

10. 15/0899/PDNT Permitted Development Notice Telecommunications: Replacement of existing 12.5m pole with a new 15m high street works pole supporting 6 no antennas and the installation of 1 new cabinet and ancillary works at COMMUNICATIONS SITE ADJOINING 191 BALDWINS LANE, CROXLEY GREEN, HERTFORDSHIRE for CTIL and Vodaphone Limited (DCES)

Parish: Croxley Green
Expiry Statutory Period: 26.06.2015

Ward: Croxley Green
Officer: Claire Wilson

Recommendation: Object to the siting and appearance of the development

Reason for consideration by the Committee: Called in by 3 Members of the Planning Committee and Croxley Green Parish Council

1. Relevant Planning History

- 1.1 11/0634/PDNTG: Removal of 10.56 metre H3G street pole and equipment cabinet. Replacement with 12.5 metre O2/Vodafone street pole and equipment cabinet. Development ancillary thereto. No objection raised.
- 1.2 13/0819/PDNT: Permitted Development Notice Telecommunications: Replacement 12.5m mast 2 radio equipment cabinets. Application withdrawn.

2. Site Description

- 2.1 The application site consists of two highway verges located between the footpath and the adjacent carriageway on Baldwins Lane, a residential street in Croxley Green. The verges are located immediately to the east of the junction with Lancing Way. The existing verge directly forward of 191 Baldwins Lane (a two storey detached dwelling) currently contains an existing tree and telecommunications equipment including a 12.5m high O2/Vodafone street pole, an equipment cabinet and 8m high telegraph pole. In addition, there is an existing equipment cabinet located forward of No.189 Baldwins Lane.
- 2.2 The vicinity is residential in character consisting of a mix of dwellings of varying architectural design. It is noted that there are other equipment cabinets located within Baldwins Lane.

3. Description of Proposed Development

- 3.1 The proposed development does not require express planning permission as it constitutes permitted development under the Town and Country Planning (General Permitted Development Order) 2015. However, operators must complete a 56 day prior approval procedure. The Council has determined that prior approval for the siting and appearance of the proposed development is required.
- 3.2 The proposed development would involve the removal of the existing 12.5m high street pole, supporting 3 antennas and its replacement with a 15m high pole supporting 6 antennas (2 stacks of 3 antennas). The pole would occupy a similar position approximately 0.5m set back from the adjoining highway. It would be the same colour (grey) as the existing.
- 3.3 In addition, the applicant is seeking to provide one additional equipment cabinet located forward of No.187 Baldwins Lane. This would have a width of 1.9m, a depth of 0.8m and a height of 1.6m. This would be green in colour.

New cabinet will restrict visibility of oncoming traffic further - already virtually impossible to reverse from the driveway.

Junction with Lancing Way and Baldwins Lane already has a restricted view when turning right. An extra cabinet will make things worse- there have been at least two serious incidents at the junction.

Croxley Green is a village, this type of development is not in keeping with the surrounding area.

Existing mast should be removed.

Overpower adjacent houses and trees.

Other masts on lamp posts on Baldwins Lane- could one of those be extended slightly rather than extending the already tallest one.

Current 12.5m high poled and cabinets are at times a noise problem.

Not convinced the transmitters are safe so close to occupied buildings.

5. **Reason for Delay**

5.1 No delay

6. **Relevant Planning Policy, Guidance and Legislation**

6.1 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

6.2 The Three Rivers Local Plan is currently being drawn up. The Core Strategy was adopted on 17 October 2011 after the Inspector concluded that it was sound following Examination in Public which took place in June 2011. Relevant policies of the adopted Core Strategy include CP1, CP9, CP10 and CP12.

6.3 The Development Management Policies Local Development Document (LDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies of the adopted Development Management Policies LDD include DM6, DM7 and DM14.

6.4 The Localism Act received Royal Assent on 17 November 2011. The Growth and Infrastructure Act received Royal Assent on 25 April 2013.

6.5 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7. **Planning Analysis**

7.1 The National Planning Policy Framework (NPPF) sets out that advanced, high quality communications infrastructure is essential for sustainable economic growth and the development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Applications for telecommunications

development (including for prior approval) should be supported by the necessary evidence to justify the proposed development which should include the outcome of consultations with relevant organisations with an interest in the proposed development; 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; or 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.

7.2 Paragraph 46 of the NPPF advises 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 guidelines for public exposure”.

7.3 Policy DM14 of the Development Management Policies LDD (adopted July 2013) sets out that proposals for the installation of telecommunications equipment should:

- i) Have no significant adverse effect on the external appearance of the building on which, or space in which, they are located
- ii) Preserve or enhance the special character and appearance of all heritage assets
- iii) Fully explore the possibility of sharing facilities, such as masts, cabinet boxes and satellite dishes, and erecting antennae on existing buildings or other structures
- iv) Fully explore technologies to miniaturise and camouflage any telecommunications apparatus
- v) Not impede free and safe flow of highway users
- vi) Be appropriately designed, coloured and landscaped to take account of their setting; and
- vii) Have no significant adverse impact on the visual amenities of neighbouring occupiers.

7.4 It is acknowledged that the site has been previously deemed suitable for the provision of telecommunications equipment and it is noted that the proposed pole would occupy a similar location to that of the existing pole. However, the existing pole is already considered relatively prominent by reason of its height. At 12.5m in height, the existing pole is already higher than other street furniture in the vicinity and significantly higher than the ridge height of the immediately adjacent two storey dwellings. As such, it is already a significant feature when viewed from neighbouring dwellings, and from public vantage points within Lancing Way and Baldwins Lane. The prominence of the existing pole is particularly apparent when approaching the site from the west. As such, the proposal to increase the height by a further 2.5m to 15m would further exacerbate this situation to an unacceptable degree and would increase the potential for increased long range views, particularly from the west, and also from other residential roads within the area. This would be detrimental to the residential amenities of neighbouring properties, and the visual amenities of Baldwins Lane and the wider vicinity, contrary to Policy DM14 of the Development Management Policies LDD.

7.5 Policy D1M4 of the Development Management Policies LDD also sets out that applicants should explore technologies to miniaturise and camouflage any

telecommunications apparatus and to ensure that apparatus is appropriately designed, coloured and landscaped to take into account their setting. In this case, the proposal would increase the number of antennas from 3 arranged back to back, to 6 resulting in the antennas being stacked, thereby increasing the height of the structure relative to existing. The applicant has stated that the proposed height of 15m is *the 'lowest at which the technical objective of the site can be achieved'*. Whilst the above is acknowledged, it is considered that the proposed design would further exacerbate the prominence and upper bulk of the structure to an unacceptable degree and would also fail to camouflage the increased number of antennas. It is considered that the design and height of the structure would appear incongruous in a predominately residential area. Whilst it is acknowledged that the applicants are proposing to upgrade an existing telecommunications site (rather than creating an additional one) and are two providers sharing facilities, this would not outweigh the harm caused by the visual prominence of the development.

- 7.6 In addition to the replacement pole, the applicant is proposing the provision of a further equipment cabinet which would be sited forward of No.187 Baldwins Lane. The proposed cabinet would have a height of 1.6m and the documents submitted with the application specify that this would be green in colour. When viewed in isolation, the design of the cabinet is not necessarily considered harmful. However, when viewed against the backdrop of the existing telecommunications equipment, it is considered that this would introduce further visual clutter which would be detrimental to the visual amenities of the streetscene in this residential area.
- 7.7 Proposals for telecommunications equipment should not impede the free or safe flow of traffic. With regard to the siting and appearance of the pole, the Highways Officer has commented that the position would be vulnerable to conflict with any errant vehicle approaching the junction with Lancing Way and that a greater clearance from the highway would be required. In the case of the current proposal, a minimum clearance of 0.8m would be required (0.5m is illustrated on plan). In addition, the additional equipment cabinet would introduce an obstruction to visibility for the driver of a vehicle emerging from the driveway of No.189 Baldwins Lane. The visibility behind the existing cabinet would be obstructed which would be detrimental for any user of the highway reversing from this access. It is therefore considered that the proposed development would cause traffic movements which would be detrimental to the safe flow of traffic on the adjacent highway, contrary to Policy D1M4 of the Development Management Policies LDD. With regard to safety concerns relating to the existing site, the Highways Officer has advised that there have been no Personal Injury Collisions recorded at or close to the junction of Baldwins Lane and Lancing Way during the last 5 full calendar years. However, it is noted that damage only collisions are not recorded on the database as it is based on information provided by police called to the scene.
- 7.8 With regard to any health concerns in relation to telecommunications development, it is noted that an ICNIRP declaration has been submitted with the application certifying that International Commission standards on non-ionising radiation would be met. This is in accordance with the requirements of the NPPF and there are not considered grounds for objection in this regard.
- 7.9 Officers are also mindful of a previous application (11/1968/PDNTG) for the installation of a 12.5 metre street furniture pole containing 6 antennas, an equipment cabinet, a meter cabinet and ancillary equipment at Gallows Hill Lane, Abbots Langley which was objected to on grounds including that;

“The proposed development, by virtue of its siting within 300 metres of two primary schools, a school for children and young people with profound and multiple learning difficulties and a large playground and playing fields and its location on a designated ‘Safer Route to School’, would be contrary to the precautionary approach set out in the Stewart Report”.

- 7.10 It should be noted that an appeal was lodged in relation to the above objection and the Planning Inspector did not dismiss the appeal on health grounds stating at paragraph 8 of their decision that;

“With regard to concerns about possible health risks, national policy provided by paragraph 46 of the Framework suggests that if a proposed mast or base station meets International Commission guidelines for public exposure it should not be necessary to determine further health safeguards. The appellants have submitted evidence that demonstrates that the proposed equipment would comply with the International Commission on non-ionising radiation protection (ICNRP) guidelines”.

- 7.11 The Inspector also granted an award of costs against the LPA as they did not find that the evidence provided a respectable basis for this reason for refusal.

- 7.12 In summary, it is considered that an objection should be raised to the siting and appearance of the proposed replacement pole and additional equipment cabinet. The proposed pole by reason of its siting, height and design would be a prominent and obtrusive feature within the landscape detrimental to the character and appearance of the area and the visual amenities of surrounding properties. The proposed cabinet would further exacerbate the harm of the development by introducing more visual clutter onto the highway verge. In addition, the replacement pole and equipment cabinet by reason of its siting and design would cause traffic movements which would be detrimental to the safe flow of traffic on the adjacent highway, contrary to Policy DM14 of the Development Management Policies LDD.

8. Recommendation

- 8.1 That the decision be delegated to the Director of Community and Environmental Services to consider any further representations received and that AN OBJECTION SHOULD BE RAISED for the following reasons:

R1 *The proposed pole by reason of its increased height, scale and design would be a visually prominent and obtrusive form of development which would be detrimental to the visual amenities of neighbouring properties and to the character and appearance of Baldwins Lane and the wider area. Furthermore, the additional cabinet by reason of its siting would introduce further visual clutter to the highway verge to the detriment of the character and appearance of Baldwins Lane. This would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM14 of the Development Management Policies LDD.*

R2 *The proposed pole and equipment cabinet by reason of their siting and design would cause traffic movements which would be detrimental to the safe flow of traffic on the adjacent highway, contrary to Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM14 of the Development Management Policies LDD (adopted July 2013)*

8.2 Informatives

- I1 The Local Planning Authority has been positive and proactive in

considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in paragraph 188 of the NPPF. The applicant did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.