



Delegated Report

Telecommunications Determination (PRIOR)

Planning Application No: 20230020

Location: Telecommunications Station The Grove Gravesend Kent

Description: Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.

Applicant: Tom Gallivan

Site Visit Date: 19th January 2023

Site Description

This application is located on a corner pavement adjoining Parrock Street and the Grove. It is located directly across from Parrock Street Car Park, nearby a pedestrian crossing and fronting Fairways Court (a building subdivided into residential flats). The site is in the Urban Boundary, close to Gravesend Town Centre.



Submitted Documents/Plans

Application Form
001 Drawing Register
002 Site Location Plan
215 Proposed Site Plan
265 Proposed Site Elevation
Mobile UK Briefing Note: 5G and Health
Cover Letter
Government Statement: Collaborating for Digital Connectivity
5G Site Specific Supplementary Information and Planning Justification Statement Prepared by Dot
Surveying
Declaration of Conformity

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS10 – Physical and Social Infrastructure
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving Sustainable Development
- Section 10 - Supporting high quality communications
- Section 12 - Achieving sustainable development and well-designed places
- Section 15 - Conserving and enhancing the natural environment

Consultations, Publicity and Representations

The final date to submit comments ended on 10th February 2023.

Consultees

Ward Councillors: No comments received.

KCC Highways Officer: No objections raised. Informatives requested.

GB Highways Officer: No objections raised.

Neighbouring properties

33 surrounding properties were consulted and 0 comments from members of the public were received.

Description of Development

This application proposes installation of a 20m high monopole, and additional equipment cabinets.

Officer's Analysis

The development has been submitted under the terms of the Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended.). It is not an application for planning permission. Development is permitted under Class A for:

Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of -

- (a) The installation, alteration or replacement of any electronic communications apparatus,*
- (b) The use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or*
- (c) Development ancillary to radio equipment housing.*

Paragraph A.1 (1) (a) requires that for permitted development to apply for ground-based apparatus all electronic communication apparatus should not exceed a height of 15m above ground level. There is a limit of 30 metres above ground level on unprotected land, or 25 metres above ground level on article 2(3) land or land which is on a highway, for the installation of a mast (excluding antenna) under Paragraph A.1 (1) (c), a mast being interpreted as a radio mast or radio tower (paragraph A.4)

Under paragraph A.1 (7) there is a limitation on the ground base area of 1.5m² for electronic communications apparatus with the exception of masts, antenna, any apparatus not projecting above surface ground level or radio equipment housing.

Paragraph A.1 (9) radio housing equipment is not permitted if;

- (a) the development is not ancillary to the use of any other electronic communications apparatus;*
- (b) the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or*
- (c) on any land which is, or is within, a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency.*

Condition A.2 (3) (c) indicates that development on unprotected land that consists of the installation of a mast (of any size) is subject to a requirement for prior approval under paragraph A.3.

Under paragraph A.3 (4) there is a requirement that a determination should be sought as to whether prior approval of the Local Planning Authority is required as to the siting and appearance of the development.

Under paragraph A.3 (7) the Local Planning Authority must take into account any representations as a result of consultations or notices.

Given that the proposed would be used to improve 5G telecoms coverage and such services use radio wave frequencies, it can be ascertained that the structure is therefore a radio tower which would support antennas, which in turn would transmit radio waves.

It is acknowledged that the development as proposed would fall within the permitted development provisions under Class A of Part 16 of the GPDO in meeting the height limitations (proposed at 20m) and ground base area limitations (the radio mast and the radio equipment housing is excluded from the requirement under A.1 (7) requirement). The cumulative volume of the radio equipment housing would be approximately 3.24m³, which is within the requirements of A.1 (9). But that an application as to whether prior approval is required is necessary in this case as per Paragraph A.3 (4).

Prior Approval

An application for prior approval under Part 16, Class A of the Town and County Planning (General Permitted Development) (England) Order, 2015, as amended, according to paragraph A.3 (5) (c), must be accompanied by evidence set out in paragraph A.3 (1). Paragraph A.3 (1) requires the developer to give

notice of the proposed development to any person who is the owner of the land, to which the development relates, and paragraph A.3 (2) specifies the details that are to be provided.

The supporting supplementary information states that a Developer's Notice was served on 06/01/2023 which covers these requirements.

As such, in accordance with Condition A.3(4) of the abovementioned legislation, the considerations of the Local Planning Authority can only be in relation to whether the prior approval of the Local Planning Authority is required in relation to the siting and appearance of the development.

However, in making this assessment, regard should be had to the importance placed on supporting high quality communications infrastructure at paragraph 114 of the National Planning Policy Framework (NPPF) (2021) which is identified to be essential for economic growth and social well-being. Although this is not directly related to matters of siting and appearance, it is an indicator that there should be a general acceptance that equipment of this nature is required and should be accommodated wherever possible.

Paragraph 117 of the NPPF(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 relation to (a), the applicant have advised that Holy Trinity Church of England Primary School and Wrotham Road C P School lie in close proximity to the site and were consulted but the applicant have not provided details of the outcomes of this consultation. Copies of this consultation have not been provided. It is also noted that a site notice was placed by the Local Planning Authority near the site, but the School or the nursery have not submitted comments to the Local Planning Authority.

It will also not be within 3km of an aerodrome or airfield. As such no consultation was carried out. The Local Authority are satisfied that section (a) of Paragraph 117 of the NPPF (2021) has been met.

In relation to (c) a standard declaration has been submitted regarding the relevant ICNIRP Guidance. To meet this requirement the applicant should also provide evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure. Details of discounted ground based options have been provided but no details regarding any discounted options on existing structures have been provided.

Siting and Appearance

Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (LPCS) (2014) states that the design, layout and form of new development will be derived from a robust analysis of local context and character, and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. In addition, Section 12 (Achieving Well-Designed Places) of the National Planning Policy Framework (NPPF) (2021) sets out that the creation of high-quality places is fundamental and should add to the overall quality of the area, over the lifetime of the development. It also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

In assessing this application, regard must be paid to the National Planning Policy Framework (NPPF) (2021) and the development plan. The NPPF (2021) supports high quality communication infrastructure with Paragraph 114 noting that 'advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections.' Furthermore, the NPPF (2021) continues to state that the use of existing masts and structures should be encouraged, and that equipment should be sympathetically designed and camouflaged where appropriate.

The proposed site is located in a prominent, urban residential area. It would be located between trees which could be argued to somewhat camouflage the radio equipment housing. However, in any case an on-street mast of 20m high would be visible. The position of the mast and cabinets also raises concerns. It is central to an existing wide sweeping pavement free of street clutter and its impact would result in a harsh interruption to the visual character of this area. It would also be located close to two trees which although not protected, contribute to the positive amenity of the area. Such close proximity could result in harm to the rooting area of the tree or even its structure. It is also anticipated that should the trees structure impact the mast in future, it is plausible that the tree would be cut back or removed as a preventative measure. Considering the impact of the existing row of flats which the equipment and mast would front, it currently provides the benefit of passive surveillance to the area and in particular over the car park it faces. Positioning the structures fronting this building, reduces the positive passive surveillance the building has on the area and also reduces visibility of the building which is an aesthetically pleasing example of flats near the town centre. It is noted that the cabinets would be painted RAL9005, which is a black colour. Details of the colour of the mast are not provided. It is felt that a more neutral colour would be more appropriate to reduce the prominence of the structures.

As such, the proposal would have a detrimental impact on the siting and appearance of the street scene and surrounding area, contrary to Policy CS19 (LPCS) as well as Sections 10 and 12 of the NPPF (2021).

Amenity of Adjoining Properties

In considering any proposals for development, it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land.

The proposed mast would be 0.5m in front of the residential flats (Fairways Court). It is noted that there are a limited number of side openings on this building and so light into the habitable rooms are mostly accommodated from openings to the front and the rear. There is likely to be overshadowing of the windows to the front in the afternoon. Given that the mast would be so close in proximity to the windows, in touching distance at 0.5m away, at 20m high, it is also clear that the impact of this on the windows opening it directly faces would be significantly overbearing and imposing and it would be highly visible from the front facing windows of the surrounding properties.

Highways Issues

There are no highway implications related to the proposed development. The apparatus would not impact on visibility on the junction by virtue of being set-back from the highway. The GB Highways Officer and KCC highways have raised no concerns with this proposal.

Any Other Material Planning Considerations

Health Impact Issues - The proposed development is designed to operate in accordance with all health and safety requirements, including the guidelines issued by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and the appropriate declaration provided.

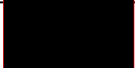
Conclusion & Recommendation

The proposed installation of 5G mast and apparatus 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.

The application fails to demonstrate that nearby schools were consulted, nor does it provide the outcome of such consultation. It fails to provide evidence that the possibility of erecting antennas on an existing building, mast or other structures have been explored, contrary to the requirements of Paragraph 117 of the National Planning Policy Framework 2021.

The proposed location, on a section of open amenity land adjacent to the highway that is highly visible, together with being located within close proximity to surrounding residential properties, is unacceptable. It is therefore considered that the proposed location would have a detrimental impact the character of the area and the visual amenity of the streetscene and have a detrimental impact on the surrounding residential dwellings in terms of the visual impact. The proposal would not therefore accord with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014), and Section 12 of the National Planning Policy Framework (2021).

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

Case Officer:	Ms Lisa Williams	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	21st February 2023	Dated:	21 st February 2023