

Recommendation Report for

REF NO: LU/258/12/TEL

LOCATION: Footpath at Jct. Beaconsfield Road
and North Street
Littlehampton

PROPOSAL: Prior notification for installation of dark green cabinet

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 expires on 18th December 2012. The equipment required by the applicants Openreach is a green cabinet measuring 750mm (W) x 374mm (D) by 1408mm (H).

SITE AREA N/A

RESIDENTIAL DEVELOPMENT DEN N/A

TOPOGRAPHY Predominantly flat

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT Open. To rear 2m high fencing/walling.

SITE CHARACTERISTICS Site is on the back edge of the pavement adjacent to a telegraph pole. One lamp post close to site.

CHARACTER OF LOCALITY Predominantly residential.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objections.

Comments on Representations received:

None.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

County Highways

The cabinet is a new unit. In terms of highway there would be no material change to the existing situation. The works do extend over the public highway and as such traffic management may be required whilst the works are being undertaken. The Statutory Undertaker will also need to submit the necessary notification to the Highway Authority independently and any traffic management will also need to be agreed with the WSCC Community Highway Officer prior to works taking place

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within built up area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[DEV41](#)

The Form of New Development
Telecommunications

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The current Local Plan Policy DEV41, 'Telecommunications', is adopted and has great weight. Applications must be determined in accordance with its policies unless material considerations indicate otherwise. The Plan requires evidence that sharing of sites or tall structures has been considered and that there is no satisfactory alternative. Development with SSSIs, Conservation Areas or Areas of Outstanding Natural Beauty is particularly sensitive, although the current application is not within or close to any of these. 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. A written statement is required for all new buildings, although structures such as the proposal are not referred to explicitly.

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 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

No other alternative sites have been considered but given the size of the equipment it would not be necessary in this particular case.

CONCLUSIONS

PRINCIPLE

Policy DEV41 has a presumption of granting planning permission for telecommunication apparatus subject to possible sharing of sites or use of existing buildings or structures and that there are no satisfactory alternative sites available. In addition proposals should not harm local amenity. This proposal represents upgrading of existing equipment.

SHARING OF SITES/ALTERNATIVE LOCATIONS

No alternative sites were considered though given the limited size of the cabinet this choice of location is acceptable and will not result in a proliferation of new equipment.

VISUAL AMENITY

The apparatus has been sensitively designed so that the equipment would be coloured to assimilate it into the fence behind. It is proposed to be located adjacent to lamp posts and telegraph poles and the impact on visual amenity and character of the locality would therefore be minimal and acceptable.

SUMMARY:

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

RECOMMENDATION

NO OBJECTION

- 1 **INFORMATIVE:** The proposal will require notification to the Highway Authority independently and any traffic management will also need to be agreed with the WSCC Community Highway Officer prior to works taking place.