

WA/2016/0956
EE Ltd
09/05/2016

Installation of 1 dish antenna, 1 equipment cabinet and ancillary works at Telecommunications Mast, Church Lane, Brook GU8 5UQ

Public Notice:
Grid Reference:

Was Public Notice required and posted: N/A
E: 493958 N: 138318

Parish:
Ward:

Witley
Elstead and Thursley

Case Officer:

Rebecca Clarke

8 Week Expiry Date:

04/07/2016

Neighbour Notification Expiry Date:

17/06/2016

RECOMMENDATION

That, subject to conditions, permission be GRANTED

Site Description

The application site measures 0.005 hectares and is located to the north of Bannacle Hill Road. The site is accessed off Church Lane and comprises an existing telecommunications mast and compound which is enclosed by 1.8m high fencing.

Proposal

Permission is sought for the following:

- installation of 1 x 0.9m diameter EE dish antenna on the existing headframe.
- Installation of no. 9 EE Mobile Handset Antenna (MHA's) following the removal of no. 3 existing EE MHA's.
- erection of an EE 2G/4G Flexi Outdoor Cabinet (FCOA) on the existing concrete base. The cabinet would measure 0.72m (width) x 0.72m (depth) x 1.65 (height) and would be painted grey.
- erection of a SAMI H3G/4G cabinet within the existing cabin.

Relevant Planning History

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| WA/2007/1011 | Installation of 2 transmission dishes. | Full Permission 14/06/2007 |
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| WA/2005/1626 | Installation of additional antennas and dishes with associated equipment cabinets and ancillary works (as amended by letter dated 09/09/05 and plans received 12/09/05) | Full Permission 27/09/2005 |
| WA/2003/1654 | Installation of 6 additional antennas and two additional dishes to existing mast together with the provision of an additional equipment cabin. | Full Permission 13/10/2003 |
| WA/2000/1955 | Erection of a 30 metre replacement telecommunication mast, equipment cabins and associated works to allow more than one user (as amplified by letter dated 13/12/00 and statement dated December 2000). | Full Permission 18/01/2001 |
| WA/1996/1022 | Erection of a 30 metre telecommunication mast to replace existing 20 metre mast together with associated works (as amended and amplified by letters dated 03/09/96, 17/10/96, 31/10/96, 06/11/96, 11/11/96, 05/12/96 and plans received 14/11/96 and 06/12/96). | Refused 18/12/1996 Appeal Allowed 07/07/1997 |
| WA/1996/1021 | Erection of a 30 metre telecommunication mast to replace existing 20 metre mast together with associated works (as amended and amplified by letters dated 03/09/96, 17/10/96, 31/10/96, 06/11/96, 11/11/96, 05/12/96 and plans received 14/11/96 and 06/12/96). | Refused 18/12/1996 |
| WA/1993/1475 | Erection of a | Full Permission |

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| | telecommunication mast, antennae and equipment (as amplified by letters dated 15/11/93, 01/12/93 and 22/12/93 and documents received 16/11/93 and 02/12/93 and amended by letter dated 25/01/94 and plan received 26/01/94) | 09/02/1994 |
| WA/1993/0885 | Erection of a telecommunications mast, antennae and equipment (as amplified by letter dated 26/08/93 and plans received 31/08/93). | Refused 15/09/1993 Appeal Withdrawn 17/02/1994 |

Planning Policy Constraints

Green Belt – outside any defined settlement area
Surrey Hills AONB & AGLV
High Archaeological Potential
Wealden Heaths I SAC 2km Buffer Zone
Wealden Heaths I SPA 5km Buffer Zone
Wealden Heaths II SPA 5km Buffer Zone

Development Plan Policies and Proposals

Saved Policies C1, C3, D1, D4, D5, D8, D11 and HE14 of the Waverley Borough Local Plan 2002.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The adopted Local Plan (2002) and the South East Plan 2009 (solely in relation to policy NRM6) therefore remain the starting point for the assessment of this proposal.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of this case. In line with paragraph 215 due weight may only be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The report will identify the appropriate weight to be given to the Waverley Borough Local Plan 2002.

The Council is in the process of replacing the adopted 2002 Local Plan with a new two part document. Part 1 (Strategic Policies and Sites) will replace the Core Strategy that was withdrawn in October 2013. Part 2 (Development Management and Site Allocations) will follow the adoption of Part 1. The new Local Plan will build upon the foundations of the Core Strategy, particularly in those areas where the policy/approach is not likely to change significantly. Public consultation on potential housing scenarios and other issues took place in September/October 2014. In the latest provisional timetable for the preparation of the Local Plan (Part 1), the Council is scheduled to approve the plan for publication in July 2016.

Other guidance:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)

Consultations and Parish Council Comments

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| Witley Parish Council | The Parish Council support the application. |
| County Archaeologist | No objection raised, as the proposal only involves a very limited amount of new ground disturbance. |

Representations

In accordance with the statutory requirements and the “Reaching Out to the Community – Local Development Framework – Statement of Community Involvement – August 2014” neighbour notification letters were sent on 25/05/2016.

No letters of representation have been received.

Submissions in support

In support of the application the applicant has made the following points:

- The smallest components possible have been proposed in order to achieve technical requirements and provide additional capacity, to improve service in this rural area.
- The telecommunications infrastructure accords with all relevant legislation and, as such, will not cause significant and irremediable

interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.

- The works are of a minor scale and will leave the appearance of the existing installation largely unaffected.
- The proposal will assist in achieving the objectives of paragraph 42 of the NPPF and will provide for increased connectivity.

Determining Issues

Principle of development

Telecommunications development

Green Belt considerations

Impact on AONB & AGLV and visual amenity

Impact on visual amenity

Impact on residential amenity

Biodiversity and compliance with Habitat Regulations 2010

Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights Implications

Environmental Impact Regulations 2011 (as amended)

Pre Commencement Conditions

Working in a positive/proactive manner

Planning Considerations

Principle of development

The site is located within the Green Belt, outside of any defined settlement area, wherein inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Telecommunications development

The NPPF states that advanced, high quality communications infrastructure is essential for sustainable economic growth. It states that applications for additional telecommunications development should be supported by necessary evidence to justify the proposed development.

Policy D11 of the Local Plan 2002 states that permission will be granted for proposed telecommunications development provided that :-

- a) its siting, height and design are such that it has no material adverse impact on the appearance of a building or general character of an area including the amenities of neighbouring residents;

- b) in the case for proposals for ground based masts or towers, there is evidence to demonstrate there is a need for the development as part of the operator's network and that there is no reasonable possibility of adding the apparatus to an existing building or structure, or of combining the proposal with any existing or proposed installation;
- c) where a new mast, tower or antennae is required, it is located in the least environmentally damaging position and is appropriately designed, coloured and landscaped;
- d) new buildings in multiple occupation should be provided with a combined satellite receiving system to serve all occupiers;
- e) any associated ground work, including trenching work, is sited so as to secure the retention of important trees or hedgerows.

The proposal would not result in an increase in overall height of the existing telecommunications mast. The proposed antenna and equipment cabinet would be within the confines of the existing telecommunications mast and compound area. As such, it is considered that the proposal would be seen within the context of the existing built form of the application site and there would be no material adverse impact on the appearance and character of the area. The proposal would therefore comply with this part of criterion a) and the impact on the amenities of neighbouring residents will be discussed in the 'Impact on residential amenity' section of this report.

As the proposal would comprise works to an existing telecommunications mast and compound, criteria b) to d) do not apply in this instance.

The proposed cabinet would be located on an existing concrete base and there would be minimal ground works as a result. The County Archaeologist has raised no objection to the proposal. The proposal is therefore considered to comply with criterion e).

In light of the above, the proposal is seen to accord with Policy D11 of the Local Plan 2002 and the NPPF in this regard.

Green Belt considerations

The site is located within the Green Belt outside any defined settlement area. Within the Green Belt there is a general presumption against inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 89 of the NPPF sets out that the construction of new buildings should be regarded as inappropriate development, exceptions to this include:

- Buildings for agriculture and forestry;

- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 of the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it, these are:

- Mineral extraction;
- Engineering operations;
- Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- The re-use of buildings provided that the buildings are of permanent and substantial construction; and
- Development brought forward under a Community Right to Build Order.

Changes of use of land within the Green Belt constitute inappropriate development. Very special circumstances must exist to justify setting aside the policies of restraint.

Local planning authorities are required to give substantial weight to any harm which might be caused to the Green Belt by the inappropriate development.

In this instance, as the proposed development would involve the erection of a new building which would not fall under any of the exceptions set out in paragraphs 89 and 90 of the NPPF, the proposal would amount to inappropriate development. The applicant has submitted information in support of the application will be considered in the 'Very Special Circumstances' section of this report.

Impact on AONB & AGLV and visual amenity

Section 85 of the Countryside and Rights of Way Act 2000 states that in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. The NPPF says that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB), in accordance with this, Policy C3 of the Local Plan 2002 requires development within the AONB to conserve or enhance the character and beauty of the landscape. The Surrey Hills Management Plan 2014 – 2019 sets out the vision for the future management of the Surrey Hills AONB by identifying key landscape features that are the basis for the Surrey Hills being designated a nationally important AONB.

The site is also located within an Area of Great Landscape Value wherein Policy C3 of the Local Plan 2002 states that development should serve to conserve or enhance the character of the landscape. The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies D1 and D4 of the Local Plan 2002 accord with the NPPF in requiring development to have high quality design and to be well related in size, scale and character to its surroundings.

The proposed development would be seen within the context of existing built form on the application site. Having regard to the nature of the proposed replacement antenna and the size, scale and design of the proposed equipment cabinet, it is considered that the proposal would not detract from the character and beauty of the surrounding landscape. The site is well screened by way of vegetation; therefore the site compound itself is not visible from any public vantage points. Whilst the telecommunications mast can be seen from surrounding roads above the vegetation, the proposal would not increase the height of the mast and the replacement/new antennas would not result in any additional visual harm above that of the existing situation.

As such, the proposal is considered to accord with Policies C3, D1 and D4 of the Local Plan 2002 and the NPPF in this regard.

Impact on residential amenity

The NPPF identifies that within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan-making and decision making. These 12 principles include that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings. These principles are supported by Policies D1 and D4 of the Local Plan and guidance contained within the Council's SPD for Residential Extensions.

Having regard to the location of the application site, the considerable separation distances to neighbouring properties, as well as the nature of the proposal, it is considered that the proposed development would not have any material impact on residential amenity. The proposal is therefore considered to accord with Policies D1 and D4 of the Local Plan 2002 and the NPPF in this regard.

Biodiversity and compliance with Habitat Regulations 2010

The NPPF requires that when determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.

In addition, Circular 06/2005 states 'It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted.'

The application property does not fall within a designated SPA, SAC, SNCI or SSSI. It is not within 200m of ancient woodland or water, and is not an agricultural building or barn. Having regard to this, it is considered that a biodiversity survey is not required in this instance.

Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights Implications

There are no implications for this application.

Environmental Impact Regulations 2011 (as amended)

The proposal is considered not to be EIA development under either Schedule 1 or 2 of the EIA Impact Regulations 2011 (as amended) or a variation/amendment of a previous EIA development nor taken in conjunction with other development that is likely to have a significant environmental effect.

Pre Commencement Conditions

Article 35 of the DMPO 2015 requires that for any application for planning permission, the Notice must state clearly and precisely the full reasons, in the case of each pre-commencement condition, for the condition being a pre-commencement condition. This is in addition to giving the full reason for the condition being imposed.

“Pre commencement condition” means a condition imposed on the grant of permission which must be complied with: before any building/ other operation/ or use of the land comprised in the development is begun.

Where pre commencement conditions are justified, these are provided with an appropriate reason for the condition.

Very Special Circumstances

It has been established that the proposal would constitute inappropriate development as the erection of a new equipment cabinet would not fall under any of the exceptions set out in paragraphs 89 and 90 of the NPPF. As such, very special circumstances must exist to justify setting aside the strict Green Belt policies of restraint which outweigh the harm to the Green Belt, and any other harm.

The applicant has set out that 4G is the next major enhancement to mobile radio communications network and it will allow customers to use ultra-fast speeds when browsing the internet, streaming videos or sending emails wherever they are. A study by Ericsson in June 2012 is referred to, which forecast that global mobile data traffic will increase by a factor of 15 between 2011 and 2017. In order to meet this demand and improve the quality of service, upgrades will be required to existing base stations. The applicant advises that the current application is reflective of this and the proposal will ensure the existing installation continues to provide a high standard of coverage to customers.

The applicant also sets out that the proposal has been sympathetically designed to meet the technical need and provide considerable public benefits,

whilst minimising the impact on the surrounding countryside in accordance with the NPPF through it being located at an existing mast site.

Officers have carefully considered the arguments put forward by the applicant in support of the proposal. In this instance, officers are satisfied that the public benefits provided by the proposal along with the minimal scale of development proposed would amount to the necessary very special circumstances.

Development Management Procedure Order 2015 - Working in a positive/proactive manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:-

- Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

Conclusion/ planning judgement

Whilst the proposed outdoor cabinet would constitute inappropriate development in the Green Belt, officers consider that the size and scale of the building would be acceptable and the proposal would result in considerable public benefits. It is considered that very special circumstances exist in this particular instance such to warrant justification for the setting aside of Green Belt Policy.

The proposed antennas are considered to be visually acceptable and there would be no harm arising from the proposal, as a whole, to neighbouring residential amenity. The proposed development would be seen within the context of existing built form and, therefore, it is considered that the proposal would not detract from the character and beauty of the surrounding landscape.

Overall, officers are satisfied that the adverse impacts would not outweigh the benefits of the scheme when assessed against the policies in the NPPF taken as a whole.

Recommendation

That permission be GRANTED subject to the following conditions:

1. Condition

The plan numbers to which this permission relates are un-numbered Site Location Plan (at scale of 1:1250) un-numbered Site Location Plan (at scale of 1:20000), 101 and 102. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

Informatives

- 1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.

IF 8 WEEK PERIOD EXCEEDED PLEASE STATE WHY

Case Officer

Signed: Rebecca Clarke

Date: 30/06/2016

Agreed by Team or DC Manager.....Date:.....

For Certificate of Lawfulness applications:

Use/Operations/Matter

Agreed by Legal services.....Date.....

Agreed by Development Control Manager or Head of Planning Services

.....

This report has been agreed under the delegated authority by the Head of Planning Services.

Decision falls within(*number reference*) of the Scheme of Delegation

..... (initialled by Authorising officer)

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| Copy to Policy for SPA? | <input type="text" value="No"/> |
| Pass File to Enforcement | <input type="text" value="No"/> |
| Is there an extant Enforcement Notice in place for the same or similar development served no more than 2 years previously? | <input type="text" value="No"/> |
| Does this application need to be referred to the Secretary of State in line with Town and Country Planning (Consultation) Direction 2009? | <input type="text" value="No"/> |
| Notify Environmental Health Team of decision (send copy) | <input type="text" value="No"/> |
| Is this subject to a legal agreement? | <input type="text" value="No"/> |
| If yes, is there a signed copy on file? | <input type="text" value="N/A"/> |
| Notify Legal Services of decision if approval and if subject to legal agreement (send copy) | <input type="text" value="N/A"/> |