



Delegated Report

Telecommunications Determination (PRIOR)

Application no: 20211441

Location: Telecommunication Mast At Colewood Reservoir Watling Street Cobham Gravesend ME2 2TZ

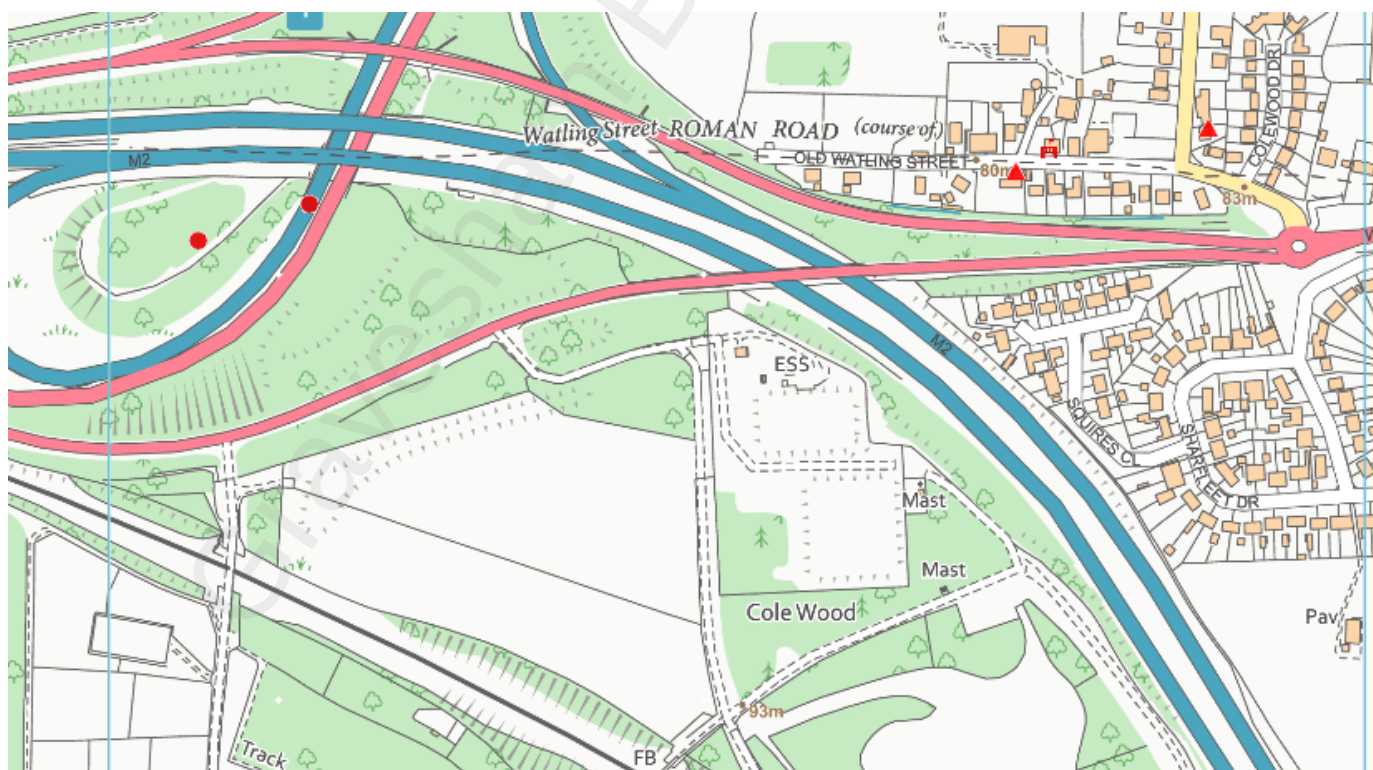
Description: Application for determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015 as to whether prior approval is required for proposed upgrade to existing 22.0m High Lattice Tower on concrete base (Top of Tower +23.55m AGL) and associated ancillary works.

Applicant: CK Hutchison Networks (UK) Ltd

Site Visit Date: 03 December 2021

Site Description

The site of this existing telecommunication mast is within woodland next to an access track to the south of Colewood reservoir and to the west of the London bound carriageway of the M2 motorway and south of the A2 trunk road and slip road joining the A2 (Watling Street) from Strood.



It is a 23.55m high lattice tower. It is visible from the motorway just above the treeline but not widely visible in the landscape. There are two masts within the same locality - one is a Vodafone mast next to the reservoir. The 'Three' Mast (Hutchison) as per this application is located further into the wooded area

beyond the reservoirs. The other mast is perhaps more exposed and visible than this one. The site is within the Green Belt and an Area of Outstanding Natural Beauty and is close to the Borough of Medway.



Planning History

Planning Applications

Ref No	Description and Site	Decision	Date
19880336	Use of land as a Transmitter Station incorporating the erection of a single storey cellular radio base station enclosed by a 3m high mesh fence (Vodafone)	Permission	28.06.1988
20020916	Installation of a 22.5 metre high lattice mast with three antennae, four dishes, equipment cabinet and associated development. (Hutchison)	Permission	10.03.2003
20100144	Replacement of existing antennas on existing mast and installation of cabinet within existing compound. (Hutchison)	Permission	26.04.2010
20190438	Removal of 3 no. antennas on existing mast and installation of 6 no. antennas and 3 no. 600 millimetre dish antennas and associated apparatus, removal of 3 no. equipment cabinets at ground level and installation of 9 no. equipment cabinets and associated ancillary works. (Hutchison)	Permission	28.06.2019
20211441	<i>This Application</i>		

Pre-Application Enquiries

Proposed upgrade works at telecommunications base station Closed 17.04.2019

Proposal

This application by CK Hutchison Networks (UK) Ltd is for proposed upgrade to existing 22.0m High Lattice Tower on concrete base (Top of Tower +23.55m AGL) and associated ancillary works seeks a determination as to whether prior approval will be required to the siting and appearance of the development pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

Submitted Plans/Documents

Application Form;

Covering Letter from WHP Telecoms Ltd dated 19 November 2021 (ref GVM026);

Drawing No 1102392_GVM026_21832_DA0105_M003_H3G__UNI_GA_C issue C:

- 002 - Site Location Plan;
- 003 - Access Plan
- 100 - Existing Site Plan;
- 150 - Existing Site Elevation;
- 210 - Proposed H3G Site Plan;
- 260 - Proposed H3G Site Elevation;

Declaration of Conformity with ICNIRP Public Exposure Guidelines;

Developers Site Notice dated 18th November 2021;

Site Specific Supplementary Information;

Details of the Development

The Site Specific Supplementary Information indicates that:

There is now a requirement to upgrade the existing equipment at Colewood, New Knights Place, Rochester, Kent, ME2 2TZ to provide improved coverage and capacity, most notably in relation to 5G services. This proposal Options are extremely limited and the only viable solution that minimises amenity issues has been put forward. There are no other viable alternative options other than to upgrade the existing installation. Discounted options were put forward and assessed at the original planning application stage and this was deemed to be the most appropriate location. Given the height that is required for this site sharing 5G upgrade there is a lack of available rooftops.

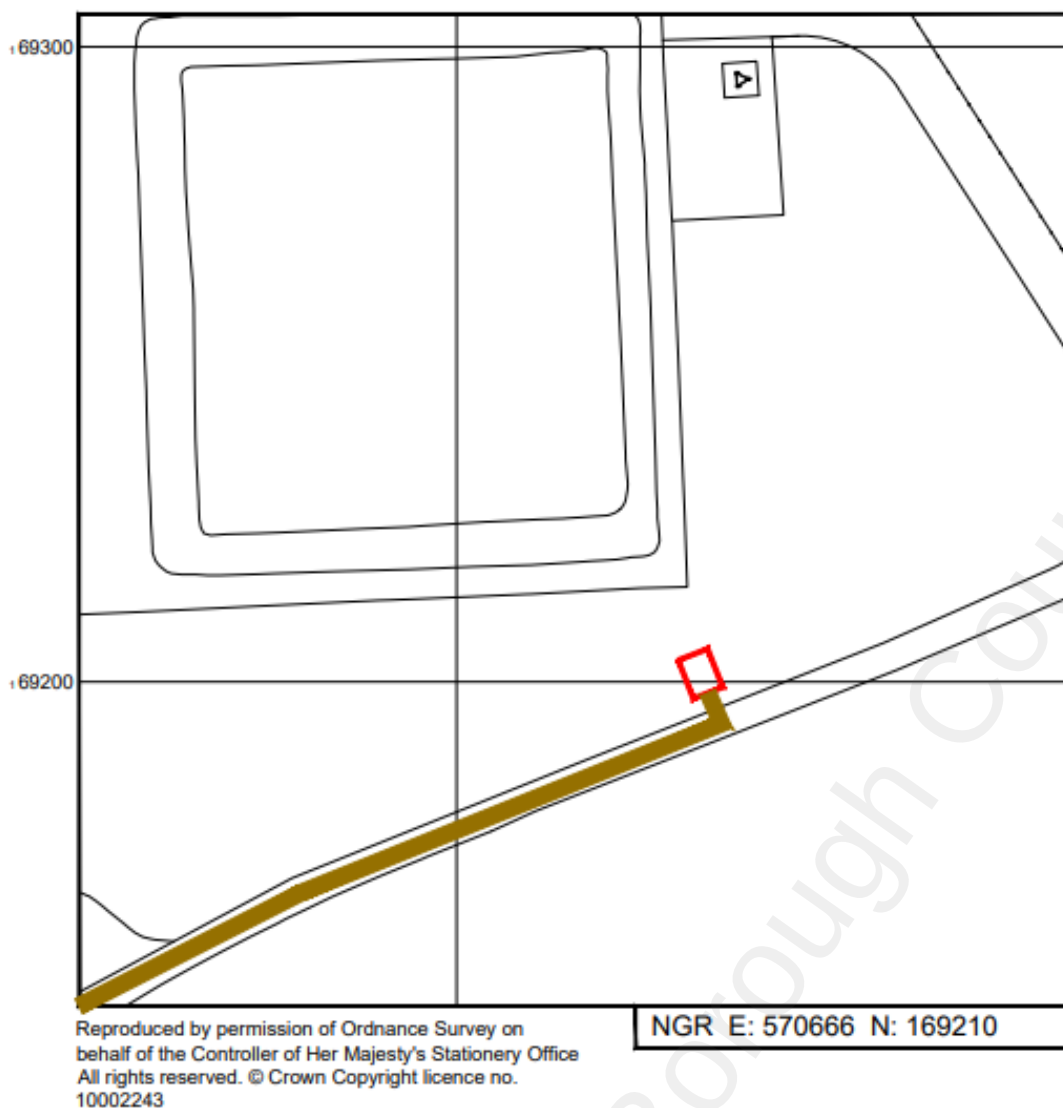
Three are in the process of building out the UK's fastest 5G network. Three has 140MHz of 5G spectrum (and 100MHz of it contiguous), which means our service will be much faster and able to handle more data. To bring this new technology to the people Hutchison 3G UK Ltd will need to provide a mix of upgrades to existing sites and the building of new sites. New sites will be needed for many reasons, including that the higher radio frequencies used for 5G do not travel as far as those frequencies currently in use and that sometimes not all existing sites can be upgraded. In this area there is an acute need for a new mast to deliver the above.

It should be noted however, that the nature of 5G and the network services it provides, means the equipment and antennas required are quite different to the previous, and existing, service requirements. In particular, the nature of the antennas, and the separation required from other items of associated equipment, is such that it cannot utilise some existing structures that provide an installation for another operator, most notably in a street works or highways environment.

This equipment is considered unlikely to have any material impact on the local area but significant connectivity improvements which is a material consideration in the judgment of the site's suitability. Figure 1 & 2 illustrates the existing site and its surroundings. It is important to note that this is an existing site, thus meaning the LPA have already deemed this an acceptable location to house telecommunications equipment. The existing site is located west of the M2 surrounded by a vast amount of mature tree planting, which provides screening.

In terms of policy analysis it is stated:

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



SITE LOCATION PLAN

Development Plan and other related Planning Policies and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Courts have held that it is a matter of planning judgement as to whether a proposal is in accordance with the development plan when 'read as a whole' and conflict with a particular policy or policies may not pass that threshold.¹

Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

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

¹ See the Judgement in the Court of Appeal on R(on the application of William Corbett) and The Cornwall Council and others [2020] EWCA Civ 508 at <https://www.bailii.org/ew/cases/EWCA/Civ/2020/508.pdf>

adopted 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 **Green Belt area** (Policy CS02) and the **Kent Downs Area of Outstanding Natural Beauty** (AoNB) (Policy CS12) in the Gravesham Local Plan Policies Map. It is within the **HS1 Safeguarding Area** (Policy C11) and close to a **Site of Special Scientific Interest** (SSSI) (Policy CS12)

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 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
Core Strategy Policy CS20: Heritage and the Historic Environment

Policy CS01 (Sustainable Development) sets out that support will be given to proposals that accord with the development plan. A positive approach to new development will be taken that reflects the presumption in favour of sustainable development set out in the NPPF and the Local Plan Core Strategy.

Policy CS02 (Scale and Distribution of Development) makes a commitment to meeting the Borough's objectively assessed need for 6,170 new dwellings over the plan period and outlines where new development will take place. Whilst prioritising the redevelopment and recycling of previously developed land in the urban area, development is also supported within those rural settlements inset from the Green Belt and defined on the Policies Map. Development outside those settlements will only be supported where it is compatible with national policies for protecting the Green Belt and other policies in the development plan.

Policy CS10: (Physical and Social Infrastructure) supports proposals and activities that protect, retain or enhance existing social infrastructure. Where new development leads to the need for new or improved physical or social infrastructure, developers will be required to provide or contribute towards this subject to viability considerations.

Policy CS11 (Transport) sets out that new developments should mitigate their impact on the highway and public transport networks as required. As appropriate, transport assessments and travel plans should be provided and implemented to ensure the delivery of travel choice and sustainable opportunities for travel. Sufficient parking in new development will be provided in accordance with adopted parking standards reflecting the availability of alternative means of transport and accessibility to services and facilities.

Policy CS12 (Green Infrastructure) requires that there should be no net loss of biodiversity in the Borough and gives protection amongst other things to internationally designated sites. The overall landscape character and valued landscapes will be conserved, restored and enhanced.

Policy CS18 (Climate Change) requires new development to reduce the causes and impacts of flooding, minimise impacts on waste water systems, reduce impact on the supply of potable water and reduce the overall carbon footprint of the Borough.

Policy CS19 (Development and Design Principles) sets out detailed criteria against which the acceptability

or otherwise of proposed development will be evaluated. In particular it requires new development to be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. It requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and avoid adverse environmental impacts from pollution. Proposals should include details of appropriate hard and soft landscaping, protect and where opportunities arise enhance biodiversity and provide appropriate facilities for the storage and disposal of waste.

Policy CS20 (Heritage and the Historic Environment) gives a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. Particular attention in this regard will be focused on those heritage assets most at risk. When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

Gravesham Local Plan First Review 1994

The Gravesham Local Plan First Review was originally adopted in November 1994.

A substantial number of policies of the Gravesham Local Plan First Review were saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 as transitional arrangements pending adoption of the Core Strategy.

Saved policies contained in the Gravesham Local Plan First Review should still be accorded significant weight, albeit that the weight accorded should be greater where policies are consistent with the National Planning Policy Framework (NPPF, paragraph 215).

Those Local Plan First Review policies that remain in force are listed in Appendix 1 of the Local Plan Core Strategy. The remaining saved policies will be replaced following the adoption of the Site Allocations and Development Management Policies Development Plan Document.

The following remaining saved policies are relevant to the consideration of this application:

Policy T1: Impact of Development on the Highway Network

Policy T5: New Accesses onto Highway Network

Saved Policy T1 requires all development to be served by the highway network.

Saved Policy T5 requires that the formation of new accesses or the intensification of use of existing accesses to the roads forming the highway network shown on the Proposals Map, will not normally be permitted, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the Local Planning and Highway Authorities.

Review of Local Plan

Paragraph 33 of the NPPF (2019) 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 GB 5 Extensions, Replacement Buildings and Ancillary Development in the Green Belt;
Proposed Policy INF 2: Transport Design Principles;
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts;
Proposed Policy INF 6: Telecommunications
Proposed Policy GI 5: Landscape Character;

Proposed Policy INF 6: Telecommunications states:

6.4.10. Telecommunications equipment, including masts, boxes and satellite dishes, will only be permitted where:

- evidence has been provided to demonstrate there is no reasonable possibility of sharing facilities or installing the equipment on an existing mast or structure so as to minimise the need for such development and visual clutter;
- they are sited and designed so as not to have an unacceptable impact on landscape, townscape or the significance of heritage assets;
- 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 or nature conservation; and
- it can be demonstrated that there is no interference with highway safety, the maintenance and operation of the Strategic Road Network and there is adequate, safe provision for the parking of service vehicles.

6.4.11. A statement should also be provided to accompany any application for relevant telecommunications infrastructure detailing the outcome of consultations with organisations with an interest in the proposed development in accordance with national policy and certifying that the cumulative exposure of the installation, when operational, will not exceed International Commission guidelines on non-ionising radiation protection or other safety limits that may subsequently be imposed.

6.4.12. All applications for major development proposals, including residential or commercial floorspace should be accompanied by a statement setting out how high-quality digital telecommunications infrastructure will be provided to the development and how this will be delivered. The ability to upgrade such provision overtime should also be assessed.

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 such as where land is designated as Green Belt or any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF taken as a whole.

The NPPF includes (in paragraph 8) three overarching objectives to achieving sustainable development:

- an economic objective;
- a social objective; and
- an environmental objective.

The following paragraphs are specifically highlighted as being of importance to the consideration of the application 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 13, Paragraphs 137 - 151: Protecting Green Belt land

Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment

Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

Section 10, Paragraphs 114 -118: Supporting high quality communications

Paragraph 114 advises 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 (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

Paragraph 115 states:

The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. 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.

Paragraph 116 advises:

Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:

- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and*
- b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.*

Paragraph 117 indicates 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.

Paragraph 118 states:

Local planning authorities must determine applications on planning grounds only. They 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.

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.

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.
- Gravesham Landscape Character Assessment, May 2009, (a technical document which underpins policy CS12 of the Gravesham Local Plan Core Strategy).

The application site lies within the Ashenbank and Cobham Parklands landscape character area in the Gravesham Landscape Character Assessment where the key characteristics are

where the key characteristics are:

- Slightly undulating topography with a strong presence of man-made landform
- Historic Elizabethan manor set within Repton parkland landscape
- Golf course located within parkland landscape
- Large parkland trees
- Two large areas of dense ancient woodland
- Traditional village centre, typical of north Kent landscape
- Native hedgerows, three bar wrought iron and timber fencing

The overall condition of the landscape can be assessed as being very good as visually the landscape is strongly unified and the area has a very strong functional integrity. The divide between parkland, golf course and farmland is visually evident, and the areas of open parkland and golf course are largely uninterrupted. The woodland and large parkland trees that are scattered through the landscape provide coherency.

Although the area has a historic and distinct sense of character the low level of visibility within the area would limit the impact of change to the landscape. It can be concluded that the sensitivity of the character area is moderate.

The guidelines are to conserve and reinforce through:

- Conservation of parkland trees and woodland cover
- Reinforcing the character of the area by planting native species replace older trees and creating and maintaining wood pastures
- Managing access arrangements to balance the need for recreation while controlling unauthorised access and anti-social uses and respecting ecological sensitivity

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 received

GBC - Engineering Services

No comments received

External Consultations

Kent Highways and Transportation

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

Informative:

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

Lower Thames Crossing Project Team Highways England

No comments received

Highways England

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN; in this case the M2 in the vicinity of Junction 1.

Having assessed the application, we note that:

- The proposed telecoms development would be located approximately 90m to 100m from the edge of the M2 carriageway
- The maximum height of any lattices/ masts will be around 22.5m (plus base).

On this basis we are content that the proposals would not unacceptably impact on the safety, reliability and/or operational efficiency of the SRN in the event they are constructed, operated or even structurally fail and hence they comply with national planning and transport policy set out in DfT C2/13 (especially paras 8 to 11) and MHCLG NPPF2021 (especially paras 110 to 113).

Therefore, we have No Objection to the Prior Approval Notification

Kent Downs AONB Management Unit

We have no concerns regarding the proposed upgrade in terms of AONB impacts given the relatively minor nature of the works to existing infrastructure and therefore do not consider prior approval is necessary from an AONB perspective.

Chief Planning Officer Medway Council

Raise no objections as the proposal would not have any harmful impact on the appearance of the area and would not be harmful to the amenities of Medway residents.

Cobham Parish Council

No comments received

High Speed 1

No comments received

Woodland Trust

No comments received

Publicity and Representations

Site Notice under Article 15 displayed on site. Expiry date was 24.12.2021.

No representations have been received

Planning Analysis and Assessment

Introduction and Key Issues

Background

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

However the NPPF also states that Local Planning Authorities should determine such applications in relation to all material planning considerations and in this instance the proposed infrastructure is to be located within a very sensitive location, being within the Green Belt, and an AoNB.

The original 22.5m high lattice mast and equipment cabinet was approved in March 2003. In 2010 the replacement of existing antennas on the existing mast and installation of cabinet within the existing compound were permitted.

The existing mast is shared between two operators, EE (UK) Ltd. and Three (UK) Ltd.

A similar proposal was submitted as a planning application in 2019 involving the removal of 3 no. antennas on existing mast and installation of 6 no. antennas and 3 no. 600 millimetre dish antennas and associated

apparatus, removal of 3 no. equipment cabinets at ground level and installation of 9 no. equipment cabinets and associated ancillary works, all to upgrade to provide an improved service including future 5G data services.

The upgrade as proposed in this application does not increase the height of the mast with only additional antenna added towards the top of the mast and new equipment and cabinets at base level.

Prior Approval and Permitted Development

This current application is submitted under the prior approval procedures. The prior approval procedures and GPDO permitted development rights are complex but in brief Part 16 of Class A of the 'GPDO' indicates that it is permitted development 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.

The GPDO indicates what is not permitted development indicating that

Development not permitted: antennas and supporting structures installed, replaced or altered on article 2(3) land or land which is a site of special scientific interest

(4) Development consisting of the installation, alteration or replacement of an antenna, a mast or any other apparatus which includes or is intended for the support of an antenna, or the replacement of an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced, is not permitted by Class A(a)—

(a) On any article 2(3) land unless—

(i) The development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land;

(ii) The antenna or apparatus comprises or is part of a small cell system and is on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse;

(iii) The antenna is a small antenna and the development is within the limitations specified in paragraph A.1 (5) or (6); or

(iv) where the antenna or apparatus is not a small cell system or a small antenna, the development is within the limitations specified in paragraphs A.1(1)(c)(ii), A.1(1)(d)(i)(bb) or A.1(2)(f);

Notes:

In this case the antenna or apparatus is not a small cell system or a small antenna, thus (iv) above applies. But A.1(1)(c)(ii) does not allow the installation of a mast, the mast, excluding any antenna, where it exceeds a height of 20 metres above ground level on article 2(3) land or land which is on a highway and A.1(1)(d)(i)(bb) does not allow the alteration or replacement of a mast, the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of 20 metres above ground level on article 2(3) land or land which is on a highway.

Although in this case the site is within article 2(3) land (Kent Downs AoNB) and the existing mast already exceeds 20m the apparatus does not increase the height of the mast at all

Under A.1 (2) (f) in this case the antenna do not exceed the limitation of 3m and there would be only two such antenna, thus not exceeding the limitation of three.

However as the development is within article 2(3) land (Kent Downs AoNB) an application for prior approval of the siting and appearance of the development is required.

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
- Ecological Impacts
- Health Impact Issues
- Other Material Planning Issues - traffic; archaeology

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:

There is now a requirement to upgrade the existing equipment at Colewood, New Knights Place, Rochester, Kent, ME2 2TZ to provide improved coverage and capacity, most notably in relation to 5G services. This proposal Options are extremely limited and the only viable solution that minimises amenity issues has been put forward. There are no other viable alternative options other than to upgrade the existing installation. Discounted options were put forward and assessed at the original planning application stage and this was deemed to be the most appropriate location. Given the height that is required for this site sharing 5G upgrade there is a lack of available rooftops.

It is considered that there is no conflict with the local or national telecommunications policies to the principle of the development.

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 in relation to telecommunication equipment that where new sites are required equipment should be sympathetically designed and camouflaged where appropriate.

The development needs to be considered and assessed in terms of the impact on the landscape given it is within an AoNB and secondly in terms of its impact on the openness of the Green Belt.

The height of the mast will not increase such that there would be no material visual impact in the landscape other than additional antennas on the mast. It is reasonably well screened and not open to public views and with a bridleway well to the west and the nearest public footpath approx. 400m to the south. The current tree height is around 20m or more.

The Kent Downs AONB Management Unit have no concerns regarding the proposed upgrade in terms of AONB impacts given the relatively minor nature of the works to existing infrastructure and therefore do not consider prior approval is necessary from an AONB perspective.

It is considered that the development will have a negligible impact on the landscape character of the Kent Downs AONB and would not conflict with policy CS12 (Green Infrastructure) or Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy.

It does not appear that the works will involve removal of any trees and the mast and current compound are within a clearing within coppiced woodland. The base area is not increased in size and there is no additional hardstanding area. On the basis that the site is an existing one, it is shared, that it is well screened, it is not visually prominent from public open space or public footpaths, that it is not prominent on the skyline, that it does not form a clutter with other similar paraphernalia, that it does not involve additional hardstanding and that there is no loss of native planning it is considered that there would be no material harm to the Green Belt.

It is therefore considered that there is no conflict with policy CS02 of the Gravesham Local Plan Core Strategy (September 2014) or section 13, Paragraphs 137 - 151 (Protecting Green Belt Land) of the NPPF.

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 east

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).

Ecology

The application site is close to a Site of Special Scientific Interest, as well as being within the Kent Downs AoNB.

Gravesham Local Plan Core Strategy Policy CS12 (Green Infrastructure) indicates that there will be no net loss of biodiversity in the Borough and opportunities taken to enhance, restore, re-create and maintain habitats. Paragraph 5.7.25 advises that where a negative impact on protected or priority habitats/species

cannot be avoided on development sites and where the importance of the development is considered to outweigh the biodiversity impact, compensatory provision will be required either elsewhere on the site or off-site, including measures for ongoing maintenance.

At a national level paragraph 174 of the NPPF indicates that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

In this case it is considered that there will be no material ecological or biodiversity impacts.

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).

Other Material Planning Issues - traffic; archaeology etc.

There are no highway objections raised to the development and no impacts on the strategic highway network.

There are no adverse consultation responses.

Conclusions

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 is not required for the proposed upgrade to an existing 22.0m High Lattice Tower on concrete base at the Telecommunication Mast at Colewood Reservoir Watling Street Cobham. 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 already submitted 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 installation of telecommunication equipment and apparatus to upgrade an existing telecommunications mast and being an existing 22.0m High Lattice Tower on concrete base (Top of Tower +23.55m AGL) and associated ancillary works at Colewood Reservoir Watling Street Cobham, involving no increase in the height of the mast, 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 Ltd dated 19 November 2021 (ref GVM026);

Drawing No 1102392_GVM026_21832_DA0105_M003_H3G__UNI_GA_C issue C

- 002 - Site Location Plan;
- 003 - Access Plan
- 100 - Existing Site Plan;
- 150 - Existing Site Elevation;
- 210 - Proposed H3G Site Plan;
- 260 - Proposed H3G Site Elevation;

Declaration of Conformity with ICNIRP Public Exposure Guidelines;

Developers Site Notice dated 18th November 2021;

Site Specific Supplementary Information;

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 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.

Case Officer:	Mr Peter Price	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	17 th January 2022	Dated:	17 th January 2022

File Location: H: Plan/Typing/General/Peter/Delegated Reports/Uniform - 20211441 - Delegated Report - Colewood Reservoir
Cobham - Upgrading of Telecommunication Lattice Mast and Equipment