

Committee Date	21 st April 2022	
Address	Public Car Park Adjacent To 3 High Street Chislehurst	
Application Number	22/00969/TELCOM	Officer - Lawrence Stannard
Ward	Chislehurst	
Proposal	Installation of 20m high monopole with 1No. wraparound cabinet, supporting 6No. antenna apertures & 2No. 600mm dishes; installation of 6No. cabinets; ancillary development there.	
Applicant	Agent	
MBNL MBNL	Miss Megan Palmar	
6th Floor Thames Tower Station Road Reading RG1 1LX	Rosemount House Rosemount Avenue West Byfleet KT14 6LB	
Reason for referral to committee	Outside Delegated Powers	Councillor call in Yes

RECOMMENDATION	Refuse Prior Approval
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<p>KEY DESIGNATIONS</p> <p>Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Chislehurst Conservation Area Retail Shopping Frontage Smoke Control SCA 16</p>
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Representation summary	<ul style="list-style-type: none"> • Neighbour notification letters were sent on the 9th March 2022. • A Site Notice was displayed on the 18th March • A Press Ad was published on the 9th March
Total number of responses	14
Number in support	0
Number of objections	14

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would result in an unacceptable impact upon the character and visual amenities of the Chislehurst Conservation Area, and the public benefit of the development would not outweigh the identified harm.

2 LOCATION

- 2.1 The application site forms a public car park located on the western side of High Street, Chislehurst.
- 2.2 The site lies within the Chislehurst Conservation Area.

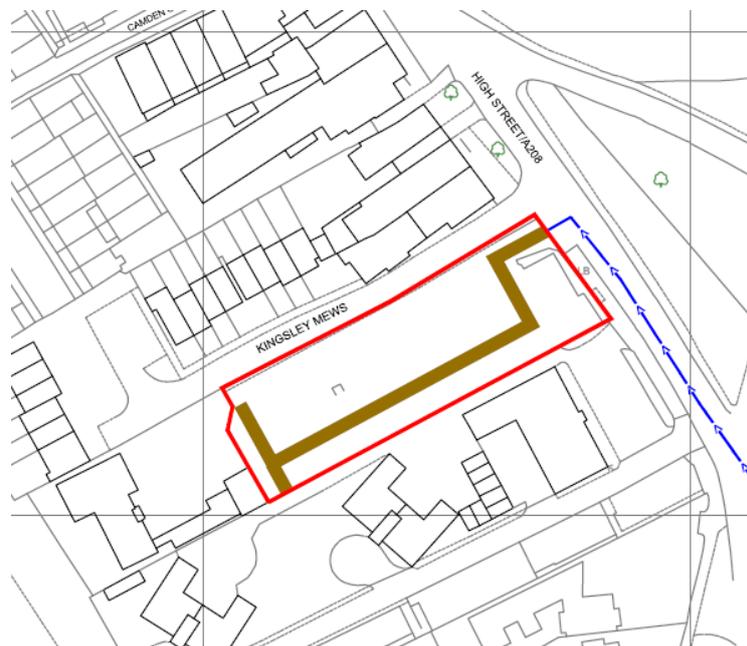


Figure 1: Site Location Plan

3 PROPOSAL

- 3.1 The application seeks prior approval for the installation of 20m high monopole with a wraparound cabinet, supporting 6No. antenna apertures & 2No. 600mm dishes, the installation of an additional 6No. cabinets at ground level, and ancillary development thereto.
- 3.2 The proposed equipment would be sited to the western end of the existing car park, with 13 bollards proposed to provide a separation from the remaining car park area.

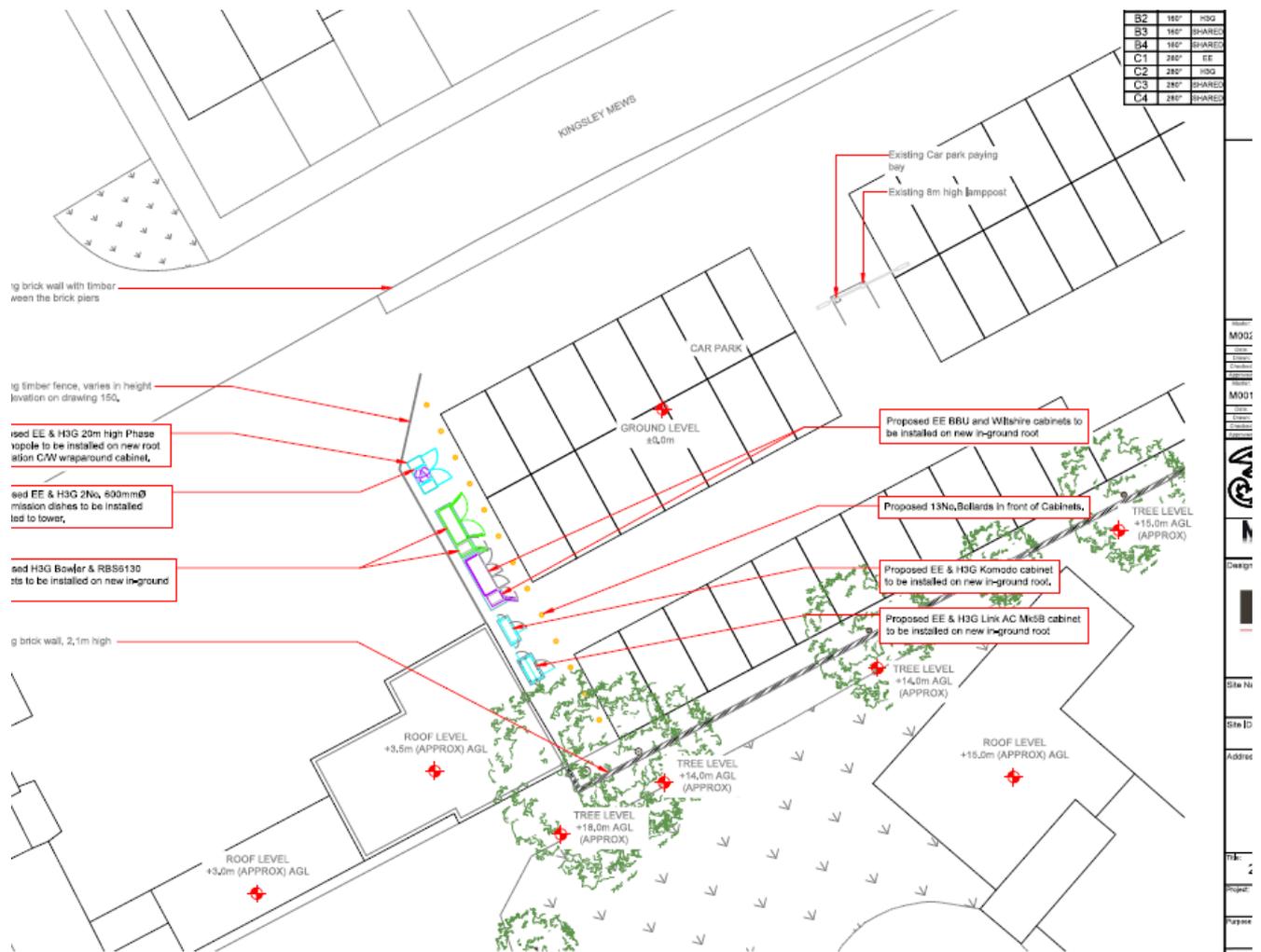


Figure 2: Proposed Site Plan

4 RELEVANT PLANNING HISTORY

4.1 The application site has the following previous planning history;

- 91/00654/FUL – Detached block comprising 2x retail units, 2x A2 office units, 2x B1 office units, 2x two bedroom flats, and 2x one bedroom flats with 21 car parking spaces - Permitted
- 00/02832/FULL3 – Change of use of part public car park to parking of police vehicles and erection of detached building for police officer – Permitted
- 05/04223/RECON – Removal of condition 4 of permission 00/02832, to permit retention of police office – Approved

5 CONSULTATION SUMMARY

A) Statutory

No Statutory Consultations were received.

B) Local Groups

No comments were received from local groups.

C) Adjoining Occupiers

The following comments were received from local residents;

Visual Impact (Addressed in Para 7.1)

- Incongruous and imposing mast would harm the charm of the Conservation Area.
- Detract from attractive character of the village and stand out against the skyline.
- Would tower over nearby houses and trees.
- Eyesore.
- Out of character.
- Previous applications for masts in the Conservation Area with a shorter height have been refused.
- Does not comply with Policy 89.

Neighbouring Amenity (Addressed in Para 7.2)

- Intrusive and neighbouring monopole too close to residential properties.
- Would spoil views from these properties.
- Health Risks

Parking (Addressed in Para 7.3)

- Car park is already too tightly packed.
- Will make car parking and manoeuvres more difficult.

Other

- Not all local owners / residents directly affected have been notified.

Regarding this matter, 94 neighbours were directly consulted, with a Press Ad displayed and Site Notices displayed. It is therefore considered sufficient consultation processes have been carried out.

6 POLICIES AND GUIDANCE

6.1 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.

6.2 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.

6.3 The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

6.4 The application falls to be determined in accordance with the following policies:-

6.5 **National Policy Framework 2019**

6.6 The London Plan

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design

6.7 Bromley Local Plan 2019

- 6 Residential Extensions
- 8 Side Space
- 37 General Design of Development
- 44 Areas of Special Residential Character
- 123 Sustainable Design and Construction

6.8 Bromley Supplementary Guidance

- Supplementary Planning Guidance 1 - General Design Principles
- Supplementary Planning Guidance 2 - Residential Design Guidance

7 ASSESSMENT

7.1 Principle of Siting and Design – Not Acceptable

Siting

- 7.1.1 The application site is not an established site for telecommunications equipment, however the submitted information outlines that the operators (EE and H3G) are in danger of losing an existing site at 3A-5 High Street Chislehurst for reasons beyond their control, and that a replacement is required to provide continued mobile coverage to the local area to avoid a coverage gap in the network.
- 7.1.2 A site selection process carried out outlines that where an existing site is lost it leaves a very specific and unique gap in the network that needs to be filled, and therefore a limited site selection area exists. It also indicates specific constraints associated with site placement given that cells are designed to overlap to form an unbroken network. Each site is then considered in terms of their technical suitability for the level of service, the effect on visual amenity, and their ability to be acquired and maintained.
- 7.1.3 The proposed site is considered the most technically efficient site which has the minimum impact on visual amenity, with 12 other sites having been discounted on grounds outlined in the supplementary guidance, for reasons including the car park being more commercial in nature, insufficient space to host the equipment, the presence of underground services, the rooftop being too tall to provide the technical requirements, proximity and impact on locally listed buildings.
- 7.1.4 The information and coverage plots provided within the submitted information demonstrates that there is a need for a base station to ensure that a loss of coverage in the area would not occur following the loss of any equipment at the existing site at 3A-5 High Street Chislehurst, and therefore the principle of the siting within the wider area is considered acceptable.

7.1.5 However, in the case of this specific siting careful consideration is required to weigh the public benefits of the proposal against any harm to the character of the Conservation Area, visual amenities of the street scene and residential amenity resulting from the design, height and siting of the proposed mast.

Justification of Design of the Mast

7.1.6 The justification for the design and siting of the mast is based on the principle of meeting operational requirements of the mobile operators whilst minimising the impact on the context and visual amenity of the surrounding area as far as technical constraints allow.

7.1.7 The base-station has been designed to accommodate replacement apparatus to provide 2G, 3G and 4G mobile connections, as well as to accommodate new 5G technology. The number and scale of the proposed antennas and dishes is informed by the number of communication services provided and the height is determined by a specialist network radio engineer, based on coverage required and the relationship between existing cell sites and any elements such as trees and buildings which can block signals.

7.1.8 The supporting information further outlines that the radio frequencies for 5G are particularly sensitive to interference which necessitates elevating the antennas to the height proposed, and that the height is also the lowest possible to provide the required level of replacement coverage whilst ensuring compliance with ICNIRP guidelines. The height and width of the mast is also the minimum required for it to still be capable of meeting structural and radio planning requirements, with the equipment required to be exposed to operate effectively meaning that the antennas cannot be shrouded.

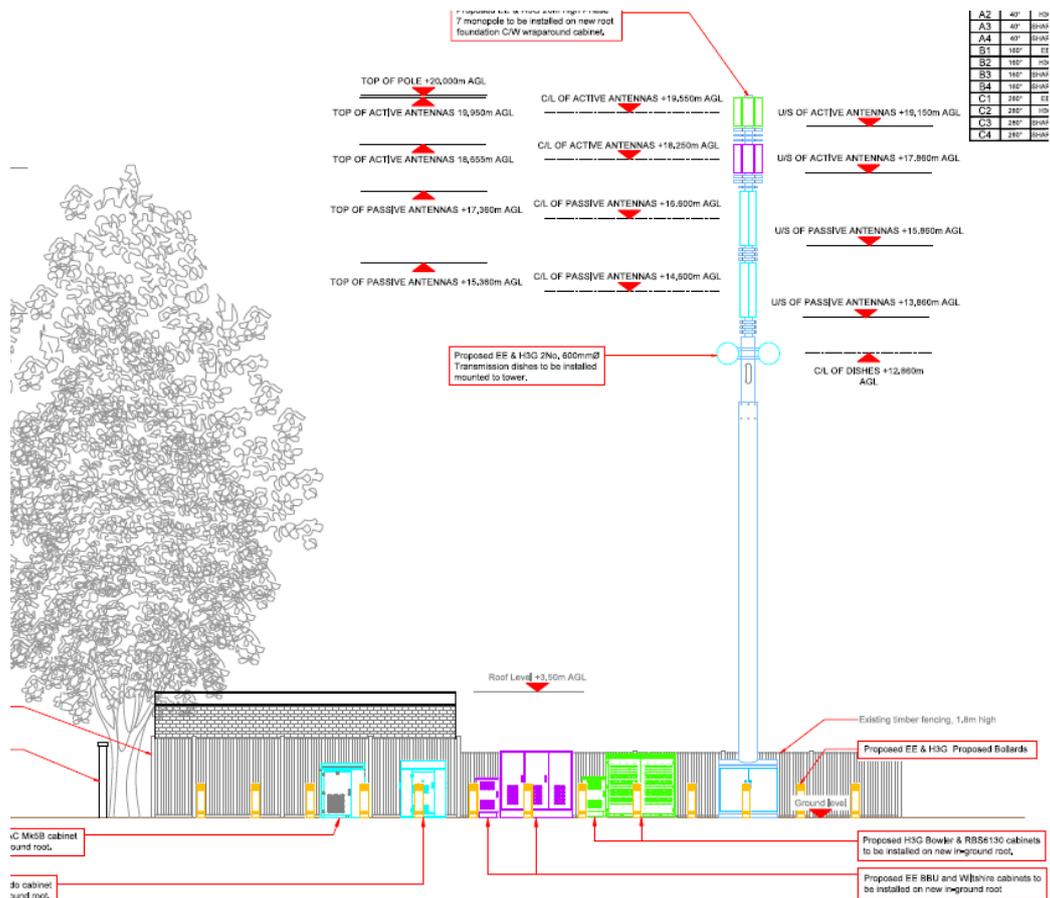


Figure 3: Proposed Elevation

Weight given to public benefit

- 7.1.9 When assessing the impact of telecommunications development it is important to weigh any resulting harm against the public benefits of the proposal.
- 7.1.10 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 supporting information indicates that the proposals would contribute towards the country's connectivity and digital economy future on a wider scale.
- 7.1.11 On a local level, the proposed development would provide continued and improved 2G, 3G and 4G mobile connections, as well as the provision of 5G services, for both EE and H3G.
- 7.1.12 The provision of these improved services would be considered to have a public benefit and significant weight is given to this.

Consideration of Design and Impact on Character of the Area

- 7.1.13 The application proposes a 20m high monopole with 1No. wraparound cabinet, supporting 6No. antenna apertures & 2No. 600mm dishes, the installation of 6No. cabinets at ground floor level, and ancillary development thereto.

- 7.1.14 The height and design of the mast is considered to appear out of keeping with surrounding street furniture which consists of much lower lampposts, road signs and associated car park infrastructure. The mast would also significantly exceed the height of the adjacent residential properties. It is therefore considered the equipment would appear excessive in height and out of keeping within the predominantly residential area.
- 7.1.15 The mast would appear as a prominent feature within the area given its siting within a public car park. Whilst its siting to the western end of the car park would lessen its visual prominence compared to a siting closer to the main High Street in Chislehurst, its height would still result in it appearing highly prominent in views from the wider Conservation Area.
- 7.1.16 The equipment would benefit from some screening at its lower level given it would be sited adjacent to an existing fence. However, no screening would be provided for the upper part of the mast which would appear highly prominent, and the number of cabinets proposed would introduce a proliferation of cabinets that would add clutter to the public realm.
- 7.1.17 Having regard to the above, it is considered that the proposed design and height of the mast would result in it appearing as an incongruous feature in the street scene and that the amount of equipment proposed would introduce an unacceptable level of clutter to the area. The mast and associated equipment would therefore appear prominent within the street scene and would result in a significant level harm to the character and visual amenities of the Conservation Area.

Summary of mast

- 7.1.18 The proposed mast would provide a benefit to the surrounding area in terms of the continued provision of 2G, 3G and 4G services to the area, and a further benefit in the introduction of 5G services to the area. However, it is considered that it would introduce equipment that would appear excessive in height and out of keeping with the surrounding street furniture which would have a significantly harmful impact upon the general character of the Conservation Area and visual amenities of the street scene.
- 7.1.19 Therefore, on balance it is considered that the weight attributed to the public benefit provided would not sufficiently outweigh the resulting harm to the character of the Conservation Area and visual amenity of the street scene. Therefore it is considered the proposed siting would not be appropriate for a mast of the height and design proposed.

7.2 Residential Amenity – Acceptable

- 7.2.1 The proposed equipment and masts would be sited to the western end of the car park, though would be highly visible from surrounding residential properties on Kingsley Mews, as well as those on Hollington Court and would therefore impact upon the visual outlook of nearby properties somewhat.
- 7.2.2 The proposed 20m high mast would retain a minimum separation of approx. 20m to the closest properties on Kingsley Mews, and approx. 26m to Hollington Court. This separation distance is considered sufficient to prevent any unacceptable level of harm by way of loss of light or outlook to individual properties.

- 7.2.3 However, given the height of the proposed mast it would appear highly visible and would impact upon views from these properties to an extent that the equipment would have a significant visual impact that would further contribute to the overall visual harm that would result from the installation of the mast and associated equipment.
- 7.2.4 With regards to 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.
- 7.2.5 Having regard to the *scale, siting and separation distance* of the development, it is not considered that sufficient harm would occur to warrant a refusal of the application on these grounds, however the visual impact would contribute to the overall visual harm already established.
- 7.3 Highways – Acceptable
- 7.3.1 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and BLP should be used as a basis for assessment.
- 7.3.2 The proposed installation of the equipment and associated bollards would appear to result in the loss of one car parking space in the corner of the car park, as shown on the submitted site plans.
- 7.3.3 Highways Officers have raised no objection to the installation of the equipment and the resulting layout out of the car park, and the installation would not have a detrimental effect on the management of the car park.
- 7.3.4 Having regard to the above, Highways Officers have raised no objection to the development and it is therefore considered it would not impact adversely upon highways matters.

8 CONCLUSION

- 8.1 Having had regard to the above, it was considered that the development in the manner proposed is not acceptable in that it would appear out of character and harmful to the visual amenities and general character of the Conservation Area.
- 8.2 It is therefore considered on balance that the identified harm of the proposed siting and appearance of the equipment would outweigh the public benefit provided by the installation.
- 8.3 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: Refusal

On the following ground;

1. The proposed equipment, due to its height, siting and design, would be an obtrusive feature that would appear out of character and appearance of the Chislehurst Conservation Area and harmful to the general visual amenities of the street scene, contrary to Policies 37, 41 and 89 of the Bromley Local Plan.