

Recommendation Report for

REF NO: R/55/12/TEL

LOCATION: Opposite 67 The Street
Rustington

PROPOSAL: Prior notification for the installation of a dark green Dslam 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 12th June 2012. The equipment is required to enable the applicant to Openreach to upgrade this telecommunication installation. The proposal involves the provision of 1no. replacement cabinet coloured dark green measuring .75m wide, .374m deep x 1.41m high.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Open area of pavement and verge with a bollard and tree.
CHARACTER OF LOCALITY	On edge of village centre. Mainly residential.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

None

CONSULTATIONS

Conservation Area Advisory Com
WSSC Local Development Divis.

Consultations responses received:

County Highways:
Awaited

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within the Built up Area Boundary
Within Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	AREA2	Conservation Areas
	DEV41	Telecommunications

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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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 and Conservation Areas is particularly sensitive. The site lies within the Rustington Conservation Area. 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.

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to the character and appearance of the Conservation Area.

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.

Where the site is located in a Conservation Area, Section 71(1) of the Planning Listed Buildings and Conservation Areas Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area.

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 NPPF, 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.

In this particular case since the proposal does not relate to an antenna on ICNIRP certificate is not necessary. The code of Best Practice refers specifically to RF fields produced by antenna.

(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 explains that no alternative sites have been considered. It is not considered necessary since this is a minor installation close to an existing cabinet.

CONCLUSIONS

Principle

Policy DEV41 has a presumption of granting planning permission for telecommunication apparatus subject to possible sharing of site 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 as it was preferable to site the cabinet near to that existing. This choice of location is therefore compliant with policy designed to avoid proliferation of new equipment sites throughout the District.

Visual Amenity

The apparatus has been sensitively designed so that the equipment would be coloured to assimilate into the verge and street scene. It is proposed to be located adjacent to other street furniture comprising a bollard. The impact on visual amenity and character of the locality would therefore be minimal and acceptable.

Impact on Conservation Area

Given the size and colour of the cabinet its provision within the existing verge area and close to other street furniture would have no adverse impact on the character or appearance of Conservation Area.

Summary

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

RECOMMENDATION

NO OBJECTION