

REPORT UPDATE

Application No: FG/139/17/PL

Reason for the Update / Changes

Reason for Update:

The National Planning Policy Guidance was added to the policy section and the original report update was written prior to the agenda being printed. It has therefore been erroneously generated at the start of the application report and should be deleted.

The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: FG/139/17/PL

LOCATION: Existing Telecommunications Installation
Ferring Water Pumping Station
off Amberley Drive
Ferring

PROPOSAL: Replacement monopole & antennas & 1 No. replacement cabinet.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to a 15m high mast with a 2.5m high and 1.4m wide head frame. The column and antennas and dish would be painted black/brown. The cabinet would be 0.7m long, 0.7m wide and 1.65m high and would be coloured steel/grey.

The equipment is required to upgrade both the EE and 3 UK networks in order to provide better 2G, 3G and 4G coverage and capacity. 4G is not currently available at this site. In addition, the applicants would like to add an installation for the Emergency Services Mobile Communications Programme called ESN (Emergency Services Network). ESN must be placed in locations that provide the widest coverage to the target area, and this site has been selected because it can provide the best coverage for the ESN network in this area.

The application includes an ICNIRP (International Commission on Non-Ionising Radiation) Certificate which demonstrates that the proposal meets the International Commission guidelines

	for exposure.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Gated access off road. 1m high fencing on edge of compound.
SITE CHARACTERISTICS	Existing compound with a 12m high mast within an open flat grassed area. Single storey brick building pitched roof and hardstanding. The nearest dwellings are two storey in height and are located some 150m from the equipment.
CHARACTER OF LOCALITY	Predominantly rural. Flat and open fields surround site on all sides.

RELEVANT SITE HISTORY

FG/39/06/TEL	Prior approval application for the installation of a radio base station comprising a 15m high telegraph pole, 3no. panel antennae, 1no. 300mm diameter transmission dish, radio equipment housing and ancillary development. (Resubmission of FG/82/05/TEL)	No Objection 25-05-06
FG/82/05/TEL	Proir Notification for the installation of a radio base station comprising 15m high telecommunications telegraph pole, three antennae ,one 300mm diameter dish, radio equipment housing and development ancillary thereto	No Objection 12-08-05

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection - Concern regarding the height of the proposal to replace existing 12m monopole with a new 15m monopole.

Whilst we appreciate that upgrades may be necessary to meet technological advances, we do not consider that to be 15 metres in the air is necessary when tree management could confine this to the current mast height.

The proposed mast will have a significantly greater visual impact and be very intrusive in a rural area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The concerns regarding the impact on visual amenity are shared. The prominence of the mast would materially increase. The site lies in an open rural area and the mast would be readily visible from the east, west and south. However, given that this is a site share and it has been satisfactorily demonstrated that there are no suitable alternatives the proposal is considered to accord with policy DEV41 and not be

outweighed by its increased visual impact.

CONSULTATIONS

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Strategic Gap
Gap between Settlements

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
AREA10	Strategic Gaps
DEV41	Telecommunications

[Publication Version of the Local Plan \(October 2014\):](#)

C SP1	Countryside
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
SD SP3	Gaps Between Settlements
TEL DM1	Telecommunnications

[Ferring Neighbourhood Plan 2014 Policy 1A](#) A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014

and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to a NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Policy 1A: Spatial Plan for the Parish is considered relevant to the determination of this application.

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, whilst it would have a materially adverse effect on the visual amenities of the locality, the benefit derived from the upgrade and site share would outweigh this harm.

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.

CONSIDERATION OF ALTERNATIVE SITES

Given that the site development is principally for a significant technology upgrade and for an effective site share, the issue of searching for an alternative site would not normally be necessary but given the increased visual presence of the structure the agent has been asked to provide additional information regarding the possibility of sharing an alternative site.

The possibility of a site share utilising the installation at Greystoke Road is not considered feasible, particularly given that it is currently a small, low level, thin streetworks installation (and even if it were feasible, it will not provide adequate coverage).

CONCLUSIONS

BACKGROUND AND POLICY PRINCIPLE

The Code of Best Practice for Telecommunications Installations was revised in November 2016. It states that increasing consumer demand, especially for data is putting demands on mobile operators for improved connectivity and more capacity on their networks. This is driven by the widespread adoption of smartphones and the rapid uptake of tablet devices, and the way consumers are now using them, often choosing to do so when they have a fixed connection available. In addition, the Government has ambitious aspirations for improving connectivity and coverage, especially in rural areas. All these factors result in the need to continually upgrade and improve mobile networks, which will not function without the necessary infrastructure on which they rely. This increased consumer demand and need for improved connectivity and upgrading has resulted in the submission of this application, together with the need to facilitate the Emergency Services Network (ESN).

The site is an established telecommunications installation and the proposal is an upgrade of the existing facilities which represent a site share. It comprises a 3m increase in height of the mast and a 1.2m increase in width to the top of the mast.

The site is located outside the built up area boundary and in a settlement gap. The proposal therefore falls to be considered against policies GEN2, GEN3, GEN7, AREA10 and DEV41 of Arun District Local Plan, policies SDSP2, SPSP3, CSP1 and TEL SP1 of the Publication version of the emerging Local plan and policy 1A of the Neighbourhood Plan.

Policy GEN3 'Protection of the Countryside' states Development will not be permitted unless certain

criteria are met. Criteria (v) refers to development being in accordance with a policy in Sections 2 and 3 of the plan referring to a specific use or type of development. In this particular case since the proposal relates to a telecommunications installation it can be considered against policy DEV41 in section 3 of the Plan. It is considered to accord with this policy, for the reasons set out below, and would therefore be acceptable in compliance with policy GEN3.

JUSTIFICATION FOR THE INCREASED HEIGHT AND PROMINENCE OF THE INSTALLATION

The ESN requirement at this site is primary. To that extent, the 4G coverage spectrum that ESN will use must be sufficient for it to function as a site capable of supporting ALL the emergency services. At a lower height, this would not be possible. The submitted coverage plots convey why the better coverage at 14m is essential.

The current installation has been in place since 2001. Although subject to some upgrades, the rapid change in technologies and growth in the use of smart devices is such that the site must be upgraded with modern, capable antennas, that can provide the best possible coverage to the local area, while, also providing sufficient capacity. This particularly includes the inclusion of 4G which is NOT currently installed at this site.

In terms of local tree cover (both those immediately located within the compound, and in a much wider, environmental context), while this can be an issue in the summer months, and was initially thought to be of some concern, this is very much a peripheral matter. The increase in height is required to give the best coverage overview, particularly in terms of 4G coverage.

Allied to this, and of critical importance, is the fact that ESN is required at this site, and this is a service that is not currently installed at this site, nor in the local area.

The increase in height is needed to provide both improvements to coverage and capacity, and to ensure that 4G coverage is available to the widest possible area.

In order to provide the required 4G coverage for both public users of the system AND for crucial ESN coverage, an increase in height is essential. This has been indicated on submitted coverage plots. The applicant has advised that this is the minimum height required to achieve both an acceptable commercial coverage (for normal mobile phone and other mobile device users), and for ESN coverage.

In terms of structure, the site is supporting not just 2 mobile phone operators (EE and 3 UK), but will also accommodate equipment to service the new ESN system. Given this, the slimmest structure and headframe available are proposed to ensure this can be accomplished.

Paragraph 45 of the NPPF states 'Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services'. It is considered that the justification given for the equipment is in accordance with these criteria.

GAPS BETWEEN SETTLEMENTS

The site is located outside the built up area boundary in what was previously a Strategic Gap and is now identified in the emerging plan as the Ferring to Worthing Settlement Gap. The development would take place in an area that is already developed within this Gap. It would not increase the footprint of the built form or contribute to visual coalescence of the settlements. Given that the integrity of the gap would not be compromised the proposal would be acceptable in this location and accord with policy AREA10 of

Arun District Local Plan. Furthermore, it is considered to be necessary and accord with other policies of the Arun District Local Plan.

VISUAL AMENITY AND CHARACTER

The proposed site is surrounded by flat open fields close to the bend in Sea Lane where it approaches and then runs parallel with the seafront and beach. The area to the west is residential, but the nearest dwelling to the mast is located 150m to the west.

The proposal at this increased height would be readily noticeable from all views along the seafront particularly the south and east. The increased bulk would be prominent and project above the horizon and intrude upon the generally uninterrupted views towards the sea from the west and towards the woodland known as Ilex Way to the north. However it would not appear as a new and alien element given the presence of the existing mast. The building and trees at the existing compound would visually screen the lower portion of the mast and cabinets and the existing telegraph poles assist in assimilating the existing pole against the sky line. It is accepted that the new structure increases the height and is bulkier than the existing installation. Whilst the area is largely open the sea vista and skyline are already interrupted by the 7m high trees on the site and the 5m high building within the existing compound.

Policy DEV41 of Arun District Local Plan states ' Planning permission will be granted for telecommunications development provided that it is demonstrated that careful consideration has been given to possible sharing of sites or use of existing buildings or structures, and that no satisfactory alternative sites are available'. This site is already used as site share by EE(UK) and 3UK and would facilitate use by ESN as well. However, given the resulting increased visual prominence, the Local Planning Authority has sought additional information regarding consideration of alternative sites in relation to site selection and options available for these providers to share facilities elsewhere in Ferring village. The additional submitted search information is considered sufficiently detailed and relates to exploration of another site in Ferring village in Greystoke Road. A scheme at this location is impractical. It is located some 1.15Km from the subject site, and could not act as an effective replacement for existing coverage. Further, this is an existing slim streetworks pole, designed to mimic a lamppost. In order to accommodate 3 new users on this site (EE, 3 UK and effectively, ESN), this would require complete redevelopment with a very large, tall intrusive structure, which would be entirely out of place, and hugely insensitive, being located on a small highway verge in the midst of a residential area.

The need for the installation together with this additional information relating to alternative site share location options is considered sufficient to address the visual impact concerns of the proposal.

CONCLUSION

The development is located in a visually prominent site but it is a site share and it has been demonstrated that there are no suitable alternative locations. It is not considered that the 3m increase in height of the existing mast and the increased head frame width of 1.2m are sufficient to warrant refusal of the application in terms of the resultant harm to visual amenity. The proposal therefore accords with policies DEV41 and GEN7 of Arun District Local Plan.

Policy1A of Ferring Neighbourhood Plan states 'Proposals for development located outside of the built up area boundary that do not accord with development plan policies in respect of control development in the countryside will be resisted.' Since the proposal is considered to comply with policy DEV41 of Arun District Local Plan the proposal would accord with policy 1A.

The application is therefore 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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:

Location and Block100 revH
Block Plan
Existing Site Plan 101 revH
Proposed Site Plan103 revH
Existing Elevation 103 revH
Proposed Elevation 104 revH
Equipment Schedule 105 revH
Headframe Plans 106 revH
Feeder Loss Calc 107 revH

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 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 GEN7 and DEV41 of Arun District 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.