



Delegated Report

Planning Application

Application no:	20211052
Location:	Telecommunications Mast Batts Road Cobham Gravesend
Description:	Proposed telecommunications installation off Batts Road, 27.5m 30H Tower on New Pad foundation and associated ancillary works. Please refer to drawings
Applicant:	EE (UK) Ltd
Site Visit Date:	Desktop Assessment

Submitted Documents/Plans

Planning Application Form received 23 August 2021;
Covering Letter received 23 August 2021;
Supplementary Information - ICNIRP Declaration received 23 August 2021;
Supplementary Information - Site Specification Information received 23 August 2021;
Supplementary Information - BT ESN Coverage Justification Presentation;
Drawing No. ESN40094TT/70485TT 01 – Issue B - Site Location;
Drawing No. ESN40094TT/70485TT 01A – Issue B – Site Demise Location;
Drawing No. ESN40094TT/70485TT 02 – Issue B - Site Plan;
Drawing No. ESN40094TT/70485TT 02A – Issue B - Boundary Plan;
Drawing No. ESN40094TT/70485TT 02C – Issue B - Construction Zone;
Drawing No. ESN40094TT/70485TT 03 – Issue B - Equipment Layout;
Drawing No. ESN40094TT/70485TT 04 – Issue B - North Elevation;
Drawing No. ESN40094TT/70485TT 04A – Issue B - South East Elevation;
Drawing No. ESN40094TT/70485TT 04B – Issue B - South West Elevation; and
Drawing No. ESN40094TT/70485TT 04C – Issue B - West Elevation.

Relevant Planning History

Application Ref. No.	Description	Status	Date
20211034	Determination as to whether prior approval is required for the installation of a new 20 .0m Phase 8 monopole C/W with wraparound cabinet at base, and ancillary works.	Withdrawn	25.08.2021
20210769	Proposed 25m mast and associated ancillary works.	Withdrawn	13.08.2021
20201121	Proposed telecommunications installation comprising proposed 20m High Swann 703UP Lattice on new 3.3 x 3.3 x 1.0m deep	Refused Appeal in Progress	23.03.2021

concrete base and associated ancillary works.

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 well-designed places
- Section 13 - Protecting Green Belt Land
- Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Guidance

- Kent Downs Area of Outstanding Natural Beauty Management Plan (2014)
 - SD1
 - SD8
 - SD11
 - SD12
- Landscape Character Assessment (2009)

Consultations, Publicity and Representations

KCC Public Rights of Way

I do not believe that the works materially affect the PRoW network so as such I do not have any comments to make.

Dickens' Country Protection Society

The Society note the site is on high ground in an area in which Green Belt Policies apply and is in the North Downs Area of Outstanding Natural Beauty.

The Society has compared the drawings submitted for the two applications and notes the following changes:-

Comparing 20210769 with 20211052 –

1. Comparing the location plans – the tree plantation is larger on the recent drawing (more like the aerial view on Google earth) and the site has been moved further north and west in the recent application (referring to the grid lines) [the base plan is a slightly different scale on screen].
2. The site has been reduced in size on the later plan (the EE storage compound has been omitted) and the site moved into the trees. There are now trees on three sides and only the top of the mast is visible except when viewing from the east (assuming the tree over is maintained).
3. The construction zone is shown on the drawings for 0769 and omitted from 1052 drawings.

4. The tower type and equipment are similar in both applications.

The Society regards these changes as improvements reducing the impact of the proposal. In assessing application GR/2021/1052, it is noted the applicants have submitted evidence of need in a relatively remote area. The Society assumes the area concerned is not already served by other providers. On this basis the Society, whilst it remains concerned at the impact, would not wish to register an objection the application.

The Society notes from the drawings however, that the mitigation forming part of the basis of withholding any objection to the current application, is the fact that the installation would be screened on three sides by existing trees, which would also form the backdrop so that only the top of the tower would be readily visible. In these circumstances, to preserve the amenity of the area, it is essential that the existing tree cover is maintained and where possible enhanced.

The Society would therefore look to the Local Planning Authority, if it is minded to grant consent, to negotiate an agreement with the applicants for them to safeguard the tree cover either by agreement or acquisition and management. In this context it is noted that applicant will need agreement or acquisition in order to copier the application site and construct the installation.

Kent Downs AONB

The application is a revised proposal for a scheme that was withdrawn earlier in the year (202107690). As with the withdrawn proposal, the proposed mast is a larger and more intrusive structure than an earlier refused scheme, comprising a wider lattice mast structure that would 7.5 metres taller than the refused scheme and 2.5 metres taller than the withdrawn scheme. The location of the mast has been amended however, with the mast now proposed amongst a small copse. This will help reduce the visual impact of the infrastructure, although the top of the mast and antennae would still be visible above the tree tops. It should also be borne in mind that many of the trees within the copse appear to be mainly Ash and there can be no certainty therefore of their long term retention due to the prevalence of ash dieback disease in Kent.

This landscape is nationally recognised and highly valued for its own sake. It is for the case officer to judge whether the proposed location meets the requirements of national policy in relation to the consideration of alternative sites and other ways of meeting the need. However, if the proposal is considered acceptable in principle, the Kent Downs Management Plan policies SD11 and 12 require that the local planning authority secures the mitigation of and compensation for the adverse landscape effects on the AONB. Minimal mitigation or landscape enhancement appears to be included to help moderate the impacts of the proposal, other than the revised siting. Should the proposal be found to be acceptable by the local authority, we consider the following measures should be secured to help moderate impacts:

- All structures and surfaces should be designed to accord with the Kent Downs AONB Guidance on the selection and use of colour in development.
- The proposed close-boarded fence should be an open wire fence, with native hedgerow planted around it.
- Additional tree planting should take place to compensate for the wider landscape impact of the proposed development. This is particularly important in view of the prevalence of ash in the existing copse.
- All new planting should be with native, locally sourced plants which complement and support the biodiversity of the adjacent habitats and 'plant healthy' accredited stock be used.

Mobile communication technology is constantly changing and it is unknown how this will develop in the future. In recognition of this, we would also welcome a commitment from the applicant to review the continued need for the mast and/or any new innovations in mobile communications that would have a less damaging impact on the landscape and the removal of the mast and all associated structures/infrastructure and the restoration of the land following their removal should they no longer be required.

Ward Councillor

I was closely involved in the first application which was refused due to the prominent location of the mast. I now have no objection to the location and it is in the interests of the community to have wider emergency services cover on cellular. However the mast is taller than the first application and up against a copse of trees, so in the context of AONB, I would like to see a condition that the mast design is as a tree. Having researched this, I can see that this is a common solution in such circumstances. While this may add costs for the applicant, I believe that it is justified.

Cobham Parish Council

Cobham is a Conservation Area and this proposed site is in the Kent Downs Area of Outstanding Natural Beauty.

Following comments from both CPC and GBC on the unsuitable locations previously selected we are pleased that the new location just inside the perimeter of woodlands has far less visual impact.

Cobham Parish Council has no objection to this application.

Luddesdown Parish Council

The Council wishes for the mast to be screened and camouflaged in order to mitigate the visual impact it has on the surrounding area.

The Council is also supportive of the points raised in the letter submitted by the Kent Downs AONB unit.

Neighbouring properties

A site notice was displayed on 26 August 2021 and five surrounding properties were consulted with an overall consultation expiry date of 24th September 2021. One letter of support has been received making the following comment;

Absolutely agree that better service is needed. There is such limited network in the area and anything that will improve emergency services is essential. This must be approved. I understand this is an AONB, but surely the safety of local residents must take precedence.

Site Description

This site lies within the Kent Downs Area of Outstanding Natural Beauty and sits approximately 200m to the west of the junction between three sections of Batts Road. It is on the summit of Cobhambury Hill in an area of open arable farmland at an elevated position within an AONB. The proposed site itself has mature tree screening to the north, south and west with only open views to the east.





(Photograph South - from Batts Road (East))

As shown in the photograph (from Batts Road, southwards) there are two large pylons in the proximity to the site.

The site is approximately 1.1km north of Luddesdowne Village, 1.5km east of Sole Street and there are no residential properties within 350m of the site. The closest properties are sporadic cottages to the west on Batts Road, while a more densely developed settlement is 450m south-west on Henley Street (south).

To provide a more comprehensive understanding of site location an extract was taken from Google Earth and annotated. The annotation provides an aerial view of the site and the surrounding land.



Proposal

This application concerns the proposed telecommunications installation off Batts Road, 27.5m 30H Tower on New Pad foundation and associated ancillary works.

The proposed compound is to the south west of Batts Road, set back 28.2m from the highway. The access track from the highway would consist of 3m wide stone wheelings and a 1m hardstanding area located at the front of the compound, accessed from Batts Road. There is a further section of hardstanding measuring 8m by 4m located approx. to the north of the compound, to maintain the mast. The compound enclosure would be 2m high closed board fence and a 3m wide double access gate.

The infrastructure in the compound includes tripod 27.5m high 30H tower on new pad foundation, cable ladder and gantry support poles, satellite backhaul on combined tower base, 1no. power and battery cabinet and viper cabinet on new concrete base and a generator on new concrete base.

	Existing	Proposed	Change (+/-)
Approximate Tower Height	n/a	27.5m	+27.5m
Approximate Site Compound Area	n/a	61m ²	+61m ²

The existing trees close to the compound will be lopped and maintained to not encroach the compound area.

Additionally a hardstanding area is proposed to the north of the compound. This area will have a footprint of 34m² and is defined as an 'area of EE RRV'.



Analysis

Background

A previous application was submitted in 2020 (Ref. 20201121) for proposed telecommunications installation comprising proposed 20m High Swann 703UP Lattice on new 3.3 x 3.3 x 1.0m deep concrete base and associated ancillary works, also located on Batts Road. This application was refused for the following reason;

1. *The proposed telecommunications station by virtue of introducing a large alien structure onto a prevalent position on the apex of Cobhambury Hill with open vistas onto the Kent Downs Area of Outstanding Natural Beauty (AONB) will cause detrimental harm to the quality of the landscape and would fail to either conserve or enhance the natural beauty of the Kent Downs. Therefore, the development fails to comply with Kent Downs AONB management plan policies SD1, SD8 and AEU14, is contrary to Sections 13 and 15 of the National Planning Policy Framework (2019) as well as Policy CS12 of Gravesham's Local Plan Core Strategy (2014).*

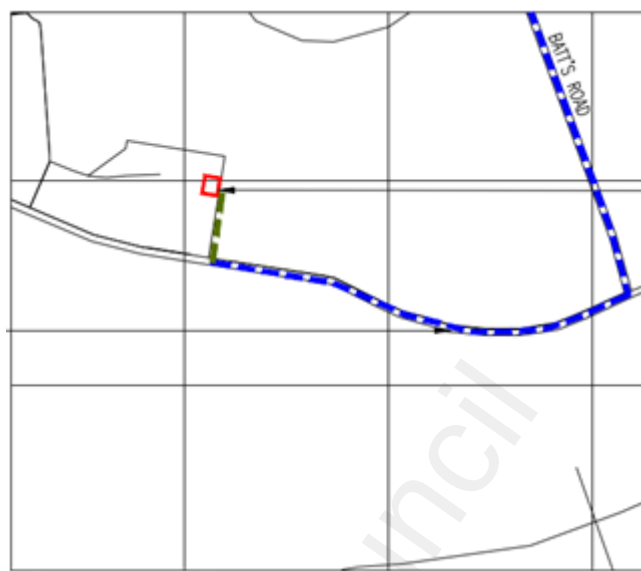
There have been two subsequent applications that were withdrawn before the current application was submitted to address the previous reason for refusal.

The main differences between the refused application and the current proposal are;

- The site has moved location which benefits from mature tree cover
- Reduction in compound size from 75m² to 61m²; and
- Reduction of cabinets from four to one.

Previous refused location (ref. 20201121)

Current Proposed Location



The main consideration with this application is the balance between the Emergency Service Network (ESN) requirements and the impact on the Kent Downs Area of Outstanding Natural Beauty (AONB). Therefore the application needs to be tested against the purpose of the designation to conserve and enhance natural beauty, while it is the responsibility of the applicant to prove beyond reasonable doubt that the site is the best available option to deliver coverage and justify any harm to the AONB.

The National Planning Policy Framework (NPPF) (2021) requires great weight to be given to conserve and enhancing landscape and scenic beauty in AONB areas, which have the highest status of protection. Moreover the National Planning Policy Guidance (2021) specifies that any developments within protected landscaped must be located and designed to the highest quality which reflects their status.

Due to the site being located in the Kent Downs AONB, Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) (2014) is relevant. The LPCS ensures that greatest weight is given to the conservation and enhancement of landscape and natural beauty of the AONB and its setting. This policy also ensures that decisions will consider the Kent Downs Area of Outstanding Natural Beauty Management Plan and the relevant Landscape Character Area Appraisals.

Management Plans are recognised in the NPPF as material planning considerations in decision making process, and in this case the management plan is produced on behalf of local authorities in Kent. The following policies are of particular relevance to this application:

- **SD1**
- **SD8**
- **SD11**
- **SD12**
- **AEU14**

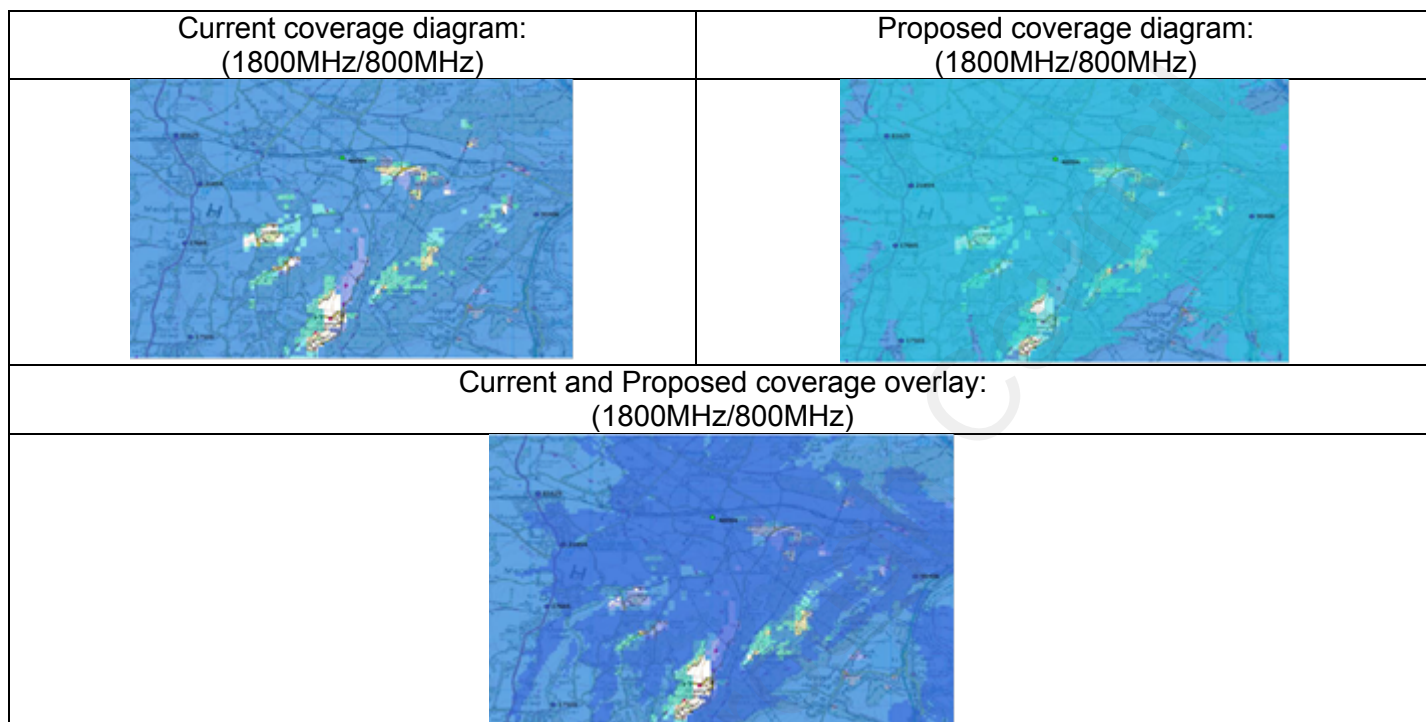
In terms of the ESN coverage the agent submitted 'Site Specific Supplementary Information' and other supporting documents to justify the proposal. As part of this process a previous application was submitted for a site just 200m to the east which was subsequently refused, as well as two other possible locations (these applications were withdrawn prior to determination) an alternative site analysis was undertaken and submitted in section 6 of the 'Site Specific Supplementary Information'.



Need and Benefit of Mobile phone reception

As a Home Office-led ESN application this proposals need and benefit must be given sufficient weight in the planning process.

The supplementary document (BT ESN Coverage Justification) demonstrates the coverage, as shown in the images below:



These diagrams clearly show that the new telecommunications infrastructure will improve the coverage in the local area, which is poor given the rural location.

The government have set an objective that encourages Local Authorities to support high quality communications infrastructure and the NPPF (2021) states that policies and decision should support the expansion of next generation mobile technology. Section 10 of the NPPF (2021) continues to state that the use of existing masts and structures should be encouraged and that equipment should be sympathetically designs and camouflaged where appropriate. Additionally Gravesham's LPCS (2014) references telecommunications technology in Policies CS07 (Economy, Employment and Skills) and CS10 (Physical and Social Infrastructure). The local plan highlights that there are moderate prospects for growth through telecommunication improvements and that the council will support improvements to information and communications technology which will facilitate flexible working practices and the changing economic needs of the Borough (CS07).

Specifically, Policy CS10 states that the council will support proposals that protect, retain or enhance existing physical and social infrastructure. It is clear that the proposal has the capacity to improve physical infrastructure and social wellbeing; however this must be balanced against the harm to the Kent Downs AONB.

Whilst the Local Planning Authority do not dispute that the coverage is required through the ESN programme, the balance must be weighed-up between harm to the AONB and the coverage. Moreover, the alternative site and justification of this location are important factors to consider.

Character and Appearance

The application site is located in the Kent Downs AONB, Metropolitan Green Belt and the Meopham Downs Landscape Character Area and as such, the Kent Downs AONB Management Plan, the NPPF and Policy CS12 of the Gravesham Local Plan Core Strategy (LPCS) (2014) are relevant.

The Kent Downs AONB management plan policies relevant to this application are:

- **SD1** - The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within the statutory and other appropriate planning and development strategies and development control decisions.
- **SD8** - Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated.
- **SD11** - Where it is decided that development will take place that will have a negative impact on the landscape character, characteristics and qualities of the Kent Downs AONB or its setting, mitigation measures appropriate to the national importance of the Kent Downs landscape will be identified, pursued, implemented and maintained. The removal or mitigation of identified landscape detractors will be pursued.
- **SD12** - Transport and infrastructure schemes are expected to avoid the Kent Downs AONB as far as practicable. Essential developments will be expected to fit unobtrusively into the landscape, respect landscape character, be mitigated by sympathetic landscape and design measures and provide environmental compensation by benefits to natural beauty elsewhere in the AONB.
- **AEU14** - Proposals which detract from the amenity and enjoyment of users of the Public Rights of Way network will be resisted.

There are strict policy considerations within the Green Belt whereby paragraph 147 of the NPPF (2021) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Moreover, paragraph 137 states that the fundamental aim of Green Belt policy is to keep land permanently open, as the essential characteristics of Green Belts are their openness and permanence.

Additionally, Policy CS12 states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment will be taken into account in determining applications. The Meopham Downs Landscape Character Area is characterised by gently undulating topography with a mix of arable and pasture farmland, three large settlements located along the A227 and traditional architecture surrounding village greens providing local vernacular. Policy CS12 also ensures that the greatest weight is given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs Areas of Outstanding Natural Beauty and its setting.

Whilst the proposed mast would be visible from the east and the top would sit above the existing trees, the proposed external colour of fir green (RAL6009) for the cabinets, together with the screening provided by the existing trees and being set away from the road, the Local Planning Authority are satisfied that the agent has sought a more suitable site that would deliver the required coverage whilst not resulting in material harm to the landscape or the AONB and as such would accord with to local and national planning policy.

Other Matters

Surrounding Amenity

The proposed development will not cause material harm to the amenity to any neighbouring properties and the consultee responses from the Parish Councils and Local Ward Councillors reflects that the development would not result in any harm to the enjoyment of the AONB.

Five surrounding properties were consulted and one representation was received supporting the proposal and welcome improvements.

Conclusion and Balancing Exercise

The main consideration for this application is whether the coverage requirements of the ESN outweigh the harm caused to the Kent Downs AONB. It is evident that coverage is an issue in the local area, and the

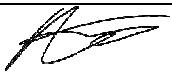
proposed revised location is considered to address the previous reason for refusal due to the mature tree screening from the north, south and west, therefore obscuring the majority of the views of the mast and compound. Whilst the proposed site is still within a prevalent position at the apex of Cobhambury Hill, views would be obscured by the existing trees and therefore the proposed structure would not result in detrimental harm to the landscape.

As such, the Local Planning Authority are satisfied the previous reason for refusal has been addressed and the proposed location is a suitable alternative which can deliver adequate coverage without significant harm to the landscape and it is therefore recommended that the application is approved. The application would conserve and protect the landscape and natural beauty of the AONB and would accord with the Kent Downs AONB management plan policies; SD1, SD8, SD12 and AEU14, sections 13 and 15 of the NPPF (2021) as well as Policy CS12 (LPCS) (2014).

Recommendation

Approval

See draft Decision

Case Officer:	Mrs Amanda Grout	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	18 th October 2021	Dated:	18th October 2021