

Recommendation Report for Planning Permission

REF NO: BR/89/19/PL

LOCATION: Fittleet House, Telecommunications Cabin
Queensway
Bognor Regis
PO21 1QS

PROPOSAL: Replacement of 6 No. antennas on building roof-top with 1 No. 10m high stub-tower supporting radio apparatus & ancillary works. This application may affect the character & appearance of The Steyne, Bognor Regis Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the replacement of 6 No. antennas on building roof-top with 1 No. 10m high stub-tower supporting radio apparatus & ancillary works.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To the south and south east the site consist of shops and Queensway House. To the west there is a car park and Hothamton Gardens. To the north there is the road and flats and shop.
SITE CHARACTERISTICS	The site is occupied by a building comprising 15 storeys. A number of other telecommunications apparatus are currently in situ on the roof.
CHARACTER OF LOCALITY	The area is a mixed character of both commercial and residential premises in a town centre location.

RELEVANT SITE HISTORY

BR/157/09/	Addition of one 600mm dish to an existing installation on roof	ApproveConditionally 09-09-09
BR/58/03/	Addition of 1 no. 0.6m diameter dish at a height of 42.0m and on a bearing of 63.2 degrees and mounted on pole to match existing poles	ApproveConditionally 03-04-03
BR/282/01/	Provision of ramped access	Approve 16-11-01

BR/268/00/	To install additional transmission dishes, D9, D10, D11, D12 & D13 to the existing telecommunications installation	ApproveConditionally 15-12-00
BR/54/99/	Installation of one 400mm microwave dish (D6) and one 600mm microwave dish (D7) to existing steelwork plus ancillary development.	ApproveConditionally 22-04-99
BR/90/99/	Installation of one 400mm Microwave Dish(D8) onto new stand off bracket on existing antenna pole and ancillary development.	ApproveConditionally 02-06-99

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Town Council provided an objection on the grounds of the visual impact upon the character and appearance of the Conservation Area. Members also object on the grounds of noise, nuisance and disturbance including concerns for structural safety. Members are also mindful of concerns for public health resulting from possible effects of 5G.

6 letters of objection from nearby occupiers.

- There has not been enough research time for public and academics to discuss the disadvantages, alternatives and safety aspects of 5G.
- The structure will impact both the view and the environment.
- It will have a detrimental biological effect on all life, plants, trees, animals and people with no proof of its safety.
- The change is unnecessary.
- Object to 5G in its entirety.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and address in conclusion

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
TELDM1	TEL DM1 Telecommunications
EMPDM2	EMP DM2 Enterprise Bognor Regis

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant 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.

In all applications, the Council must take into account other material considerations. This includes the Code of best practice, case law and appeal decisions which have emerged over recent years. By analysis of these considerations, the following are also relevant:

(i) Health concerns are material planning considerations. Whilst Government advice is that a planning system is not the place for determining health safeguards, Court cases and planning appeals show that public responses on the issue must be weighted in assessing the merits of a site by comparison with alternatives.

(ii) The Planning Inspectorate consider zero health risk (or near zero risk) to be an unreasonable expectation or basis for a decision.

(iii) An ICNIRP Certificate, confirmation compliance with guidelines for the emission of electromagnetic energy, is essential. Sites should be secure by fencing with advisory notes attached.

(iv) Applications must include a thorough examination of alternative sites; this information must be included in the submitted information for public consultation.

(v) Government best practice advice to applicants expects pre-application consultation with organisations such as schools. The Council can look for evidence that this has happened.

CONCLUSIONS

PRINCIPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies.

Bognor has a 'made' Neighbourhood Plan however none of the policies are considered relevant to the application.

Policy TELSP1 establishes that there is a presumption in favour of development proposals that deliver high quality communications infrastructure.

Para 112 of the NPPF states '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.'

Para 116 states "Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.'

DESIGN AND VISUAL AMENITY

The antennas and additional radio equipment would be affixed to a 10m high stub tower secured to the building rooftop. Due to the technology it has to be elevated above the host building to prevent interference. Due to the high level nature of the host building at Fitzleet House approximately 45m

above floor level it would mean that the installation is not at eye level view by pedestrians and therefore it is not considered readily visible. It is also noted that the presence of telecommunications equipment has been a long term feature on the site and the proposal will upgrade the infrastructure. The replacement antennas would be slightly larger than existing however it is considered there would be minimal changes to the external appearance of the building.

The site is not situated within the Conservation Area and the proposal is not deemed to impact its appearance due to the Conservation Area being sited approximately 90m away and the height at which the structures are placed are unlikely to be seen when looking towards the Conservation Area.

The proposal is not considered to adversely impact the spatial pattern or character of the area and accord with DDM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Due to the siting of the telecommunication equipment the proposal is not deemed to give rise to any harm upon neighbouring amenity by way of overbearing or overshadowing and is in accordance with DDM4 and TELSP1 of the Arun Local Plan.

There have been concerns raised regarding public health as a result of the upgraded infrastructure however a certificate has been submitted which states the proposed equipment and installation as shown in the submitted plans are in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non ionising radiation as expressed in EU council on the limitation of exposure of the general public to electromagnetic fields.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions.

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 respect 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 would have a neutral impact on the protected characteristics.

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
- Proposed Elevation - 265
 - Proposed Site Plan - 215
 - Site Location Plan - 002

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 Once the equipment hereby permitted ceases to be used for telecommunications purposes it shall be dismantled and permanently removed from the site.

Reason: In the interests of visual amenity in accordance with policies DDM1 of Arun Local Plan.

- 4 **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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.