

Parish:	Docking	
Proposal:	Request Planning Permission to erect a free-standing lightweight mast of 9.5m in overall height, when elevated to its full height. This is to support a single 2.8mm OD wire antenna, to operate on the 160m - 10m HF amateur radio bands.	
Location:	Kamway Stanhoe Road Docking King's Lynn	
Applicant:	Mr Richard EDMONDSON	
Case No:	23/01008/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 31 July 2023

Reason for Referral to Planning Committee – Called in by Cllr Sandell

Neighbourhood Plan: No

Case Summary

The application site lies to the eastern edge of Docking village to the north of Stanhoe Road and comprises a bungalow with detached outbuildings. Further residential dwellings lie adjacent the site to the east, south-east and south-west with agricultural fields to the north.

The application site is located within the Conservation Area and is within a Key Rural Service Centre as defined by the Development Plan.

The application seeks consent to erect a free-standing lightweight mast of 9.5m in overall height (when elevated to its full height). The proposed mast would support a single 2.8mm horizontal OD wire antenna, to operate on the 160m - 10m HF amateur radio bands.

The application site has previously been refused planning permission for a larger mast in a different location under planning reference 14/00552/F. **Please see appeal decision attached as APPENDIX 1.**

Key Issues

Principle of Development
 Site History
 Impact on landscape character
 Impact on the character and appearance of the Conservation Area
 Neighbour amenity
 Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site lies to the eastern edge of Docking village, north of Stanhoe Road and comprises a bungalow with detached outbuildings. Further residential dwellings lie adjacent the site to the east, south east and south-west with agricultural fields to the north.

The application site is located within the Conservation Area and is within a Key Rural Service Centre as defined by the Development Plan.

The application seeks consent to erect a free-standing lightweight telescopic mast located to the western boundary of the site to the rear of the dwelling. The overall height of the mast would stand at 9.5m in (when elevated to its full height). When lowered, the mast would stand at 5.5m in height. It would be square in form with a maximum measurement of 70mm x 70mm (thick).

The proposed mast would support a single 2.8mm horizontal OD wire antenna, to operate on the 160m - 10m HF amateur radio bands. The wire antenna would connect at its other end to a previously approved mast (B) which is attached to the northern elevation of an outbuilding within the curtilage of the property, for a length of 25.6m.

Planning permission was previously approved for two masts and antenna on the site attached to the existing outbuilding, with mast A to the southern elevation and mast B to the north elevation (application ref: 10/00131/F and 10/01555/F).

A third free standing mast proposed to be sited to the northern end of the garden was refused and dismissed at appeal in 2015 (application ref: 14/00552/F. Appeal Ref: APP/V2635/D/14/2229737). See Appeal Decision Attached. This application proposes a smaller mast in a different location on site, however the previous refusal of planning is a material consideration which has weight in this decision.

SUPPORTING CASE

There is no supporting case accompanying the application.

PLANNING HISTORY

14/00552/F: Application Refused: 14/07/14 (Committee) - Application to erect free standing amateur radio mast and replacement antenna – Kamway, Stanhoe Road, Docking

Appeal Split Decision – Masts A and B allowed and mast C dismissed.

14/01118/F: Application Refused: 08/10/14 (Committee) - Replacement of galvanised steel amateur radio mast on workshop, change antennas approved for different antennas for hobby purposes - Kamway

10/01555/F: Application Permitted: 18/10/10 (Delegated) - proposed erection of a VHF/UHF aerial for hobby of amateur radio. - Kamway

10/00131/F: Application Permitted: 15/04/10 (Delegated) - Erection of short wave amateur radio mast and aerials - Kamway

06/00506/F: Application Permitted: 05/05/06 (Delegated) - Single storey extension to side and rear of dwelling and detached garage workshop building. Construction of garden wall to west and part of south boundary - Kamway

RESPONSE TO CONSULTATION

Parish Council: Docking Parish Council wishes to make no comment on this application because it had not been in time to get on the agenda and ran out before the next meeting and the Council were concerned that no parishioners had been able to comment.

Conservation Team: NO OBJECTION to the proposed scheme as it will not affect the setting of the conservation area or any other historic asset within the vicinity.

REPRESENTATIONS

ONE representation received from a local resident **OBJECTING** on the following grounds: -

- Neighbour amenity.
- Horizontal wire aerial is proposed to be attached to mast B (North mast)
- Drawing 2 (notated as a condition within the Appeal decision dated 22/03/2014) clearly states that when not in use Mast B will be lowered.
- This statement pre-supposes that to be used mast B will require to be telescoped to its full height, an event which does not appear to have happened within the many years that mast B has been installed.
- both mast B and the new mast will require to be telescoped to their full height when in use.
- Given the applicant's demonstrable disregard of Planning Conditions, and for convenience, the masts will be permanently raised.
- compliance with the notation for mast B on drawing 2 will not be complied with.
- The proposed addition of the horizontal wire aerial and its need to operate at the masts extended height will further increase the already obtrusive view of mast B from Folkes Barn.
- No longer mitigated by trees.
- Long planning history.
- 2014 application was appealed.
- The free-standing mast was rejected by the Inspector.
- Since the granting of the appeal for masts A and B, both have been varied and not indicated on the drawings.
- Antennas removed from northern mast (B) in 2021.
- An antenna array was erected onto mast B during July 2023 – not shown on submitted plan.
- Mast A (southern elevation) replaced with similar to mast B.
- Therefore not in accordance with drawing 2.
- Previous decision based on 'trees along part of boundary which would reduce views of the mast'.
- Since then, unauthorised tree works have taken place, removing branches from those trees.
- Having become potentially dangerous during high winds, the trees have been removed.
- The removal of the trees now means the masts and antenna are no longer mitigated.
- Full view from living room.
- The masts are no longer shielded from view from Stanhoe Road due to the piecemeal removal of mature trees aligning the pond.

- Increasingly visible from the conservation area.
- Contrary to Policy CS08.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are as follows: -

- Principle of Development
- Impact on landscape character
- Impact on the character and appearance of the Conservation Area
- Neighbour amenity
- Site History
- Other Material Considerations

Principle of Development

Docking is identified as a Key Rural Service Centre within the Borough as identified by the Development Plan. In such settlements limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the Development Limits of the Key Rural Service Centres in accordance with Policy CS06 Development in rural areas.

Two existing masts attached to the outbuilding to the south-east of the site benefit from a previous planning permission. Mast A, attached to the southern elevation of the outbuilding is 12m in total height when in use and 8m when lowered. This mast comprises two horizontal aerials.

Mast B is attached to the northern elevation of the outbuilding and stands at a total height of 10.7m when in use and 7.1m when lowered. This comprises one horizontal antenna.

Site History

A previous application proposed a freestanding mast to be sited on the northern boundary and was ultimately refused and dismissed at appeal on the grounds of its impact on neighbour amenity to Ffolkes Barn to the north-east of the application site. The refused mast was proposed to stand at a fixed height of 9.5m with a vertically attached antenna of 7.3m, giving a total height of 16.8m.

The Inspector considered that the garden of Ffolkes Barn was set at a lower level than the appeal site, thereby adding to the mast's apparent height which, with its antenna extended would reach almost 17 metres. It was concluded that the freestanding 'mast and antenna would be very prominent when seen from the south facing rear patio of Ffolkes Barn, an area which is likely to be important to the residential amenity of the occupiers'. The Inspector continues to assert that 'notwithstanding its monopole construction, the perception of the mast and antenna is likely to be one of a towering feature, resulting in an overbearing effect and in material harm to outlook'.

In comparison, the proposed freestanding mast subject of the current application would be located 1m away from the western boundary of the site and would stand at a maximum height of 9.5m as opposed to 16.8m.

Impact on Landscape Character

The site is at the edge of the village with open fields to the north. However, there are no public views from the north and there are no long views of the site across the fields as the nearest public highway to the north is more than 600m away and the land levels undulate so that the site is not visible from this direction.

Whilst neighbouring dwellings to the south, south-east and south-west would obscure views of the proposed mast from the public domain, there would be a degree of visibility from the driveway entrance of the site. However, this would be limited, and the presence of an existing telegraph pole (8-10m high) and overhead cables within proximity of the proposed mast would further reduce its visual prominence within the landscape setting.

Neighbour comments refer to the previous loss of trees on site, both to the east (within the curtilage of Ffolkes Barn) and around the pond to the South of the site adjacent to Stanhoe Road. Whilst the loss of these trees (some of which are under enforcement investigation) are noted, the loss of the trees has not had such a significant loss of screening to render the visual impacts of the development inappropriate or otherwise unacceptable. Full detail of the loss of trees is discussed below.

It is therefore considered that the site is not highly visible from public vantage points and the impact of the proposal in terms of landscape character is limited given its sheltered position, in accordance with Development Plan Policies CS06, CS08, CS12 and DM15; and the provisions of the NPPF.

Character and Appearance of the Conservation Area

The application site is positioned on the eastern edge of the Conservation Area to the north of and set back from Stanhoe Road. Stanhoe Road is the nearest public vantage point, by a

minimum distance of some 40m. There is a detached agricultural barn sited offset to the south of the application site.

A pond then sits between the agricultural building and the road, which is lined, albeit sporadic, with trees. Whilst there would be glimpses through of the proposed mast from the Conservation Area, this would be largely restricted to the uppermost part of the slimline pole. This, together with its distance from the road and the backdrop of trees across the fields to the north, means that the mast would not be overly prominent within the street scene.

Furthermore, the mast is a slimline pole with a horizontal wire antenna, there are no large bulky antenna systems proposed, which would appear slender against the skyline. There are many TV aerials and telegraph poles and wires along this part of the public highway, which are accepted features within the Conservation Area and are not dissimilar to the proposal.

Taking the above into account, including the fact the Council's Conservation Team have raised no objection to the application it is considered that the proposed development would have no adverse impact on the setting or character of the Conservation Area, in accordance with Development Plan Policies CS08, CS12 and DM15; and the provisions of the NPPF.

Neighbour Amenity

Whilst there would be limited public views of the proposed mast, it would clearly be visible from residential properties which surround the site. The most affected property would be that directly to the south-west, Hazeldene, due to its proximity to the proposed mast.

That said, the mast would be sited approximately 14m back from the site's southern boundary which is aligned with the northern boundary of Hazeldene. The dwelling at Hazeldene is located towards the north-western corner of its site, therefore its private garden space is sited to the east and south of the plot. The mast would be visible from the immediate garden space of the neighbouring dwelling but there is adequate separation distance involved.

Furthermore, it would be seen against a backdrop of trees along the northern boundary adjoining the adjacent fields and given that the pole (70mm x 70mm thick) and wire antenna (2.8mm thick) are slender, they would not be so prominent as to cause a significant visible intrusion to the detriment of the neighbouring resident's amenity.

Other neighbouring properties to the south-west (Forge Cottage), north-east (Ffolkes Barn) and east (East Farm House) would not be materially affected due to the separation distance between dwellings.

The previously refused mast was proposed to be sited approx 4.8m away from the shared boundary between Kamway (the application site) and Ffolkes Barn. Whereas the current proposed mast is shown to be sited approx. 14m away from the shared boundary.

It is considered that with the increased distance from the western neighbouring property in this case, together with the fact that the proposed mast would be 7.3m shorter than the previously refused mast, there would be limited impact upon outlook and residential amenity.

Although the proposed mast would be seen from the garden of Hazeldene, it would not result in the same perceived 'towering feature' and for the reasons given above, it is not considered that it would cause an overbearing effect to the neighbouring occupiers.

There may also be limited views of the proposed mast from the garden of Ffolkes Barn to the north-east of the site, but given the separation distance involved and its siting towards the eastern boundary, it is not considered to result in the same level of perceived harm as the previously refused mast.

As such it is considered that the proposed development accords with Development Plan Policies CS08 and DM15; and the general provisions of the NPPF.

Other Material Considerations

Third Party Representations

All third-party comments have been taken into full consideration when making a recommendation, most of the comments received by the third party have been addressed above in the report.

In regard to the appeal decision, whilst the approved plan was conditioned in relation to masts A and B which notated the minimum and maximum heights of the masts, and the Inspector commented on this in the appeal decision, the Inspector did not specifically condition the masts to be lowered when not in use. Therefore, there is no breach of planning control if the masts were to stand at maximum height permanently.

It is not considered reasonable, necessary, or enforceable to condition the proposed freestanding mast to be lowered when not in use. This would not meet the six tests set out within the NPPF for effective use of conditions.

As discussed above, it is not considered that the full extended height proposed; 9.5m, given the slimline monopole structure and distance from the western neighbour, would cause a significant adverse impact on residential amenity.

Comments regarding the existing masts not complying with the planning consent are noted, these comments do not directly relate to this planning application however the matter has been referred to the Planning Enforcement Team who will be able to further investigate the issues raised.

The Third-Party states that some trees have been removed along the eastern boundary, which were previously noted to provide screening for masts A and B. As noted by the third party, these trees had consent for removal under 17/00093/TREECA and 20/00032/TREECA. The trees were within the garden of Ffolkes Barn.

The Enforcement Team have more recently been made aware of works to trees to the south of the site which are within the Conservation Area. The Enforcement Team are currently investigating whether a breach has occurred. It is evident however, that whilst trees previously may have been removed, the mast proposed under this application is of limited scale and its visual appearance will not have any significant adverse impact on the wider street scene when considered alongside its position set back from the road edge.

Notwithstanding this, with the exception of the fact that existing mast B may need to be telescoped (within its approved parameters) when the new mast is in use (due to the ariel antenna connecting between the two masts), masts A and B do not form part of the current application. Neither does the proposed mast subject of the current application affect the eastern boundary of the site.

Crime and Disorder

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

CONCLUSION

The proposed mast and wire antenna are of a height above that of the surrounding built environment in order to provide for an appropriate level of reception for this radio system to operate efficiently. Although this height results in the masts/antennas being visible from Stanhoe Road, which is within the Conservation Area, visibility is heavily restricted by the existing buildings and trees in the vicinity.

Given the proposed mast's slender appearance and the restricted public views of the proposed antenna, it is considered that the proposed development would preserve the character and appearance of the Conservation Area and would not detract from the wider landscape.

The mast/antenna will be clearly visible from the surrounding private neighbouring properties thus impacting on the occupiers' views; however, the right to a view is not a material planning consideration and cannot be taken into account in the determination of this application. It is not considered that the proposed new mast would have such a significant detrimental impact on the amenity of the occupants of neighbouring properties to warrant the refusal of planning permission.

It is considered that the proposal accords with Development Plan Policies CS06, CS08, CS12 and DM15; and the general provisions of the NPPF.

RECOMMENDATION

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out using only the following approved plans: Drawing No. 1 – Site / Location Plan and Proposed Elevations.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.