Recommendation Report for

REF NO: **FP/12/14/TEL**

LOCATION: Grass Verge Eastern side of Flansham Lane
Roundabout Junction of Felpham Way
& Middleton Road Felpham

PROPOSAL: Prior Notification to remove existing 12.4 metre column for a 12.5 metre dual user Monopole and the installation of 2No. radio equipment cabinets and 1No. metre pillar

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application falls to be determined under the provisions of Part 24 of Schedule 1 of the Town and Country Planning (General Permitted Development (Amendment)) Order 1999 in respect of a development by a telecommunications wide system operator. The principle of the development is not in dispute. The consideration of the notification concerns only the siting and appearance to this location. The Local Planning Authority has 56 days to provide its comments to the applicant's agent or it is deemed they have no objection. This period expired on 11th March 2014.

The equipment is required to enable the applicant Vodafone Ltd and its partner Telefonica UK Ltd (commonly known as O2) to jointly operate and manage a joint network across the UK. This network will be overseen by a joint venture company known as Cornerstone Telecommunications Infrastructure Ltd.

The proposal involves the replacement of the existing 12.4m high mast with a new 12.5m high mast with 2 new equipment cabinets and 1 meter pillar. The shroud at the top of the pole would be slightly longer and wider to accommodate the new type of antennas. The replacement mast would be sited around 3.5m further north than the existing (with the existing then being removed). The two equipment cabinets and one meter pillar will add to an existing cabinet and existing meter pillar. The new cabinets measure 1.3m wide by 0.7m

	deep by 1.7m high. The new pillar will measure 0.35m by 0.2m by 0.9m height. The pole would be galvanised and in a grey colour as per the existing. The cabinets would be coloured holly green.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development. There is a group of medium sized trees on the grassed verge between the adjacent residential properties and the footpath.
BOUNDARY TREATMENT	Fencing on boundary with neighbouring residential dwelling to approximately 1.5m high.
SITE CHARACTERISTICS	Site forms part of a grassed verge on the eastern side of the A259 Flansham Lane just north of the roundabout with Felpham Way/Middleton Road. The existing mast, cabinet and meter pillar are located between two lamp posts and there is also a road sign just south of the site. There is a two storey dwelling just east of the site which is flank-on to the verge.
CHARACTER OF LOCALITY	Predominantly residential mixed use with a pub & hotel opposite and a Tesco Express to the south.

RELEVANT SITE HISTORY

PE/FP/1/02/TEL	Prior Notification for erection of a 15 metre slimline monopole with 3 No panel antennas, 1 No equipment cabinet and ancillary equipment.	Refused 01-07-2002
FP/34/09/TEL	Prior Notification for installation of 10m high street pole supporting 3 No antennas and the associated equipment cabinet	No Objection 08-04-2009

FP/34/09/TEL "Prior Notification for installation of 10m high street pole supporting 3 No antennas (12.4m total height) and the associated equipment cabinet" was previously approved on this site.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council - no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designations applicable to site:

Within built-up area boundary;
ublic Sewer on site;
Class A Road; and
Class B Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	DEV41	Telecommunications
Publication Version of the Local Plan (October 2014):		

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been

agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The above policies outline the criteria against which the application will be assessed. The only aspects that can be considered with regard to this prior approval application are the siting and appearance of the development. This application falls to be determined under the requirements of Part 24 of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

OTHER MATERIAL CONSIDERATIONS

It is considered that the presence of the existing 12.4m high mast and associated equipment is a material consideration in the determination of this application. Whilst the proposal does include two new cabinets and 1 new meter pillar, the new mast will replace the existing and only increase the height by 10cm.

In all applications, the Council must take into account other material considerations. This includes Government advice in the National Planning Policy Framework (2012), case law and appeal decisions which have emerged over recent years. By analysis of these considerations, the following are also relevant:

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 this issue must be weighted in assessing the merits of a site by comparison with alternatives. This must apply to Prior Notification applications as well as applications for planning permission.

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

An ICNIRP Certificate, confirmation compliance with guidelines for the emission of

electromagnetic energy, is essential.

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

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

The applicants report received with this application does not provide a list of alternative sites. This is on the basis that the proposal is an upgrade of the existing mast. This is an acceptable reason for not providing a list of alternatives. It should be noted that a list of alternatives was provided with the 2009 application for the original siting of the mast.

CONCLUSIONS

The current Local Plan Policy DEV41, 'Telecommunications', is adopted and is "saved" and has great weight. Applications must be determined in accordance with its policies unless material considerations indicate otherwise. The Plan requires evidence that the sharing of sites or tall structures has been considered and that there is no satisfactory alternative. Development within SSSIs, Conservation Areas or Areas of Outstanding Natural Beauty is particularly sensitive. Developers are required to demonstrate that attempts have been made to minimise visual impact. Policy GEN7 is a more general environmental policy which requires careful consideration of visual, landscape and amenity considerations.

The proposal is for a replacement mast to only 10cm taller than the existing. The top of the mast will also be slightly wider. However, essentially this is a replacement mast and it is not considered that the extra height or girth will have any discernible impact on the street scene or character of the area. The additional equipment cabinets will add to the general clutter at ground level but this is not a sensitive location and it is far better to site cabinets with other cabinets rather than in a new location.

It is therefore recommended that no objections are raised to the siting and design of the equipment.

RECOMMENDATION

NO OBJECTION