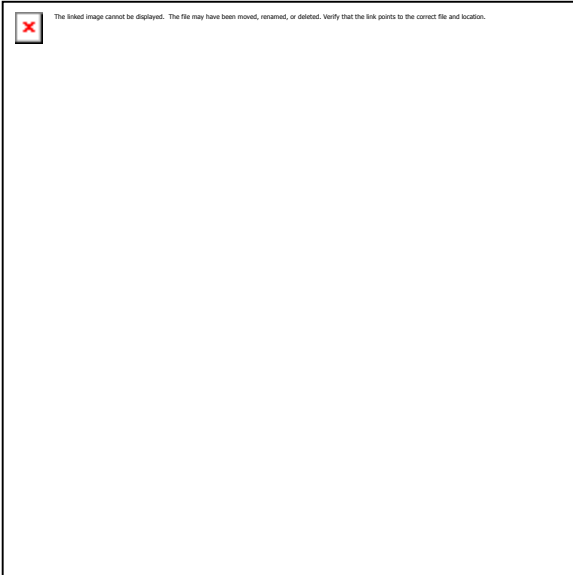




Delegated Report

Prior Approval - Telecommunications Application

Planning Application No: 20220850

Location: Communications Mast Coldharbour Road Northfleet Gravesend

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 for a 15m high slim line phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated works.

Applicant: Mr Cameron Wilson, CK Hutchison Networks (UK) Ltd

Site Description

The application site is located on the west side of Coldharbour Road, approximately 20m from the junction with The Hedgerows. The site is on the edge of a grass verge, adjacent to the footpath which runs to the side a 1.8m high brick retaining wall, which forms the side boundary of No. 1 The Hedgerows a residential dwelling.



Submitted Documents/Plans

The application comprises the following documents and plans:

- Planning Application Form;
- Supplementary Information - Developers Notice prepared by dotsurveying (served to GBC) (dated 07/06/2022);
- Supplementary Information - ICNIRP Declaration;
- Supplementary Information - Department for Digital, Culture, Media & Sport - Collaborating for Digital Connectivity;
- Supplementary Information - Site Specific Supplementary Information and Planning Justification by Dot Surveying;
- Supplementary Information - Briefing Note: 5G and Health, Prepared by Mobile UK;
- Drawing no. GVM20859_TBC_TBC_TBC_GA_REV_A - 001 Drawing Register;
- Drawing no. GVM20859_TBC_TBC_TBC_GA_REV_A - 002 Site Location Plan;
- Drawing no. GVM20859_TBC_TBC_TBC_GA_REV_A - 215 Proposed Site Plan;
- Drawing no. GVM20859_TBC_TBC_TBC_GA_REV_A - 265 Proposed Site Elevation.

Plans and Documents Note

The Site Specific Supplementary Information and Planning Justification document and submitted drawings do not contain details of the colour of the apparatus. If the Local Planning Authority were to grant prior approval, a condition would be included. Furthermore, the address stated on the Site Specific Supplementary Information and Planning Justification document is Dartford and as such is incorrect and the site is located in Gravesend.

Relevant Planning History

No relevant planning history

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Paragraph 33 of the NPPF (2021) 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 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving Sustainable Development
- Section 10 - Supporting high quality communications
- Section 12 - Achieving sustainable development and well-designed places
- Section 15 - Conserving and enhancing the natural environment

Consultations, Publicity and Representations

External Consultees

Local Ward Councillors - No comment received.

Neighbouring properties

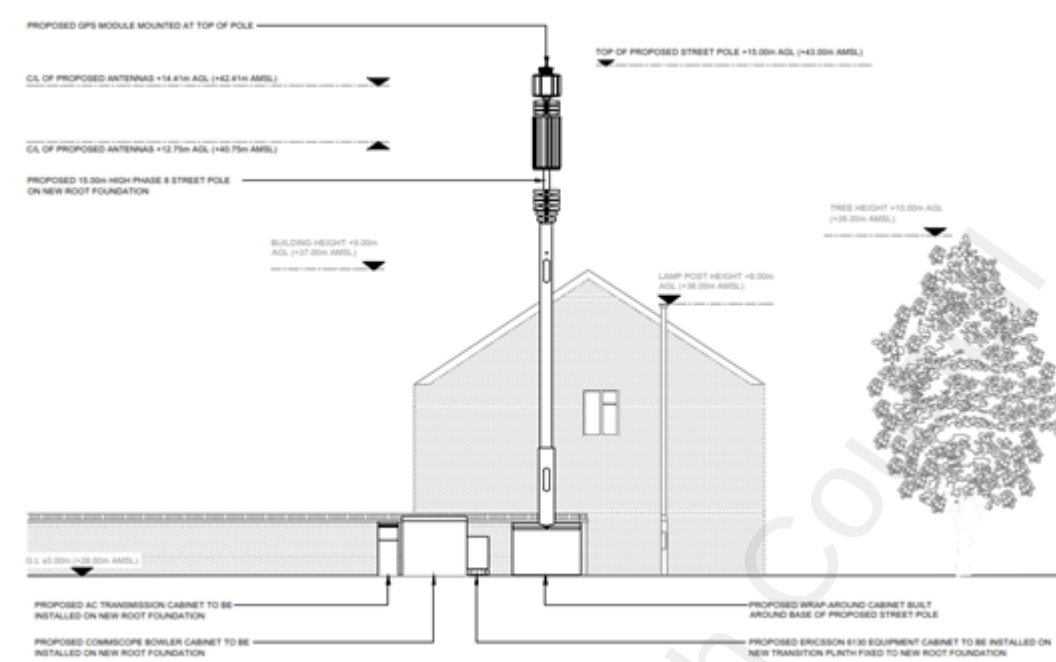
A notice was displayed on site. In addition, seven surrounding properties were consulted with an overall expiry date of 9th September 2022. One letter of objection was received making the following summarised comments;

- Visual amenity
- Highway safety distraction to drivers
- Too close to residential property
- Unsuitable location
- More suitable location further down the road near the library

Officer Assessment

Description of the Development

This application proposes the erection of a 15m high monopole and 3 additional ancillary equipment cabinets, together with the associated works. The monopole and ancillary cabinets are shown on the submitted drawing no. GVM20859_TBC_TBC_TBC_GA_REV_A - 265 Proposed Site Elevation.



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 (proposed at 15m) and ground base area limitations (the base around the monopole being 1.4m²) 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.

In this case, a developer notice and supplementary letter has been supplied to Gravesham Borough Council (GBC). However GBC are not in ownership of the site for the proposed development. The landowner, Kent County Council Highways (KCC), have not been consulted and no evidence has been provided to the Local Planning Authority to confirm them being notified by the applicant.

The GIS mapping image below shows that KCC Highways own the land on which the proposed development will be located. The blue hatching is land within KCC Highways ownership and the small orange square is the proposed site.



Therefore, the application has not been accompanied by evidence required under paragraph A.3 (1) and therefore fails to meet the requirement set out in paragraph A.3 (5) (c). As such, the application has not been received by the Local Planning Authority (LPA) in accordance with paragraph A.3 (5) and Prior Approval is required and refused.

There does not appear to be any evidence submitted with this application to demonstrate that notice was served on KCC regarding the development. Therefore, with no evidence to the contrary, the application has not been accompanied by the evidence required under paragraph A.3 (1) to satisfy A.3 (5) (c).

Given that the application fails under paragraph A.3 (5), no detailed assessment has been made against the siting and appearance or other matters relating to the proposal. However, brief comment is provided below:

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) of the National Planning Policy Framework (NPPF) (2021) 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 National Planning Policy Framework (NPPF) (2021) and the development plan. The NPPF supports high quality communication infrastructure with Paragraph 114 noting that *'advanced, 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 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 in a prominent section of Coldharbour Road, on an open section of amenity land, close to the main highway. It would be located on the edge of the amenity land, adjacent to the footpath and within close proximity to the brick boundary wall of No. 1 The Hedgerows.

There is no form of vegetation, landscaping or trees that would act as a screen to mitigate the impact and the streetpole and associated cabinets would be located only 1.86m from the highway. With the exception of one streetlamp, the amenity land is devoid of any other structure and is an open piece of land. As such, the proposed monopole, together with 3no. cabinets being 1.15m, 1.61 and 1.76m in height would result in a visually intrusive form of development with little to mitigate the impact. Therefore the development would result in a detrimental impact on the visual amenity and character of the streetscene and appearance of the area.

In consideration of the matter of siting and appearance, it is considered to be material in assessing the impact of the proposed development on Coldharbour Road and the surrounding area, especially with being in close proximity to surrounding residential properties. The proposed development would introduce a large mast, base and ancillary cabinets that would not be discreet in their setting and would be in a prominent location adjacent to the highway and residential properties. As such, the proposal would have a detrimental impact on the siting and appearance of the street scene and surrounding area, contrary to Policy CS19 (LPCS) as well as Sections 10 and 12 of the NPPF (2021).

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 3.67m away from the boundary wall of No. 1 The Hedgerows and the streetpole would be located directly in front of the bathroom window of this dwelling. It would be highly visible from the occupant's private garden area and as such is considered to have a detrimental impact in terms of visual amenity.

Whilst the proposal would not result in loss of light, outlook or privacy, it would be highly visible from the rear garden space of No. 1 The Hedgerows and would result in a detrimental impact in terms of visual amenity.

Highways Issues

There are no highway implications related to the proposed development. The apparatus would not impact on visibility on the junction by virtue of being set-back from the corner. As such, the proposed telecommunications apparatus is considered acceptable in terms of highways.

Any Other Material Planning Considerations

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.

Conclusion

The application has not been accompanied by evidence required under paragraph A.3 (1) and therefore fails to meet the requirement set out in paragraph A.3 (5) (c). The landowner, Kent County Council Highways, have not been consulted by the applicant and no evidence has been provided to the Local Planning Authority to confirm that they were notified of the development. As such, the application has not met the requirement set out in paragraph A.3 (5), by virtue of no evidence to satisfy paragraph A.3 (1), and therefore Prior Approval is required and refused. Without the appropriate notification to the relevant land owners the Local Planning Authority cannot grant approval under Schedule 2, to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

In addition, it is considered that the proposed location, on a section of amenity land adjacent to the highway that is highly visible, together with being located within close proximity to a residential property, is unacceptable. It is therefore considered that the proposed location would have a detrimental impact on the character of the area and the visual amenity of the streetscene and have a detrimental impact on the surrounding residential dwellings in terms of the visual impact. The proposal would not therefore accord with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014), or and Section 12 of the National Planning Policy Framework (2021).

Recommendation

Prior Approval is Required and Refused.

Case Officer:	Mrs Amanda Grout	Team Leader:	Miss Faye Hobbs
Signed:	<i>A Grout</i>	Signed:	
Dated:	22 nd September 2022	Dated:	23 September 2022