Recommendation Report for Planning Permission

REF NO: **BR/58/15/PL**

LOCATION: Verge Outside 124 Victoria Drive
Bognor Regis

PROPOSAL: Replacement of the existing 14.7 metre streetworks monopole with a 17.5 metre monopole & 0.3 metre dish & the installation of a komodo cabinet measuring 1230 x 400 x 1542 mm & associated development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal is a planning application as it goes above 15m so could not be considered under a prior approval TEL application. The application was amended following a request from the case officer given WSCC highways had not had notice served on them as owners of the land.
SITE AREA	3m2
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site bounds a 1.8m flint wall.
SITE CHARACTERISTICS	Pavement location situated in a mainly residential area.
CHARACTER OF LOCALITY	Suburban residential.

RELEVANT SITE HISTORY

BR/12/07/TEL	Prior Notification for installation of 11.7m monopole with associated equipment cabin.	No Objection 14-03-2007

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No Objection and no objection to re-consultation

One letter of representation received objecting on the ground of the pole having a detrimental impact on the visual amenity of the area and outlook from windows of neighbouring properties and the residential care home. Also objected to the new cabinet as it would be an overdevelopment of the pavement.

Comments on Representations received:

The cumulative increase in the size of the replacement monopole is not considered to be significant enough to have a significantly detrimental impact on the visual amenity of the area or the outlook of nearby residential properties. This is because the existing monopole has a similar impact and the increase in size is not substantial enough to make the monopole unacceptable.

The extra cabinet is lower than the existing flint wall and is not large enough to result in the pavement appearing overdeveloped or cluttered.

CONSULTATIONS

Consultations responses received:

- none

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

No Public Sewer
Adopted Local Plan
Class C Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV41	Telecommunications
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		SD SP2 Built-Up Area Boundary
		TEL DM1 Telecommunnications

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD4	Telecommunications

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can

carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

The Bognor Regis Neighbourhood Plan has recently been out to consultation and will now be reviewed prior to submission to Arun District Council.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise

than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

DESIGN

The design of the proposal is considered acceptable as it has been made to look like a lamp post, albeit higher and with a larger tube to the top.

Materials to match the existing site have been proposed so the monopole would have a galvanised steel appearance like a lamp post and it's cumulative increase in size is not considered to harm the visual amenity of the area. The new box would either be green or light grey which are both considered acceptable. To ensure materials to match are used a condition will be imposed to control them.

The proposal is considered acceptable in terms of design and visual amenity.

NEIGHBOUR AMENITY

The proposed box would be lower than the existing flint wall so would only be visible from the dwellings to the other side of the road, it is modest in size and design and is not considered to cause a detrimental impact to neighbouring residential amenity.

The proposed monopole is not considered to create a significant increase in size or mass compared to the existing monopole and is comparable to a telegraph pole. As such it is not considered to create a detrimental impact on outlook from neighbouring properties or residential amenity.

TELECOMMUNICATIONS

The application has been submitted with details to show compliance with ICNIRP guidelines and it is considered that effort has been made to minimise the visual impact of the mast.

The proposal is considered to be acceptable and is recommended for conditional approval.

HUMAN RIGHTS ACT

Human Rights Act:
The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the

recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal is considered to have a neutral impact.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 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 approved shall be carried out in accordance with the following approved plans:-

ARN004_VICTORIA ROAD/ CHICHESTER ROAD_55841_001 A
ARN004_VICTORIA ROAD/ CHICHESTER ROAD_55841_002 A
ARN004_VICTORIA ROAD/ CHICHESTER ROAD_55841_003 A
ARN004_VICTORIA ROAD/ CHICHESTER ROAD_55841_004 A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The materials and finishes of the monopole and box hereby permitted shall match in colour and texture those of the existing monopoles and boxes.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 Within one calendar month of the installation of the approved monopole, the existing monopole shall be removed from the site and the pavement made to good to match the existing pavement.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning

Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.