

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

Application No : 20/00007/FULL5

Ward:
Chislehurst

Address : Land Rear Of 65 Clarendon Way
Leesons Hill Chislehurst Road

Objections: Yes

OS Grid Ref: E: 546072 N: 168676

Applicant : Cornerstone And Vodaphone Ltd

Description of Development:

Replacement of existing 10.7m high monopole with a 12.5m high monopole supporting 6No. antennae within a shroud, and additional cabinets at ground floor level

Key designations:

Adj Area of Special Res. Character
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London Distributor Roads
Smoke Control SCA 17

Proposal

The application seeks permission for the replacement of the existing 10.7m high monopole with a 12.5m high monopole supporting 6No. antennae within a shroud, and additional cabinets at ground floor level.

The application was supported by the following documents;

- Supplementary Information Document
- Declaration of Conformity with ICNIRP
- Radio Planning and Propagation Document
- Ministry for Housing, Communities & Local Government - Collaborating for digital connectivity document.
- General Background Information for Telecommunications Development document.
- Cornerstone Community Information Sheet.
- Appeal Decision (APP/L17765/W/18/3197522 - Land at junction of Andover Road and Athelsan Road, Winchester).

Location and Key Constraints

The application site is located to the southern edge of Leesons Hill to the footpath behind 65 Clarendon Way and near to the junction of Sunnyfield Road.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and the following representations were received;

- Proposed equipment due to its height, siting and design is already an obtrusive and highly prominent feature in the streetscene, out of character and detrimental to the visual and residential amenities of the surrounding area.
- The proposed equipment due to its height, siting and design already prejudices the visual amenities of the area.
- Planning Inspector for application at No/83 Clarendon Way (D J Mumford BA MRTPI - APP/G5180/A/01/1058718) considered a garden fronting Leasons Hill would spoil the area, so surely a taller mast and additional cabinets would do so too.
- The present mast and cabinets are eyesores enough.
- Two previous refusals for an increase in height to 12.5m.
- Between 2010 and 2013 the 9.5m high mast was inexplicably replaced by a 10m high mast, before permission was given for the present 10.7m mast.

Comments from Consultees

Environmental Health Pollution Officer: No comments / objections.

Highways Officer: Sightlines would not be obstructed by the current proposal and thus there are no objections from the highway point of view.

Policy Context

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

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."

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. Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

London Plan

4.11 Encouraging a connected economy

Draft London Plan

SI 6 Digital Connectivity Infrastructure

Bromley Local Plan (2019):

32 Road Safety

37 General Design of Development

89 Telecommunications Development

Planning History

The relevant planning history relating to the application site is summarised as follows:

The installation of an 8m high telecommunication pole with a further antenna was refused under application ref. 05/02423/TELCOM, which was allowed on appeal and also later approved under application ref. 08/02125/TELCOM.

Two applications for the replacement of a 9.5m pole and equipment with a 12.5m high pole were refused under applications refs. 10/00752/TELCOM and 10/02986/TELCOM on the grounds that firstly:

"The proposed equipment due to its height, siting and design would be an obtrusive and highly prominent feature in the street scene, out of character and detrimental to the visual and residential amenities of the surrounding area contrary to Policies BE1 and BE22 of the Unitary Development Plan."

And latterly:

1. "The proposed equipment due to its height, siting and design would be an obtrusive and highly prominent feature in the street scene, out of character and detrimental to the visual and residential amenities of the surrounding area contrary to Policies BE1 and BE22 of the Unitary Development Plan."

2. "The proposed equipment due to its height, siting and design would prejudice the retention and well-being of the adjacent mature cherry tree, which makes a significant contribution to the visual amenities of the area contrary to Policies BE1 and NE7 of the Unitary Development Plan."

Under reference 13/03776 the siting and appearance of the existing 10.7m pole with 1 cabinet was approved.

Most recently, reference 18/04661/FULL:5 was refused permission for a 15m high mast on the following grounds;

1. The proposed equipment due to its height, siting and design would be an obtrusive and highly prominent feature in the street scene, out of character and detrimental to the visual and residential amenities of the surrounding area contrary to Policies BE1 and BE22 of the Unitary Development Plan

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Principle
- Impact on Character of Area
- Impact on Residential Amenity

Resubmission

The application is a resubmission following the refusal of application ref: 18/04661/FULL5 which sought permission for the installation of a 15m high mast. The application was refused on the following grounds;

1. The proposed equipment due to its height, siting and design would be an obtrusive and highly prominent feature in the street scene, out of character and

detrimental to the visual and residential amenities of the surrounding area contrary to Policies BE1 and BE22 of the Unitary Development Plan

The current application has reduced the height of the proposed mast by 2.5m from the previous proposal to have a maximum height of 12.5m, though it would have a similar design with a shroud at its top to host the antennae.

Principle of Siting and Impact on Character of the Area

Principle

The application site has been the subject of previous applications which originally established the principle of the siting (05/02423/TELCOM allowed on appeal) and then a subsequently permitted increase in height to 10.7m (ref: 13/03776/TELCOM). The site therefore features existing telecommunications equipment, and the supplementary information states that its continued use would provide the optimum solution given that the site has to fit into an existing network.

It is therefore considered an upgrade to the site and its continued use for telecommunications equipment would be acceptable in principle

However it is noted that there are also several previously refused applications relating to the site and therefore careful consideration is required to weight the public benefits of the proposal against any harm to the character of the area and residential amenity.

Previous applications for 12.5m high mast

The site has previously had two proposals (ref: 10/00752/TELCOM and 10/02986/TELCOM) for a 12.5m high mast of a similar design refused on the grounds that its height, siting and design would be an obtrusive and highly prominent feature in the street scene, out of character and detrimental to the visual and residential amenities.

The previous refusals for a mast of a similar height and design are noted, and whilst it may be considered the proposed mast would have a similar level of harm, additional weight must be given in this instance to the resulting public benefit.

Changes to Planning Policy

These previous refusals form a material consideration for the current application however these applications were determined 10 years ago under different policies. The NPPF (2019), London Plan (2016) and Bromley Local Plan (2019) have all been adopted since, with the 'Intend to Publish' version of the new London Plan also published in December 2019.

The current application is required to be assessed against current policies, including the below;

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'.

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 of the Bromley Local Plan 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.

Justification of Design of the Mast

The supplementary information outlines that site upgrades such as network consolidation between Vodafone and Telefonica and/ or to facilitate 5G technologies within sites shared by two operators require a dual stack structure. If the mast were not increased in height, the lower antennas would be lower than they are originally, resulting in a reduced coverage.

It is therefore noted that the implementation of this upgrade would result in necessary alterations to the design and increase in the height telecommunications equipment compared to previous / existing equipment in order to provide an improved public benefit, particularly when providing a mast sharing site which ensures the number of sites for such installations are kept to a minimum in line with the NPPF.

Consideration of Design and Impact on Character of the Area

The site has been used for telecommunications development since 2006 following the original appeal decision, with the existing mast has been in situ for approx. 6 years, and therefore it can be considered the equipment has become an established part of the existing streetscene.

From visiting the site, it is considered that the existing mast does not appear overly prominent when viewed from Leasons Hill itself given that it is well screened by vegetation, though it would appear more prominent from some angles / views from Sunnyfield Road and from rear gardens of properties on Clarendon Way.

The increase in height of 1.8m from the existing mast is not considered overly excessive and the resulting height would not be significantly higher than the adjacent trees. The bulbous design of the shroud would increase the width of the

mast at its highest point to 0.58m, though the middle section would retain the same with as the existing mast (0.324m) with the lowest 2m would have a marginal increase to 0.35m for technical reasons.

The proposed mast would increase the impact above that which already exists and would result in a similar overall impact to that previously refused in 2010.

However, it would upgrade an existing site and its siting adjacent to trees would be considered to minimise the visual impact of the development, which are both encouraged by the NPPF and Policy 89 of the Bromley Local Plan.

Weight given to public benefit

Furthermore, when assessing the impact of telecommunications development it is important to weigh any resulting harm against the public benefits of the proposal.

An improved connectivity is encouraged by the NPPF and London Plan, with the NPPF stating that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology.

The proposed development would allow for improved 2G & 3G coverage, as well as the provision of a 4G service which would further improve connectivity whilst maintaining the existing coverage levels.

As such, the proposed telecommunications equipment would be considered to have a significant public benefit compared to that provided by the existing mast.

It is further noted that this proposal would provide a significant additional public benefit compared to the proposals previously refused in 2010 given that it would improve 2G and 3G as well as introducing 4G coverage - something not provided within the 2010 applications. Therefore, the weight given to the public benefit as part of this application would be significantly higher compared to that given to it in 2010.

Summary of Mast

Having consideration to the changes in planning policy and the technological reasons demonstrated regarding the need for the proposed height and design, it is considered that the weight attributed to the benefits of the proposed telecommunications equipment would be materially different to the previously refused applications in 2010.

The replacement mast would provide an enhanced benefit above those previously considered on the site given that it would maintain the existing coverage area whilst improving connectivity through an improved 2G and 3G service as well as the addition of 4G.

Furthermore, the mast has been reduced by 2.5m in height from the most recent application (ref: 18/04661/FULL5). This reduction in height would ensure that it would not appear excessively higher than surrounding vegetation and would limit

its additional impact with the streetscene compared to the existing mast. It is considered that the reduction in height from the most recent application would be sufficient to overcome the concerns raised within that application.

It is recommended for a condition to be added to ensure that the mast would be painted brown which set against the trees would allow the installation to blend into the background and lessen any visual impact.

Subject to this condition, it is considered on balance that the public benefits of the proposed mast would outweigh any additional level of harm caused to the character of the area by the proposed height and design of the equipment.

Equipment Cabinets

The development would include the addition of 2 equipment cabinets resulting in 5 in total. This would be one less than the previous application, with 2 cabinets move to the east of the mast. Any resulting harm from the additional cabinets is not considered sufficient to warrant a refusal of the application on these grounds, and it is noted that additional cabinets relating to existing telecommunications masts would not usually planning permission.

It is recommended for a condition to be added to ensure that the cabinets would be painted in avocado (BS4800, 12-B-25) which would allow the proposed cabinets to blend into the background and lessen any visual impact.

Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

With regards to the impact on residential amenity the mast would be sited a significant distance away from nearby properties, and given the surrounding established vegetation any impact would be further lessened.

It would appear more visible to some properties facing onto Clarendon Way when viewed from their rear (particularly the rear of their gardens). However, whilst it may result in an impact upon views from these residential properties, given the separation distance it is not considered that it would result in a significant or unacceptable loss of light, outlook or visual amenity to them, and any adverse impact would not be significant enough to warrant a refusal on these grounds.

With regards to the concerns raised over the impact on health, the application includes an ICNIRP certificate to confirm that the development would meet the guidelines of the 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. While the perception

of health risk is noted, in view of the conformity of the proposed installation with the Commission's standards, it is not considered that this concern would be founded.

Conclusion

The development of the electronic communications system and networks is supported by local, regional and national planning policies and guidance and it is noted that the proposal is intended to improve/upgrade telecommunications systems at this shared site.

Having had regard to the above, careful consideration has been given to the benefits of the proposed development against the identified harm to the area. On balance, it is considered that the resulting public benefit would outweigh any harm caused to the character of the area and visual amenities of the streetscene.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

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 siting and appearance of the mast shall be carried out in complete accordance with the submitted drawing(s) unless previously agreed in writing by the Local Planning Authority.**

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

- 3 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 order to comply with Policy 89 of the Bromley Local Plan and in the interest of the visual amenities of the area.

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

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

5 Before the operation of the development hereby permitted the equipment cabinets shall be painted avocado (BS4800, 12-B-25). Thereafter the facility shall be retained in that colour and kept free of graffiti.

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