

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 19/04063/FULL1

Ward:
Kelsey And Eden Park

Address : Land Opposite 211 Village Way,
Beckenham

Objections: Yes

OS Grid Ref: E: 537175 N: 168348

Applicant : CTIL _ VF

Description of Development:

Proposed telecommunications upgrade to replace the existing 12.5 pole including shrouded antennas with a 12.5m pole including shrouded antennas. Install 1no. equipment cabinet and ancillary works

Key designations:

Smoke Control SCA 18

Proposal

The application seeks for a telecommunications upgrade to replace the existing 12.5m pole including shrouded antennas, with a 12.5m pole including shrouded antennas. It also proposes the installation of 1no. Equipment cabinet and ancillary works

The application was supported by the following documents

- Declaration of conformity with ICNIRP
- Supplementary Information statement
- General background information for telecommunications development,

Location and Key Constraints

The site is located on the pavement on the western side of Village Way, close to the junction with Stone Park Avenue. Immediately adjacent to the site is Crease Park, an area of large Urban Open Space. There are a number of trees situated along the pavement and within the adjacent park.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

Environmental Health Pollution Officer: No comments

Highways Officer: I do not have any objection to proposed telecommunications upgrade as it is not obstructing the footway of the sightlines of motorist driving on Village Way.

Considerations

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

Draft New London Plan

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. These factors affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations

The National Planning Policy Framework

Chapter 10 of the NPPF refers to "Supporting high quality communications." Para 116 states: "Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure."

London Plan 2015

Paragraphs 1.38 - 1.41 of the London Plan relate to the need to ensure the infrastructure to support growth within London, referring to the strategic importance of providing adequate infrastructure, including modern communications networks.

Chapter 4 of the London Plan includes the strategic objective in Policy 4.11 of "encouraging a connected economy." The policy itself states that the Mayor, GLA and all other strategic agencies should facilitate the delivery of an ICT network to ensure suitable and adequate network coverage across London which will include "well designed and located street-based apparatus."

Manual for the Streets (2007)

The Manual for the Streets provides guidance about the design, construction, adoption and maintenance of streets and includes advice regarding the minimum width of pavements. At paras. 6.3.22 and 6.3.23 it states: "The minimum unobstructed width for pedestrians should generally be 2m," noting that it is noted that in streets where people walk in groups, or near schools and shops, wider footways may be needed.

Bromley Local Plan

32 Road Safety
36 Safeguarding Land for Transport Improvements
37 General Design of Development
89 Telecommunications Development

Planning History

15/05649/TELCOM - Installation of 12.5m high telecommunications pole and associated development including a cabinet at ground level. Consultation by Telefonica LTD and Vodafone Ltd regarding the need for approval for siting and appearance. Refused but subsequently allowed on appeal.

18/03196/TELCOM - Proposed Hutchinson 12.5m Single Stack Elara pole on new root foundation and associated ancillary works (CONSULTATION REGARDING THE NEED FOR APPROVAL OF SITING AND APPEARANCE)

Considerations

The main issues to be considered in respect of this application are the effect it would have on the character of the area, the impact it would have on the amenities of the occupants of surrounding residential properties and the impact it would have on highways safety.

Impact on the character of the area

Policy 37 of the Bromley Local Plan relates to the general design of development. It requires that all development proposals will be expected to be of a high standard of design and layout and inter alia, should positively contribute to the existing street scene and/or landscape features.

Policy 89 relates specifically to telecommunication development and in relation to visual impact the criteria (e), (f) and (g) are of particular relevance. Regard should be had to resulting in the least visual impact. Any adverse impact on the character, appearance and amenity of an area should be minimised and the design, siting and landscaping of the development should minimise the visual impact of the development. Screening by trees or other landscaping will be required where appropriate.

Policy 4.11 of the London Plan encourages a connected economy and seeks to facilitate the provision and delivery of information and communications technology. In addition the NPPF states that 'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology'.

It is noted that an application for prior approval was refused under ref: 15/05649/TELCOM for the existing development at this location. This also included the erection of a 12.5m high Telegraph Pole and associated cabinets. However, that application was subsequently allowed on appeal. At the time of that appeal the Inspector observed 'the pole and single equipment cabinet would be sited near to the front of a wide footway adjoining Crease Park. There is a Laurel hedge and railings bounding the boundary, which has a significant number of tall trees within in. The park slopes upwards towards Village Way but views of the pole from the park would for the most part be screened, or in winter months diffused by trees. The equipment box would be screened from the park by the dense hedge.

The current proposal is to upgrade the existing mono pole. Its height would remain the same as the existing version, at 12.5m, but this pole will be larger in diameter and this would also widen further at the top of the pole. This would allow for the inclusion of a shrouded antenna. A side cabinet will be linked to the existing cabinet. The application indicates that the pole will be painted brown, but the applicant has confirmed that they are in happy to use a green paint and that RAL6009 Fir Green is acceptable.

From the street, the pole and cabinet would continue to be viewed against the backdrop of the hedge and park trees, and in the context of street trees and street

furniture including lighting poles, telegraph poles, bus shelters and existing cabinets. The agent has confirmed that the side pod cabinet and pole can be painted green in order to blend with the trees/hedges behind the development. Whilst clearly visible from the footway, it would not appear as an unusual feature in the street scene and would be screened at times by parked vehicles.

The pole would be close to and aligned with a tall tree just within the park boundary and would be seen against this backdrop. Whilst the upgraded structure will be wider, it would be the same height as the existing arrangement. This change in circumference would be more pronounced and visible from wider vantage points. However, the appeal decision has already established the acceptability of the tall telecommunication mast in this location.

Similar to the existing development, the proposal would continue to be viewed against the backdrop of the hedges and trees, and also in the context of street trees and street furniture.

Therefore, it is not considered that it would be significantly out of character. In addition, overarching strategic policies in both the NPPF and London Plan encourage the improvement and expansions of telecommunications infrastructure, and significant weight is attributed to improvements to the network. The supporting information indicates that this specific proposal forms part of a wider program of network expansion for Telefonica O2 limited and Vodafone across Beckenham. Specifically, this proposal seeks to enhance coverage levels and network capacity within the BR3 area.

Therefore, whilst there would be some impact on the wider streetscene as a result of the wider pole, it is not considered that it would be significantly incongruous given the backdrop of trees and presence of existing mast, which was established as being acceptable at appeal. The harm to the streetscene is therefore considered to be limited and when taking into account the improvements in the telecommunications network which has wider public benefits of increased coverage, the proposal is considered to be on balance acceptable.

Impact on residential amenity

Given the siting of the pole and cabinets it is considered that is sufficient separation distance to nearby residents to prevent any significant harm to their visual amenities.

The applicant has certified that the proposed development would meet the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure. Government guidance is that in these circumstances it should not be necessary to consider further the health aspects and concerns about them.

Impact on Highways

The proposed mast and cabinets at sited close to the edge of a footway and a large area of paved footway would remain. No objections have been raised by the

Council's highways officer in respect of pedestrian or highway safety. Therefore, no concerns are raised regarding the impact on highway safety.

Conclusion

Having had regard to the above it was considered that the siting and design of the proposed development are acceptable in that it would not result in unacceptable harm to the amenities of the area and there would be no harm to pedestrian or vehicular safety.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 3 Before the operation of the development hereby permitted the mast shall be painted in Green-RAL6009. Thereafter the facility shall be retained in that colour and kept free of graffiti.**

Reason: In the interest of the visual amenities of the area and to accord with Policies 37 and 89 of the Bromley Local Plan.

- 4 Any telecommunications equipment hereby permitted which subsequently becomes redundant shall be removed from the site within a period of 2 months and the land shall be reinstated to its former condition.**

Reason: In the interest of the visual amenities of the area and to accord with Policy 89 of the Bromley Local Plan.