

Delegated Report

Prior Approval Application

Planning Application No: 20220474

Location: Telecommunications Mast Ordnance Road Gravesend Kent

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 20m high slim line phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated works.

Applicant: Gallivan, CK Hutchison Networks UK Ltd

Submitted Documents/Plans

- Application Form;
- Department for Digital, Culture, Media & Sport / Ministry of Housing, Communities & Local Government, *Collaborating for digital connectivity*, dated 7th March 2019;
- 5G Site Specific Supplementary Information and Planning Justification Statement Prepared by DOT Surveying;
- Mobile UK Briefing Note: 5G and Health;
- 002 Site Location Plan, Drawing no. GVM20702_GVM078_85418_DA0563_GA_REV_A;
- 100 Existing Site Plan, Drawing no. GVM20702_GVM078_85418_DA0563_GA_REV_A;
- 150 Existing Site Elevation, Drawing no. GVM20702_GVM078_85418_DA0563_GA_REV_A;
- 215 Proposed Site Plan, Drawing no. GVM20702_GVM078_85418_DA0563_GA_REV_A;
- 265 Proposed Site Elevation, Drawing no. GVM20702_GVM078_85418_DA0563_GA_REV_A;
- 304 Proposed Configuration Antenna Schedule, Drawing no. GVM20702_GVM078_85418_DA0563_GA_REV_A;
- 307 Equipment Schedules & Dependencies, Drawing no. GVM20702_GVM078_85418_DA0563_GA_REV_A.

Relevant Planning History

No relevant history.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles;
- CS20 - Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC3 - Development Affecting Conservation Areas

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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 12 - Achieving well-designed places
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Riverside Conservation Area appraisal (2009)
- Milton Place Conservation Area appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)

Consultations, Publicity and Representations

Consultees

Internal consultees

Ward Councillors – no comment;

GBC Conservation – no comment;

External Consultees

KCC Heritage – no comment.

Neighbouring properties

19 surrounding properties were consulted and a site notice posted in the area. The overall expiry date for consultation was 10th June 2022.

Officer's Analysis

Development has been submitted under the terms of the Schedule 2, Part 16, Class of the Town and Country Planning (General Permitted Development) Order 2015 (as amended.). It is not an application for planning permission. Therefore, development is permitted under the 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 in accordance with the electronic communications code, consisting of (a) the installation, alterations or replacement of any electronic communications apparatus.'

Paragraph A1.1 requires all apparatus should not exceed 15 metres A1.1(a) or a mast should not exceed 25 metres above ground level on land within a Conservation Area metres A1.1(c). The site is within Riverside Conservation Area and adjacent to Milton Place Conservation Area.

Conditions

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.

Also, with reference to paragraph A.2.1(c)(i) the siting and appearance of any development which is visible from a site which is article 2(3) land are such that the visual impact of the development on the site is minimised so far as practicable, taking into account the nature and purposes of the site.

Paragraph A.2.5 maintains that the conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 2(3) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, connection with the provision of fixed-line broadband.

Prior Approval

Before the application has been made, 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 specifies the details that are to be provided, see Paragraph A.3(2).

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 114 of the NPPF 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 117 of the NPPF 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 selfcertifies 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 be situated approximately 120m from Chantry Community Academy. It was also maintained that email communication was sent to the school, along with a set of drawings and site details sheet, to explain requirements for the proposed base station. A preliminary search within the immediate vicinity indicates that Holy Trinity Church of England Primary School is over 200m away from the proposed site and there is little evidence to suggest consultation has been made with the relevant body. Furthermore, the paragraph 117 of the NPPF requires evidence of the outcomes of the consultations, no details of emails or any relevant details has been submitted.

In relation to (b), the additional mast and supporting structures would be in addition to the existing 6 structures in close proximity to the proposed site. A standard statement, supporting information, has been submitted stating that that overall the installation of a mast, with supporting information, complies with the relevant ICNIRP Guidance.

Public Health England (2019) maintain the following;

5G frequencies

'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.'

However, a specific statement has not been submitted identifying how the cumulative impacts of the communications apparatus would exceed the ICNIRP guidance.

In relation to (c), the applicant has reviewed other areas in which the equipment could be located, but has provided reasons as to why these sites are not appropriate.

Siting and Appearance

The proposed mast and equipment cabinets are of a standard design, typical of many such installations which can be found throughout the Borough and indeed the country as a whole.

Given the height of the mast being approximately 20 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 would have a substantial effect on the character and appearance of the site and the surrounding area. The application site is within the Riverside Conservation Area, but also adjacent to Milton Place Conservation Area and, therefore, consideration will need to be made in relation to whether the development will preserve or enhance the character or appearance of these areas.

Paragraph 115 of the NPPF states that "where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate." As a result, whilst it is noted that the applicant has applied substantial emphasis on the need to support telecommunication equipment within the submissions that have accompanied this application, it is noted that the design requirements are specifically applicable to this type of development. Consequently, it is considered that any harm identified should not be outweighed by the benefits of providing improved communication infrastructure at the site.

Moreover, paragraph 4.2.4 of the 'Cabinet Siting and Mast Siting Code of Practice 2016' states:

"To minimise the visual impact, the cabinet should not be sited in a prominent position at a junction or on a bend of the public maintainable highway. Other prominent locations on grass verges or grassed amenity areas should be avoided unless there is a technical justification not to do so. Cabinets must not obstruct

any existing means of entering or leaving land. Additional care is to be taken when siting cabinets in Conservation Areas and/or World Heritage Sites. For particularly sensitive parts of Conservation Areas and World Heritage Sites, identified in dialogue with the local planning authority, and where there is no alternative to siting a cabinet in a location deemed unacceptable by the local planning authority, then consideration should be given to using underground watertight cabinets”

Paragraph 197(c) of the NPPF requires Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

The supporting Planning Statement makes no reference to site either being within, or adjacent to a Conservation Area and fails to address the impact of the proposed equipment to the local character and/or where the development makes a positive contribution.

In light of the above, given the heritage sensitivities of the site, the application is considered to add more equipment on a prominent junction/street, where Ordnance Road meets Milton Road. The photo provided on page 5 of the Planning Statement indicates there are approximately 6 existing structures on the junction to add a further 3 cabinets/units in addition to the proposed mast. The proposed items would create visual clutter in a prominent position within, and adjacent to, Conservations Areas.

For these reasons, it is considered that the proposal would be contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014) which require that development conserves and enhances the local built, historic and natural environment and integrate well with the surrounding area. The latter policy also maintains that proposals should preserve and enhance the significance of the Borough's heritage assets, their setting where it contributes to the significance.

The proposal would also conflict with the guidance contained within paragraphs 117, 126 and 197(c) of the NPPF which principally requires that development is sympathetically designed and camouflaged where appropriate, that suitable consideration is given to the siting of the required equipment and that all development creates high quality, beautiful places and better places to live and work.

In this regard it is noted that good design is considered to be necessary to make development acceptable to communities and this has not been adequately incorporated into the proposal. For the reasons set out above, whilst the technical justification provided by the applicant are noted, it is not considered to justify the visual harm caused by the proposal.

Other Matters

The applicant has provided documentation that sets out Government support for telecommunications infrastructure provision. This is noted, but as the focus of the Local Planning Authority is required to be on the siting and appearance of the development, it is considered that this does not alter the assessment that is set out above.

In terms of the health implications, the Planning Statement references the ICNIRP Declaration is attached, but the attached document has not provide a clear declaration of compliance. Nor, as mentioned above, state that the cumulation of existing equipment would comply with the relevant ICNIRP guidelines.

Although, having reviewed the details above, it is likely that the proposal falls within the limitations of the exposure of the general public to electronic magnetic public exposure guidelines. In accordance with national guidance, it is not for the Local Planning Authority to infer whether the development complies with the international health guidance.

Conclusion & Recommendation

Prior Approval is required and Refused for the following reason:

The proposed mast, and associated cabinets would, by virtue of its prominent siting on a junction within the Riverside Conservation Area and, adjacent to the Milton Place Conservation Area, have an unacceptable effect on the character and appearance of the site and the surrounding area and, as such, the siting and design of the proposal fails to preserve and enhance the significance of the Borough's heritage assets. The proposal would not therefore accord with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014), Saved Policy TC3 of Gravesham Local Plan First Review (1994) and Sections 12 and 16 of the National Planning Policy Framework (2021).

(For detailed reasons, see draft Decision)

Case Officer:	Ms Genna Henry	Team Leader:	Richard Hart
Signed:	<i>G.Henry</i>	Signed:	<i>R Hart</i>
Dated:	20th June 2022	Dated:	21st June 2022