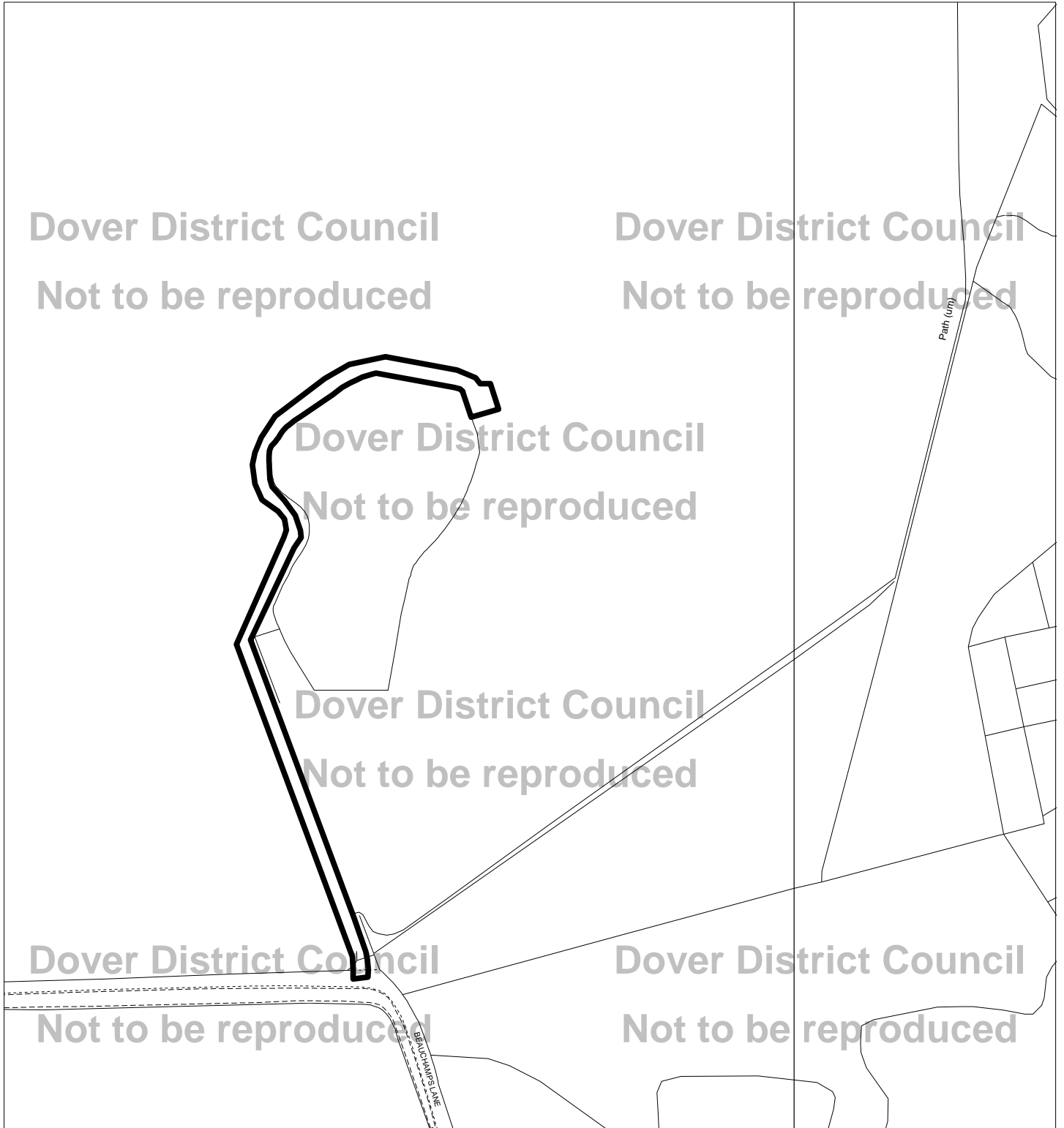


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**Application: DOV 15 00101**

**Land North of Beauchamps**

**Beauchamps Lane**

**Nonnington**

**CT15 4LN**

**TR25785259**



- a) **DOV/15/00101 - Land North of Beauchamps, Beauchamps Lane, Nonington - Erection of 30m high mast, six antennas, two 0.6m DIA dishes and six ground based radio equipment cabinets installed within a fenced compound.**

**Reason for report:** Addendum to Officers Report following Site Visit

- b) **Summary of Recommendation**

Planning permission be granted.

- c) 1. **Matters Arising From Previous Meeting**

1.1 This application was considered at the May Planning Committee. Following a discussion on the application, Members resolved to undertake a formal site visit to assess the relationship between the proposed development and historic assets. Members also requested that further information be provided regarding coverage of the site and the choice of location, together with additional information regarding the location of development in relation to heritage assets and topography.

1.2 The original committee report and minutes are attached at appendix 1.

- 2 **Additional Information**

2.1 During the site visit, which took place on Tuesday 23<sup>rd</sup> June, plans were provided to Members showing the coverage which would be provided by the proposed mast, including the areas which currently receive no signal at all ('not spots'). A copy of the plan will be made available when the item is considered by Members at planning committee on 23<sup>rd</sup> July.

2.2 Members who attended the site visit met at the entrance to the site, walked to the location of the mast and considered all of the buildings which were visible from the site. Members were able to appreciate the site and the topography of the surrounding area. Members then went to Beauchamps and viewed the site from a small window on the third floor and from the elevated rear garden. Members then visited Pinner's House, but did not enter the dwelling itself. An Ordnance Survey map showing the location of the site and the location of the closest listed buildings will be made available when the item is considered by Members at planning committee on 23<sup>rd</sup> July.

2.3 Eleven sites have now been considered by the applicants. The application included details of the initial ten sites considered, including the site which now forms the subject of the current application. The nine initial alternative sites included:

1. Land at Fredville Estate (north) – this location would require a taller mast, due to the lower elevation of this site. This location is also closer to residential properties.
2. Land East of St Albans Drive – This site was discounted after discussions with the site provider.
3. Fredville Estate (east) – A new installation in this location would not cover the required 'not spots' and would not meet the technical or coverage parameters of the project.

4. Land East of St Albans Downs – There is a newly built residential area in close proximity to the site. Any new structure in this location would be a prominent feature on the landscape.
5. Land East of Sandwich Road – This site has limited local screening and, as such, a 30m high structure in this location would be a prominent feature on the local landscape. Furthermore, the structure would have needed to be significantly taller, due to the lower elevation of the site, further increasing its visual prominence.
6. Pinnars Hill – This site would have been more visually exposed than the application site, with little screening available.
7. Land South of Beauchamps Lane – This location would have been close to neighbouring residential properties and more visually intrusive.
8. Land North of Mill Lane – This site would have been visually exposed and a 30m mast would be more prominent. This site is also within close proximity to local residential properties, as well as the main road leading to Elvington.
9. Land East of Church Street – This site lacks suitable tree screening to obscure public views of the mast. There are residential properties to both the east and south, meaning visual impact would be too high.

2.4 During the planning committee meeting on 28<sup>th</sup> May, it was suggested that the applicants consider siting the mast at Snowdown Colliery. Subsequently, the applicants have commissioned their Radio Planning Team to investigate whether the colliery site would be a viable alternative site. The applicants have confirmed that a 30m high mast in this location would provide coverage for six fewer not spots and 24 fewer premises. It is therefore concluded that this site would not be sequentially preferable for the siting of the mast.

### 3 **Conclusion**

3.1 Supplementary information has now been submitted that can inform the planning committee's decision. Having regard for this information and following the Members site visit, it is recommended that planning permission can be granted.

d)

### **Recommendation**

- I PERMISSION BE GRANTED, subject to conditions to include:- (i) Standard time, (ii) approved plans, (iii) the mast must be removed once it is no longer required.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.

### **Case Officer**

Luke Blaskett

## APPENDIX 1 – Committee Report

- a) **DOV/15/00101 - Land North of Beauchamps, Beauchamps Lane, Nonington  
Erection of 30m high mast, six antennas, two 0.6m DIA dishes and six ground based radio equipment cabinets installed within a fenced compound.**

**Reason for report:** Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

### Core Strategy Policies

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM13 - parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of, the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.
- DM17 - Seeks to restrict or control certain development within Groundwater Protection Zones.

### Dover District Local Plan 2002

- TR13 – Seeks to permit applications for telecommunications development provided: there is no conflict with policies to protect the environment; or when such conflict does occur it has been reduced to acceptable levels through design measures; or when such conflict cannot be resolved through design measures there are no practicable alternatives, such as resiting or mast sharing, and there is a technical or legal requirement for a telecommunications facility which outweighs that to protect the environment.

### National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which, amongst other things, seeks to: secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; contribute to conserving and enhancing the natural environment and reducing pollution; conserving heritage assets in a manner appropriate to their significance so they can be enjoyed for their contribution

to the quality of life of this and future generations; and take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.

- Chapter one of the NPPF seeks the planning system to do all it can to secure sustainable economic growth. Local Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> Century and address barriers to investment, including a poor environment or any lack of infrastructure, services or housing.
- Chapter five seeks to support high quality communications infrastructure, which are seen as essential for economic growth and vital in enhancing the provision of local community facilities and services. Local Authorities should not seek to prevent competition between operators, question the need for the telecommunications system or determine health safeguards if the proposal meets the International Commission guidelines for public exposure.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven seeks to conserve and enhance the natural environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- Chapter Twelve requires that the historic environment be conserved or enhanced. Where development would harm heritage assets or their settings, the development should be refused unless the harm caused is outweighed by public benefits.

#### The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

#### d) **Relevant Planning History**

It is not considered that there is any planning history which is relevant to the determination of the application.

#### e) **Consultee and Third Party Responses**

Public Right of Way Officer - No objection

Nonington Parish Council - Support the application, but question whether the mast can give good signal over Easole Street

Environmental Health - No observations to make

KCC Archaeology - No archaeological measures are required

Public Representations: Six letters of objection have been received, raising the following concerns:

- Impact on the setting of listed buildings
- Health implications
- There is no need for the mast, as phone signal is already available

- Increased risk of lightning and, subsequently, fires
- Harm to views and the character of the area

One representation has been received supporting the application, making the following comments:

- Most people in the village do not have mobile phone coverage
- The lack of mobile phone coverage has harmed a local business

One representation has been received, neither objecting or supporting the application and making the following comments:

- The development would be masked by trees.
- Questions whether this the best place to give the best coverage for the village.

- f)
1. **The Site and the Proposal**
    - 1.1 The site lies just outside of the settlement confines of Nonington, within the countryside. The topography of the site and the surrounding area rises steadily from Beauchamp Lane, around 250m to the south, to a ridge around Pinners Farm and the adjacent strip of woodland, around 600m to the north. The land also rises steadily to the south of Beauchamp Lane. The land around the site is dominated by arable farmland.
    - 1.2 The site is around 550m from the confines of Nonington and around 350m from Nonington Court and Beach Grove.
    - 1.3 Within the vicinity of the site are numerous listed buildings. These include: Pinners Cottages, grade II Listed and lying 575m to the west; Pinners Farmhouse, grade II listed and lying 650m to the north; Mount Ephraim House, grade II listed and lying 780m to the north east; Goosebery Hall Farmhouse, grade II listed and lying 775m to the east; Old St Albans, St Albans Court and associated buildings (9 buildings in total), including grade I, II and II\* and lying 450m to 550m to the south east; Church and buildings in Nonington (27 buildings in total), including grade I, II and II\* and lying 500m to 770m to the south and west; and Beauchamps, Beauchamps Lane, grade II listed and lying 330m to the south.
    - 1.4 The site itself currently forms part of an agricultural holding. The mast would be directly adjacent to a copse of trees, whilst a route between the site and Beauchamp Lane would run around the northern and western sides of the copse of trees before heading south and linking to Beauchamp Lane.
    - 1.5 This application proposes the erection of a 30m high lattice tower, which would accommodate two 0.6m diameter dishes and six antennas, and six equipment cabinets at ground level, which would be located on a 6.3m by 6.3m concrete slab and surrounded by a 2.2m high close boarded fence compound. To the north of the compound is proposed an area of geotextiles measuring approximately 75sqm. Leading from the area of geotextiles is proposed a 3m wide access track linking to Beauchamp Lane, which would be formed of 'Type 1' (crushed aggregate).
    - 1.6 The applicant has submitted details of the site selection process. Sites must be on elevated positions, above buildings, trees and other obstacles that would

block signals. They must also have a clear line of sight to an existing base station to allow for the transfer of data. Other operational and technical considerations must also be considered, such as: whether site owners are willing to host the development; whether a site would deliver adequate coverage; whether a site is capable of being provided with an economic source of power; how visually prominent the mast would be; the height that the mast would need to be in any given location; and the likely impact on neighbours.

- 1.7 The applicant has submitted evidence to demonstrate that alternative locations, including utilising existing masts and buildings, have been considered. In total, 11 sites were considered.
- 1.8 The area does not contain any existing masts which could successfully accommodate the equipment, whilst no existing structures (including buildings) could be utilised for operational reasons. Much of the land to the south is too low to allow effective coverage. The application site has been identified as the most appropriate and preferable, being well separated from listed buildings, minimising the masts prominence in the landscape and maximising coverage.
- 1.9 The proposal would provide signal for all four mobile network operators and would provide service to 18 'not spots' and 95 premises. A 'not spot' is defined as an area of 100m by 100m which has no mobile phone coverage (i.e. no 1G, 2G, 3G or 4G signal).

## 2 **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on heritage assets
- The impact on the residential amenities of neighbours

### Assessment

#### Principle

- 2.2 The site lies within the countryside, where Policy DM1 applies. This policy states that development will not typically be permitted, unless it functionally requires such a location or is ancillary to existing development or uses. In addition saved Policy TR13 of the Local Plan states that "proposals for telecommunications development will be permitted provided that: there is no conflict with policies to protect the environment; or when such conflict does occur it has been reduced to acceptable levels through design measures; or when such conflict cannot be resolved through design measures there are no practicable alternatives, such as re-siting or mast sharing, and there is a technical or legal requirement for a telecommunications facility which outweighs that to protect the environment".
- 2.3 In this instance, it is considered that the development functionally requires this location, as it would provide mobile communications infrastructure for the surrounding area, including 95 premises which do not currently have mobile phone signal. The applicant has provided details of other sites within the vicinity to assess whether an alternative site (including those within confines) would be viable and has provided sound reasoning why this site is one of the few suitable

and available sites and, of the few which are suitable and available, this site provides the most efficient and wide ranging coverage.

- 2.4 Having regard for Chapter 5 of the NPPF, it is considered that the development is reasonably necessary, and has been justified, to support the expansion of, and enhance the efficient operation of, the network. As such, the development accords with Policies DM1 and TR13, subject to the assessment of the application in other material respects.

#### Character and Appearance

- 2.5 The site lies within the countryside where special regard must be had for the impact the proposed development would have on the character and appearance of the countryside, as well as having regard to general design considerations. One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside.
- 2.6 Policy DM15 seeks to avoid development which would cause the loss of, or adversely affect the character or appearance of, the countryside. However, such development may be permitted where it is, for example, justified by the need to sustain the rural economy or where it cannot be accommodated elsewhere. In all exceptions, the development must also provide measures to reduce, as far as practicable, any harmful effects on countryside character and must not result in the loss of ecological habitats.
- 2.7 Policy DM16 seeks to protect the landscape from development which would harm its character. However, such development may be permitted if it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.8 The area contains several other lines of mast/pylon type structures, servicing other utilities (most likely electricity and land line telephone connections). Whilst these are lower in height than the proposal and typically constructed of timber, these do provide a context of tall structures within the vicinity. These other masts are also spaced at regular intervals to support cables.
- 2.9 The proposed mast would be much taller than the existing structures in the area at 30m in height. It would be located adjacent to a large copse of trees, which are typically around 20m in height. It is considered that this copse would both conceal the lower two-thirds of the mast, in views from the south and west, and provide a backdrop to the lower two-thirds of the mast, in views from the north and east. Whilst the intrinsic beauty of the countryside should be protected for its own sake, it is noted that public views of the mast would be taken from distances of approximately 200m. These views would be from public footpaths to the south and east. Wider views of site are limited, by virtue of both the topography of the surrounding land and the tall trees, hedges and other vegetation which enclose most buildings, roads and footpaths. The mast would be of a lattice design, and would have grey colouration, as the metal structure would be untreated. It is considered that this visual permeability and subdued colour would allow the mast to be relatively inconspicuous within the landscape.
- 2.10 The fence around the perimeter of the compound has the potential to be prominent in some views, being solid. However, the applicant has provided a photo of the timber which is proposed to be used, which is considered to be relatively dark and muted. The lower parts of the copse of trees are quite shaded,



even at its boundaries. It is opined that the finish of the wood would, to a degree, camouflage the compound and treatment of the fence is therefore acceptable.

- 2.11 The NPPF states that "advanced, high quality communications infrastructure is essential for sustainable economic growth", whilst "local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband". The benefits of the proposal have been outlined in the 'Proposal' section of this report. Whilst some concern has been raised that signal in the area is already sufficient and, therefore, the development is unnecessary, strong evidence has been submitted that the development would bring forward significantly improved communications.
- 2.12 Some visual impact is inevitable. However, it is not considered that less harmful, viable, alternatives exist which would produce the same recognised benefits. Furthermore, the impact of the development has been substantially reduced through its sensitive siting. On balance, it is considered that the limited impact the development would have on the character and appearance of the landscape is more than outweighed by the benefits of the proposal, expanding and enhancing the mobile communications network, which is strongly supported by the NPPF.

#### Heritage

- 2.13 As outlined in the 'Site' section of this report, the development is within 1km of a great number of listed buildings. In accordance with of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had for the desirability of preserving the listed buildings and their settings or any features of special architectural or historic interest they possess. Notwithstanding this statutory duty, the NPPF requires that regard must be had for whether development would cause harm to heritage assets. Where harm is established, permission should be refused unless this harm is outweighed by public benefits.
- 2.14 Several representations have raised strong concerns regarding the developments impact on the setting of nearby listed buildings. Particular attention has been drawn to the significance of the architect of many of these buildings, George Devey. Devey was an influential C19th Architect who worked in the popular Gothic Revival style until setting up his own practice in 1846, following which he developed a traditional vernacular (Vernacular Revival) style. The Devey buildings are distinctive in their architecture, incorporating the styles, features and materials which are archetypal of Devey's post 1846 work. It is agreed that the architect of these buildings adds to the historical, social and cultural significance of these listed buildings.
- 2.15 The case officer has visited the vicinity of each listed building (or group of listed buildings) to assess the likely impact on their settings. The site is a significant distance from all of the listed buildings within the vicinity, with the closest (Beauchamps) being around 330m away. Furthermore, the topography of the site conceals the development in views from the majority of listed buildings. Given the separation distances and topography it is considered that the development only has the potential to be noticeable from the vicinities of three listed buildings, being Pinners Farmhouse, Pinners Cottages and Beauchamps.
- 2.16 Pinners Farmhouse is located 650m to the north of the site, just over the brow of the slope which rises up from the application site. The 'Pevsner Guide' for north east and east Kent, describes Pinners Farm as "an especially fine sight in the

fields". It is agreed that the rural landscape around this building provides a strong setting for this building. However, due to its location, only the top of the mast would be visible and, given the separation distance, it is not considered that any harm would be caused to this listed building or its setting.

- 2.17 Pinners Cottages are located around 350m to the west of the site. In views from Pinners Cottage, the proposed mast would be located to the far side of the copse of trees, screening approximately the bottom two-thirds of the mast. Whilst the top of the mast (the highest 10 metres or so), including the dishes and antennas, would be visible, it would not be prominent within the landscape and would not affect the setting of Pinners Cottages.
- 2.18 Beauchamp is located 330m to the south of the site and is the closest listed building to the site. This building is located at a ground level similar to that of the site, on the southern side of the shallow valley, with the site on the northern side of the same valley. The curtilage of Beauchamp, particularly its boundaries, is heavily treed, as are the sides of Beauchamp Lane. The development would also be partially screened by the copse of trees in views from Beauchamp (although the eastern side of the mast and compound would not be entirely screened by this copse). Having regard for the separation distance and the substantial, and numerous, areas of vegetation, it is not considered that the development would affect the setting of Beauchamp.
- 2.19 For these reasons, and having had 'special regard' for desirability of preserving the listed buildings in the area, and their settings, it is opined that the development would preserve the surrounding listed buildings and their settings, causing no harm in this respect.
- 2.20 Concern has been raised that the development would harm the character of the landscape, which has an association with Jane Austin. Whilst it is accepted that Jane Austin would have been familiar with the area, it is not considered that the landscape itself is a non-designated heritage asset, as no evidence has been submitted of any specific reference to the landscape within the sight of the mast being of particular significance. It is not, therefore, considered that the landscape itself is a non-designated heritage asset. Notwithstanding this, and as previously discussed, the limited visual impact on the character of the landscape is more than outweighed by the benefits of the development.
- 2.21 No other heritage assets, or their settings, would be affected by the development.

#### Impact on Residential Amenity

- 2.22 The proposal is a substantial distance from the nearest neighbouring property and would not, therefore, cause any harm to residential amenity.
- 2.23 Significant concern has been raised regarding the proposals impact on the health implications to nearby residents and children attending a local school. The proposal has self-certificated that it would meet the International Commission guidelines on public exposure and it must therefore be concluded that the development would have no unacceptable impact on public health, in accordance with the NPPF and the NPPG. In particular, paragraph 46 of the NPPF states that local authorities should not "determine health safeguards if the proposal meets International Commission guidelines for public exposure".

- 2.24 Concern has been raised that the development would harm existing private views. The impact of development on a private view is not a material planning consideration and cannot be taken into account. The impact on the setting of listed buildings has already been considered.

#### Ground Water Protection Zone

- 2.25 The site lies on the boundary between Ground Water Protection Zones 2 and 3. It is noted that none of the uses or features identified in Policy DM17 are proposed and it is considered that the development is highly unlikely to cause possible contamination. The development is therefore considered to be acceptable in this respect.

#### Impact on the Local Highway Network

- 2.26 It is not considered that the development would be likely to create any significant additional demand for car parking provision and would not generate any significant additional vehicle movements. Whilst some vehicle movements will be generated during the construction phase, it is not considered that this would be of such intensity or for such a period of time that it would cause material harm to the highway network.

#### Ecology

- 2.27 The proposal would be sited on agricultural land, which at the time of the application was being used for the growing of arable crops. This land is well maintained and used for one species of crops at a time and is highly unlikely to support any protected and notable species, or their habitats. Therefore the development would not cause any significant harm to biodiversity.

#### Other Matters

- 2.28 Concern has been raised that the proposal would increase the risk of lightning, commenting that strikes are common. Tall metal masts are, by their nature, conductive and may attract strikes. However, it is not considered that an increased likelihood of strikes in this particular location would cause any significant risks, being well separated from neighbouring properties, the highway and public footpaths and evidence that unacceptable material harm would be caused has not been presented.

#### Overall Conclusions

- 2.29 It is considered that the development is acceptable in principle, according with both policies DM1 and TR13. It is also considered that the development would cause limited harm in terms of the character and appearance of the area, and would be acceptable in all other material respects. Whilst a limited degree of visual harm would be caused by the development, this harm has been mitigated as much as practicable, whilst the public benefits of the scheme, as outlined, outweigh the limited harm caused. It is therefore recommended that planning permission is granted.

g)

#### Recommendation

- I PERMISSION BE GRANTED, subject to conditions to include:- (i) Standard time, (ii) approved plans, (iii) the mast must be removed once it is no longer required.

- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett