Planning Committee
31 October 2016
Agenda Item 4

Ward: ALL

Key Decision: ~~Yes~~ / No

Report by the Director for Economy

Planning Applications

1
Application Number: AWDM/1429/16 **Recommendation – Refuse**

Site: **Land South East of 5 Cecil Pashley Way, Shoreham (Brighton City) Airport, Lancing, West Sussex**

Proposal: **Erection of lattice telecom tower supporting 3no. antennae and 2no. transmission dishes to a maximum height of 20m above ground level with associated ground level plant and surrounded by 2.4m high palisade fencing.**

TREE PRESERVATION ORDER REPORTS

1
TPO No. 1 of 2016 **Recommendation – To be confirmed**

Site: **14 Alandale Road, Sompting, West Sussex BN15 0JU**

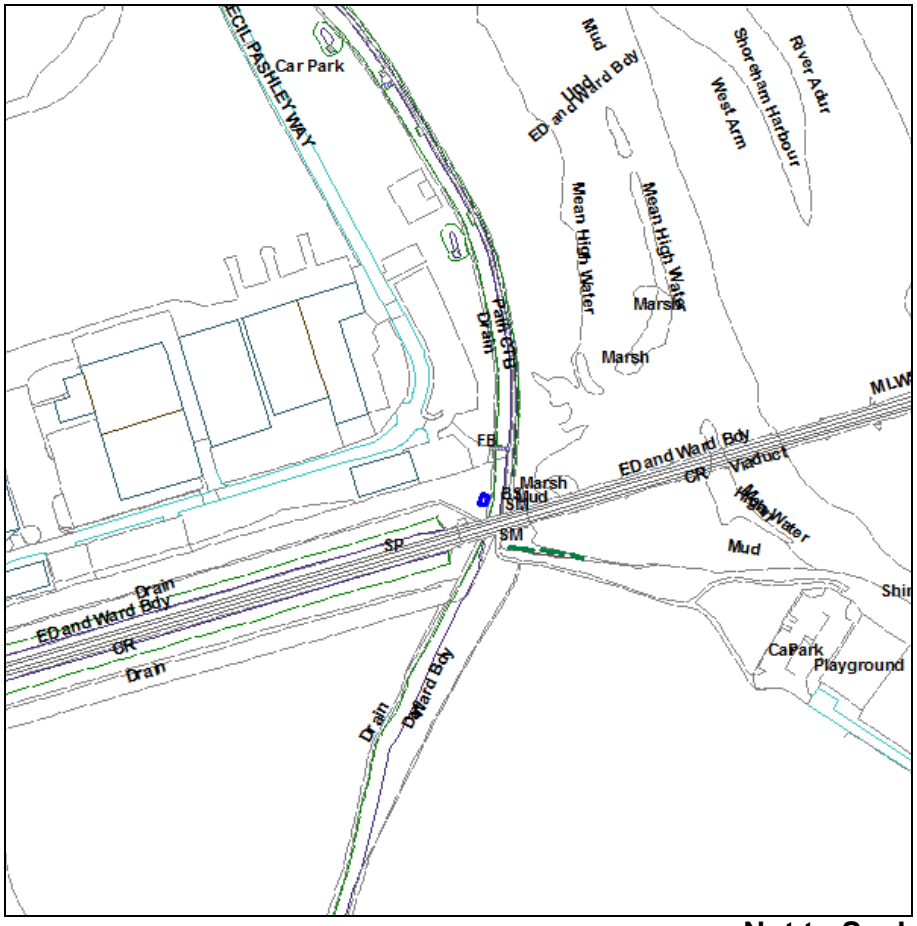
Proposal: **Confirmation of Adur Tree Preservation Order No 1 of 2016**

Application Number: AWDM/1429/16 **Recommendation – REFUSE**

Site: **Land South East of 5 Cecil Pashley Way, Shoreham (Brighton City) Airport, Lancing, West Sussex**

Proposal: **Erection of lattice telecom tower supporting 3no. antennae and 2no. transmission dishes to a maximum height of 20m above ground level with associated ground level plant and surrounded by 2.4m high palisade fencing.**

Applicant: CITL And Telefonica UK Ltd Ward: Widewater
Case Officer: Gary Peck



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Proposal, Site and Surroundings

This application seeks full permission for the erection of a lattice telecommunications tower supporting 3 no. antennae and 2 no. transmission dishes to a maximum height of 20m above ground level, surrounded by 2.4m high palisade fencing.

The application site is located to the north of the railway line and to the south of the bend in Cecil Pashley Way at the eastern end of the Shoreham Airport buildings. The River Adur is immediately to the east. A public footpath runs along the western side of the river and therefore between the river and application site (although at present the path has been rerouted to facilitate works to the railway bridge).

The complex of buildings supporting largely aircraft related industries are to west with the airfield beyond. Just over 400 metres to the west is an existing telecommunications mast. A more open aspect to the east exists across the river.

Relevant Planning History

There is no planning history directly relevant to the site. Permission was originally granted for an existing 20 metre mast to the west on the southern side of Cecil Pashley and the airport buildings in 2003 with additional equipment being allowed a year later.

Consultations

Environmental Health raises no objection

Representations

None received

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AC1, AC4, AB29

Proposed Submission Adur Local Plan: Policies 15 and 38.

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The key issue in the determination of the application is the impact of the proposal upon the visual character of the area.

Saved policy AB29 of the Adur Local Plan, Telecommunications Development, states:

The District Planning Authority will grant planning permission for, or approve the details of, telecommunications development where it can be demonstrated that:-

(i) planning permission is required from the District Planning Authority;
(ii) there is no reasonable possibility of sharing existing facilities; and
(iii) in the case of radio masts there is no reasonable possibility of erecting antennas on an existing building or other structure.

When considering proposals for telecommunications development, whether or not under permitted development rights, the District Planning Authority, whilst respecting operational requirements, will expect the apparatus to be sited, designed, and, where appropriate, landscaped, so as to minimise its visual impact on the environment in which it is located. Such masts will not be permitted where they would be visible in the wider landscape within the Area of Outstanding Natural Beauty except where special siting needs attributable to technical requirements, such as transmission range or line-of-sight, dictate otherwise.

This approach has been followed in emerging policy 38 of the Proposed Submission Adur Local Plan:

All opportunities for mast sharing, or the use of existing buildings or structures have been thoroughly assessed; and
 There are no satisfactory alternative sites available.
Applications for telecommunications development (including for prior approval) should be accompanied by the necessary evidence to support development, including evidence which demonstrates that the proposal is the least environmentally harmful option, and includes a statement that self-certifies that the cumulative exposure will not exceed the guidelines of the International Commission on Non-Ionising Radiation Protection.

All proposals for telecommunications development should ensure that siting and design of the equipment results in acceptable visual impact. Conditions or planning obligations may be used to secure landscaping as well as restoration of the site once operation has ceased.

It is a matter of fact that there is an existing telecommunications mast already exists in the locality and in line with the above policies, your officers, at the pre-application stage, requested clarification as to why the existing mast could not be shared or upgraded. The applicant responded that ‘for legal reasons’ the existing mast cannot be upgraded or shared.

In support of the application, the applicant has included an appeal decision from a site in Newcastle, where an Inspector stated;

'The Council argues that the failure to agree commercial terms represents insufficient justification for dismissing the alternative [site] and does not rule this out as a solution. I consider this to be somewhat unreasonable…given…the lack of objection on visual grounds to the proposed location…'

It can be seen from above, therefore, that to resist the application on the fact alone that the existing mast is not being shared would be unreasonable, if there are no objections to the alternative location proposed.

However, your officers do have concerns about the location of the proposed structure. The effect of the existing mast is relatively limited primarily because it is centrally located within the complex of airport buildings (where the buildings are at their tallest) and benefits from some screening by existing tree planting to the west. Despite this, the top of the mast is visible from a wide area given the open nature of the surrounds.

The application site is far less advantageous in being able to take account of existing buildings or tree screening. While views from the west may be limited by existing buildings to the eastern edge of the airport, and the railway bridge itself may act as a partial screen, the general character of the area is very open to the north, south and east. Longer distance views from the Adur Recreation Ground for example would see the mast as clearly visible and generally set against the backdrop of the Lancing College buildings in the distance. Similarly, from the Norfolk Bridge, while the existing mast is screened by buildings from this viewpoint, the proposed mast would be clearly visible. The mast would also be a prominent feature from across the river, including from the Ropetackle North site.

In January 2016, the Assessment of landscape sensitivity report for the Adur Local Plan area stated:

The views across the simple, expansive open landscape of the airport and the natural wetland habitats of the Adur corridor are highly vulnerable to change. The open, green expanse of Shoreham Airfield is prominent in the elevated views from the SDNP and in long east-west views across the Lancing/Shoreham Gap. This prominent open space is vulnerable to built development and/or infrastructure that would change its undeveloped, open, green character

Your officers therefore consider that irrespective of whether the existing mast can be shared or not, the proposed site would have unacceptable impact upon the visual character of the area. If additional network coverage is required in the vicinity of the airport area, then there would appear to be less visually obtrusive sites further to the west that would be better screened by existing buildings and, indeed, notwithstanding the Inspector's comments above, it is considered to be a location where a mast share would be the least obtrusive option. It is therefore considered that a refusal of the application can be justified.

Recommendation

REFUSE for the following reason:

The proposed mast by virtue of its height and siting would result in an unacceptably visual impact in area considered to be sensitive in landscape terms as identified in the Assessment of landscape sensitivity for the Adur Local Plan area. The proposal therefore fails to comply with saved policy AB29 of the Adur Local Plan 1996 and emerging policy 38 of the Proposed Submission Adur Local Plan (2016).

31 October 2016

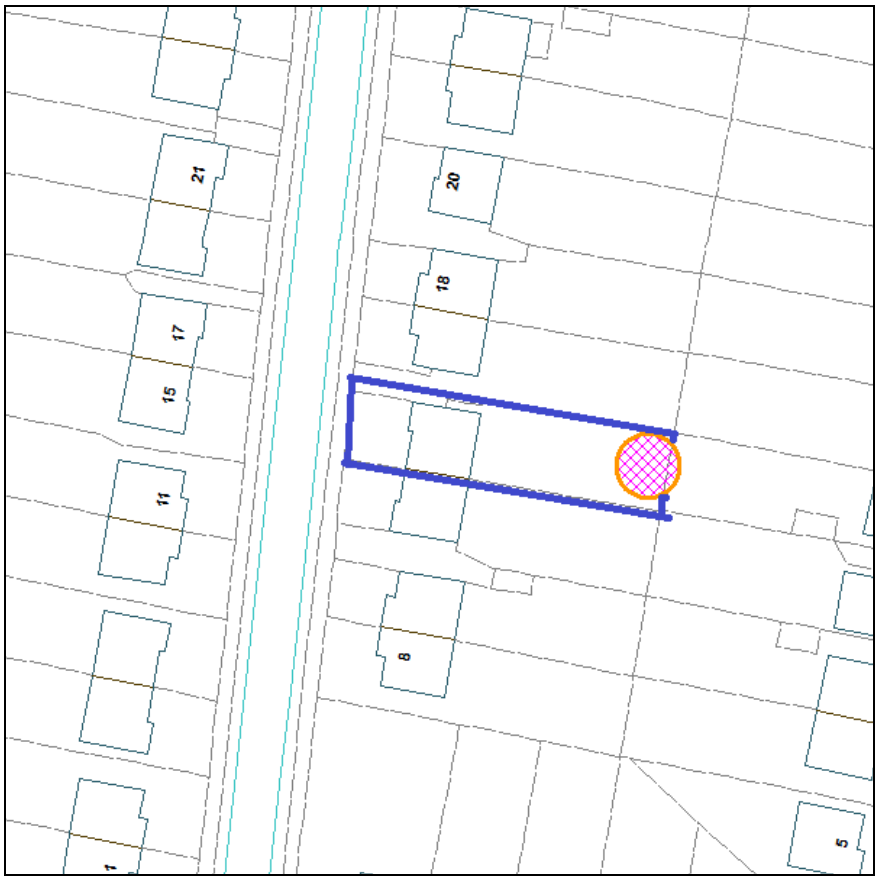
TPO REPORT
1

Application Number: TPO 1 of 2016 **Recommendation – Confirm Order**

Site: **14 Alandale Road, Sompting, West Sussex BN15 0JU**

Proposal: **Confirmation of Adur Tree Preservation Order Number 1 of 2016**

Case Officer: Jeremy Sergeant Ward: Sompting



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Proposal, Site and Surroundings

On the 17th August 2016 a provisional Tree Preservation Order was placed on one Pine tree in the rear garden of 14 Alandale Road Sompting.

The order refers to one pine tree, which is one of few trees large mature trees in the area, which although not a prominent part of in the street scene, does make a contribution to the character and visual amenities of Alendale Road and surrounding roads.

Representations

1 letter of objection has been received from a neighbour to the east, at 15 Hillside Road. Their grounds for objecting to the proposed TPO are concerns of potential size and height of the tree, damage that maybe caused to surrounding properties and possible failure of the tree.

Relevant Planning Policies and Guidance

Adur Local Plan 1996 – Policy AB23

National Planning Policy Framework

Circular 04/07 'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

Planning Assessment

The tree is a reasonable specimen that meets the tests for new Tree Preservation Orders: the Adur and Worthing Council Tree Preservation Order – Survey and Decision Guide, as agreed by the Joint Planning Committee. The reason for protecting this tree is that is a feature of the area and it would be detrimental to the character and visual amenities of this part of north Sompting should the tree be removed or inappropriately pruned.

The tree is a medium to large sized early mature growing at the far eastern end of the rear garden of 14 Alandale Road. The tree has a single stem that extends to 10 metres were it then forms a bushy slightly flattened top to the crown. The top of the crown does not have a central leader which will limit the overall height likely to be gained by the tree, making it unlikely to exceed more height that another 3 to 4 metres, and instead is more likely to increase in radial spread. As with any large tree there can be difficulty in growing some plants directly below the crown, although this can be alleviated by crown lifting over neighbouring gardens.

Dead wood small branches and other debris can be dropped by any tree and this is a normal consequence of tree ownership. The removal of dead or dying wood does not require Local Authority approval, and can be carried out at any time. Other works such as reduction in radial spread, crown lifting and crown thinning would require planning permission but the existence of a Tree Preservation Order does not prevent approval of such of an application for appropriate works which often can help to alleviate the concerns expressed by the objector.

Recommendation

That Adur Tree Preservation Order Number 1 of 2016 be confirmed as made.

31 October 2016

Local Government Act 1972
Background Papers:

As referred to in individual application reports

Contact Officers:

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Schedule of other matters

1.0 Council Priority

1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
- to promote a clean, green and sustainable environment
- to support and improve the local economy
- to work in partnerships to promote health and wellbeing in our communities
- to ensure value for money and low Council Tax

2.0 Specific Action Plans

2.1 As referred to in individual application reports.

3.0 Sustainability Issues

3.1 As referred to in individual application reports.

4.0 Equality Issues

4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

5.1 As referred to in individual application reports.

6.0 Human Rights Issues

6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.