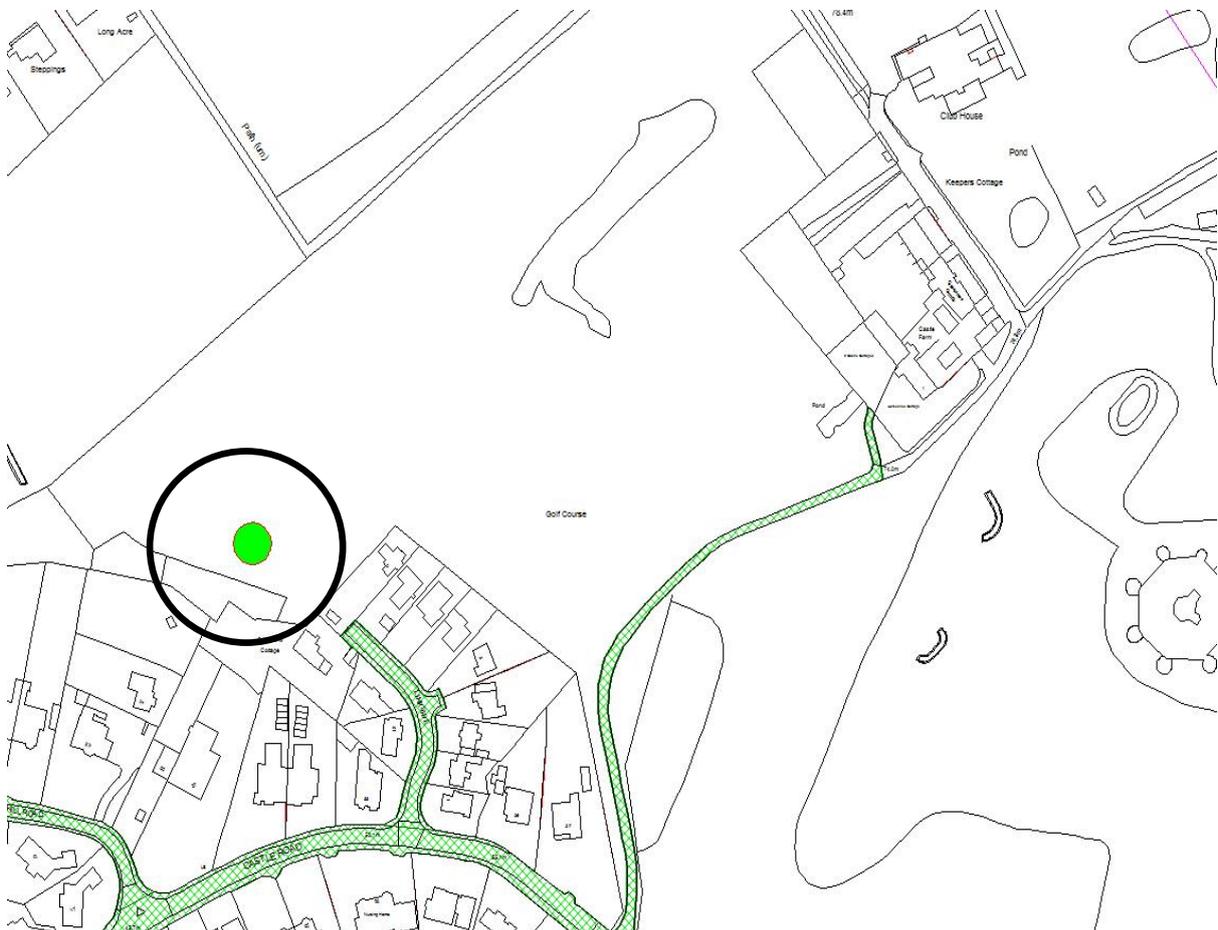


Planning and Regulatory Committee 12.04.17

SECTION 2

APPLICATION NO: 17/P/0436/PDT	CASE OFFICER: Julie Walbridge
APPLICANT: Vodafone Ltd	Extended expiry date: 18 April 2017
PARISH/WARD: Clevedon/Clevedon Walton WARD COUNCILLOR(S): Cllr C T Hall	TARGET DATE: 12 April 2017
SITE ADDRESS: Land at Clevedon Golf Club, Castle Road, Clevedon, BS21 7AA	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



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10. **Section 2: 17/P/0436/PDT Prior approval of proposed installation of telecommunications apparatus; 24 metre mast, 2no. dishes and 2no. cabinets at Land at Clevedon Golf Club, Castle Road, Clevedon, BS21 7AA**

REFERRED BY COUNCILLOR HALL

Procedure

This application is not a planning application but is for Prior Approval. The erection of the mast and equipment is “permitted development” provided the application meets the criteria/conditions under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended in 2016) for a determination as to whether prior approval is required for the siting and appearance of the development. The Order and procedure under Part 16 can be found on the Planning Portal website at www.planningportal.gov.uk.

The procedure effectively creates a 2 part process. The first part requires the LPA to decide whether prior approval is required in respect of the siting and appearance of the development.

The second part of the process is for the LPA to determine whether it wishes to approve the details of the siting and appearance or if it wishes to refuse the details of the siting and appearance.

It must be emphasised that the LPA must issue the decision within 56 days of receipt of the application unless the applicant has agreed to extend the period of time. If it does not, the mast and equipment will have ‘deemed’ approval and may proceed regardless at any time within the following five year period provided all other consents have been obtained. The development is required to be carried out in complete accordance with the submitted details.

Summary of recommendation

It is recommended that subject to the submission of satisfactory further information prior approval is **Approved** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The application site is located adjoining the settlement for Clevedon. The siting of the mast is in the south east corner of the Clevedon Golf course. The site is approximately 50 metres to the side elevation of no. 6 Linkside and 40 metres to the side elevation Gable End Cottage.

The proposed position of the mast is within an existing clearing on the edge of a copse which lies between the boundary fence of the residential development of Linkside and the fairway.

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The amended site plans shows the proposed access for maintenance along the boundary fence to the rear of the properties on Linkside through the existing copse, this access is for pedestrian use only. The access for construction would be across the fairway.

The Application

Prior approval is sought for:

- the erection of a 24 metre high mast
- 2 cabinets - a slimline meter cabinet and a tsc cabinet on plinths
- a proposed 1.8m high welded mesh compound fence measuring 6 metres x 6 metres

Relevant Planning History

Year	Reference	Proposal	Decision
2016	16/P/2102/PRE	Pre application advice for the proposed new base station	

Policy Framework

The site is affected by the following constraints:

- Within the Green Belt
- Outside the settlement boundary for Clevedon
- Tree preservation Order 211 (G4 and T5)
- Within setting of Grade II Listed Building (Walton Castle)
- Within the setting of a Grade II Listed Building (Clevedon Golf Club House)
- Inaccurate plans

Beyond the golf course:-

- a Site of nature Conservation Interest
- Special Area of Conservation (SAC)
- Regionally important Geographical Area

Planning Legislation

- Part 16 of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 as amended

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

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Policy Ref	Policy heading
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS6	North Somerset's Green Belt
CS12	Achieving high quality design and place making

The Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM12	Development within the Green Belt
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM32	High quality design and place making
DM69	Location of sporting, cultural and community facilities

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
5	Supporting high quality communications infrastructure (paras 42-46)
11	Conserving and enhancing the natural environment
12	Conserving and enhancing the historic environment

Other Guidance

- Biodiversity and Trees SPD (adopted December 2005)
- Code of Practice relating to Electronic Communications Code and the Electronic Communications Code (Conditions and Restrictions) Regulations 2013 and Part 16 of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 as amended

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

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Third Parties: 41 letters of objection have been received. The principal planning points made are as follows:

- Impact on biodiversity
- Impact on trees
- Overpowering and dominant
- Impact upon the character of the area
- Impact upon health
- Noise impact
- Green belt impact
- Poor design
- Overshadowing of neighbouring dwellings
- The proposed coverage will only be available to those who subscribe with Vodaphone

Other matters

- Financial gain for the Landowner
- Impact upon the golf course and enjoyment of the game
- Devaluation of properties
- Damage caused by construction vehicles

5 letters of support have been received. The principal planning points made are as follows:

- Stronger mobile phone signal

Clevedon Town Council: “RECOMMEND REFUSAL due to the inaccuracy of the plans and the mast being closer to the dwellings than shown on the drawings. Please note the Town Council is aware that there is a need for better mobile phone coverage in this area of Clevedon however other sites may be more appropriate.”

Clevedon Civic Society:

Welcome this proposal, and support it in principle as it will improve the mobile signal for the upper part of the Town.

The objections of the residents most affected by the proposal raise issues of wildlife protection, maintenance access, and adverse effects on public health which we assume will be given full consideration when the application is determined.

The visual impact of the proposed mast is also of concern and the information submitted with this application is not sufficient for this aspect of the application to be properly assessed.

We request that North Somerset council obtain further information from the applicants so that the visual impact of this very high mast can be properly assessed when viewed from the South West, particularly from Linkside Road, Edgehill Road, Argyle Road and Wellington Terrace.

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Natural England:

Based on the relatively modest height of the mast and its position within trees, Natural England would not expect it to result in any impacts on qualifying features associated with the Severn Estuary SAC/SPA/Ramsar site or SSSI.

RSPB:

This proposal entails the removal of one tree and canopy reduction of another. No ecological assessment appears to have been made of the tree proposed for removal to know if it supports bats and, if so, what measures are needed to avoid harm. Dead and ivy covered trees have value for other biodiversity. No timetable for the proposed works is presented so it is not possible to know if works would be timed to avoid risk to any breeding birds.

As presented, the planning application does not present sufficient information to be able to determine if the proposed development can avoid a net loss of biodiversity. The applicant should ensure that the proposal, if permitted, does not conflict with any existing land management obligation, eg, Woodland Grant Scheme agreement.

Principal Planning Issues

The principal planning issues in this case are (1) planning legislation, (2) siting and appearance, including Green Belt, (3) impact upon the occupants of the neighbouring dwellings, (4) biodiversity and trees, (5) health and noise, (6) setting of a listed building and (7) other.

Issue 1: Planning Legislation

This proposal is for prior approval for the erection of a telecommunication mast and is assessed under part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This order permits the installation, alteration or replacement of any electronic communications apparatus provided that it complies with conditions within that order. In this instance the mast is permitted development subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development. It should also be demonstrated that there is a need for new and upgraded coverage within the area and that other sites have been considered and were possible that phone operators share mast and sites.

Issue 2: Siting and appearance including Green Belt

The proposed siting of the mast will provide new and upgraded coverage with the Clevedon area and the information supplied by the applicant demonstrates that other sites have been considered. The mast will be shared with another telecommunication operator and its siting is considered acceptable in terms of upgraded and new coverage.

This type of development is not listed as appropriate development with the Green Belt unless it can demonstrate very special circumstances. It is considered that the

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need for improved coverage for Clevedon and the surrounding area and the absence of other sites suitable to provide this coverage constitute very special circumstances that would outweigh the harm to the openness of the Green Belt. It is also considered that due to scale and size of the mast and its location against a backdrop of trees that surround the fringe of the golf course it would not have a significant material impact upon the openness of the Green Belt.

The proposed siting of the mast will exceed the height of the existing tree canopies (approximately 20m) by approximately 4 metres. Although the surrounding trees are deciduous and will lose their leaf in the winter, due to the number of trees surrounding the site the mast would not have a significant impact upon the appearance of the surrounding area.

Additional information has been submitted by the applicant to indicate the position of the boundary of the golf course as shown on the site location plan. The distance to the boundary closest to the mast is approximately 15.9 metres. The distance to the nearest property known as Gable End Cottage is approximately 40m and 55 metres to the side elevation of no. 9 Link Side.

As stated above, the mast exceeds the tree canopies by 4 metres, however Link Side slopes downwards away from the application site and therefore it is likely that the upper section of the mast would be less visible as viewed from the lower slopes of Link Side and would not be considered overly prominent or overbearing as viewed from the street and the surrounding area. Even from the wider area the mast would not appear unduly prominent and would not adversely affect the appearance of the surrounding area provided it does not result in significant loss of trees.

The proposal would be in accordance with section 5 of the National Planning Policy Framework, Policy CS12 of the North Somerset Core Strategy, Policy DM32 and DM69 of the North Somerset Sites and Policies Plan (part 1).

Issue 3: impact upon the occupants of the neighbouring dwellings

The mast is sited some distance from the neighbouring dwellings. As viewed from the front garden of no. 6 Linkside, it would be visible above the canopy of the trees and during the winter months, however it would not be dominant as viewed from the neighbouring dwellings that surround the proposed site. Due to the distance from these properties (approximately 50 metres from No 6) the mast will not result in significant level of overshadowing within the surrounding neighbouring gardens.

It should also be noted that large trees are adjacent to the rear gardens of these properties. It is therefore concluded that the mast would not significantly increase overshadowing or loss of light to such an extent that it would adversely affect the living conditions of the occupiers of these dwellings and would be in accordance with the Policy DM32 of the North Somerset Sites and Policies Plan (part 1).

Issue 4: Biodiversity including trees

No information has been submitted to demonstrate that the proposed installation of the mast and related apparatus will not result in the loss of trees and biodiversity.

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Without a tree survey or tree protection measures the trees are likely to be in the root protection areas of all the trees. It is also likely that the trees will need to be heavily pruned with continuous tree works required to maintain the clearance needed for reception to the masts and dishes.

Without further information regarding the potential loss of trees it is not possible to fully assess the impact upon the surrounding area and its impact upon the natural character of the area and visual impact from the wider area. At this present time without additional tree information and tree protection measures prior approval should be refused in respect of the siting of the mast.

An initial phase 1 ecology report has not been submitted as the council must have regard to biodiversity and protected species under the Natural Environment and Rural Communities (NERC) Act 2006, the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species 2010 (as amended) it is considered that based on the lack of evidence submitted by the applicant the siting of the mast is not considered acceptable at this present time in that it would be contrary to Policies DM8 and DM9 of the North Somerset Sites and Policies Plan (part 1) and the Biodiversity and Trees SPD (adopted December 2005)

However, it is considered that the applicants could submit additional information to address the impact on the trees and a phase 1 ecology report.

Members will be advised of any further information about these matters.

Issue 5: Health and Noise

Section 5 of the NPPF paragraph 46 states that local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

The applicant has signed the declaration of Conformity with ICNIRP Public exposure Guidelines in which in doing so certifies that the mobile base station, when operational will meet the ICNIRP guidelines.

In terms of noise it is considered that this can be controlled by other legislation and that a condition to control noise levels from external plant cannot be put on this type of application.

Issue 6: Setting of a Listed Building

The proposal falls within the setting of Clevedon Golf House and Walton Castle Grade II Listed Buildings. The proposal is not considered to have an adverse impact on the setting of these Listed Building because the siting of the mast is not viewed in context with both listed buildings and is seen against a backdrop of trees.

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Issue 7: Other

Further matters have been raised by third party objectors namely the financial gain of the landowner, devaluation of properties and the impact upon the function and enjoyment of the Golf course. Damage caused by construction or installation will be relative small scale and appropriate protective fencing on the fairway can be put in place to prevent any damage to existing trees. All these matters have however little planning weight and are not matters which can be used to refuse prior approval.

Natural Environment and Rural Communities (NERC) Act 2006

See Issue 4 above

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Conclusion

The siting of the telecommunication mast and associated apparatus is considered acceptable in that the mast will have a minimal impact upon the siting and appearance of the surrounding area. Very special circumstances have been demonstrated that the site is a suitable location for improved and new coverage within the Clevedon area that would outweigh the harm to the openness of the Green Belt. The mast will be shared with other telecommunication operators. Subject to further information to be submitted regarding the impact upon the trees and biodiversity, and further clarification of the access to the site this proposal is in compliance with Schedule 2 Part 16 of the Town and Country (General Permitted Development) (England) Order 2015 (GPDO), section 5 of the NPPF, Policies CS3, CS4, CS5 and CS12 of the North Somerset Core Strategy and Policies DM8, DM9 and DM32 of the North Somerset Sites and Policies Plan (part 1).

Recommendation A: That subject to further information being submitted regarding (a) the impact upon trees and biodiversity (b) details of suitable access for installation of the mast and maintenance which will not adversely affect trees or biodiversity that **prior approval** is required and is hereby **APPROVED** for the siting and appearance of the development subject to the following conditions:

1. Any tree protection conditions.

Recommendation B: That if either the further information required in recommendation A does not show that trees or biodiversity can be retained without unacceptable harm or the information required by recommendation A is not submitted within a deadline given by the Council then **prior approval** is required and is **REFUSED** for the siting and appearance of the development.