

Delegated Report

Prior Approval Application

Planning Application No: 20220536

Location: Telecommunications Mast Swillers Lane Shorne Gravesend

Description: Application for determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended, as to whether prior approval is required for proposed telecommunications installation of 25m mast incorporating 2 antennas, 1 600mm dish and 1 300mm dish, 1GPS module, 3 radio equipment cabinets, 1 meter cabinet and associated enabling development works thereto.

Applicant: Cornerstone Telecommunications, Infrastructure Ltd

Site Visit Date: Desktop assessment

Submitted Documents/Plans

Application form
Covering letter dated 18 May 2022
Coverage plots
Notification letter dated 16 May 2022
Clarification of Declaration of ICNIRP Compliance letter dated 18 May 2022
Supplementary Information document
Drawing no. 100 Rev. A (Site Location Maps)
Drawing no. 200 Rev. A (Existing Site Plan)
Drawing no. 201 Rev. A (Proposed Site Plan)
Drawing no. 300 Rev. A (Existing Site Elevation)
Drawing no. 301 Rev. A (Proposed Site Elevation)

Relevant Planning History

There is no planning history relating to this site.

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

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)

- 2 – Achieving sustainable development
- 12 – Achieving well-designed places
- 15 – Conserving and enhancing the natural environment

Consultations, Publicity and Representations

External consultees

KCC PROW

Public Rights of Way NS156 lies in the vicinity of the site and may be affected by the application, and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information. Unfortunately, there is no precise detail of positioning so I would ask for the applicant to meet me on site to discuss this.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

Dickens Country Protection Society

The Society would wish to request that the application is called in and applicants be requested to provide more information, including elevations of the proposed tower. In the Society's view the details are inadequate when compared with the information provided for applications GR/2022/1121 and GR/2021/1051.

Shorne Parish Council

The Parish Council has no objection in principle to a telephone mast being sited somewhere suitable in Shorne but has some concerns about this application and its associated documentation.

We do not consider that, at present, sufficient information has been provided to allow determination. This is the fourth time that the Parish Council has been approached about a telecommunications mast, the previous three proposals were in 2017 within the Church tower (installation too small according to developer), in 2020 for a 25-30m tall mast on Shorne Common (300ft altitude but not compatible with Deed of Gift), and a 30m tower on the top of The Warren (275ft altitude, nothing further heard).

The Parish Council has the following comments about this present proposal:

1) Maps and detailed information are lacking:

- a) The application is accompanied by a sketch rather than including a map drawn on an ordnance base with a clearly marked location. The altitude and land topography are not shown and neither are the exact works and post-installation access routes, and the routes to be taken by electricity

supply and telephone connection cabling.

- b) The access route indicated on the sketch is along set-aside land required by the water authority (Southern Water) for protection of the surface stream and aquifers (Groundwater Source Protection Zone 3), discussion will be needed about permission for access and for any excavation/disturbance of this land.
- c) The site would need both a temporary access route for construction and then a permanent access route for maintenance, this latter is not shown on plans.
- d) The access route for electricity and telephone connections are not shown, additional overhead supplies will not be acceptable due to visual/landscape impact.
- e) Electricity supply to properties in this area is by overhead cables, and power cuts are common. Assurance is required (including from the electricity network provider) that electricity supply to properties will not be compromised by increased power demand from the mast, and that there will be adequate battery backup to cope with the power supply interruptions.

2) Altitude and location of installation, and signal coverage:

- a) The proposal is for a 25m lattice mast on land at approximately 200ft altitude whereas the bulk of residential properties are on higher ground, at up to 350ft altitude.
- b) The proposed location is not shown properly on the drawings.
- c) The low-lying location will leave many properties still having suboptimal signal strength, in some cases because they are in the shadow of higher ground such as The Warren.
- d) This deficiency affects a considerable number of properties in Lower Shorne, upper Tanyard Hill, Woodlands Lane and The Ridgeway area, plus Shorne Ifield and Pear Tree Lanes.
- e) This built-in deficiency of the proposed location could give rise to the need for a taller mast or a further mast, although this latter could be co-located with an existing installation rather than in open countryside. A taller mast would give rise to significant landscape impact.
- f) If a taller mast is likely to be needed then this should be explicit from the outset as the landscape impact, and therefore community annoyance, could be severe.
- g) Now that we have been provided with a map showing the location of other nearby masts, it seems that a better location might be on high ground approximately equidistant from other associated masts.

3) Service provider restriction:

- a) The proposal relates to the O2 and Vodafone network providers, a full list of supported providers is needed.
- b) We would like some assurances about the possibility of mast sharing, so that we do not end up with a separate co-located mast from another provider.

4) Landscape considerations:

- a) The proposed site is in open farmland in the Green Belt, adjacent to Public Footpath NS156 which runs in a N-S direction at the western side of the neighbouring field. The ambience of the footpath will be negatively affected, it is not shown on the applicant's plans.
- b) The proposed site will have landscape impact to the Shorne Woodlands Landscape Area and high visual impact to many residents.
- c) The area of proposed installation is of archaeological potential so an Archaeological Protection plan is also needed.

5) Lower Thames Crossing:

- a) We note that the proposed site is within the latest "red-line boundary" of the Lower Thames Crossing and designated for landscape mitigation planting.
- b) National Highways will need to be consulted about, and give any required permission, for this proposal to proceed.

Summary:

In summary, the Parish Council recognises that there is a need for a telecommunications mast to increase signal strength and coverage in Shorne, however we have concerns as to whether this present proposal is fit for purpose as it will leave many properties still without an adequate signal strength.

We do not consider that, at present, sufficient information has been provided to allow determination. Accordingly, we request that the questions and points raised above should be referred back to the applicant for their response. If deemed appropriate, this proposal might be called in to the Planning Committee for further discussion.

Neighbouring properties

The application has been advertised by individual neighbour letters to 6 properties, and on site. The consultation periods expired on 9 and 17 June respectively.

Two letters of representation have been received, with the following comments:

- A better mobile signal in the village is needed but there are possible concerns about the proximity to the school and it being an eyesore in the landscape.
- The mast will ruin views from property.
- More information is needed with regards to health and noise.

Councillor Lane notes that the application has been requested to be referred to the Planning Committee by non statutory bodies but he does not intend to ask for this.

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 in accordance with the electronic communications code, consisting of (a) the installation, alteration or replacement of any electronic communications apparatus.

Paragraph A1.1(a) requires all apparatus should not exceed a height of 15 metres above ground level, and A1.1(c) requires that in the case of the installation of a mast it should not exceed 25 metres above ground level on unprotected land.

In relation to the application proposal, the apparatus will not exceed 15 metres above ground level, and the mast will not exceed 25 metres. The proposal would therefore fall under permitted development, and is subject to the conditions set out in Paragraph A.2. This includes Paragraph A.2(3)(c)(i), which relates to the installation of a mast on unprotected land, which is permitted subject to the conditions set out in Paragraph A.3 (prior approval).

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)). A copy of a developers notice with a covering letter has been supplied with the application and meets these requirements.

Before beginning the development, Paragraph A.3(4) also sets out that the developer must apply to the Local Planning Authority for a determination as to whether prior approval is required in relation to the siting and appearance of the development.

On this issue, regard should be had to the importance placed on supporting high quality communications infrastructure at paragraph 114 of the 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 where possible.

Paragraph 117 of the NPPF 2021 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 considering the above, in this case, which is for a new mast and base station, evidence has been provided within the application submissions (including the ‘Supplementary Information’ document) about consultations and the possibility of using existing buildings, masts or other structures, including sites at land at Shorne Scout hut, the Warren and an alternative location off Swillers Lane (these were discounted due to construction/logistical/development reasons). An International Commission on Non-Ionizing Radiation Protection (ICNIRP) declaration has also been provided.

The submitted Supplementary Information document also sets out that the application proposal will provide vastly improved network services including network coverage and new superfast 4G mobile coverage to this area, as well as providing supporting infrastructure for the National Smart metering program rollout.

Siting and Appearance

The application site lies in the countryside, the Green Belt and in the Shorne Woodland Landscape Character Area. The location of the mast is on the edge of an open field, away from any significant tree cover.

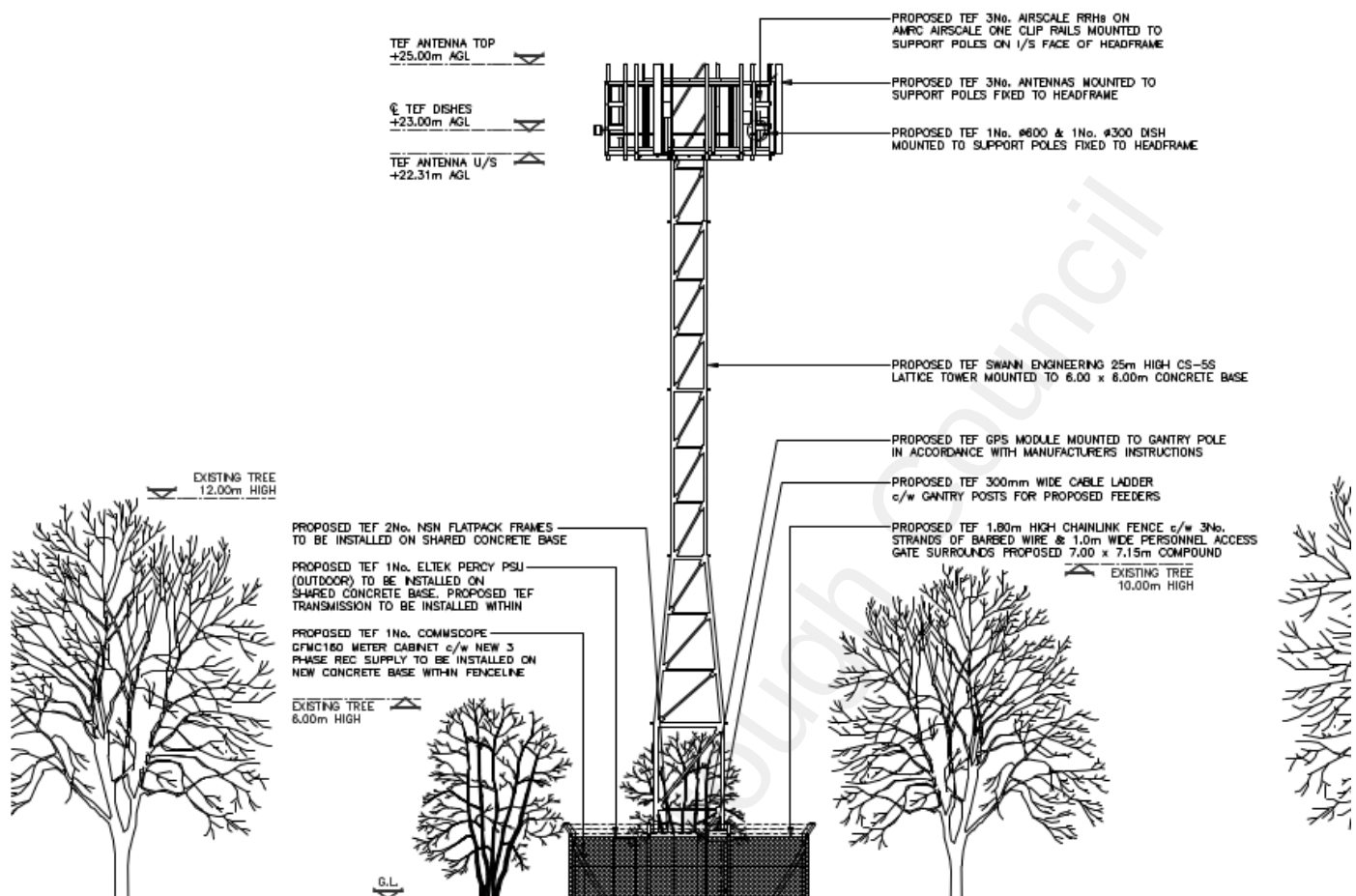


The proposed lattice mast would be constructed of natural galvanised steel and the base cabinets would be green steel.

Proposed site location



Proposed elevation



Given the height of the mast being 25 metres above ground level with a 50m² compound around the base enclosed with chainlink fencing, the siting and appearance of the proposed development would be considered to have a substantial effect on the character and appearance of the site and surrounding area within this open countryside location. Prior approval would therefore be required in this case.

In terms of the policy considerations with regards to the siting and appearance of the mast, the starting point is the great importance attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 137 of the NPPF 2021). 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. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 130 of the NPPF 2021 also seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

With regard to the impact on the landscape, Policy CS12 of the Gravesham Core Strategy 2014 is also relevant to this application, relating to green infrastructure. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (LCA) 2009 will be taken into account in determining applications. The application site is located within the Shorne Woodlands Landscape Character Area. The area to the east of Shorne is recognised as being open arable land, and the guidelines for this character area include the conservation

and reinforcement of the distinctive features and elements of the landscape.

Paragraph 115 of the NPPF 2021 states that the use of existing masts, buildings and other structures for new electronic communications capability should be encouraged, and that where new sites are required, equipment should be designed sympathetically and camouflaged where appropriate. There is clearly a recognition within the NPPF that visual harm should not be outweighed by the benefits of improved communications infrastructure.

In addition, paragraph 5.8 of the 'Cabinet Siting and Mast Siting Code of Practice 2016' states:

"All new poles should be sited, so far as is practicable, so as to minimise their impact on their setting, including the landscape and any buildings. To minimise the visual impact, poles should not be sited in a prominent position at a junction or on a bend in the road. Other prominent locations on grass verges or grassed amenity areas should be avoided unless there is a technical justification. Poles must not obstruct any existing means of entering or leaving land."

A proposal for a base station within this countryside and Green Belt location would not fall within one of the appropriate forms of development set out in the NPPF 2021 and would therefore by its nature be inappropriate and harmful. It would be an alien structure in a prominent position on the edge of an open field, and would represent an encroachment into the countryside, which is contrary to the purpose of the Green Belt.

It is recognised that the proposal has the capability of improving communications infrastructure in the area, but this has to be balanced against the visual harm from the siting and appearance of the proposed mast on the Green Belt and Landscape Character Area within which the application site sits. There are no special circumstances to justify such development, and it is clear that local and national policy does not require communications improvements to such an extent that such harm is outweighed.

Other Matters

Under paragraph A.3(7) it is required that the LPA should take into account any representations made as a result of the consultations or notices given under paragraph A.3. The representations received are set out above. Most issues raised (including noise, health, insufficient information and potential Planning Committee referral) are not determinative under this type of prior approval application relating to matters of siting and appearance.

Public Right of Way

KCC's PROW Officer has advised that Public Right of Way (PROW) NS156 lies in the vicinity of the site and may be affected by the application, as the exact position of the base station in relation to the PROW is not clear from the submitted plans.

It is important to advise the applicant that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. No furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority. An informative should be included to this effect.

Conclusion and Recommendation

Prior approval of the siting and appearance of the development is required and refused for the following reason:

The proposed mast and associated equipment, by virtue of its prominent siting and appearance in this open countryside and Green Belt location, would have an unacceptable effect on the character and appearance of the site and surrounding area and would fail to conserve the rural landscape context of this site within the

Shorne Woodlands Landscape Character Area. The proposal would not therefore accord with the requirements of Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 130, 137, 138, 147, 148, 150 and 174 of the National Planning Policy Framework 2021.

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Miss Faye Hobbs
Signed:	<i>K. Parkin</i>	Signed:	
Dated:	12th July 2022	Dated:	13 July 2022