



Delegated Report

Telecommunications Determination (PRIOR)

Planning Application No: 20221256

Location: Telecommunication Base Station Opposite Graveney Lodge Wrotham Road Meopham 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 +18.0m AGL telecommunications installation upgrade and associated ancillary works. Existing +8.0m AGL mast to be removed.

Applicant: MBNL

Site Visit Date: 8th December 2022

Site Description

The application is located on the western side of Wrotham Road. It is located adjacent the footway in a section which is set further back from the road and vehicular traffic. It is approximately 99.1m from the side road to the north of the site, containing Meopham Medical Centre, Meopham Library and Meopham School. The site is in the Rural Boundary, in the Metropolitan Green Belt.



Submitted Documents/Plans

Application Form
002 SITE LOCATION PLAN
003 ACCESS PLAN
100 EXISTING SITE PLAN
150 EXISTING ELEVATION A
210 PROPOSED H3G SITE PLAN
260 PROPOSED H3G ELEVATION
Site Specific Supplementary Information

Cover Letter
 Site Provider Letter
 Developers Notice
 Email from Agent received 06/12/2022
 Applicant Letter to Meopham School
 Applicant Letter to Busy Bees Nursery

Relevant Planning History

Reference	Description	Decision	Decision Date
20000016	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 installation of 1 no. 8m high lamp-post, 3 no. dual polar antennae integral with 'lamp-post', 1 no. future possible 150mm diameter microwave dish antennae and equipment cabinet.	Prior Approval Not Required	21.02.2000

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

The expiry date for receipt of comments ended on 23rd December 2022.

Consultees

Ward Councillors: No comments received.

Parish Council: *'Meopham Parish Council objects to this planning application. The Council office has tried communicating with the applicant to see if two smaller masts could be installed but no response has been received. It also appears that no other alternative sites have been researched for this mast to be installed.'*

GB Highway Officer: No objection raised.

Neighbouring properties

5no. surrounding properties were consulted and no responses were received.

Description of Development

This application proposes installation of an 18m high AGL mast, and associated works and removal of the existing 8m high mast nearby.

Officer's 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 30 metres above ground level on unprotected land, or 25 metres above ground level on article 2(3) land or land which is on a highway, 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.

Given that the proposed AGL would be used to improve wireless and mobile phone coverage for EE and H3G (Three), and such services use radio wave frequencies, it can be ascertained that the structure is therefore a radio tower which would support antennas, which in turn would transmit radio waves. 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 18m) 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 as per Paragraph A.3 (4).

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 16th November 2022, 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 114 of the National Planning Policy Framework (NPPF) (2021) 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 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 have advised that Busy Bees Nursery and Meopham School lie in close proximity to the site but no response was received. Copies of this consultation have been provided. It is also noted that a site notice was placed by the Local Planning Authority near the site, but the School or the nursery have not submitted comments to the Local Planning Authority.

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 117 of the NPPF has been met.

In relation to (b) a standard declaration has been submitted regarding the relevant ICNIRP Guidance.

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 at the rear of the footway, adjacent to the highway and would be positioned in front a number of mature trees and shrubs. There are telegraph poles nearby which would mitigate the impact. The mast and apparatus are to be painted RAL 6009 (Fir Green) which would reduce the impact of the development on the character and appearance of the area, and camouflage somewhat with the foliage behind.

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 1.6m away from the nearest dwellings to the east on the opposite side of the road. Given the small width of the pole, its location and the east to west, southerly route of the sun, it would be unlikely to cause significant levels of overshadowing, in the evening and likely none for most of the daylight hours.

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 not impact on visibility on the junction by virtue of being set-back from the highway by 0.8m. Moreover, the site is 99.1m from the nearest junction, and so would likely not impact drivers using that junction. The GBC Highway Officer has raised no concerns with this proposal.

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 & Recommendation

The proposed installation of telecommunication mast and apparatus nearby the existing Telecommunications Base Station Opposite Graveney 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.

Case Officer:	Ms Lisa Williams	Team Leader:	Richard Hart
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Signed:		Signed:	<i>R Hart</i>
Dated:	12th January 2023	Dated:	13th January 2023

Gravesham Borough Council