

Recommendation Report for

REF NO: R/202/17/TEL

LOCATION: Adopted Grass verge
Claigmar Road
Rustington

PROPOSAL: Prior Notification for installation of a 15m monopole supporting 3No. antennas, 1No. equipment cabinet and ancillary development. Remove existing 2No. cabinets & 3No. antennas.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to installation of a light grey monopole measuring 15m high and an additional green colour cabinet measuring 1.65m high by 1.9m x 0.7m . All of the equipment would be constructed of steel. The cabinet and mast would be grey. The new equipment would cater for 2G, 3G and 4G coverage and accommodate sharing of the mast by 2 Operators Telefonica UK Ltd and Vodafone Ltd.

The application falls to be determined under the provisions of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended 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 of 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 06-11-2017.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Open verge with low walling behind

SITE CHARACTERISTICS

The site comprises a grass verge with a brown and grey colour cabinets and a brown colour

pole. The building to the rear of the site is a church.

CHARACTER OF LOCALITY

Town centre location adjacent to parade of shops to north east. Residential dwellings to east and flats above ground floor shops. Church and hall to west

RELEVANT SITE HISTORY

R/174/02/TEL	Prior notification for the erection of a 12.5 metre ultra slimline monopole with 3 no. panel antennas, 1 no. equipment cabinet and ancillary equipment.	No Further Actn 13-11-2002
R/38/05/TEL	Prior approval for the installation of a 15m slim line monopole with 3 shrouded antennas and an adjacent equipment cabinet.	Objection 16-03-2005
R/164/07/TEL	Prior approval for 12m monopole disguised as a telegraph pole with associated equipment cabin	Objection 27-07-2007
R/235/16/TEL	Application for prior notification for proposed telecommunications installation of a 12.50m Phase 5 Column and one equipment cabinet. As part of the works a nearby column and a cabinet will be removed.	No Objection 27-10-2016

REPRESENTATIONS

Representations received:

Rustington Parish Council

No Objection but wish consideration to be given to the following:

- 1) installation taking place after EE redundant mast and equipment is removed and in the same position
- 2) if the cabove is not possible the equipment is moved in a more northerly direction
- 3) the monopole is of a tree design if possible.

Comments on Representations received:

The agent's have reviewed the information submitted by the parish council and confirmed that the installation of the proposed monopole and associated equipment is likely to take place after the removal of the redundant EE pole. For technical reasons (unsuitable ground conditions), it is not possible to locate the proposed pole in exactly the same location as the redundant pole. However, the proposed pole has been relocated approx. 1m further north towards this location as indicated on the substitute plans. This has the benefit of keeping all the equipment closer together in this area and taking better advantage of the trees/screening from the trees immediately to the west.

A great deal of consideration has already gone into the siting and appearance of the

installation. Positioned off the main retail/commercial area and The Street to the north, this discreet location benefits from screening from the large Tesco express building to the east and mature trees behind Rustington Methodist Church to the west with largely community buildings to the south acting as a buffer to the residential properties beyond. Nearby trees provide a backdrop/screening.

Tree masts are not suitable in a street environment as they require a substantial pad foundation, which restricts deployment due to a physical lack of space and would also restrict access and use of the adopted highway to other statutory undertakers such as power and BT.

The proposed site has been designed in accordance with the Code of Best Practice. Given the existing EE telecommunications presence, the applicant has tried to co-locate the proposed as close as possible to the existing installation and replicate as far as is practicable the design and colouring of the adjacent existing installation. Other items of street furniture exist in the immediate area such as lamp posts, road signs and a CCTV pole which you would expect to see in a typical street scene. Tree masts can actually look more prominent (bulkier and not particularly tree like when viewed close up) if they are not utilised correctly and it is considered that even if it were possible, it would not be appropriate in this retail/commercial area, resulting in a far greater impact on the visual amenity.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

County Highways - The proposed new cabinets are sited within the Highway Boundary. The equipment does not appear to hinder pedestrian or vehicular visibility, pedestrians are not forced to re-route or walk into the road as a result of this positioning and the equipment will not obscure any Highway accesses. There are no concerns that the proposed would pose a severe threat to Highways Safety.

Comments on Consultation responses:

Comments noted and requested informative has been imposed.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7
DEV41

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

The Form of New Development
Telecommunications

TEL DM1 Telecommunications
D DM1 Aspects of Form and Design
Quality

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 taken 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 an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

There are not considered to be any policies in Rustington Neighbourhood Plan specifically relating to this type of development.

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 16 of the Town and Country Planning (General Permitted Development) Order 2015, 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, 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 report received with this application outlines a total of 10 alternative roof top and streetworks sites and explains why they were discounted. The proposal represents a replacement for the existing equipment on the roof of Tesco's on the opposite side of Claigmar Road, which for legal reasons cannot be upgraded by Vodafone. This new equipment would facilitate a site share in accordance with policy. There are no legal rights for Telefonica to utilise the established Tesco roof top site. The agents have concluded that there are no existing suitable and available telecommunications installations for the operator to share and there are no buildings available that can be utilised to operate equipment.

CONCLUSIONS

The Vodafone installation on the building at Sterling Parade consists of 3no. large grey antennas (Approx. 2m long) installed on wall mounted steel support poles (Approx. 4.5m long) as well as 2no. cabinets (One grey and one green) located behind bollards at ground level. The prospect of upgrading the equipment to facilitate site sharing at this installation has been fully explored as the first option in line with the Code of Best Practice. However, as there are no legal rights for Telefonica UK Limited to utilise the same site and it has not been possible to agree commercial terms with the Land owner, this existing telecommunications installation is not available for the operator to share. Inspectors at appeal have found that commercial considerations are a valid factor in determining what is reasonable when erecting antennas on another structure.

As a result, the proposed new installation is available and required to meet the operational needs of the Operators; to provide a suitable site sharing location for both Telefonica UK Limited and Vodafone Limited to provide high quality 2G, 3G and 4G coverage and capacity to the commercial centre and surrounding areas of Rustington in line with 4G Licence obligations.

The drawings provided in the application show a pole and cabinet which are to be removed as part of a recent upgrade to the equipment adjacent to the application site by EE. It is the responsibility of the Operator to remove their equipment and the Operator behind this application is not the same. There are no conditions on the earlier approval for the decommissioned equipment that could be pursued from an enforcement point of view so we would have no authority to seek removal. It is generally accepted as Code of Best Practice that equipment is removed when no longer required.

The replacement pole would be located on a grass verge along Clagmar Road where other street cabinets, poles, road signs and trees exist. The proposed replacement equipment would not look out of place or be visually prominent in the street scene. Trees and other vertical structures exist in the locality which would help to assimilate the mast in the street scene.

The proposal would therefore be acceptable in terms of visual amenity and it is recommended that no objections are raised to the siting and design of the equipment.

RECOMMENDATION

NO OBJECTION

- 1 **INFORMATIVE:** For the avoidance of doubt the approved details are the following substitute plans:
Proposed Site Plan 200 D, Location Maps 100D and Proposed Site Elevation 300 D.
- 2 **INFORMATIVE:**
Traffic Management
The applicant is advised to contact the Highway Licensing team (01243 642105) to discuss and agree any traffic management that may be required whilst the works are being undertaken