

MC/16/1896

Date Received: 29 April, 2016

Location: Verge Opposite 7 And 9 Eden Road and The Street, High Halstow, Kent ME3 8TB

Proposal: Prior Approval under Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and regulation 5 of the Electronic Communications Code (Conditions and Regulations 2003) for the installation of a 12.5m monopole with 3 antennas within a shroud and 2 equipment cabinets, with ancillary development

Applicant: CTIL & Telefonica UK Ltd & Vodaphone

Agent: Mr D O'Connell, Harlequin Group Ltd, Innovation Centre Medway, Maidstone Road, Chatham, Kent ME5 9FD

Ward Peninsula

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29 June 2016.

Recommendation:

- A Prior approval is required**
- B Prior approval be granted, subject to conditions**

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plans 100, proposed site plan 200; proposed site Elevation plan 300 received 29 April 2016

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The mast and cabinets shall be painted dark green and following implementation shall be maintained in this colour.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

Proposal

Prior Approval under Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and regulation 5 of the Electronic Communications Code (Conditions and Regulations 2003) for the installation of a 12.5m monopole with 3 antennas within a shroud and 2 equipment cabinets, with ancillary development.

The proposal would facilitate the provision of 4G coverage to the area to allow customers to use ultra fast speeds when browsing the internet, streaming videos, or sending emails.

This is an application for Prior Notification of proposed development by the telecommunication code system operator. The documents submitted as part of the application include a certificate confirming that the proposal complies with ICNIRP standards. All installations proposed for mobile communications have to comply with guidelines adopted by ICNIRP in all public areas.

Representations

The application has been advertised by means of letters to neighbouring properties and posting of a site notice. High Halstow Parish Council have also been consulted.

A **petition with 69 signatures** has been received from local residents in High Halstow who feel the placement of the mast in the middle of the village would not be acceptable aesthetically or practically and the application should be rejected. They encourage an alternative site in or near High Halstow to be found.

25 letters of objection have been received objecting to the proposal on the following grounds:

- The village is in need of improved coverage but the chosen location in the village would be unacceptable in terms of height and presence in the streetscape;
- Adverse impact on a green lung within the village;
- Other site locations outside the village should be explored where there is open space or within the local church;
- The development would be an eyesore;
- The proximity to houses and schools needs to be considered;
- Adverse impact on health.

Five letters of support have been received commenting as follows:

- Perfect for the village as it would provide a better phone signal;
- It is crucial that networks are allowed to develop coverage to cope with demand;
- Medway has a very poor coverage at present and this has a detrimental impact on business in addition to social use;
- The village will benefit from the mast and improve business and safety.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Prior Approval legislation

Before installing certain telecommunication apparatus under “permitted development rights”, an operator must apply to the Local Planning Authority for a “Determination” as to whether or not the siting and appearance of the development is acceptable. Under the ‘Prior Approval’ procedure, the local planning authority has the opportunity to decide within 56 days whether they wish to approve details of the siting and appearance of a proposal. The authority is able to refuse approval where they consider that the development will pose a serious threat to amenity. If the Council does not make the decision within 56 days, the development can proceed as submitted and so with the timescales set, members are advised that the application needs to be determined before 30 June 2016 to meet this set target imposed on the authority.

In this instance, the proposal would introduce a new mast with equipment cabinets on a prominent landscaped verge which is served by existing tree coverage and lighting columns and street furniture (including a bus shelter) nearby. The proposal would have a greater visual presence, when compared against than existing trees and street furniture and so prior approval considered necessary in this instance.

In assessing this application, regard must be paid to the National Planning Policy Framework (NPPF) and the development plan. The NPPF supports high quality communication infrastructure and recognises it as a strategic priority. Paragraph 42 notes that: *“advanced, high quality communication infrastructure is essential for sustainable economic growth. The development of high-speed broadband technology and other communication network also plays a vital role in enhancing the provision of local community facilities and services.”*

Paragraph 45 advises that applications for telecommunications development (including for prior approval under the then Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- 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 or technical site; and 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 on non-ionising radiation protection guidelines; or
- 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.

Finally, Paragraph 46 requires Local Planning Authorities to determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

Policy CF14 of the Medway Local Plan 2003 notes that telecommunications development will be permitted subject to:

- the applicant for a new mast showing evidence that sharing existing masts and sites, buildings and structures have been explored and found to be unsuitable due to legal, technical or environmental reasons; and
- the site being the best available in environmental terms within technical and legal constraints and mitigation measures have been taken to minimise visual intrusion/environmental impact and amenity considerations; and
- new high masts being of a design that allows the sharing of aerial space with other operators at critical sites.

Specifically, the GPDO requires the LPA to consider whether Prior Approval is required for the siting and appearance of the development (A3(3)).

Design

The principle of improvements to aid communication is encouraged by the NPPF objectives and local plan policy as mentioned above. Whilst this is the case, careful consideration is required in terms of the impact any such development would have on amenity, in particular upon the streetscene that would be affected. Prior to the application being submitted, the applicants explored sites within the locality at Clinch Street Farm, Walnut Tree Farm, St Margaret's Church, other sites within Eden Road, Christmas Lane and the use of an existing site in Mallmaynes Hall Road. Such sites were discounted due to lack of interest by the land owner, technical constraints of coverage or greater visual impact than the chosen site.

Following feedback from the Parish Council, three additional sites were also reviewed but unfortunately discounted, due to close proximity to a school or technical constraints borne by the existing use of land (Christmas Lane). The agent did however confirm that the mast could be lowered from 15m to 12.5m and amended plans have been submitted.

The main issues for consideration relate to the visual impact of the development from the surrounding street scene, the design and external finish of the proposed mast and associated equipment, and the removal and replacement of a mast within the vicinity of the site.

The application would introduce a 400mm (approx.) diameter pole, which widens to approx. 600mm at the top (the antenna housing). The mast would extend approx. 6m

above the ridge line of nearby houses and the cabinets would be visible on the verge at ground level. Whilst the mast and cabinets would clearly be seen from public view, the street scene is characterised by street paraphernalia such as street lighting columns and highway trees and the impact of the proposal, set in the context of existing tree backdrop/tree screening (depending on which way you approach the site) would help soften the presence of the mast. In addition, the fact that other alternative sites have been considered and not found suitable, is a material planning consideration as the mast is needed to meet demand and policy objectives. Such masts are commonplace in residential areas and the development would support the objectives of the operator and enable the service to be improved in the locality using a shared facility to an appropriate design. A condition is recommended to ensure that the mast is painted dark green to compliment the tree canopy coverage nearby.

The development would not have an adverse impact on highway trees on the grass verge. No objection is therefore raised and the development would comply with the objectives of Policy BNE43.

The development is considered to comply with the NPPF and objectives of Policies BNE1 and CF14 of the Medway Local Plan 2003.

Amenity

Due to siting and design, the proposal would have no detrimental impact on neighbouring residential amenity. The proposal is considered to be in compliance to Policy BNE2 of Medway Local Plan 2003 and health matters are covered by the certification submitted with the application.

Highways

The proposed mast be sited in a position to not obstruct the public highway or result in highway safety concerns. The development would comply with the objectives of Policies T1 and T3 of the Medway Local Plan 2003.

Conclusions and Reasons for Approval

The siting and impact of the proposed mast would have no adverse impact on the street scene when viewed from the surrounding area and no adverse impact on amenity or the highway situation. Therefore the application is considered to be in accordance with the NPPF and Policies BNE1, BNE2, T1,T3 and CF14 of the Medway Local Plan 2003.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of

Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here
<http://publicaccess.medway.gov.uk/online-applications/>