

<u>No:</u>	BH2024/01723	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	St Margarets High Street Rottingdean Brighton BN2 7HS		
<u>Proposal:</u>	Installation of 1No. EE and 1No. H3G Antenna Aperture on Valmont frame on plinths, EE and H3G BOBs behind antennas, 1No. H3G unilateral cabinet on steel grillage, 2No. EE Unilateral cabinets on steel grillage, EE/H3G MK5 Link AC on steel grillage, 1No. EE and 1No. H3G antenna aperture on Valmont frame on plinths, EE & H3G BOB'S behind antennas, 4No. EE and 4No. H3G RRU'S on pole on Valmont tripod, 2No. EE & H3G 600Ø dishes on antenna pole, 2No. EE & H3G 600Ø dishes on antenna pole (behind) and ancillary equipment for the purposes of telecommunications development.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	19.08.2024
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	14.10.2024
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	
<u>Agent:</u>	Dot Surveying The Bonds 2 Anderson Place Edinburgh EH6 5NP		
<u>Applicant:</u>	MBNL Sixth Floor Thames Tower Station Road Reading RG1 1LX		

1. RECOMMENDATION

1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons:

1. The development would be a highly visible addition to the building where it would add unwelcome visual clutter to the roofscape in important views from within the public realm from the north, east and west of the site. There has been no meaningful attempt to visually shield or camouflage the development, and the submitted site location assessment is insufficiently robust to discount an alternative, less harmful location for the telecommunication equipment. The development therefore would be contrary to policies SA1, CP12 and CP15 of the Brighton & Hove City Plan Part One, DM18, DM25 and DM28 of the Brighton & Hove City Plan Part Two, and S1 and H2 of the Rottingdean Neighbourhood Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location Plan	002	B	11 July 2024
Proposed Drawing	215	B	11 July 2024
Proposed Drawing	265	B	11 July 2024
Proposed Drawing	330	B	11 July 2024
Report/Statement	Site Specific Supplementary Information and Planning Justification Statement	-	18 September 2024
Report/Statement	ICNIRP Statement	-	11 July 2024

2. SITE LOCATION

- 2.1. The application site is a six storey block of flats (with commercial uses at ground floor level) located on the eastern side of the High Street within Rottingdean. There exists a single telecommunications tripod mast featuring two antennas on the rooftop.
- 2.2. The building was locally listed in 2023. It is approximately 90m south of the Rottingdean Conservation Area (and the listed and locally listed buildings within it) and lies within an Archaeological Notification Area. It is approximately 40m northeast of the boundary with the South Downs National Park (SDNP), specifically the beachside.
- 2.3. A site visit was undertaken in November 2024.

3. STATEMENT OF SIGNIFICANCE

- 3.1. St Margaret's Flats were built in 1938 in the Moderne style at the seafront end of the High Street. It was built by Charles Neville's Saltdean Estate Company to the designs of Richard Jones. The Estate Company was also responsible for the grade II* listed Saltdean Lido and the grade II listed Ocean Hotel in Saltdean, both also designed by Richard Jones (RWH Jones).
- 3.2. It is typical of the period with design features that include a horizontal emphasis, sweeping curves, regimented balconies, pale smooth render and views of the sea. There are 42 flats over 5 floors with commercial units at ground floor level either side of the entrance. It underwent major repair and restoration in 2008.
- 3.3. It has clear aesthetic interest and is a good quality example of an inter-war Moderne style apartment building in the streamlined style taking advantage of its seafront location and reflecting the period aesthetic derived from ocean liners.

4. RELEVANT HISTORY

- 4.1. **BH1997/00138/TA** Installation of antennae on roof. Approved

5. RELEVANT HISTORY AT OTHER SITES

- 5.1. **BH2023/01334 - White Horse Hotel, High Street** External alterations to the roof of existing building to facilitate the extension to an internal staircase and creation of two ensuite bathrooms, including conversion of existing staff accommodation to reinstate seven (7) additional guest rooms. Installation of air conditioning plant equipment at roof level and associated infrastructure. Approved [NB these works included the removal of telecoms equipment on the Hotel, resulting in the need for a new site to be found to ensure telecoms coverage].
- 5.2. **BH2016/06328 - White Horse Hotel, High Street** Replacement of existing 13.3 metre rooftop telecommunications flagpole with a new 14.1 metre rooftop telecommunications monopole supporting 2no antennas, replacement of equipment cabinet and associated works. Approved
- 5.3. **BH2003/00694/FP - White Horse Hotel, High Street** Installation of a wall mounted panel antenna fronting Marine Drive, Rottingdean, together with ancillary development thereto. Approved
- 5.4. **BH2002/00498/TA - White Horse Hotel, High Street** The erection of a 12 metre simulated flagpole with 2 no. panel antennas contained within a GRP shroud, 1 no. transmission link dishes atop the roof, 1 no. equipment cabinet, and ancillary equipment. Approved

6. APPLICATION DESCRIPTION

- 6.1. Planning permission is sought for the installation of a telecommunication base station atop of the roof of the locally listed building. The base station would be installed on a metal grille of approximately 35m³ in area on the northeast corner of the flat roof, accessible via steel access steps. The equipment would include tripod-mounted antennas, several smaller dish antennas, and associated infrastructure including cabinetry, GPS modules and other hardware. The antennas, when installed on the frames would have a maximum height of some 4.5m above the top of the roof, with two to be installed alongside smaller cabinets and other apparatus, enclosed within a handrail, with a walkway and light also to be installed to provide safe access.

7. REPRESENTATIONS

- 7.1. **Twenty-four (24)** representations have been received, objecting to the proposal on the following grounds:

- Loss of external amenity space on the roof.
- Detrimental impact on the historic significance of the locally listed building.
- Visible from on top of, and beneath, the cliffs, and from surrounding streets
- Detrimental impact on human health.
- Noise nuisance.
- Impact on the building's electricity supply.
- Alternative sites should be used - temporary base station within the Marine Cliffs car park, roof of White Horse, non-residential buildings.
- Developer has no right to carry out the development.
- Will make the building harder to maintain will not be able to access the roof.
- Cabling necessary for the development will occupy ductwork space.
- Height of equipment will make it vulnerable to damage from the wind.
- Detrimental impact on property value.
- Approving the proposal will encourage further development.

7.2. **Six (6)** representations have been received, supporting the proposal on the following grounds:

- Would update an existing base station.
- No adverse impacts on local residents.
- Would improve telecommunication infrastructure.
- Would allow the removal of the temporary base station within the Marine Cliffs car park.

8. CONSULTATIONS

8.1. Planning Conservation Team Object

Detrimental impact on significance of locally listed building due to the prominence of the equipment in views from the surrounding landscape, including within the Rottingdean Conservation Area. Note is telecoms equipment upon the roof of the building already, this was granted permission c.1997 before the building was added to the local list of heritage assets and so would have been subject to a different planning assessment. Further assessment of impact on important views should be sought, particularly from within the Rottingdean Conservation Area and SDNP.

8.2. Rottingdean Parish Council Object

St Margarets is just outside the Rottingdean Conservation Area but is a Locally Listed Heritage Asset, being considered by BHCC to have "a clear aesthetic interest and being a good quality example of an inter-war Moderne style apartment building". The proposed telecoms masts would be highly visible from within the conservation area at the southern end of the High Street, as well as when approaching Rottingdean crossroads from the east, west or north, whether on foot or in a vehicle. Overly dominant feature that would have a harmful impact upon the appearance of the host property and on the character of the area, failing to maintain or raise the standard of architecture in the village.

8.3. Please note - Rottingdean Parish Council recognises that access to 5G communications is an issue for some businesses and residents in the village.

Should this application be refused, the parish council would be prepared to explore and identify more appropriate sites around the village with a provider.

8.4. South Downs National Park Authority Comment

Located in an area where there is pre-existing development, including an existing roof mounted antenna, so would likely result in minor impacts on the setting of the National Park. It is therefore important to consider direct and indirect effects upon the National Park designated landscape and its setting as well as its special qualities.

9. MATERIAL CONSIDERATIONS

9.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

9.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove City Plan Part Two (adopted October 2022)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)
- Shoreham Harbour Joint Area Action Plan (adopted October 2019)
- Rottingdean Neighbourhood Plan (adopted February 2024)

10. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA1	The Seafront
SA5	The Setting of the South Downs National Park
SA6	Sustainable Neighbourhoods
CP8	Sustainable Buildings
CP10	Biodiversity
CP12	Urban Design
CP15	Heritage

Brighton & Hove City Plan Part Two (CPP2)

DM18	High quality design and places
DM20	Protection of Amenity
DM25	Communications Infrastructure
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM31	Archaeological Interest

DM39	Development on the Seafront
DM40	Protection of the Environment and Health - Pollution and Nuisance

Rottingdean Neighbourhood Plan (RNP)

S1	The Plan's Spatial Framework
H2	Design
H3	Design Principles in the Conservation Areas and their Settings

Supplementary Planning Documents (SPD)

SPD03	Construction & Demolition Waste (2006)
SPD09	Architectural Features (2009)
SPD17	Urban Design Framework (2021)

Conservation Area Character Statements

Rottingdean (2012)

11. CONSIDERATIONS & ASSESSMENT

- 11.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development and its impact on heritage features; and the potential impacts on the amenities of local residents and business-users.

Principle of Development

- 11.2. CPP2 policy DM25 relates to Communications Infrastructure so is the main policy relevant to the present scheme. It states:
“Planning applications for communications infrastructure and associated ancillary development will be permitted where all of the following criteria have been met:
- a) *There will be no unacceptable impact on the character or appearance of the building on which...the equipment is located...*
 - b) *The significance of heritage assets and their settings are conserved or enhanced, in accordance with City Plan Part One Policy CP15 Heritage;*
 - c) *The proposal is appropriately designed, minimising size and scale, and camouflaging appearance wherever possible;*
 - d) *There is no unacceptable impact on important wildlife sites, areas of landscape importance and their setting including the setting of the South Downs National Park;*
 - e) *All options have been thoroughly assessed for sharing of existing equipment and/or erecting masts on existing tall buildings or other structures;*
 - f) *All masts and additions to existing masts are self-certified to meet International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards;*
 - g) *It has been demonstrated that the communications infrastructure will not cause significant and irremediable interference with respect to other electrical equipment, air traffic services or instrumentation operated in the national interest.”*

- 11.3. Criteria a) - d), regarding the design and appearance of the development, and how it would impact on the built environment, heritage assets and the SDNP, will be assessed later in this report.
- 11.4. With regards to criterion e) concerning options for sites, six alternative ground and rooftop options have been assessed and discounted. The Local Planning Authority (LPA) does not dispute that the assessed sites would be unsuitable, but considers the assessment was not extensive enough. The assessment does not include several flat roofed buildings in the vicinity, or West Street Car Park. The site closest to the carpark that was considered (referenced site D2) is on the adjacent footway and was considered unsuitable due to the narrow width of the footway itself, and the high visibility of the development in this location. The latter is not considered to be a robust reason to discount a site in principle, as telecoms equipment is often by nature highly visible, and the proposed location on St Margarets is itself highly visible.
- 11.5. In order to demonstrate a robust assessment, the following sites should also have been assessed:
- Nos.5-8 West Street (Tesco Express);
 - Nos.19-29 Marine Drive (Flat-roofed block of flats with commercial at ground floor);
 - Azure, 28 Marine Drive (Flat-roofed block of flats, adjacent to temporary telecoms site);
 - West Street Car Park; and
 - Marine Cliffs Car Park.
- 11.6. With regards to criterion f) concerning the International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards, a certificate confirming that the proposed development would operate in accordance with ICNIRP has been submitted and is considered to be acceptable.
- 11.7. With regards to criterion g) concerning interference with electrical equipment, no evidence has been submitted regarding whether the development would impact on *‘electrical equipment, air traffic services or instrumentation operated in the national interest’* but effects of this kind are managed through regimes alternative to planning and would not justify the refusal of planning permission.
- 11.8. The concerns raised by local residents that the development would impact on the electricity supply to St Margarets are noted but would need to be managed by the operator and are at any rate beyond the scope of the planning process.

Design and Appearance and Visual Impact

- 11.9. The site is a locally listed building, located close to the Rottingdean Conservation Area and adjacent to the sea front. It is therefore in a sensitive location, with the potential for harm to heritage features and visual amenity.
- 11.10. CPP2 policy DM28 relating to locally listed buildings states that: *“[a]lterations and extensions to a locally listed heritage asset...should be of a high standard of design that respects the special interest of the asset.”* CPP1 policy SA1 is also relevant, given the site’s seafront location, stating that a priority is to promote

high quality architecture, which includes the application site which in 2023 was added to the local list of heritage assets.

- 11.11. The application site currently features a single telecommunications mast with antennas. The existing telecoms development is highly visible from the surrounding landscape and is considered to have a notable negative impact on the visual appearance of the building, appearing as a functional and utilitarian apparatus that disrupts the lines of the roofscape.
- 11.12. The proposed development includes two further such tripod masts, and additional smaller scale dish antennas that would form a separate cluster from the existing antennas, in a position where it would be highly visible from the surrounding highway along Marine Drive to the north, and the wider public realm, including the raised clifftop paths to the east and west of Rottingdean village centre.
- 11.13. It is not considered that the proposed development represents high quality design; it is functional hardware that would appear incongruent with the Moderne architecture of the locally listed building. The existing telecommunications equipment on the building demonstrates the unwelcome impact this kind of development has on the profile of the building. The proposed development would exacerbate the detriment and reduce the historic significance of the building.
- 11.14. Due to the scale of the development, it is considered that the harm caused would be less than substantial; however, the NPPF is clear that it must nevertheless be given significant weight in the planning balance and should be measured against the public benefits of the development, which will be addressed later in this report.
- 11.15. The objection of the Council's Planning Conservation Team with regards to the impact on the Rottingdean Conservation Area is noted; however, the site visit revealed that the development would not be visible from any important location within the conservation area boundary, and it is considered that the development would have a neutral impact on the historic significance of this designated heritage asset.
- 11.16. No meaningful attempt has been made in the design to mitigate the visual profile of the development, nor has it been camouflaged or shielded in any notably fashion. As such it would appear as a visually dominant addition to the locally listed building, introducing significant visual clutter at rooftop level which would detract from the visual amenity of the building and wider environment.
- 11.17. The proposed development would only be visible from within the SDNP in distant views; given its siting at the rear (north corner) of the rooftop, it would be concealed from views within the closest areas of the Park, which are down on the beach. For this reason, it is considered that the development would have a neutral impact on the aims of the SDNP to conserve and enhance natural beauty, wildlife and cultural heritage.

11.18. Overall, the scheme is considered to add unacceptable clutter to the locally listed building, detracting from views taken of the building from the east, north and west of the site along Marine Drive and the public footpaths atop the cliffs. There has not been any meaningful attempt to reduce the impact on the building or the public realm from which it is visible, contrary to Policies SA1, CP12 and CP15 of CPP1, and DM18, DM25 and DM28 of CPP2.

Impact on Amenities

11.19. The scheme would be entirely contained within the roofscape so is not considered to result in any significant impact on the amenity of neighbouring residents, including those within the host building.

11.20. The proposed development is not anticipated to result in significant additional shadowing when compared against the shadow cast by St Margarets itself; the LPA has no concerns in this regard.

11.21. Concerns have been raised that operation of the equipment would result in a significant noise impact on local residents. Although similar development (i.e. telecommunications equipment) can be observed to produce some noise, given the location on the unoccupied roof, it is not considered that it would be significant to result in measurable harm. Regardless, in the event planning permission was minded to be granted, the council would retain the authority to investigate under the Environmental Protection Act 1990, should any complaints be received.

11.22. Concerns have been raised that the proposed development would reduce the area of roof available for residents of St Margarets to use as external amenity space. The existing roofscape has an area of approximately 480m², and the proposal would reduce this by approximately 35m², or 7.3%. It is considered that the roof top would remain accessible and usable as an external amenity area should residents wish to, and the harm caused in this regard would not be significant enough to warrant refusal of planning permission in this instance.

Other Considerations

11.23. The primary public benefit of the proposal would be the maintenance of a robust telecommunications network; this is considered to be a significant benefit to residents and visitors to the Rottingdean settlement.

11.24. The site lies within an archaeological notification area but given the lack of significant below-ground works it is not considered likely that the works will cause any harm to ancient remains that may be present.

11.25. Concerns have been raised that by granting permission for the proposed development a harmful precedent could be established. Each planning application is assessed on its own merits and the decision made in this regard to this application would not automatically set a precedent either for or against similar development in the area.

11.26. Concerns have been raised in the representations received citing harm to human health associated with 5G technology. The NPPF is quite clear in

paragraph 122 that; " *Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure*". The application is submitted with a document self-certifying that the development is compliant with the ICNIRP guidelines and there is no reason to consider that it is not. The concerns in regard to public health are noted and the guidance of the UK Health Security Agency in the guidance note published 3rd October 2019 "5G technologies: Radio Waves and Health" is also noted along with the requirements of the NPPF. The present guidance indicates that it would not be reasonable for the LPA to refuse the application on the basis of impact upon health.

- 11.27. Concerns have been raised that the development would make the rooftop inaccessible for maintenance crews working on the fabric of the building itself; that the developer does not have the legal rights to develop on the rooftop; that the development would be vulnerable to damage from wind, that the associated cables would occupy valuable duct-space within the building; and that the development would have a detrimental impact on property value. These are not planning matters so cannot be taken into account in determining the application.

Biodiversity

Biodiversity Net Gain (BNG)

- 11.28. Based on the information available this permission is not considered to be one which would require the approval of a biodiversity gain plan before development is begun due to the fact that the permission which has been granted is for development which is exempt being development below the de minimis threshold, meaning development which:
- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Conclusion & Planning Balance

- 11.29. The proposed development is considered to have a detrimental impact on the visual amenity of the local built environment and the historic significance of the locally listed St Margarets block of flats, by reason of its functional and cluttered appearance that would be highly visible atop the roofscape in views from the north, east and west.
- 11.30. Inadequate justification for mounting the equipment in this location has been submitted, with the site selection process contained with the planning statement omitting several buildings and areas of open space in the area.
- 11.31. For the foregoing reasons the proposal is considered to be in conflict with policies SA1, CP12 and CP15 of the Brighton & Hove City Plan Part One, DM18, DM25 and DM28 of the Brighton & Hove City Plan Part Two, and S1 and H2 of the Rottingdean Neighbourhood Plan.

- 11.32. The proposed development would provide public benefits in terms of maintaining a robust telecommunications network, but this is not considered to justify the harm when alternative sites have not been adequately assessed.

12. EQUALITIES

Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 12.1. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

