

**MC/20/2846**

Date Received: 10 November 2020  
Location: Texaco City Way Service Station  
342 City Way Rochester  
Proposal: Replacement of 15m high mast and existing equipment cabinets with 20m high mast supporting 12no. antenna apertures and 1no. 300mm dish with a wraparound cabinet at base; and installation of 3 new cabinets and ancillary works  
Applicant MBNL (EE Ltd & H3G UK Ltd)  
MBNL Freshwave Facilities (EE and H3G)  
Agent Waldon Telecom  
Miss Megan Palmar Phoenix House  
Pyrford Road  
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KT14 6RA  
Ward: Rochester East Ward  
Case Officer: Dylan Campbell  
Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 18th August 2021.**

**Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Drawing numbers 205, 210, 255 and 260 received 24 May 2021.

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

- 3 No development shall take place (including excavation) until the scheme for the protection of the retained tree (Tree T1) within the Arboricultural Implication Assessment (AIA) Ref No: 210707 (dated 8 July 2021) and drawing number 210707/1 Rev A received 12 July 2021 has been implemented. The tree protection measures shall be retained throughout the construction phase of the development.

Reason: Protection required to be in place prior to the commencement of development to ensure no irreversible harm to the tree occurs and to protect

and enhance the appearance and character of the site and locality, in accordance with Policy BNE43 of the Medway Local Plan 2003.

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

## **Proposal**

This planning application is for the upgrade and relocation of existing the telecoms mast and existing equipment cabinets to the south of the co-op store and garage. The proposal would include removal of the existing 15m monopole and replacement with new 20m 12no. antenna apertures and 1no. 300mm dish; installation of 6No. new cabinets at ground-level and ancillary works to provide 5G.

## **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

**Three** letters were received initially raising the following objections:

- Impact on outlook from additional height, dishes, and antennae
- Noise
- Loss of light
- Siting in residential area
- Impact on health
- ICNIRP guidelines are out of date and are set far too high

The application was revised moving the proposed mast from the existing position to the highway verge and reducing the number of proposed cabinets. The application was subsequently revalidated, and further consultation was undertaken.

**Four** letters were received (3 from residents who previously objected) raising the following concerns:

- Impact on outlook from additional height, dishes, and antennae
- Impact on trees
- Noise
- Loss of light
- Additional cabinets will restrict disabled to rear gardens of St Williams Way
- Mast not needed
- Impact on health
- Highways safety

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

## **Planning Appraisal**

### *Principle*

In assessing this application, regard must be paid to the NPPF and the development plan. The NPPF supports high quality communication infrastructure, given that it is essential for sustainable economic growth. Paragraph 114 of the NPPF states 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”*.

Paragraph 117 of the NPPF advises that applications for telecommunications development (including for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development.

Paragraph 118 of the NPPF requires Local Planning Authorities to determine applications on planning grounds only. 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 Local Plan 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.*

### *Siting and Appearance*

The submitted document, site specific supplementary information received 10 November 2020 states that the development is required to upgrade the UK H3G network to provide improved coverage and capacity, most notably in relation to 5G in addition to providing improved 2G, 3G and 4G services from the site.

Policy CF14 of the Local Plan requires the applicant to demonstrate that the opportunity to share existing masts and sites has been explored and is not feasible. In this instance the applicant has considered the following siting and design options using the sequential approach to site selection.

- Mast and Site Sharing
- Existing Buildings/ Structures
- Ground base Installations

The application site has an established communications equipment present on site. The NPPF states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Paragraph 113 goes on to state that the number of sites for such installations, should be kept to a minimum and use of existing sites for new electronic communications capability should be encouraged. With this in mind, the continued use of this site for improved apparatus would reduce the need for new sites, either building based or ground based, in the immediate vicinity of the subject site, which would likely result in further visual clutter in the streetscene.

Whilst the principle of improvements to support communication is encouraged, careful consideration also needs to be given with respect to the impact of any such development on visual amenity and the streetscene. The application site is located on City Way, on the access to the Co-op garage and approx. 115m north of the junction with St Williams Way, in an area that is predominantly residential. The ancillary cabinets would be located to the south of the garage concrete forecourt area and the mast located on the highway verge. It should be noted that irrespective of the mast use, the provision of a tall structure will always have a presence in the streetscene. However, it should also be recognised that the visibility of the mast or its height and design does not automatically result in an adverse impact. Due to the site being located close to one of the main roads leading into Rochester, presence of existing mast and cabinets and garage, it is considered, although the new mast would be taller and more present within the streetscene initially, however given time this will be viewed in line with other street furniture's around the area without causing harm to its character.

In view of the above, and on balance, it is therefore considered that the proposal would not result in demonstrable harm to the appearance of the site or surrounding area and would ensure the improved delivery of 2G, 3G, 4G and 5G services. The proposed development has also been designed to accommodate multiple users, and as such, would enable mast sharing opportunities in the future.

In considering the operational need, it should be noted that the NPPF states that authorities should not question the need for the service, nor seek to prevent competition between operators. Accordingly, the development is considered to comply with Policies BNE1 and CF14 of the Local Plan and paragraphs 115, 117, 118, 126 and 130 of the NPPF.

*Trees*

A main mitigation of the visual impact of siting the mast in this position is the presence of street trees which make a vital contribution to the character and appearance of the locality and would help to reduce the visual, and any cluttering, impact of the proposed apparatus and equipment cabinets.

The proposed mast would be close to one of these street trees which has a high amenity value. This application is supported by Arboricultural Implication Assessment (AIA) Ref No: 210707 (dated 8 July 2021) and a Tree Protection Plan (drawing number 210707/1 Rev A).

The AIA and plan demonstrate that the whole of the proposal would be located outside of the modified RPA of T1 and T2 and approx. 5m north of the T1 canopy spread. The height of the mast would also be well above the height of the crown of T1. The associated cabinets are proposed to be located further from the tree on an existing concrete plinth and the services through the public footpath would be hand excavated to minimise any root damage. Subject to a condition relating to tree protection measures being erected and retained throughout the construction period, the proposal is considered to be in accordance with Policies BNE1, BNE43 and CF14 of the Local Plan and paragraph 130 of the NPPF.

### *Amenity*

The amenity consideration would relate to the impact of the proposed mast and associated works on neighbours. Policy BNE2 of the Local Plan and paragraph 130f of the NPPF relates to the protection of these amenities.

Objections in relation loss of outlook and light, noise and impact on health were received from residents through the consultation process. Due to the siting and design, although the mast would have a visual presence, given its distance from the nearest residential properties and its relatively slim profile it would not appear incongruous or unacceptably overbearing or intrusive when viewed from the neighbouring dwellings, when considered against existing apparatus on site.

An overshadowing assessment has been carried out and whilst there would be a long shadow cast, this would be relatively narrow and would not overshadow a private garden or windows for a prolonged period. The proposal would result in fewer cabinets associated with the proposed mast, and it should be noted that there is a large equipment plant which serves the co-op adjacent to the rear gardens of St Williams Way. In these circumstances it is not likely that the proposal would result in additional levels of noise and disturbance to neighbouring occupiers above what is currently experienced.

In addition, a declaration that the equipment complies with the requirements of the radio frequency public exposure guidelines for the International Commission on Non-ionising Radiation has been submitted with the application.

Lastly, the proposed cabinets would be positioned in similar positions to the existing cabinets and would not encroach onto the path to the south. Therefore, the cabinets would not restrict access for pedestrians to the rear gardens of St Williams Way. As such, there are no objections regarding Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

### *Highways*

The proposed mast would be sited in a position where it would not obstruct the public highway or result in highway safety concerns. The development would therefore comply with the objectives of Policies T1 and T3 of the Local Plan and paragraph 111 of the NPPF.

### *Other Matters*

It is noted from the supplementary information submitted with the application that the agent has indicated that pre-application consultation was carried out with the LPA, however there are no records of this, and a reference number has not been provided by the applicant. The Council offers a full pre-application advice service, as detailed on the Council website, no formal request for such pre-application advice appears to have been received.

## **Conclusions and Reasons for Approval**

The proposal would not result in any detrimental harm with regard to siting and appearance or impact on neighbouring residential amenities or highways safety and is considered acceptable. The application is in accordance with Policies BNE1, BNE2, BNE43, CF14, T1 and T13 of the Medway Local Plan 2003 and paragraphs 111, 114, 115, 117, 118, 126, 130 and 130f of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation for approval with conditions.

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## **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://publicaccess1.medway.gov.uk/online-applications/>