

4.7 – SE/15/01324/TELNOT Date expired 26 June 2015

PROPOSAL: Installation of a dual user monopole radio base station accommodating 6no.antenna and 1no.dish.

LOCATION: Vodafone Ltd, Vodafone Communication Station, Telecommunications Equipment North Of 79 St Davids Road, Hextable, Kent

WARD(S): Hextable

ITEM FOR DECISION

The application has been referred to Development Control Committee by Councillor Mrs Morris to discuss neighbours concerns regarding noise and maintenance.

RECOMMENDATION: No Objection Lodged

Description of Proposal

- 1 The proposal involves the replacement of an existing 18.25m high monopole with a new 17.65 metre monopole. The new mast will accommodate 6 no. antennas on a support head frame. There will also be 1 no. 300mm transmission dishes.
- 2 The proposal involves the installation of new equipment within an existing cabin.

Description of Site

- 3 The site is an existing phone mast set on the south west corner of private land which fronts St David's Road.
- 4 The proposal is within the Green Belt and on the edge of the settlement of Hextable, therefore the site is on the threshold between residential development and open fields.
- 5 The existing mast is 18.25m high.

Constraints

- 6 Green Belt

Policies

ADMP:

- 7 Policy – GB9

Sevenoaks Core Strategy:

- 8 Policy – L08

Other

9 National Planning Policy Framework

Planning History

- 10 SE/96/01718/HIST - Proposed 20m high pole mast and antennae. Removal of 12m high pole mast and antennae existing equipment cabinet replaced with new. (Revised location of mast-amended by plan 23/12/96). REFUSED

Note on the planning history

- 11 It is noted that the above application was refused, and that the original mast on site was given as being 12m high.
- 12 Enforcement records from 1998 show that concerns were raised by neighbours relating to a replacement mast on the site. The matter was investigated and the file shows that while a 20m high mast was refused, records show that a notice was received on 4th November 1997 for a 15m pole mast on the site, and this was confirmed to be permitted development under the then current Schedule 2, Part 24 Town and Country Planning (General Permitted Development) Order 1995.
- 13 It is noted that the current mast on site is now 18.25m high, and there are no planning records for when this work was carried out.
- 14 However, based on the information available, it appears that this work was carried out in excess of 4 years ago, and would therefore be lawful through time and immune from enforcement action.
- 15 Therefore it has been concluded that the mast as it currently exists on site is lawful.

Consultations

Parish / Town Council

- 16 HPC strongly objects due to concerns about the present constant noise from the cooling system increasing which is a loss of amenity to the residents.
- 17 The access for maintenance is not appropriate at the junction in Puddledock Lane. The residents object to the parked vehicles on their private land outside their houses to maintain the mast.
- 18 Although we understand we can only comment on the proposal we would like to say that if it were 50-100metres further back in the field there would be no objection.

KCC Highways

- 19 No response.

Dartford Borough Council

- 20 No response.

Ward Councillors

21 No response.

Representations

22 Neighbours consulted – 69

23 10 representations have been received which raise the following concerns

- Noise from equipment cabin/cooling plant
- Highway safety
- Design
- Oppressive to neighbours
- Lack of screening/security fencing
- That existing mast on site was refused
- Close proximity to School and Parent’s Consortium Premises
- The mast should be moved to a different location within the site.

Chief Planning Officer’s Appraisal

24 This proposal is not a planning application, as under the Town and Country Planning Country (General Permitted Development Order) 2015 the proposal is considered to fall within the permitted development limits of Part 16.

25 Assessing the scheme under the prior approval process it is for the Local Planning Authority to consider the siting and appearance of the development.

26 In addition to the above, Section 5 of the National Planning Policy Framework (NPPF) supports high quality communications infrastructure.

27 Paragraph 43 states that, ‘to keep telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network.

28 Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.’

29 In addition, paragraph 43 states that, ‘existing masts, buildings and other structures should be used unless the need for a new site has been justified.’

30 Paragraph 45 of the NPPF sets out a list of evidence that should be included to justify the proposed development,

- Consultations with an interest in the proposed development;
- That the possibility of mast sharing has been explored and a statement which self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines will be met.

31 Local Planning Authorities are encouraged to determine applications on planning grounds.

For the purposes of assessing this application, this report will consider the following.

- Whether the proposal complies with the requirements of the NPPF
- The need for the mast
- Impact on the openness of the Green Belt
- Whether the siting and appearance of the development is appropriate.

Whether proposal complies with the requirements of the NPPF

32 In the Supplementary Information submitted, the agent has included details of consultations carried out with interested parties, including local Ward Members.

33 An INCIRP form has been submitted with the application, which confirms that it meets International Commission Guidelines.

34 Therefore the proposal complies with para.45 of the NPPF.

The need for the mast

35 The applicant has submitted the following information,

- The site is a mast share between Vodafone Ltd and Telefonica UK. Plan to jointly manage the site;
- That technological advances have allowed a decrease in the size of the mast by 0.6m
- The application is for the replacement/improvement of an existing mast, the need for which has already been established.

36 Sharing the mast between two network operators is in line with NPPF guidance and will reduce the need for additional masts in the area.

37 As stated in the Supplementary Information the upgrade of the mast will improve 3G/4G in the area, specifically the current 4G coverage is not meeting customer demand. This improvement is in line with The Code of Best Practise on Mobile Phone Network Development.

38 Therefore it is not disputed that there is a need for this equipment.

Green Belt

39 The proposal is also in the Green Belt where strict polices of constraint apply.

40 Paragraph 89 of the NPPF states that replacement buildings in the Green Belt are appropriate where they are in the same use and not materially larger than the one they replace.

41 The proposal would be considered a building.

42 At a local level Policy GB9 states that the building should be

- a) lawful and permanent in nature

b) the design and volume of the replacement building should not be materially larger than the 'original' building and would not materially harm the openness of the Green Belt

c) the replacement building would be in the same use as the one it replaces.

43 As discussed above, it is accepted that the existing mast on site is lawful and permanent in nature, and would therefore comply with criterion a) of GB9.

44 The proposal would also have an impact on the openness of the Green Belt. The proposed mast is in the same use as the one it replaces in accordance with criterion c) of GB9 and the NPPF.

45 However, if it is accepted that the original mast on site was 12m high, then the proposed mast would exceed this by 5.65 m. In my view that is materially larger than the original mast, and would materially harm the openness of the Green Belt.

46 It would therefore be considered inappropriate development when assessed against policy GB9 of the ADMP.

47 However, the NPPF puts weight on the existing building rather than the original. In this instance the proposed mast will result in a 0.6 reduction in height over the existing, which would result in less harm to the Green Belt by virtue of height, bulk and prominence.

48 As a result of the above, the proposal would be considered appropriate development in the Green Belt when assessed against National Policy, and it would be unreasonable to refuse the scheme for non compliance with GB9 of the ADMP.

Siting and appearance of mast and equipment

49 In assessing whether this proposal is acceptable, the Local Planning Authority should consider whether it's siting and appearance is acceptable and in line with the advice in the NPPF. They should also consider whether the equipment is sympathetically designed and camouflaged where appropriate.

50 Policy EN1 of the Allocations and Development Plan (ADMP) states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality.

51 Concerns have been raised regarding the siting of the mast close to neighbouring residential properties and the school.

52 Suggestions have also been put forward for alternative locations of the mast within the existing site, and request for additional screening and security fencing have also been made. However the Local Authority has a duty to assess the application before them.

53 The mast can be seen from many vantage points along St David's Road, from the gardens of neighbouring properties, and from the footpath that runs along the southern boundary of the site.

- 54 There are mature trees and hedges that offer some screening when the mast is approached from the south, but it is more clearly visible from public vantage points to the north and east.
- 55 Therefore it is acknowledged that the site is a prominent structure in this edge of settlement location. However, the existing structure on site is well established, and the replacement would result in a smaller mast that would have less impact on the street scene than existing.
- 56 The proposed mast is also very similar in design and materials to the one it replaces. The cabinet at the base of the mast will also remain unaltered in terms of size and appearance.
- 57 Given the above discussion, although the proposal will remain a prominent feature within the street scene, the overall appearance of the mast will not be significantly altered and the height will be reduced. Given this the street scene will remain largely unaltered from existing.
- 58 Therefore the siting and appearance of the mast are found to be acceptable. The proposal will comply with policy EN1 of the ADMP and the NPPF.

Neighbour amenities

- 59 Policy EN2 of the ADMP states that proposals will be permitted where they provide adequate residential amenities existing and future occupiers of the property. This will include a consideration of noise, vibration, odour, air pollution, activity of vehicle movements, overlooking, visual intrusion or unacceptable loss of light or privacy. The Supplementary Planning Document for Householder Extensions (SPD) offers further guidance.
- 60 The mast will be visible from a number of rear gardens along St David's Road, however this is already the case with the existing mast.
- 61 Therefore the impact on outlook and daylight from these properties will not be significantly altered.
- 62 The majority of representations have raised concern about noise, however the cabinet at the base of the mast will remain the same size as existing and no additional equipment is being applied for.
- 63 Therefore, based on the evidence in front of me it is concluded that the proposal would comply with EN2 of the ADMP.

Other Issues

Lack of screening/security fencing

- 64 As already mentioned above, the Local Authority has a duty to assess the application before them. Whilst it is acknowledged that further screening and security fencing would be preferable, the Local Authority has no power to enforce this under local and national policy. Therefore it would be unreasonable to refuse the application on these grounds.

Close proximity to School and Parents' Consortium Premises

- 65 The concerns regarding the close proximity of the mast to children is also noted. However, paragraph 46 of the NPPF states that Local Planning Authorities should not determine applications on health grounds if the proposal meets International Commission guidelines for public exposure. The agent has submitted an ICNIRP certificate, and therefore the application cannot be refused on these grounds.

Access Issues

- 66 Concerns have also been raised regarding highway safety, chiefly the parking of maintenance vehicles on grass verges which belong to residents of St David's Road. Although I sympathise with these concerns, this is not something the Local Planning Authority has control over. This is a civil matter which should be addressed to the agent directly.

Conclusion

- 67 The proposal is inappropriate development in the Green Belt. However, the very special circumstances of the removal of the larger existing mast on sight clearly outweigh the harm through inappropriateness and any other harm. Therefore the proposal would comply with the NPPF.
- 68 The proposal will not have an unacceptable impact on the character of the area, or the amenities of neighbouring properties. The proposal will therefore comply with policy EN1 and EN2 of the ADMP.
- 69 Given the above no objection would be raised.

Background Papers

Site and Block Plan

Contact Officer(s): Deborah Miles Extension: 7360

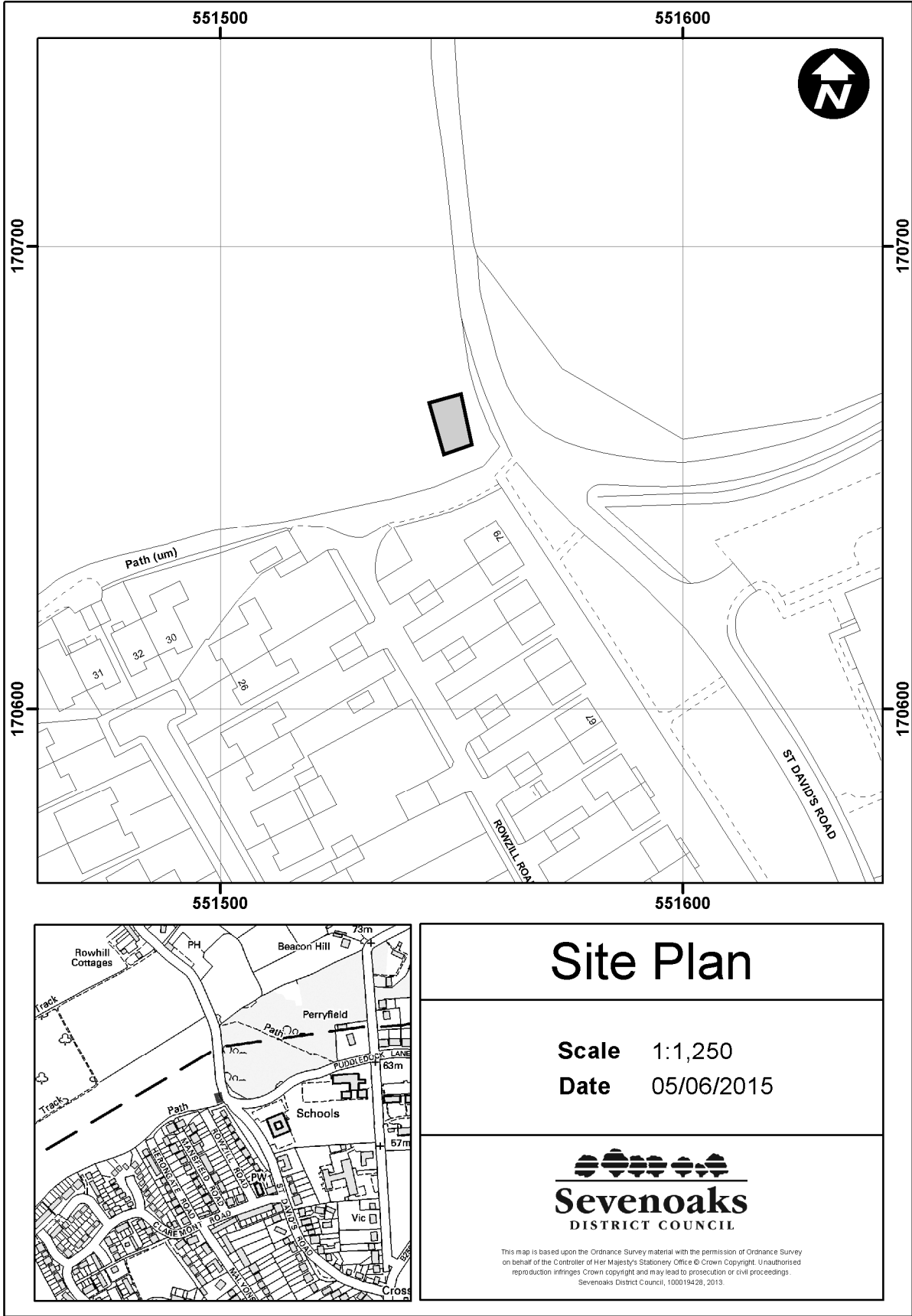
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NN027YBK0KW00>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NN027YBK0KW00>



Site Plan

Scale 1:1,250

Date 05/06/2015



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Block Plan

