

Delegated Report

Prior Approval – Telecommunications Application

Application no: 20231191

Location: Land At Vale Road Northfleet 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. Installation of a 20m monopole, 12 no. antenna apertures, 2no. 600mm transmission dishes, 6 no. equipment cabinets and development ancillary thereto.

Applicant: MBNL, EE Ltd & H3G (UK) Ltd

Site Visit Date: 13 January 2024

Submitted Documents/Plans

- Covering Letter;
- Application Form;
- Site Location Plan;
- Drawing no. 1707938_GVM091_30702_M001 Rev. A – 002 Site Location Plan;
- Drawing no. 1707938_GVM091_30702_M001 Rev. A – 100 Existing Site Plan;
- Drawing no. 1707938_GVM091_30702_M001 Rev. A – 150 Existing Elevation A;
- Drawing no. 1707938_GVM091_30702_M001 Rev. A – 215 Proposed Site Plan;
- Drawing no. 1707938_GVM091_30702_M001 Rev. A – 265 Proposed Elevation;
- Information on 5G and Future Technology – Delivering the UK's Telecoms Future;
- Developers Notice;
- 'Council's and Connectivity - How Local government can help to build mobile Britain' document;
- 'Connected Growth – A manual for places working to boost their digital, cultural and social connectivity;'
- 'Collaborating for digital connectivity' by Department for Digital, Culture, Media and Sport and the Ministry of Housing, Communities and Local Government; and
- '5G and Health: Questions and Answers by Mobile UK and Building Mobile Britain;
- Copy of e-mail re: delivered developers notice
- Supplementary Information form;
- Highways Letter;
- Highways Plan;
- ICNIRP Certificate;
- Developer Notice Letter.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230936	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 a 20m monopole, 12 no. antenna apertures, 2 no. 600mm transmission dishes, 6 no. equipment cabinets and development ancillary thereto.	Prior Approval is Required & Refused	24.10.2023

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 (2023) 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 (2023)

- Section 2 - Achieving Sustainable Development
- Section 10 - Supporting High Quality Communications
- Section 12 - Achieving Well-Designed and Beautiful Places
- Section 15 - Conserving and Enhancing the Natural Environment

Consultations, Publicity and Representations

Consultees

No response from:

Local Ward Councillors

Neighbouring properties

Ten surrounding properties were consulted plus a site notice – the overall consultation expiry date was 08.01.2024 – 5 responses received although two are from the same person and identical in their comments just sent at different time, therefore it is four actual comments that have been received, the comments of which can be summarised as follows:

- Visual impact on character of area, would be an eyesore etc.
- Would spoil residents outlook;
- Impact on residents in respect of health and wellbeing;
- Environmental impact – on wildlife and biodiversity, close to Northfleet Urban Country Park, may

- disrupt local wildlife and greenspaces
- Should have had community consultation;
- Alternative locations are suggested - close to bridge and railway line therefore away from residences and behind a high wall, Hardy's Corner over the bridge, Springhead hill, field between Vale Road and Springhead Road;

Non-material planning considerations

- Devalue their house;

Officer's Analysis

Preliminary matters

In previous application ref. 20230936 no official ICNIRP certificate had been provided to the Local Planning Authority (LPA). While the ICNIRP is not required in the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, the Government 'Planning rules for 5G masts in England' (8 December 2022) requires operators to submit a statement, for all planning applications and prior approval applications, that "confirms that a mobile mast will adhere to exposure limits on non-ionising radiation set by International Commission on Non-Ionizing Radiation Protection (ICNIRP)". In this current application an official ICNIRP certificate has been submitted and as such the LPA can confirm that the mobile mast hereby proposed would meet ICNIRP guidelines.

Previous application ref. 20230936 was refused on the following ground:

The application has not been accompanied by evidence required under paragraph A.3 (1) and therefore fails to meet the requirement set out in paragraph A.3 (5) (c). The landowner, Kent County Council Highways, have not been consulted by the applicant and no evidence has been provided to the Local Planning Authority to confirm that they were notified of the development. As such, the application has not met the requirement set out in paragraph A.3 (5), by virtue of no evidence to satisfy paragraph A.3 (1), and therefore Prior Approval is required and refused.

The applicant has now provided evidence that KCC Highways (owner of the land in which it is proposed to install the proposed development) have been notified and a copy of the letter has been received. That issue has therefore now been addressed.

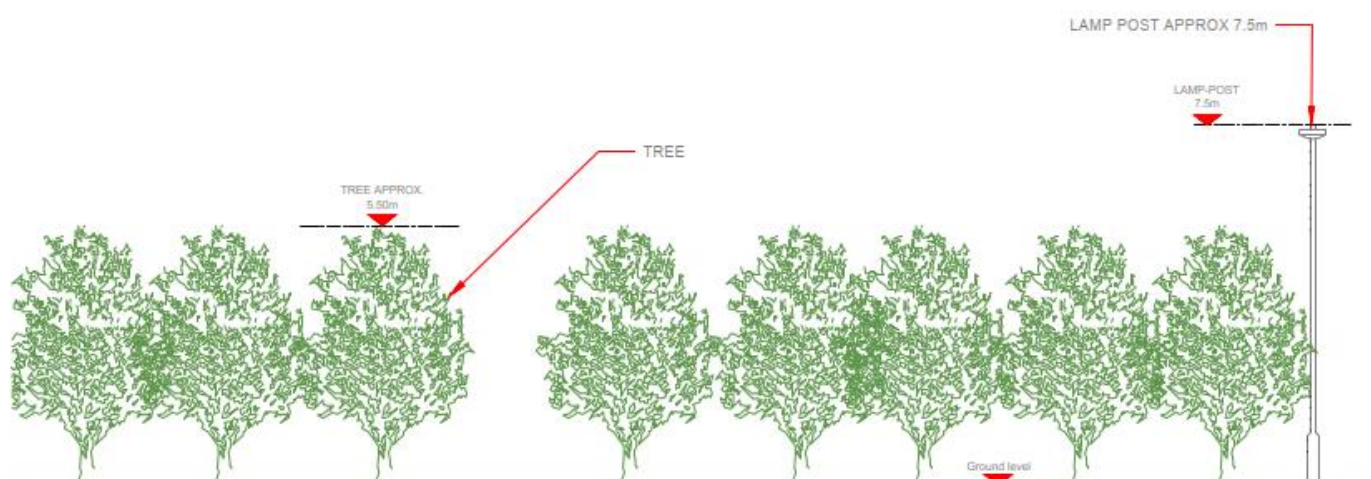
Analysis

The application site consists of part of a grass verge on the western side of Vale Road north of Thames Way and just south of the railway line. To the east is a terrace of two storey dwellings, to the north is the railway line; to the west is Northfleet Urban Country Park and to the south is a continuation of the grass verge:

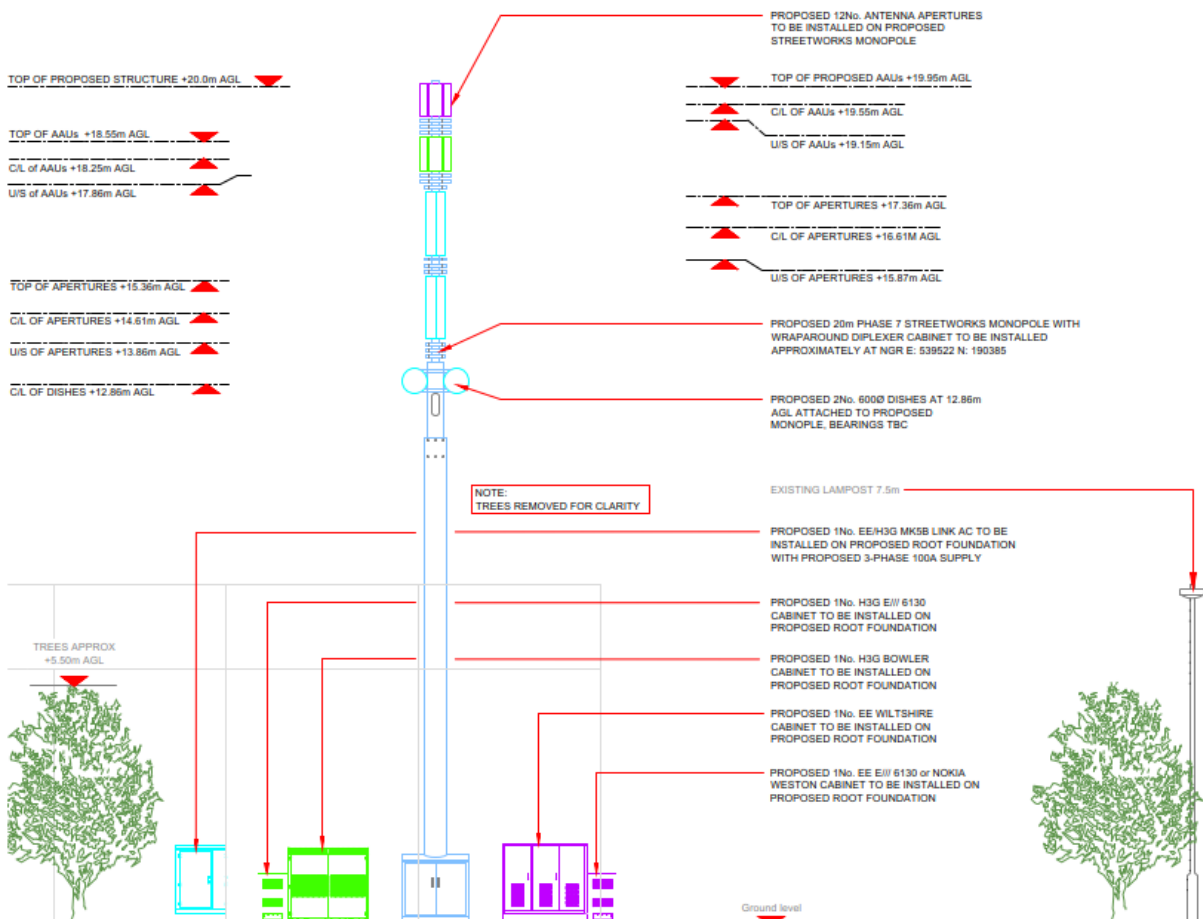


The applicant has submitted an application to ascertain whether prior approval is required for proposed telecommunications in respect of a 20m monopole, 12 no. antenna apertures, 2no. 600mm transmission dishes, 6 no. equipment cabinets and development ancillary thereto:

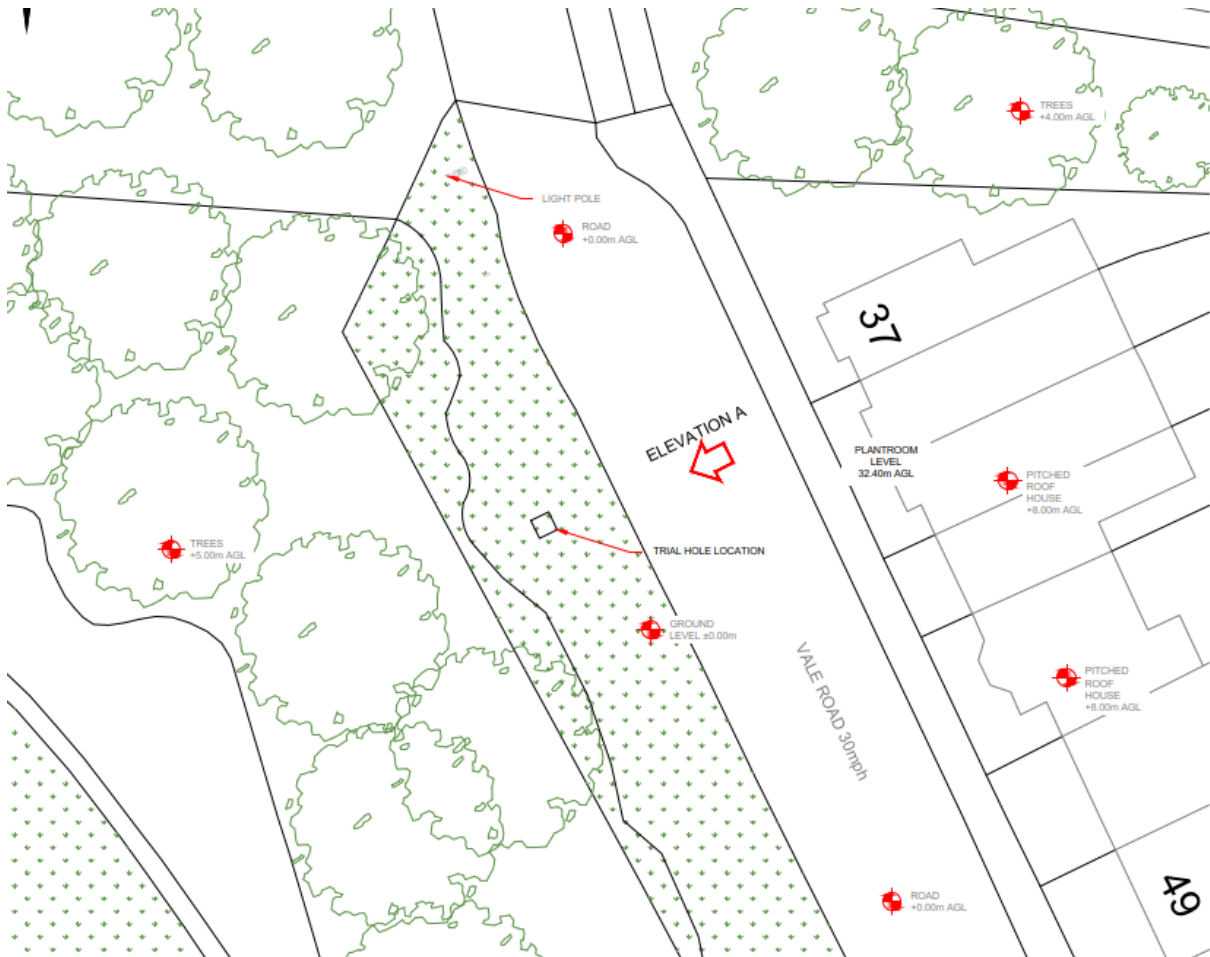
Existing Elevation:



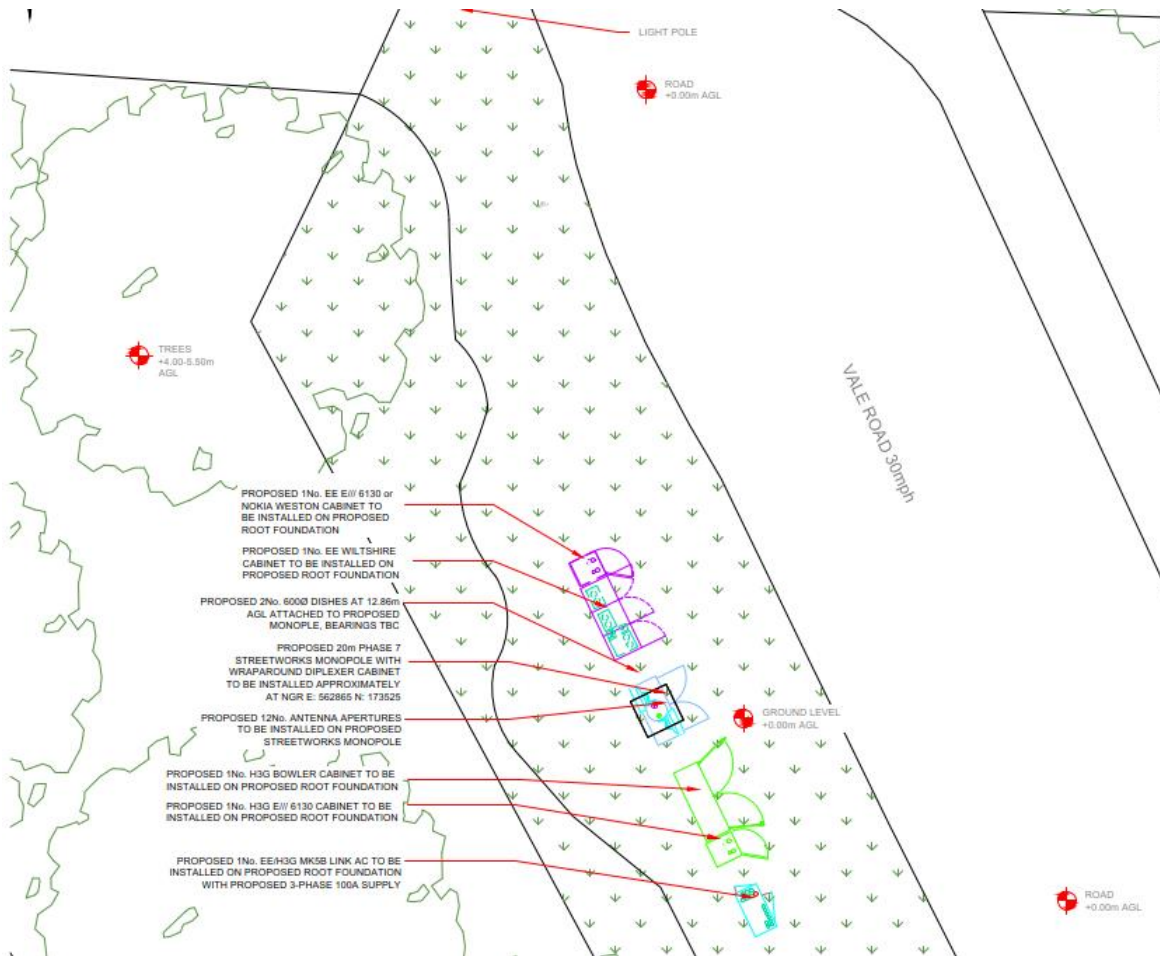
Proposed Elevation:



Existing Plan:



Proposed Plan:



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

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

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

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

Under paragraph A.1 (7) there is a limitation on the ground base area of 1.5m² for masts, antenna or radio equipment housing.

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

Under paragraph A.3 (4) there is a requirement that a determination should be sought as to whether prior

approval of the Local Planning Authority is required as to the siting and appearance of the development

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

It is acknowledged that the development as proposed would fall within the permitted development provisions under Class A of Part 16 of the GPDO 2015, as amended, in meeting the height limitations on unprotected land (proposed at 20m) and ground base area limitations (the base around the monopole being 0.2m²) but that an application as to whether prior approval is required is necessary in this case.

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.

In this case, a copy of the developer notice served on Kent County Council Highways (KCC) with covering letter dated 23 November 2023 has been submitted 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 118 of the National Planning Policy Framework (NPPF) (2023) 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 121 of the NPPF (2023) 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 states:

‘The nearest schools are St Botolph’s C of E Primary School, approximately 210m north east, St Joseph’s Catholic Primary School, approximately 315m north west, Copperfield Academy, approximately 500m east and Our Lady’s Pre-School Northfleet, approximately 210m north west.’

The applicant advises that consultation letters were sent to all schools named above on 17/08/2023 and that ‘no responses from any of the consulted establishments have been received to date.’ This is considered sufficient to satisfy the requirements of paragraph 117(a) of the NPPF (2023) and it is noted this issue was not raised in previous refused application ref. 20230936.

The site is not within 3km of an aerodrome or airfield. As such no consultation was carried out. The Local Authority are satisfied that the second leg of section (a) of Paragraph 117 of the NPPF (2023) pertaining to statutory safeguarding zones has been met.

Section (b) of Paragraph 118 of the NPPF does not apply to this proposal.

In relation to (c) a standard statement has been submitted regarding the relevant ICNIRP Guidance. The applicant has reviewed other areas in which the equipment could be located, including locating the apparatus on existing nearby buildings. Justification has been provided on why those sites are unsuitable. It includes consideration of the roof tops of Carl Ekman House (rooftop structurally unsuitable for the equipment) and the Lidl Distribution Centre (not capable of supporting the required equipment) and the B&S Motors Industrial Park (site to be decommissioned and marked for redevelopment). Other sites have been discounted due to impeding pedestrian access, sensitive nature of sites being that they are schools or outside of the required cell area for the installation. As such it is considered that the applicant has sufficiently considered locating the apparatus/mast at other nearby sites or buildings and as such it is considered the application is in accordance with (c).

Public Health England (2019) maintain the following;

5G frequencies

'With the increase in the volume of information being transferred, more spectrum is being made available and the highest frequencies being discussed for future use by 5G are around 10 times higher than those used by current network technologies, up to a few tens of gigahertz (GHz).

Their use is not new, and they have been used for point-to-point microwave links and some other types of transmitters that have been present in the environment for many years. ICNIRP guidelines apply up to 300 GHz, well beyond the maximum (few tens of GHz) frequencies proposed for 5G.'

Siting and Appearance

Policy CS19 (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. In addition, Section 12 of the NPPF (2023) 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 that is not well designed especially where it fails to reflect local design policies and government guidance on design 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 NPPF (2023) and the development plan. The NPPF (2023) supports high quality communication infrastructure with Paragraph 118 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 (such as 5G) and full fibre broadband connections.'* Furthermore, paragraph 199 of the NPPF (2023) continues to state that the use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged and that where new sites are required (such as for new 5G networks) equipment should be sympathetically designed and camouflaged where appropriate.

The proposed site is located in a prominent position at the top end of the grass verge which slopes up on the western side of Vale Road from just north of the entrance to the Fleet Health Campus up to the railway bridge. Being located at the top end of this section of grass verge the point where the development is proposed therefore extremely prominent and visible. The grass verge itself also slopes up from the back edge of the pavement up to the back edge of the trees adjoining the site to the east. There are trees located behind the proposed development area, which are part of the Northfleet Urban Country Park, but none in front therefore, there is no form of vegetation, landscaping or trees that would act as a screen to mitigate the visual impact and the pole and associated cabinets and would be located only 3.5m from the back edge of the highway. With the exception of one streetlamp (7.5m in height) and a traffic sign (approx. 3.5m in height) which are just to the north of the development site and parking restriction signs (approx. 2.5m in height) further to the south, the grass verge is devoid of any other structures and is an open grass verge. The considerably lower heights and slender nature of those elements means the proposed development would not 'submerge' into any existing tall street features to mitigate its impact. In any case a 20m high pole would be extremely visible. This prominent and visible site at the top of a sloping grass verge with a relatively open character which is generally free from clutter and is immediately adjacent to an urban country park and opposite modest two storey terraced dwellings, would be harshly interrupted by the large mast and apparatus. Therefore, the proposed development would erode the open character of the

area and would introduce an alien structure, in terms of scale and design, to the detriment of the character and appearance of the street scene and surrounding area.

In summary, in consideration of the matter of siting and appearance the proposed development would materially change the character of Vale Road. The proposed development would introduce a large mast and ground-based apparatus in a highly prominent position. There is no mitigation offered by tree coverage or the existing streetlamp or traffic signs. Therefore, the proposal would have a detrimental impact on the character and appearance of the street scene and the surrounding area and is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Amenity of Adjoining Properties

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

The proposed mast will be approximately 16.7m away from the nearest residential dwellings opposite and as such, it is considered that the proposed mast and ancillary cabinets would not have a detrimental impact on those properties in terms of loss of light, outlook, or privacy.

However, whilst the proposal would not result in loss of light, outlook or privacy, it would be highly visible from the front facing windows of those properties and as such would result in a detrimental impact in terms of visual amenity.

Highways Issues

There are considered to be no highway implications related to the proposed development. The apparatus would not impact on visibility along Vale Road and would be set back from the highway by some 3.5m. As such, the proposed telecommunications apparatus is considered acceptable in terms of highways safety and therefore compliant with Policy CS11 (LPCS).

Any Other Material Planning Considerations

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

Conclusion

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 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 proposed development by virtue of its scale, appearance and location on an open and highly prominent site located at the top of a sloping grass verge adjacent to the highway and also immediately adjacent to the Northfleet Urban Country Park and opposite modest two storey terraced dwellings, would introduce an incongruous form of development which would have a detrimental impact the character of the area and the visual amenity of the streetscene along with a detrimental impact on the residential dwellings opposite in terms of the visual impact. The proposal would therefore not accord with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Recommendation:

Prior Approval is Required and Refused.

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	16th January 2024	Dated:	17 January 2024