

Recommendation Report for Planning Permission

REF NO: FP/262/21/PL

LOCATION: Mast at Felpham Way
Bognor Regis
PO22 8PS

PROPOSAL: Erection of EE/H3G 15m High Phase 8 Monopole to replace existing EE/H3G 12.5m Phase 5 Monopole and associated ancillary works. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a 15m high mast in replacement of 12.5m mast and associated ancillary equipment.
TOPOGRAPHY	Predominantly flat.
TREES	There are trees and planting along located along the verge on Felpham Way and Drygrounds Lane.
BOUNDARY TREATMENT	There is a 1.2m post and rail fence to the northern boundary.
SITE CHARACTERISTICS	The site forms a verge with Felpham Way to the south and Drygrounds Lane to the north.
CHARACTER OF LOCALITY	The area is predominately residential.

RELEVANT SITE HISTORY

FP/58/15/PL	Installation of a Komodo cabinet, removal of existing 11.5m high monopole and installation of a proposed 12.5m high monopole marginally to the west, swap out on a like for like basis of the existing antennas, installation of additional Mast Head Amplifier's (MHA's) and associated development thereto.	No Objection 01-06-15
-------------	---	--------------------------

Noted.

REPRESENTATIONS

Felpham Parish Council provided no objection

- We would like to ensure that any removal of vegetation is sympathetic and retains the privacy of nearby residents.

2 letter of objection received from a nearby occupier.

- Main concern is the effect it will have on existing trees and shrubs which provides an effective barrier.
- Why are certain aspects coloured orange and does it mean they will be removed.

- It claims the existing use if for communications but has a more diverse use than this.
- Why are the new cabinets not within the tree screened area.
- Not an objection to the proposal but to the way its laid out.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in conclusion.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
TELDM1	TEL DM1 Telecommunications
DDM1	D DM1 Aspects of form and design quality

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.

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.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

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 Government Advice in PPG8 of 2001, 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. This must apply to Prior Notification applications as well as applications for planning permission.
- (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

The application is for the upgrade of an existing site and as such no standalone new facilities have been investigated. The current site was agreed as an appropriate location when the original installation was approved and the principle of the siting has already been established.

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1, TEL SP1 and TEL DM1 of the Arun Local Plan.

Felpham Parish Council has a made Neighbourhood Plan although none of the policies are relevant to this application.

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

Para 114 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 118 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 mast will be visible from both Drygrounds Lane and Felpham Way located on a grass verge which separates the roads. An existing 12.5m mast will be removed and replaced with a 15m high mast. The replacement pole is located west of the existing although is parallel to the existing structure, in close proximity. There is sufficient tree coverage which currently restricts much of the view of the existing telecommunications equipment from Drygrounds Lane to the north.

Additional information was requested from the agent to provide more details regarding the tree removal that may take place to enable the mast to be constructed. This demonstrates that the proposed will be located as close as possible to the existing structure. Being situated slightly south of the tree line, it should not involve removal of trees and only minor branches that overhang will be removed. A condition will be included with regards to this. The trees are not protected or within a Conservation Area although nonetheless should be retained where possible.

Whilst the mast is higher than the existing, it is not considered visually prominent in the street scene with minimal changes to the external appearance of the site. There will be 2 additional ground floor based cabinets located further west to serve the mast. The colour of the ancillary equipment will be green so that it blends in with its surroundings.

The proposal would be acceptable in terms of visual amenity in accordance with relevant policy.

RESIDENTIAL AMENITY

Due to the siting of the telecommunication equipment the proposal is not deemed to give rise to any adverse harm upon neighbouring amenity by way of overbearing or overshadowing retaining sufficient distance to the neighbouring dwellings. The tree screening helps to prevent views from occupiers to the rear at Drygrounds Lane and with sufficient separation also, the proposal is in accordance with D DM1 and (e) of TELDM1 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan 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 H3G Site Plan - M002 B
 - Proposed H3G Site Elevations - M002 B
 - Access Plan - MOO2 B
 - Tree Statement - 18th January

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No trees are to be removed from the site apart from overhanging branches to enable the development to be constructed as stated within the Tree statement- 18th January.

Reasons: To retain trees in the interests of the environment of the locality in accordance with policy D DM1 of the Arun Local Plan.

- 4 For the avoidance of doubt, the mast and ancillary cabinets shall be in the colour RAL6009 Fir Green.

Reasons: To ensure the development is visually integrated with its environment in accordance with D DM1 of the Arun 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 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.