

PLANNING COMMITTEE - Date:16 December 2015

Report of the Executive Head for Economic Development, Planning and Sustainability.

Ref: A2015/73045/TOW	WARD: A04 / CHEAM	Time Taken: 6 weeks, 6 days
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Site: Telecommunication Mast between rear of 4 Fieldsend Road and ST DUNSTANS HILL Cheam

Proposal: Prior notification to replace existing monopole with new 15 metre high monopole and provision of an additional equipment cabinet.

Applicant: H3G Ltd & EE Ltd

Agent: Mr James Nicol

Recommendation:**GRANT PRIOR APPROVAL SUBJECT TO NO OBJECTION FROM TRANSPORT FOR LONDON****Summary of reasons why proposal is acceptable:**

The proposed monopole and equipment cabinet is permitted development and satisfy the criteria as set out by virtue of Class A of Part 16 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 subject to the prior approval of the Local Planning Authority in respect to siting and appearance.

The proposed monopole and equipment cabinet would be of a similar size and appearance to the existing monopole and would not cause significant harm to the visual amenity of the surrounding area. National policy encourages the reuse and upgrade of existing monopoles and as such the siting including the appearance of the proposed monopole is considered acceptable.

Consequently the proposed replacement monopole and equipment cabinet are considered to be acceptable in terms of their siting and appearance and officers are recommending approval.

Reason for Report to Committee: More than ten objections have been received contrary to the officer's recommendation.**1.0 BACKGROUND****1.1 Site and Surroundings**

1.2 The site is the grass verge adjacent to the pavement on the public highway fronting St Dunstan's Hill, to the rear of 4 Fieldsend Road. Perrets Field is located on the east side of St Dunstan's Hill with the rear gardens of dwellings fronting Lumley Road and Fieldsend Road located to the west of the site. Due to the topography of the land a grass embankment is located between the site and the rear gardens of the dwellings fronting Lumley Road and Fieldsend Road, with the rear gardens and dwellings at an elevated ground level compared to the site.

1.3 The surrounding area is predominantly residential in nature, with parks and open space to the east of St Dunstan's Hill. St Dunstan's Hill is a red route under the authority of Transport for London.

1.4 **Site Specific LDF Designations**

- Archaeological Priority Area

1.5 **Relevant Planning History**

- 05/54099/TOW Erection of a telecommunications mast with antenna up to 14.7 metres in height with associated equipment cabinets was granted prior approval on 16/06/2005.
- 15/726350TOW Prior notification to replace existing monopole with new 15 metre high monopole and provision of an additional equipment cabinet was withdrawn on the 12/10/2015.

2.0 **APPLICATION PROPOSAL**

- 2.1 The application is for a prior notification to the Local Planning Authority for the replacement of the existing monopole with a new 15 metre high monopole and provision of an additional equipment cabinet.
- 2.2 This development is controlled by virtue of Class A of Part 16 of Schedule 2 of the General Permitted Development Order 2015. The condition A.3.(3) of the order states that 'before beginning the development, the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of the development.'
- 2.3 The proposed monopole would be 15 metres in height with a maximum diameter of 480 millimetres. The proposed monopole would be finished in green similar to the existing monopole. The proposed equipment cabinet would be 1.2 metres in length and 0.5 metres in width and approximately 1.4 metres in height above the ground floor level with a footprint of 0.6m² and a volume of 0.84m² and would be similar in appearance to the existing equipment cabinets.
- 2.4 The proposed monopole is to provide 4G coverage in addition to 2G and 3G coverage. The existing monopole only provides 2G and 3G coverage. The proposed cabinet would house the electronic equipment necessary to facilitate the 4G coverage. The applicant has submitted a statement that confirms that the proposal meets with the requirement of the International Commission on Non-Ionising Radiation Protection guidelines.

3.0 **PUBLICITY**

- 3.1 Eighty nine (89) adjoining neighbours were notified by way of letter dated the 9 November 2015 as well as a site notice posted within the vicinity of the area on the 9 November 2015. A further notification of the 89 adjoining neighbours took place with the letters dated the 24 November 2015 and another two site notices dated 24 November 2015. This second notification included the name of the applicant which was omitted from the first round of notification letters.

3.2 **Letters Received**

- 3.3 Fourteen letters of objection have been received from 2, 5, 6, 8, 16, 32 & 50 Fieldsend Road, 3, 10, 24, 36 & 44 Fromondes Road, 14 & 30 Lumley Road and 171 St Dunstan's Hill.
- 3.4 Two separate petitions were received objecting to the proposal, with 57 and 111 signatures respectively.

3.5 The material objection are as follows:

- The proposed development would adversely impact on the visual amenity of the area.

3.6 The non-material objections are as follows:

- No consultation was carried out advising of the application process on the existing monopole approved in 2005. Ref. 2005/54099/TOW.
- The plans do not show the dimensions of the proposed mast.
- The proposed mast would devalue house prices.
- The proposed mast could lead to potential health problems.
- The existing telecommunication monopole already has 4G capacity and the application is to give the mast extra capacity for profit.
- No information has been given regarding increased power output.

3.7 **Internal Consultations**

3.8 **The Senior Highways Engineer** – Raised no objection to the proposal stating that the proposed mast would not obstruct either pedestrian or vehicular movement or forward visibility.

3.9 **Environmental Health** – Raised no objection to the proposal.

3.10 **External Consultation**

3.11 **Transport for London** – No response was received at the time of writing. Any comments received will be reported orally or by way of addendum to the committee.

3.12 **Councillor Representations**

- None

4.0 **MATERIAL PLANNING POLICES**

4.1 National Planning Policy Framework (NPPF)

4.2 Class A of Part 16 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

4.3 Core Planning Strategy DPD

- BP12 Good Urban Design and Heritage

4.4 Site Development Policies DPD

- DM1 Character and Design
- DM3 Enhancing Street Scene and Public Realm

5.0 **PLANNING CONSIDERATIONS**

5.1 The National Planning Policy Framework (NPPF) gives policy guidance to Local Planning Authorities when assessing applications for telecommunications networks. In paragraph 42 it recognises the need for 'Advance, high quality communications infrastructure is essential for economic growth.' It goes further in paragraph 43 stating that local planning authorities 'should aim to keep the numbers of radio and telecommunications masts and sites for such installations to a minimum consistent

with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified.'

- 5.2 Paragraph 45 of the NPPF states that 'applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include: for an addition to an existing mast or base station a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on Non-Ionising Radiation Protection guidelines.' It should be noted that since the publication of the NPPF the General Permitted Development Order (GPDO) has been consolidated and amended and telecommunications falls under Part 16 of the General Permitted Development Order 2015.
- 5.3 As the proposal is for the replacement of an existing mast, which would use the same equipment cabinets along with additional cabinets needed to provide 4G capability, it is considered that justification regarding the use of the site, or evidence showing that the applicant has considered alternative sites is not applicable. The NPPF is clear that the number of radio and telecommunication masts and sites should be kept to a minimum and the reuse as well as the upgrading of the existing monopole is considered to be in line with national policy.
- 5.4 Paragraph 46 of the NPPF is clear on what constitutes the material planning considerations for Local Planning Authorities in relation to telecommunications applications. It states that 'Local Planning Authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guideline for public exposure.'
- 5.5 The application seeks the prior approval of the local planning authority as set out in paragraph A.3 of Part 16 of Schedule 2 of the GDPO. Subsection 3 states that 'before beginning the development, the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.'
- 5.6 Class A of Part 16 of Schedule 2 of the General Permitted Development Order 2015 states '**Permitted Development**'
- 'Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—
- (a) the installation, alteration or replacement of any electronic communications apparatus,
- (b) the use of land in an emergency for a period not exceeding six months to station and operate moveable telecommunication apparatus electronic communications apparatus required for the replacement of unserviceable telecommunication apparatus electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
- (c) development ancillary to radio equipment housing.

5.7 **Development not permitted**

Development not permitted: ground-based apparatus

A.1—(1) Development is not permitted by Class A(a) if—

(a) in the case of the installation of apparatus (other than on a building or other structure) the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;

(b) in the case of the alteration or replacement of apparatus already installed (other than on a building or other structure), the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater; or

(c) in the case of the alteration or replacement of an existing mast (other than on a building or other structure, on article 2(3) land or on any land which is, or is within, a site of special scientific interest)—

(i) the mast, excluding any antenna, would when altered or replaced—

(aa) exceed a height of 20 metres above ground level;

(bb) at any given height exceed the width of the existing mast at the same height by more than one third; or

(ii) where antenna support structures are altered or replaced, the combined width of the mast and any antenna support structures would exceed the combined width of the existing mast and any antenna support structures by more than one third.

5.8 The proposed mast would be 15 metres above ground level, and the equipment cabinet would have a footprint of 0.6m² and the total volume of the equipment cabinet would be approximately 0.84m³. As such the proposal complies with the criteria in subsections (a) & (b) as stated above.

5.9 Article 2(3) land is defined within the General Development Order 2015 as, a conservation area, an area of outstanding natural beauty, an area specified by the Secretary of State for purposes of section 41(3) of the Wild Life and Country Side Act 1981, the Broads, a National Park or a World Heritage Site. The site is not designated as Article 2(3) land or an area of special local interest and as such subsection (c) does not apply.

5.10 The elements of the proposal would satisfy all of the criteria in General Permitted Development Order 2015 as set out above. Notwithstanding this, the prior approval of the Local Planning Authority as to its siting and appearance would be required.

5.11 **Siting and Appearance**

5.12 The proposed monopole is of a similar height and width to the existing street lights and the existing monopole. Whilst it is acknowledged that the proposal would be visible from the dwellings fronting Lumley Road and Fieldsend Road the proposal would not significantly impact on the visual amenity of the area due to the similarity between the existing monopole and the proposal.

5.13 The proposed equipment cabinet would be visible from St Dunstan's Hill and would be similar in appearance to the existing cabinets. The cabinet would be similar to other electronic telecommunications cabinets found on the road network.

5.14 As such, the siting and appearance of the proposed monopole and associated equipment cabinet are considered acceptable and would not cause further harm to the character or appearance of the area.

6.0 **Conclusion and Recommendation**

6.1 The proposed replacement of an existing 14.7 metre monopole, with a 15 metre monopole and associated equipment cabinet are acceptable with regard to their appearance and given the existing situation, no objection has been received to its siting.

6.2 It is therefore recommended that prior approval be granted.

Background Papers: A2015/73045/TOW

Drawings and other documents can be viewed on line –

- 1) Go to page: <http://gis.sutton.gov.uk/FASTWEB/welcome.asp>
- 2) Enter Planning Application Number: **A2015/73045**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents



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WARNING: It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

FIRST SCHEDULE

Telecommunication Mast between rear of 4 Fieldsend Road and ST DUNSTANS HILL Cheam

Prior notification to replace existing monopole with new 15 metre high monopole and provision of an additional equipment cabinet.

SECOND SCHEDULE

Prior Approval is required under the Town and Country Planning (General Permitted Development) (England) Order (2015), Schedule 2, Part 16, Class A to assess the impact of the development on the following:

Siting and appearance of the proposed development.

And is granted subject to the conditions below:

(1) The development must be begun not later than the expiration of five years beginning with the date hereof.

Reason: To comply with Section A.3. (10)(a) of Part 16 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: STN006-001 Rev. B, STN006-002 Rev. B, STN006-003 Rev. B, STN006-004 Rev. B & Supplementary Information Form dated October 2015.

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES.

(1) The submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission.

(2) The developer/applicant is hereby advised to remove all site notices on or near the site that were displayed in pursuant to the application.