



Delegated Report

Telecommunications Determination (PRIOR)

Application no: 20220621

Location: Communication Station junction with Rosherville Way Crete Hall Road Northfleet Gravesend

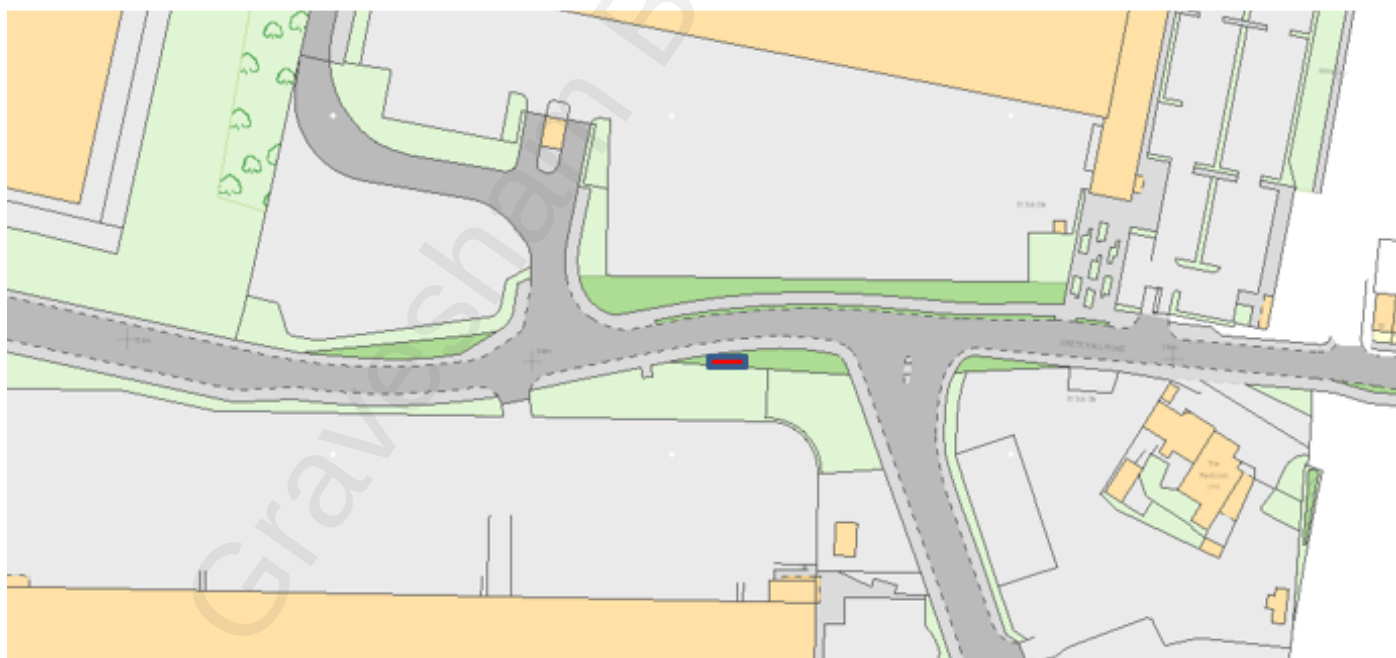
Description: *REVISED APPLICATION*
Application for determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended, as to whether prior approval is required for proposed telecommunications installation for a proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works

Applicant: CK Hutchison Networks (UK) Ltd

Site Visit Date: 17 June 2022

Site Description and Surroundings

The site of this existing telecommunication mast is a KCC Highways grass verge on the south side of Crete Hall Road close to and west of the junction with Rosherville Way.



The site was originally part of the former land of the Northfleet power station and built within a former chalk pit. Immediately to the south is a large warehouse building occupied by Lidl as a Regional Distribution Centre.

The existing paper mills of Kimberly Clark (formerly Bowaters/Scotts) is situated to the west and the former engineering works operated by AEI Cables (TT Group) is to the east which has all been demolished and is now being redeveloped by Keepmoat for residential development and a primary school.

To the north of the site is a large blue metal building built in 2005 and being a warehouse, pulp barn and substation for Kimberly Clark. Also, to the north of the site, on part of the former power station site, is a sand, gravel and aggregates shipping depot operated by Stema Shipping UK Ltd alongside the deep-water wharf facility. Immediately north is also a new factory that has been built by Berkeley Modular to produce a volumetric modular housing solution specifically for the Berkeley Group.

To the south of the site and beyond the chalk spine of the A226 the land has been developed as a new housing estate by Bellway Homes (Maritime Gate).

The Berkeley Modular factory building and the land to the east being developed for housing is within the Ebbsfleet Development Corporation (EDC) boundary.

In terms of other telecommunication equipment in the local area there is a free-standing (brown) telegraph pole 10m in height, with equipment cabins within a grassed verge in Crete Hall Road east of the junction with Rosherville Way, for Orange PCS Ltd, given prior approval in 2001 (see below)



There is also a 12.5m green coloured high mast with various ground cabinets at a Communication Station within the grass verge in Crete Hall Road, west of junction with Rosherville Way for Vodafone Limited, originally approved in 2005 as a 10m pole and then revised in 2015 (see below)



Planning History

Planning Applications

Ref No	Description and Site	Decision	Date
20010204	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 erection of a free-standing Telegraph pole 10m in height, mounted with dual polar omni antenna and siting of an equipment cabin on pavement in Crete Hall Road east of junction with Rosherville Way, for Orange PCS Ltd	Approval of details of siting and design of tele-communications equipment	26.04.2001
20050374	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 erection of a 10-metre-high mobile phone column with ancillary equipment cabinet at Crete Hall Road west of junction with Rosherville Way for Vodafone Limited	Prior Approval not required	15.06.2005
20150193	Determination pursuant to Part 24 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (now superseded by Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015) as to whether prior approval is required for a replacement shrouded streetworks pole 12.5m in height, replacement of the 3no. antennas and retention of 1no. existing cabinet with the siting of 1no. new equipment cabinet, at Communication Station, Crete Hall Road, west of junction with Rosherville Way for Vodafone Limited	Prior Approval not required	16.04.2015
20200989	Determination as to whether prior approval is required as to the siting and appearance of the installation of 20m Phase 8 monopole C/w wrapround cabinet as base with associated works in Rosherville Way for Hutchison 3G UK Ltd	Withdrawn	13.10.2020

Proposal

This application by WHP Telecoms Limited on behalf of CK Hutchison Networks (UK) Ltd is to upgrade the CK Hutchison Networks (UK) Ltd (Three) network to provide improved coverage and capacity, most notably in relation to 5G services.

The original application was 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 for a proposed **18.0m** Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Following negotiations, the height of the pole has been reduced to **15.0m** along with a number of other amendments.

Submitted Plans/Documents, as revised

Application Form

Covering Letter from WHP Telecoms Limited dated 01 June 2022, as amended by emails from Susannah

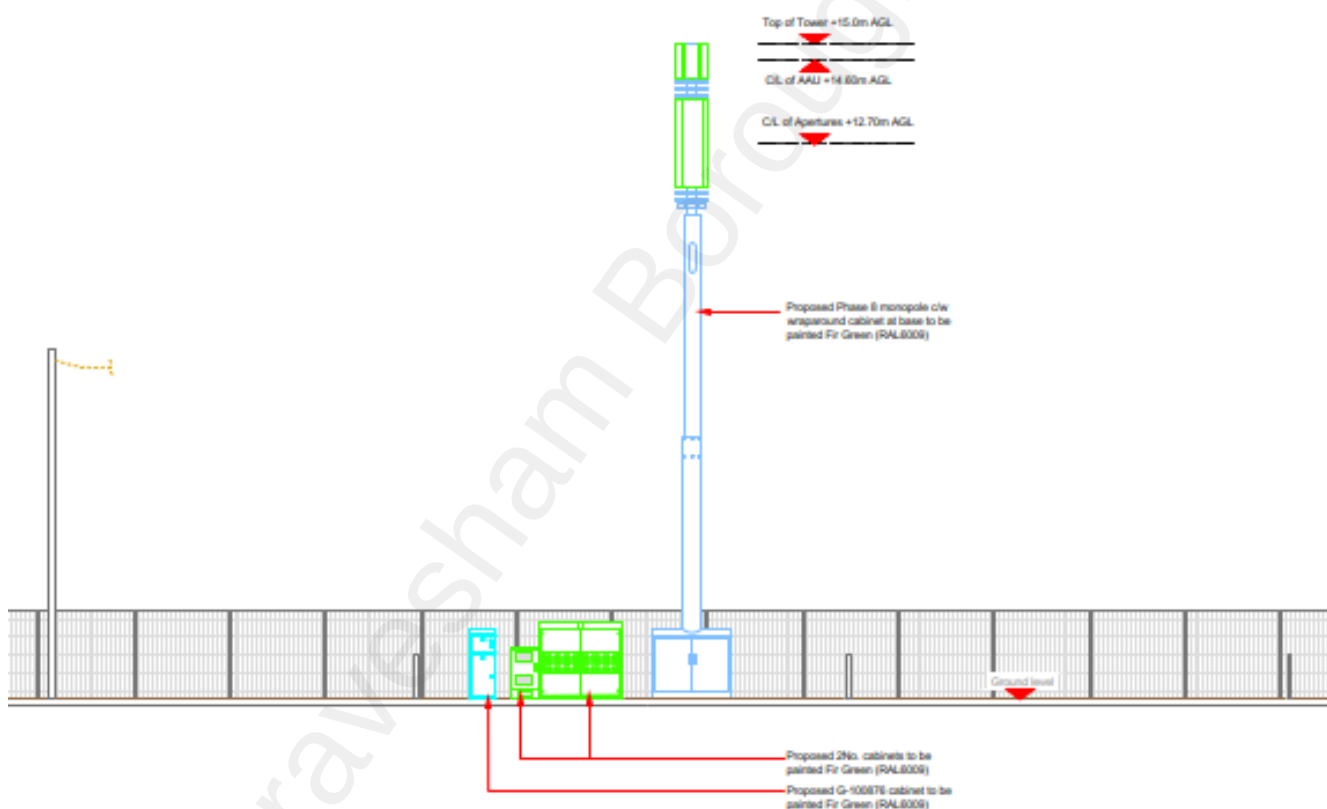
Drawing No GVM30742_M004 Issue D - 002: Site Location Plan
Drawing No GVM30742_M004 Issue D - 100: Existing Site Plan
Drawing No GVM30742_M004 Issue D - 150: Existing Elevation A
Drawing No GVM30742_M004 Issue D - 210: Proposed Site Plan
Drawing No GVM30742_M004 Issue D - 211: Vision Splay Plan
Drawing No GVM30742_M004 Issue D - 260: Proposed Elevation
Drawing No GVM30742_M004 Issue D - 303: Proposed Antenna Schedule & Line Configuration
Drawing No GVM30742_M004 Issue D - 305: Equipment Schedule & Support Structure Details

Declaration of Conformity with International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines (ICNIRP Certificate)
Site Provider Letter dated 30 May 2022
Developers Notice

Details of the Development

The tower/mast and cabinets are of steel materials and was originally proposed as a colour grey but following negotiations is now proposed as Fir Green. It is for use by Hutchison Networks (UK) Ltd exclusively.

The elevation of the mast as proposed as shown below



The location of the mast is within the highway verge next to the boundary fencing to the Lidl Regional Distribution Centre on the south side of Crete Hall Road, to the west of the other existing mast. The layout is as shown below and the highway verge in question is shown in the Google Earth street view also as below.

The site is located in a heavily commercial area with no residential properties nearby, meaning there would no harm to residential amenity. The site is located on a grass verge to prevent the disruption to the free flow of pedestrians in the area. Nearby tall, vertical street furniture (streetlights) will help the site assimilate in the street scene. Additionally, an already existing monopole across the road to the proposal would meaning the site would be in keeping with the area.

In terms of planning policy and visual impact, the site-specific supplementary information states:

This scheme seeks to ensure the scale and mass of the design is sympathetic to its surrounds, being at the lowest feasible height, yet delivering the level of service needed in this location. As such it is considered the proposed development would accord with the principles of the Development Plan policies (in particular objectives identified in paragraphs 4.2.27 and 5.4.4 of the Core Strategy).

It fully accords with the requirements of the NPPF

The proposed works are not to the visual detriment of the surrounding area (being suitably distant from sensitive receptors). The proposal would not result in demonstrable harm to the character of the immediate or wider area; but are vitally necessary to ensure improved delivery of service. Capacity and coverage are the key drivers for this new 5G installation. The proposal would respect and continue to maintain the character of the area, would be suitably distant from potentially sensitive users, and so would accord with the principles of the Development Plan policies. It fully accords with the requirements of the NPPF.

Central Government attaches great importance to the design of the built environment and outlines this within Section 12 (para. 126) of the National Planning Policy Framework. It states:

“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

In keeping with the National Planning Policy Framework (NPPF). guidelines of using: “high quality communications” (Section 10), the proposed design has been selected to minimise visual impact upon the street scene by integrating with the existing built environment.

The design of the proposed equipment is considered to be the least visually intrusive option available. Although it is accepted that there will be an intensification in the amount of equipment (an additional monopole and associated cabinets in the area) it is felt that such a minor increase would not detract from the character in which the proposal sits.

In terms of discounted options, the site-specific supplementary information states:

In accordance with the sequential approach outlined in the National Planning Policy Framework (NPPF) following search criteria have been utilised. Firstly, consideration is always given to sharing any existing telecommunication structures in the area, secondly consideration is then given to utilising any suitable existing structures or buildings and thirdly sites for freestanding ground-based installations are investigated.

This sequential approach is outlined below:

- a) Mast and Site Sharing*
- b) Existing Buildings Structures*
- c) Ground Bases Installations*

The site-specific supplementary information lists a number of discounted sites and the reasons why they were discounted and a shortlist of 3 options leading to the current site selection.

Development Plan and other related Planning Policies and Guidance

The Development Plan for Gravesham currently comprises:

- *The Gravesham Local Plan Core Strategy and Policies Map (September 2014)*
- *Remaining Saved Policies in the Gravesham Local Plan First Review (November 1994), and*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)*

There are a number of other planning policy documents which are of some relevance to the consideration of planning applications and are material considerations, including national planning advice and guidance in the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and supplementary planning guidance and where they exist neighbourhood plans. There are currently no relevant neighbourhood plans.

Previous decisions on planning applications and appeals relating to the site and relevant case law etc. are also capable of being material considerations.

Local Planning Guidance

Gravesham Local Plan Core Strategy, September 2014

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

The application site is shown as being within a **key site - Northfleet Embankment and Swanscombe Peninsula East Opportunity Area** (Policy CS03) and Rosherville Way is a **local distributor route** (Saved Policies T1-T5) in the Gravesham Local Plan Policies Map.

The most relevant policies from the adopted Core Strategy in relation to this development are as follows:

Core Strategy Policy CS01: Sustainable Development

Core Strategy Policy CS02: Scale and Distribution of Development

Core Strategy Policy CS03: Northfleet Embankment and Swanscombe Peninsula East Opportunity Area

Core Strategy Policy CS10: Physical and Social Infrastructure

Core Strategy Policy CS11: Transport

Core Strategy Policy CS12: Green Infrastructure

Core Strategy Policy CS18: Climate Change

Core Strategy Policy CS19: Development and Design Principles

Gravesham Local Plan First Review 1994

The following remaining saved policies in the Gravesham Local Plan First Review, adopted November 1994, are relevant to the consideration of this application:

Policy T1: Impact of Development on the Highway Network

Policy T5: New Accesses onto Highway Network

Review of Local Plan

Paragraph 33 of the NPPF (2021) sets out those 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 The review found that the adopted Local Plan Core Strategy 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2021), the Council will also seek to replace these.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF 2021, policies in this document may be accorded weight in the decision-making process with this varying according to its stage of

preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this pre-application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going albeit the weight that these emerging policies may be accorded at this stage is very limited.

Proposed Policy INF 2: Transport Design Principles
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts
Proposed Policy INF 6: Telecommunications

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) July 2021 is a material consideration.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or where the policies are out of date planning permission should be granted unless policies of the Framework provide a clear reason for refusing the development or any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF taken as a whole.

The following paragraphs of the NPPF are specifically highlighted as being of importance to the consideration of the development proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered. Reference to the national planning guidance is also considered in the analysis section of this report.

Section 2, Paragraphs 7 - 14: Achieving Sustainable Development
Section 4, Paragraphs 38 - 59: Decision Making
Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport
Section 10, Paragraphs 114 - 118: Supporting high quality communications
Section 12, Paragraphs 126 - 136: Achieving well-designed places
Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

The National Planning Practice Guidance (NPPG)

On the 6th of March 2014 a new web-based resource for Planning Practice Guidance was launched (<http://planningguidance.planningportal.gov.uk/>). It supports and clarifies areas in the NPPF and replaces a substantial list of guidance documents published from 1978-2013. It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things.

The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95). It outlines the six tests. It indicates that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad

unnecessary controls.

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications. In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this application:

- Adopted Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006) and endorsed as supplementary guidance by GBC on 6 July 2009.
- Vehicle Accesses on Classified Highways (SPG6 November 1992).

Code of Best Practice on Mobile Network Development 2016

Nationally there is guidance in the Code of Best Practice on Mobile Network Development (CoBP), 2016. This recommends, amongst other things, mast or site sharing among the siting and appearance principles (Appendix A)

Consultations, Publicity and Representations

Internal Consultations

GBC - Head of Regulatory Services

No comments but request construction code informative

GBC Highways Development Management Officer - *Original Comments*

This proposal has a few issues, and I suspect the County Council may not pick them up, depending on who is considering the matter at County.

Whilst I have not dealt with previous developments in this area, I suspect the boundary fence of the adjacent unit was determined by the visibility requirements for the junction Rosherville Way junction and possible forward visibility along Crete Hall Road due to the road alignment. Overtime standards have changed, and some relaxation may be possible. I suspect the 'x' distance requirement along the centre line of the side road at the time would have been 9 metres with a minimum of 4.5 metres being based on the then current Design Manual for Roads and Bridges. As this is an industrial area, Manual for Streets which is primarily aimed at residential streets does not apply, and the maximum visibility should be retained, as it greatly increases the chances of a lorry emerging from the side road doing so without stopping and so reducing pollution as the vehicle does not have to pull away from stopped.

The junction sight line will have been compromised by the existing telephone mast, but due to its alignment and the fact that it is at the back edge of the verge the impact on the sight line is minimal. With this proposal the position of the cabinets and Mast could potentially encroach on the sight lines for either the junction or the forward visibility along Crete Hall Road and I would prefer these to be shown on a drawing prior to any permission being granted.

As this is primarily an industrial area, the junction sight lines should be 70m x 9 x 70m minimum based on the DMRB, although it may be possible to permit something less, this departure would need to be justified. (Using a combination of Manual for Streets and DMRB it could potentially reduce the visibility requirement to 47m x 4.5m x 47m, but I would consider this absolute minimum and to be avoided if possible as Manual for Streets doesn't apply to industrial roads, as it was intended for lightly trafficked residential streets, although it can be used with care in certain circumstances. So, the applicant would need some strong

justification to permit such a reduction.

I therefore believe in the interests of highway safety the applicant should submit a full application and include sight line drawings for the adjacent Rosherville Road junction and forward visibility on Crete Hall Road, these should not be based on any requirement, but on what can be achieved with the installation in place.

GBC Highways Development Management Officer - Revised Comments

Revised proposals are acceptable subject to agreement with Kent Highways and Transportation Services as the highway authority

Ward Councillors

No comments received

External Consultations

Ebbsfleet Development Corporation (EDC)

The location of the proposed mast falls within the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area as identified in Policy CS03 of the Gravesham Local Plan Core Strategy. This policy identifies this area as a substantial opportunity for major riverside regeneration in Gravesham where development will bring significant benefits to existing adjoining residential communities and the Borough as a whole through the delivery of new housing and jobs whilst achieving environmental improvement, especially in air quality, and a high standard of design. The proposed location also falls within the wider Northfleet Riverside Strategic Development Area as identified in the Ebbsfleet Implementation Framework which identifies a key objective being to improve connections between existing communities and the waterfront through Fastrack access, improved public realm, wayfinding and routes including measures to overcome topographic barriers.

Crete Hall Road will form part of the principal east-west movement corridor for public transport (Fastrack), pedestrians and cyclists within this area so, whilst the stretch of road adjacent to the proposed telecommunications mast is currently dominated by HGV movements, over time as the approved residential and employment led developments at Northfleet Embankment East and West continue to come forward this will become a more active movement corridor for people as well as vehicles. It is notable also that this is expected to comprise a key walking route for children at Harbour Village walking to the new primary school being delivered at Cable Wharf due to open in September 2024. It also comprises part of the English Coastal Path.

The need for this additional mast to provide enhanced telecommunications coverage and connectivity to the surrounding area is acknowledged, as is the importance of this improved connectivity to support existing and planned sustainable developments in the area. It is also noted that the proposed location has moved from an earlier withdrawn application whereby a slightly higher mast was proposed along Rosherville Way. However, due to the visual prominence of the proposed mast within an open grass verge directly adjacent to Crete Hall Road it is considered necessary to ensure the form, appearance and colour of the mast is of an acceptable quality and that it is visually integrated with the ancillary equipment/cabinets by use of a consistent colour. It is not considered that the proposed form or galvanised finish monopole and wrap around cabinet with grey equipment housing would achieve this so it is recommended that further consideration be given to improving the visual appearance of the proposed equipment. A positive example of where this is achieved effectively is on the existing mast and equipment that is located directly adjacent to the proposal.

Additionally, it is noted that the supporting statement does not refer to whether the option of mast sharing has been considered. The ability to share equipment with an existing mast would reduce the visual impact of the proposed installation and so, in line with the sequential approach referred to in the application, if this option is being discounted then it should be justified.

Kent Highways and Transportation Services - Original Comments

Agrees with the comments of the GBC Highways Development Management Officer that it is necessary to ascertain whether or not the proposed installation will affect the visibility splay from Rosherville Way. Recommends that a splay of 43m. x 4.5m. should be the minimum achievable although, as this is an industrial area a greater “y” distance might be more appropriate i.e. 70m x 4.5m.

We need to ask the applicant what visibility is available - possibly by adjusting the location of the equipment.

Kent Highways and Transportation Services - Revised Comments

The revised proposals are acceptable. The cabinets are located well back from the visibility splays.

Planning Analysis and Assessment

Introduction and Key Issues

Background

The Government have set an objective that encourages Local Planning Authorities to support high quality communications infrastructure and Section 10 (Supporting high quality communications) and Paragraph 114 of the National Planning Policy Framework (NPPF) (2021) states that policies and decisions should support the expansion of next generation technology (such as 5G).

Additionally, paragraph 115 of the NPPF 2021 continues to state that the use of existing masts, buildings and other structures should be encouraged, and that equipment should be sympathetically designed and camouflaged where appropriate.

However, the NPPF (paragraph 118) also states that Local Planning Authorities should determine applications in relation to planning grounds only and should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

Prior Approval and Permitted Development

This current application is submitted under the prior approval procedures and is a determination as to whether the prior approval of the Authority will be required to the siting and appearance of the development.

The prior approval procedures in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (the ‘GPDO’) and the telecommunications permitted development rights therein are complex but in brief Part 16 (Communications) of Class A of the ‘GPDO’ indicates that it is permitted development, thus not requiring a specific grant of planning permission, 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.

Paragraph A.2.1(b)(i) and (iii) requires the siting and appearance of any mast or supporting apparatus which does not require prior approval under paragraph A.2(3) are such that the visual impact of the development on the surrounding area is minimised, so far as practicable.

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.

And under paragraph A.3 (4) there is a requirement that a determination should be sought as to whether prior approval of the 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 (proposed at 15m) and ground base area limitations (the base around the monopole being 1.3m²) but that an application as to whether prior approval is required is necessary in this case.

The developer has complied with paragraph A.3(1) that 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 specifies the details that are to be provided, see Paragraph A.3(2). A site providers letter as served on KCC Highways and a Developer's Notice dated 30 May 2022 has been provided which covers these requirements, although it should be noted that these refer to the original proposal for an 18m monopole that has been subsequently revised to just 15m in height.

Key Issues

The key planning issues to consider in respect of this particular mast alterations and notwithstanding that this prior approval is considered in relation to the design and appearance are:

- Principle of the Development and Conformity with Planning Policy
- Design and Visual and Landscape Impacts
- Impact on Neighbouring Amenity
- Highway and Access Issues
- Any Other Material Planning Issues - Archaeology; Health Impact Issues

Principle of the Development and Conformity with Planning Policy

The principle of the development is accepted in this case. At a national level the NPPF sets out a clear case for the provision of high quality and reliable communications infrastructure.

Paragraph 117 of the NPPF advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development, including 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. The applicants in this case have submitted,

Paragraph 118 of the NPPF indicates that whilst local planning authorities must determine applications on planning grounds only, they should not, amongst other things, question the need for an electronic communications system.

At a local level emerging policy INF6 (telecommunications) of the Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020 indicates that telecommunications equipment, including masts, boxes and satellite dishes, will only be permitted where certain criteria are met including sharing facilities or installing the equipment on an existing mast or

structure so as to minimise the need for such development and visual clutter, that they are sited and designed so as not to have an unacceptable impact on landscape, townscape or the significance of heritage assets, that they do not have a detrimental effect upon the character or appearance of a building or area or the amenity of occupiers of surrounding properties, they do not have an unacceptable adverse impact on biodiversity and it can be demonstrated that there is no interference with highway safety

The applicant's state in the conclusions in the site-specific supplementary information:

We consider that the development is compliant with the council's policy and that in accordance with Section 38 (6) of the Planning and Compensation Act 2004 permission should be granted for the installation.

We consider the development complies with both central government and local planning policy guidance where the underlying aim is to provide an efficient and competitive telecommunication system for the benefit of the community while minimising visual impact.

Taking into account the factors of technical constraints, available sites and planning constraints we consider that this site and design clearly represents the optimum environmental solution.

On the basis of a recognised need to expand and promote telecommunications networks across the region, it is considered that the proposal fully accords with the requirements of the National Planning Policy Framework and Council's Local Plan Policies.

Design and Visual and Landscape Impacts

Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) 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.

The National Planning Policy Framework (NPPF) in Section 12 (Paragraphs 126 - 136: Achieving well-designed places) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but 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 and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Paragraph 115 of the NPPF indicates specifically in relation to telecommunication equipment that where new sites are required equipment should be sympathetically designed and camouflaged where appropriate.

The development is a new site although there are either side of the junction of Crete Hall Road and Rosherville Way two other existing masts under different operators, but both are not as high and include less street equipment and less dominant poles.

It is acknowledged that this site is an urban commercial area, and the development of a further monopole would be seen against a backdrop of large commercial undertakings and buildings along with a street scape that includes other equipment including street lighting and telegraph poles.

Nevertheless, given the height of the mast being originally 18 metres above ground level, and the number of cabinets that are proposed within the public domain on a prominent junction, it is inevitable that the siting and design could have a substantial effect on the character and appearance of the site and the surrounding area.

There were concerns expressed to the applicants by the planning case officer about the height of the pole, the provision of a row of paving slabs that would have been erected within the grass verge in front of all the proposed equipment and also concern at the external colour which was shown as being steel grey.

It is noted that the Ebbsfleet Development Corporation (EDC) who were consulted pointed out that due to the visual prominence of the proposed mast within an open grass verge directly adjacent to Crete Hall Road the form, appearance and colour of the mast should be of an acceptable quality and that it is visually integrated with the ancillary equipment/cabinets by use of a consistent colour, and they did not consider that the proposed form or galvanised finish monopole and wrap around cabinet with grey equipment

housing would achieve this.

It is a requirement of paragraph A.3 (7) of Part 16 (Communications) of the 'GPDO' that the Local Planning Authority must take into account any representations as a result of consultations or notices.

As a result, amendments have been made reducing the height of the mast, removing the unnecessary clutter of paving and agreeing that the mast and equipment will be a dark colour (Fir Green).

It is considered that the amended proposals are acceptable in terms of their siting and appearance.

In respect of whether mast sharing has been considered the applicants agent advises:

Unfortunately, despite the equipment being more condensed 5G equipment is a lot heavier than previous generations and therefore are unable to site share. Being heavier, existing structures are unsuitable to cope with the additional weight, there would be a need for a lattice tower to support the additional weight, which would be more harmful to the visual amenity. The height of a lattice would be significantly taller to accommodate all operators to allow signal clearance of the surroundings. Within the search area, there are no suitable roof tops in which to utilise. The ideal height of a building is typically 7 storeys and the structure of roof has to be substantial to accommodate the heavy equipment.

Impact on Neighbouring Amenity

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 a significant distance away from the nearest dwellings to the south.

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.

There have been no neighbour responses to the publicity given to the application via the site notice or the developer's site notice.

Overall, the proposed development is not considered to have an excessively harmful impact on the amenity of the adjoining properties and is in accordance with Policy CS19 (LPCS).

Highway and Access Issues

Although the prior approval application is considered on the basis of whether prior approval is required as to the siting and appearance of the development in this case there were concerns raised by Kent County Council as the highway authority and the GBC Highways Development Management Officer on the potential of the siting of the monopole and equipment to interfere with sight line visibility at the junction of Crete Hall Road and Rosherville Way or from the access into the Lidl warehouse to the south.

The applicants have subsequently provided a sight line drawing that shows that the sight line is not impeded by the development, as shown below



There are now no highway objections raised to the development.

Other Material Planning Issues

Health Impact Issues

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

Conclusions and Balancing Exercise

Whilst the siting, height and appearance of the proposed telecommunications equipment in this case will be prominent it is acknowledged that the development is within an urban commercial area and would be seen against a backdrop of large commercial undertakings and buildings along with a street scape that includes other equipment including street lighting and telegraph poles.

The amendments that have been negotiated to lower the height of the pole, to remove the paving slabs in front and to have the pole and ground-based equipment painted externally in Fir Green similar to the adjacent mast to the east are significant improvements.

It is therefore recommended that the development does not conflict with national and local policy and can be supported.

It is considered that PRIOR APPROVAL as to the siting and appearance of the proposed telecommunications installation for a proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works is not required

The works comply with the criteria in Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

As such no further details regarding siting or appearance, over and above those originally submitted and as subsequently submitted in response to the Local Planning Authority comments and consultee comments, are required.

In the analysis of the planning issues and the subsequent recommendation consideration has been given to the Human Rights Act and it is concluded that any breaches or interference to individual human rights are reasonable and fair.

Recommendation:

Prior Approval is not required subject to conditions/informatives

The proposed telecommunications installation for a proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works 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.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the developer provided the following information to the Local Planning Authority and the application for Prior Approval was assessed on this basis:

Application Form

Covering Letter from WHP Telecoms Limited dated 01 June 2022, as amended by emails from Susannah Help, WHP Telecoms Ltd dated 08.07.2022 and 19.07.2022

Site Specific Supplementary Information from WHP Telecoms Limited dated 01 June 2022

Drawing No GVM30742_M004 Issue D - 002: Site Location Plan

Drawing No GVM30742_M004 Issue D - 100: Existing Site Plan

Drawing No GVM30742_M004 Issue D - 150: Existing Elevation A

Drawing No GVM30742_M004 Issue D - 210: Proposed Site Plan

Drawing No GVM30742_M004 Issue D - 211: Vision Splay Plan

Drawing No GVM30742_M004 Issue D - 260: Proposed Elevation

Drawing No GVM30742_M004 Issue D - 303: Proposed Antenna Schedule & Line Configuration

Drawing No GVM30742_M004 Issue D - 305: Equipment Schedule & Support Structure Details

Declaration of Conformity with International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines (ICNIRP Certificate)

Site Provider Letter dated 30 May 2022

Developers Notice

The development must be carried out in accordance with the information that the developer provided to the Local Planning Authority, unless the Local Planning Authority and the developer agree otherwise in writing.

2 REVISED PLANS

For the avoidance of doubt the revised plans will take precedence over any original plans that have not been revised or superseded in any of the supporting documents.

The revised development is for a 15m high monopole and with associated equipment and the pole and equipment is to be painted a dark colour (Fir Green)

3 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance, necessary revisions were identified and made to the proposal, at which point it was able to be determined.

4 KENT COUNTY COUNCIL (KCC) HIGHWAYS AND TRANSPORTATION

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county, there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls, which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

5 CONSULTATION OUTCOMES

Paragraph 117(a) of the NPPF (2021) requires the applicant to provide 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. The application states that there are no schools/colleges in close proximity to the proposed location

6 INTERNATIONAL COMMISSION GUIDELINES

Paragraph 117(c) of the NPPF (2021) also requires that for a new mast or base station a statement that self-certifies that, when operational, International Commission guidelines will be met. The applicant is, therefore, reminded to comply with the relevant ICNIRP guidance.

7 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier

than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
- iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
- iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

Case Officer:	Mr Peter Price	Team Leader:	Faye Hobbs
Signed:		Signed:	
Dated:	28 th July 2022	Dated:	29 th July 2022