

REPORT UPDATE

Application No: M/62/10/TEL

Reason for the Update / Changes

Reason for Update/Changes:

Further Information:

The agent has advised that the cabinet would be green in colour as per the existing.

One letter of objection from Middleton Parish Council:

It is noted that the installation of this replacement mast is for the Vodafone and 02 users to be able to use the cell. Can it therefore be a condition that either a Vodafone or 02 redundant mast is removed. (There are 4 different masts within a couple of hundred yards along Elmer Road near to the telephone exchange).

Officers Comment:

The proposal involves the removal of the existing Vodafone mast at the site.

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

Or

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

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.

M/62/10/TEL

TELECOMMUNICATIONS PRIOR NOTIFICATION REPORT

REF NO: M/62/10/TEL

LOCATION: Grass Verge at
Elmer Road & Front of
Lucking Lane Bognor Regis

PROPOSAL: Application for prior notification of proposed upgrade to existing Vodafone base station installation to accommodate use by O2 and to facilitate improved coverage

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 5th October 2010. The equipment is required to enable the applicants Vodafone and O2 to provide upgraded, improved and extended 3G coverage and share the facility. The proposal involves the provision of a 14.8m high grey street works pole with 3 antennas within a shroud and a radio equipment housing cabinet measuring 2.1m x .9m x 1.7m height.

SITE AREA

RESIDENTIAL DEVELOPMENT DEN N/A

TOPOGRAPHY Predominantly flat.

TREES Trees along edge of footpaths approximately 4m high including evergreen Oak. Some individual trees within area of open space.

BOUNDARY TREATMENT Trees along site frontage.

SITE CHARACTERISTICS Existing Telecom site. Area of open space grassed with large mature individual trees within it. A row of wooden telegraph poles crosses the open space to the east. Sub-station to north. Residential two-storey dwellings to north. Church opposite.

CHARACTER OF LOCALITY Predominantly residential.

RELEVANT SITE HISTORY

M/128/05/TEL	Prior Notification for installation of a 12m monopole structure complete with shrouded tri-sector antenna, radio equipment housing and ancillary development	Refused 13-02-2006 Appeal: Allowed+Conditions 25 10 2006
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REPRESENTATIONS

Representations received:

Middleton Parish Council

Awaited.

Comments on Representations received:

None

CONSULTATIONS

Property Services Manager

WSCC Local Development Divis.

Consultations responses received:

County Highways - Awaited.

Housing - Awaited.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary

Class 'C' Road

Right of Way

No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7 DEV41	The Form of New Development Telecommunications
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PLANNING POLICY GUIDANCE

PPS1 PPG8	Delivering Sustainable Development Telecommunications
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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 within 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

The applicant's report received with this application explains that alternative sites have not been considered. Since the only alternative would be to provide another street works at the same location, but as this option would not comply with either National or Local Planning Policy this was immediately discounted.

CONCLUSIONS

The installation would be relatively well assimilated into the street scene given the position and height of existing trees and hedging in the locality. Other street furniture such as telegraph poles

and lamp posts will also ensure the structures do not appear as the only vertical structures in the area. It is, therefore, considered no materially adverse effects would result to visual amenities of the locality.

The equipment would be located adjacent to an area of public open space. The Code of Best Practices on mobile phone network development states "operators should bear in mind that there are certain locations where sensitive siting and design are of increased importance. These include public open spaces. Operators should, as far as is practicable, try to avoid such areas". The siting of the equipment does respect the area of open space being located on the edge of it and close to existing hedging. It would not therefore prevent or restrict use of the area for informal recreation.

The design and siting of the equipment is similar to other roadside installations in Elmer Road and is considered appropriate. The equipment would replace the existing mast and result in its relocation 3m to the east. The replacement structure would be 20cm wider where the antennas are located within the shroud and the height to the top of the pole would increase by 30cm. It is considered these increases in size would not result in a structure that is significantly bulkier or materially more pronounced or obtrusive in the street scene than the existing installation.

The sharing of the site precludes the provision of another mast in the locality and site sharing complies with government and local plan policy.

Owing to the statutory time period not expiring until 23rd September 2010 it is recommended that the decision is delegated to the Assistant Director Planning and Housing Strategy in consultation with the Chairman of Committee.

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

RECOMMENDATION

NO OBJECTION