

PLANNING APPLICATION REPORT

Case Officer: Jenny Draper

Parish: Dartington

Ward: Dartington and Staverton

Application No: 4325/17/PAT

Agent/Applicant:

Mr Craig Horn
Unit 2 - Charnwood House
Marsh Road
Ashton
Bristol
BS3 2NA

Applicant:

Vodafone
Vodafone House
The Connection
Newbury
Berks
RG14 2FN

Site Address: Highways land adjacent car park, Huxhams Cross to Shinners Bridge, Dartington, Devon, TQ9 6JD

Development: Application for prior notification of proposed development by telecommunications code systems operators for a 10 metre replica telegraph pole and 2 no. equipment cabinets

Reason item is being put before Committee: Councillor Hodgson has requested this application is considered by the Development Management Committee in view of the siting of of this mast and further to the previous decision to refuse a mast at this site.



Recommendation: Prior approval not required

**Informative
Accord with plans**

Key issues for consideration:

The application is a prior notification under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of communications equipment. The case officer is required to consider whether prior approval is required for the siting and appearance of the development.

Site Description:

The site for the mast and equipment cabinets is a grass verge, owned by Devon County Council Highways, located just off the A384 slightly to the north of Shinnars Bridge. To the east of the site is the road and then the car park for the Dartington Estate, in an elevated position behind a high hedge. To the north is the A384 and roundabout. To the west is a public car park and tennis courts.

The Proposal:

The application seeks a determination as to whether prior approval is required for a proposed telecommunications development by a Code Systems Operator and will be considered under Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal is to erect a replica telegraph pole and 2 equipment cabinets adjacent to the highway in Dartington. The mast will be 10 metres high and the two cabinets total 1.44 cubic meters. Drawing No.100 shows a 43m x 2.4m visibility splay has been plotted for the side road access to the primary school and car park demonstrating the equipment, which is 1.7m high, shall not impede the visibility for the roundabout. The above provided visibility splay caters for the 30mph conditions.

The proposed works are stated to be required as part of the Telecommunications Network.

Consultations:

These applications do not require consultations to be made.

Representations:

A site notice was posted on site in accordance with the requirements of The Town & Country Planning (General Permitted Development) (England) (Amendment) (No2) Order 2016 and three letters of objection from local residents raising the following concerns have been received:

- Out of keeping
- Dominant feature
- Impact on Trees
- Unknown detriment to an individuals' health
- Should be located within Webbers Yard Industrial estate
- No consultation with local schools and businesses

Dartington Parish Council were sent notification of the application and have chosen to comment:

Object on the following grounds: this is a retrospective application as work for the equipment cabinets has already been started; there are schools in the vicinity that have not been consulted; there is potential damage to the oak tree roots close by; the site has been misrepresented by the drawings which indicate that the mast is hidden by trees whereas the trees are some distance away.

In response to the concerns raised by Dartington Parish Council the following points are made:

- Underground works are permitted development and do not require planning permission.
- Letters to both Dartington Primary School and Brook School were sent on 21/08/2017 and a further pre-application letter with the amended plans was sent on 30/11/2017. Copies of these communications have been received by the Local Planning Authority 26th January 2018. No response from these communications have been received from either school by the applicant and no letters of objection from the schools have been received as part of this application.
- The mast is finished to look like a telegraph pole, with no additional antennae or dishes, and the reduced height of 10m is more in keeping with the existing street furniture.

Relevant Planning History

3137/17/PAT - Prior notification for proposed development by telecommunications code system operator for 15m replica telegraph pole, 2no microwave dishes and 2no equipment cabinets – Refused 14/11/17

ANALYSIS

The application requires the Local Planning Authority to determine whether the proposed works constitute permitted development under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Based on the information submitted the proposal satisfies the general criteria in Part 16.

Schedule 2, Part 16, Class A.3 (4) says that before commencing development, the developer should 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 proposed development. Planning officers are satisfied that the proposed development would sit reasonably comfortably within its context.

This application has been submitted following the recent refusal of 3137/17/PAT for the erection of a 15m replica telegraph pole, 2no microwave dishes and 2no equipment cabinets.

This application proposes a reduction in the height of the mast to 10m with no additional dishes (antennae) attached and two equipment cabinets.

With regards to the justification for the proposed height, it is stated within the supporting statement that the height has been kept to its technical minimum which will enable good coverage to the target area. The permitted development legislation allows for ground based apparatus (excluding antenna) up to a height of 25m in undesignated areas, so this proposal is some 15m below that at a height of 10m and at this height the visual impact in this instance is not considered to be so significant that a reason of refusal could be justified or sustained at appeal.

The drawings show that the proposed mast is slim line in appearance and will have a similar appearance to existing street lighting columns and telegraph poles located in the area. The mast and cabinets will be sighted close to a large totem road sign on the same grass verge.

The submission includes a list of alternative sites which were considered and the reasons why they were not chosen.

The application has attracted 3 letters of public interest, part of which included raising objection to the proposal on the grounds of concerns relating to health. Paragraphs 45 and 46 of the National Planning Policy Framework states: -

“45. 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:

- the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone surrounding an aerodrome or technical site*
- 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-ironising radiation protection guidelines*
- for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met*

*46. 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 guidelines for public exposure.**”*

The application submission includes a Declaration of Conformity with the International Commission on Non-Ironising Radiation Public Exposure Guidelines (also referred to as an “ICNIRP Declaration”). On this basis the proposal complies with the above NPPF requirement in respect of public health, and refusal of the application on these grounds could not be substantiated at an appeal.

Within the submitted supplementary information, section 5, is a list of 21 different sites that have been considered and investigated prior to this application, with the reasons that they were not suitable.

On the basis of the above it is considered that the proposed development is permitted development under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and prior approval is not required.

This application has been considered in accordance with Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Planning Policy

The application requires an assessment of whether the proposed development is “permitted development”. It is therefore not necessary to consider the planning merits of the application in relation to the Development Plan. The proposal is considered to comply with paragraphs 42-46 of the NPPF (Supporting high quality communications infrastructure).

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.