policy Framework (NPPF) (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy (2014) is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 10 – Supporting High Quality Communications
- Section 12 – Achieving Well-Designed and Beautiful Places

Consultations, Publicity and Representations

Internal Consultees

Local Ward Councillors – No comment received.

Neighbouring properties

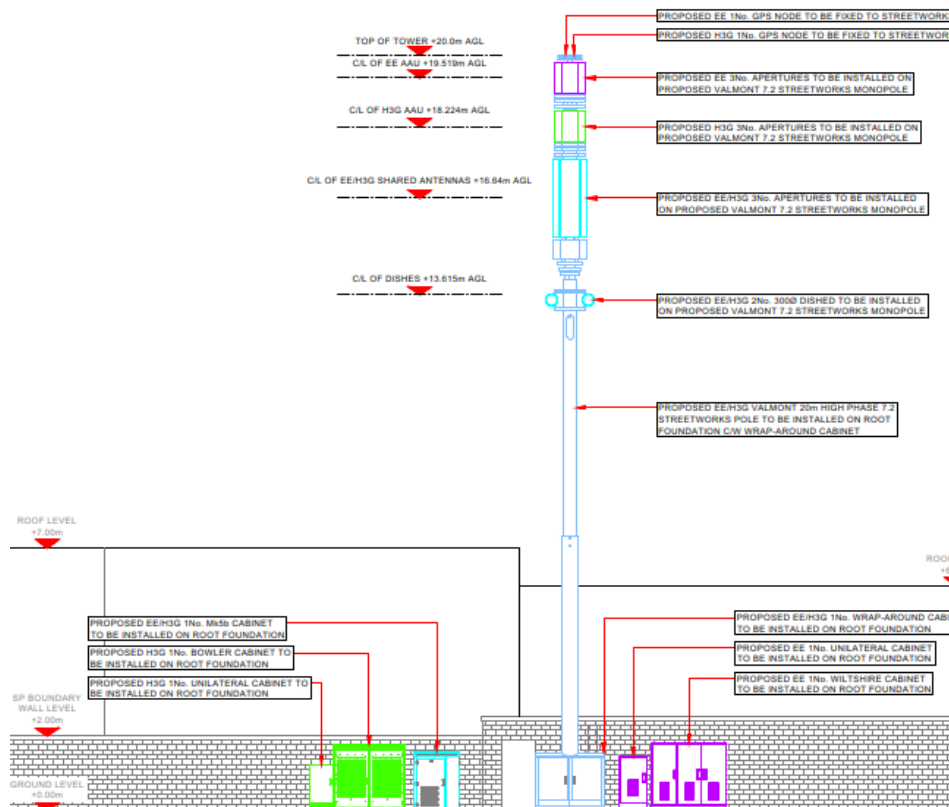
A notice was displayed on site 19 September 2024.

In addition, four surrounding properties were consulted and no representations were received. The consultation period expired 10 October 2024.

Officer's Analysis

Description of the Development

This application proposes the installation of a 20m high monopole and additional ground-based equipment cabinets.



The new mast and apparatus will be repositioned approx. 10m to the east of the existing location, adjacent to the building.

Analysis

The development has been submitted under the terms of the Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended.). It is not an application for

planning permission. Development is permitted under Class A for:

Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of -

- (a) The installation, alteration or replacement of any electronic communications apparatus,*
- (b) The use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or*
- (c) Development ancillary to radio equipment housing.*

Paragraph A.1 (1) (a) requires that for permitted development to apply for ground-based apparatus all electronic communication apparatus should not exceed a height of 15 above ground level. There is a limit of 25 metres above ground level on unprotected land for the installation of a mast (excluding antenna) under Paragraph A.1 (1) (c), a mast being interpreted as a radio mast or radio tower (paragraph A.4)

Under paragraph A.1 (7) there is a limitation on the ground base area of 1.5m² for masts, antenna or radio equipment housing.

Condition A.2 (3) (c) indicates that development on unprotected land that consists of the installation of a mast (of any size) is subject to a requirement for prior approval under paragraph A.3.

Under paragraph A.3 (4) there is a requirement that a determination should be sought as to whether prior approval of the Local Planning Authority is required as to the siting and appearance of the development

Under paragraph A.3 (7) the Local Planning Authority must take into account any representations as a result of consultations or notices.

It is acknowledged that the development as proposed would fall within the permitted development provisions under Class A of Part 16 of the GPDO in meeting the height limitations on unprotected land (proposed at 20m) and ground base area limitations (the base around the monopole being 0.2m²) but that an application as to whether prior approval is required is necessary in this case.

Prior Approval

An application for prior approval under Part 16, Class A of the Town and County Planning (General Permitted Development) (England) Order, 2015, as amended, according to paragraph A.3 (5) (c), must be accompanied by evidence set out in paragraph A.3 (1). Paragraph A.3 (1) requires the developer to give notice of the proposed development to any person who is the owner of the land, to which the development relates, and paragraph A.3 (2) specifies the details that are to be provided.

The supporting supplementary information states that a Developer's Notice was served on 15 August 2024, which covers these requirements.

As such, in accordance with Condition A.3(4) of the abovementioned legislation, the considerations of the Local Planning Authority can only be in relation to whether the prior approval of the Local Planning Authority is required in relation to the siting and appearance of the development.

However, in making this assessment, regard should be had to the importance placed on supporting high quality communications infrastructure at paragraph 118 of the National Planning Policy Framework (NPPF) (2023) which is identified to be essential for economic growth and social well-being. Although this is not directly related to matters of siting and appearance, it is an indicator that there should be a general

acceptance that equipment of this nature is required and should be accommodated wherever possible.

Paragraph 121 of the NPPF (2023) states that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) *the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and*
- b) *for an addition to an existing mast or base station, a statement that self certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or*
- c) *for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.*

In relation to (a) the Applicant has identified that site where the mast, and associated, apparatus are to be installed would not be situated within 400m of a school or college.

It will also not be within 3km of an aerodrome or airfield. As such no consultation was carried out. The Local Authority are satisfied that section (a) of Paragraph 121 of the NPPF (2023) has been met.

The application has been supported by an ICNIRP declaration to satisfy (b) of paragraph 121 of the NPPF (2023).

In relation to (c) a standard statement has been submitted regarding the relevant ICNIRP Guidance and the applicant has reviewed other options, but present this proposal as the only viable site for the development.

Siting and Appearance

Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (LPCS) (2014) states that the design, layout and form of new development will be derived from a robust analysis of local context and character, and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. In addition, Section 12 (Achieving Well-Designed Places and Beautiful Places) of the NPPF (2023) sets out that the creation of high-quality places is fundamental and should add to the overall quality of the area, over the lifetime of the development. It also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

In assessing this application, regard must be paid to the NPPF (2023) and the development plan. The NPPF supports high quality communication infrastructure with Paragraph 118 noting that “*high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections*”. Furthermore, the NPPF continues to state that the use of existing masts and structures should be encouraged and that equipment should be sympathetically designed and camouflaged where appropriate.

The proposed site is located at the rear of the footway, adjacent to the highway and is positioned in front of the brick retaining wall. The proximity of the building and nearby street lamps would mitigate the impact. The mast and apparatus are to be steel grey in colour ‘RAL7035’ which will reduce the impact of the development on the character and appearance of the area, and is similar to the existing apparatus that has been in situ for almost 20 years.

In consideration of the matter of siting and appearance the proposed development would not materially change the character of the area. The proposed development, although introducing a large mast, has a linear design with a relatively thin monopole, which is similar to street lamps within the street scene. Therefore the proposal would not detrimentally impact on the siting and appearance of the street scene and is in accordance with Policy CS19 (LPCS) as well as Sections 10 and 12 of the NPPF (2023).

Amenity of Adjoining Properties

In considering any proposals for development, it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land.

The proposed mast will be approximately 52m away from the nearest dwellings to the east and 42m from the nearest dwellings to the west.

The proposed development will not cause material harm to the amenity of any adjacent properties in terms of loss of light, outlook, privacy or sense of enclosure.

Highways Issues

There are no highway implications related to the proposed development. The apparatus would be located behind the existing boundary wall and would not have any impact on the highway. As such, the proposed telecommunications apparatus is considered acceptable in terms of highways.

Any Other Material Planning Considerations

Health Impact Issues – 5G frequencies

Public Health England (2019) maintain the following;

‘With the increase in the volume of information being transferred, more spectrum is being made available and the highest frequencies being discussed for future use by 5G are around 10 times higher than those used by current network technologies, up to a few tens of gigahertz (GHz).

Their use is not new, and they have been used for point-to-point microwave links and some other types of transmitters that have been present in the environment for many years. ICNIRP guidelines apply up to 300 GHz, well beyond the maximum (few tens of GHz) frequencies proposed for 5G.’

The proposed base station is designed to operate in accordance with all health and safety requirements, including the guidelines issued by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and the appropriate declaration provided.

Conclusion

The proposed installation of telecommunication mast and apparatus on Lansdown Place has been considered against the criteria set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and it is not considered that the Prior Approval of the Local Planning Authority in regard to siting and appearance of the development is required in this instance. Therefore, Prior Approval is not required.

Recommendation

Prior Approval is Not Required

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:	<i>Ethan Bonthron,</i>	Signed:	<i>R Hart</i>
Dated:	15 th October 2024	Dated:	16th October 2024