

**Application Number**

P/2018/1274

**Site Address**Waldon Point  
St Lukes Road South  
Torquay  
TQ2 5YE**Case Officer**

Miss Emily Elliott

**Ward**

Tormohun

**Executive Summary/Key Outcomes**

This planning application is for the installation of 12 no. telecommunications apertures, antennas, raised working platforms, cabinets, dishes and ancillary works on the roof of Waldon Point, which is a multi-storey apartment building. The proposal also includes the removal of redundant equipment.

The proposal is considered to be acceptable in terms of the principle of development, visual impact, residential amenity and flood risk. It is considered that the proposal is in accordance with the Torbay Local Plan and the Torquay Neighbourhood Plan..

**Recommendation**

That planning permission is granted. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport.

**Reason for Referral to Planning Committee**

The application has been referred to Planning Committee due to the number of objections that have been received.

**Statutory Determination Period**

4th March 2019. Extension of time agreed until 12<sup>th</sup> June 2019.

**Site Details**

The application relates to Waldon Point, St. Lukes Road, Torquay, which is an apartment complex located within the Belgravia Conservation Area.

**Detailed Proposals**

This planning application proposes the installation of 12 no. telecommunications apertures, antennas, raised working platforms, cabinets, dishes and ancillary works. The proposal also includes the removal of redundant equipment.

**Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

#### Development Plan

- The Adopted Torbay Local Plan ("The Local Plan")
- The Adopted Torquay Neighbourhood Plan

#### Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

### **Summary of Consultation Responses**

#### Interim Heritage Advisor

*The site is located within the designated Belgravia Conservation Area the character and appearance of which should be protected from harm as detailed by the Planning (Listed Building and Conservation Areas) Act 1990, which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The special character of the Belgravia conservation area is detailed by the Conservation Area Character Appraisal. The site in question falls within the St Luke's and Waldon Hill character area which is described as follows:-*

*On Waldon Hill, the first roads were laid out in the 1840s, largely following the contours. These then became the focus of the early villa development, although it is probable that where, for example, Warren Road faces across the bay from an elevated position, some villas undoubtedly soon started to adapt their accommodation to the visitor trade. The hill is now a mixture of small to medium-sized hotels and retirement homes, and also a number of surviving 19th century villas in private, individual or multiple ownership. On the crown of the hill, are extensive blocks of flats dating from the 1960s to the 1980s, most notably Lytton House, which dominate the skyline.*

*The buildings are interspersed with street trees which are largely deciduous, whilst the trees within the landscaped grounds of the villas remain the planted evergreens. At Rock Walk there are some fine individual specimens providing a luxuriant landscape setting to the prominent hotels and villas on the skyline above.*

*The building itself is of a more modern style with a concrete and grey brick style clad exterior and as such is not identified of any particular architectural or historic merit in the context of the Conservation Area. The surrounding trees/ hedgerow is identified as an important features but are not directly affected by the proposal. Whilst the appraisal identifies important viewpoints (enclosed and open) such viewpoints do not include the building in question, as they tend to relate to sea or town views. To the north and west of the application site are buildings identified 'Important building groups, normally of a similar date, or character of frontage detail'. However the proposal does not directly impact upon the specific value of these buildings.*

*Due to the height and design of Waldon Point, the existing telecommunications infrastructure on the building, and existing vegetation, especially mature trees, the impact of the proposed structures from the public realm in relatively close proximity to the site will be limited. From more distant public views that the structures will become slightly more apparent however the existing telecommunication structures are already visible and whilst the new apparatus will add to the impact, the views concerned are generally long range and development proposed should not significantly impact upon the special character of the Conservation Area.*

*I am mindful of the setting of listed buildings in the area, especially the church, however contextual views between the application site and listed buildings are considered to suitably divorced that there is no significant impact.*

*In conclusion, whilst the proposal will lead to some limited change and the introduction of what may be regarded as additional visual clutter, I consider that in terms of the impact upon the heritage assets the proposal will lead to limited harm and that this falls within the category of less than substantial harm to the significance of a designated heritage asset, therefore this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

#### Torquay Neighbourhood Plan Forum

No comments received.

#### **Summary Of Representations**

The application was publicised through a site notice and neighbour notification letters. Fifty-five neighbour notification letters were sent to those neighbours which the development could affect. Nineteen letters of objection have been received. Concerns given by objectors relate to visual impact, impact on the local area, residential amenity, along with non-planning matters relating to the structural stability of the building and income.

#### **Relevant Planning History**

P/2013/1285: Notification of intention to install electronic communications. Approved 16/12/2013.

P/2011/0696: Removal of 3 existing Antenna and Replace with 6 new Antenna 2 of which will be located on a new pole mount located on plant room roof. 24/08/2011.

P/2010/0804: Installation of aerial on roof. 15/11/2010.

P/2008/1349: Telecommunications application - installation of 1 number Sira antenna to replace 4 existing log periodic antennas. 19/11/2008.

P/2006/1339: Telecommunications Apparatus To Add 3 Existing Antennas With 3 Antennas And Installation Of An Additional Cabinet On Roof. 10/10/2006.

P/2006/0956: Telecommunications Application To Form Additional 3 Cabinets To Be Mounted On Roof. Approved 18/07/2006.

P/2005/0410: Telecommunications Apparatus To Replace 3 Existing Antennae And Associated Works. Approved 11/04/2005.

P/2004/1650: Telecommunications Apparatus Of 3 Additional Antennas To Be Added To Existing. Approved 25/11/2004.

P/2002/0849: Installation Of Telecommunications Apparatus On Roof Top Comprising 3 Antennae, One Microwave Dish And Equipment Cabinet. Approved 22/07/2002.

P/2001/0083: Installation Of Replacement Telecommunications Apparatus And Additional Dish Added To Existing Antenna Pole. (Representations To Be Received By 21.02.2001). Approved 05/03/2001.

P/1999/1189: Installation Of Telecommunications Apparatus (Representations To Be Received By 1.9.99). Approved 08/09/1999.

P/1999/1127: Alterations To Existing Vodafone Rooftop, Installation To Allow Co-Location With Cellnet. Erection Of Brick Built Tiled Roof Equipment Cabin On North Side Of Building. Approved 06/09/1999.

P/1996/0601: Installation Of Telecommunications Apparatus (Representations To Be Received By 21/6/96). Approved 24/06/1996.

P/1995/1211: Installation Of Telecommunications Apparatus/Base Station (Representations To Be Received By 30/10/95). 01/11/1995.

P/1995/0604: Installation Of Telecommunications Apparatus (Representations To Be Received By 15th June 1995). Approved 23/06/1995.

P/1995/0457: Installation Of Telecommunications Apparatus (Representations To Be Received By 8th May 1995). Approved 09/05/1995.

P/1984/3167: T.V.Relay Station And Mast. Approved 24/12/1984.

### **Key Issues/Material Considerations**

The key issues to consider in relation to this application are:

1. Principle of Development
2. Visual Impact
3. Development Amenity
4. Flood Risk

#### **1. Principle of Development**

Policy IF1 of the Local Plan supports, in principle, the introduction and installation of the most up to date and fastest telecom and other Information and Communications Technology (ICT).

The site is within a Community Investment Area, Policy SS11 of the Local Plan states that within these areas development which leads to the improvement of social and economic conditions in Torbay will be supported in principle. The proposal seeks to upgrade the existing site to facilitate additional coverage and capacity requirements, incorporating both 4G and 5G technology.

Paragraph 112 of the NPPF states that 'advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being', and that 'planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G)'. The NPPF states that the use of existing masts and buildings for new electronic communications capability should be encouraged.

The proposed development is considered acceptable in principle.

## **2. Visual Impact**

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy SS10 of the Local Plan states that proposals that may affect heritage assets will be assessed on the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas, whilst allowing sympathetic development within them. Policy TH8 of the Torquay Neighbourhood Plan requires development to be of good quality design and to respect the local character in terms of height, scale and bulk and reflect the identity of its surroundings.

The site, Waldon Point, has existing telecommunications infrastructure on the rooftop of the building. Objectors have raised concerns with regards to the visual impact of the proposal and the impact the proposal will have on the local area and the Belgravia Conservation Area. The Council's Interim Heritage Advisor has stated that Waldon Point is of a more modern style with a concrete and grey brick style clad exterior and as such is not identified as being of any particular architectural or historic merit in the context of the Belgravia Conservation Area.

The proposal is to accommodate apparatus on an existing structure, and the proposed apparatus and structures have been sited and designed to minimise the proposal's visual impact. Due to the height of Waldon Point, from close views the apparatus and associated structures are not visible, however from Town Centre and sea views the proposal is marginally visible but it is considered that the proposal would have a minimal visual impact due to the existing telecommunications equipment on site.

The surrounding trees/ hedgerow are identified as an important features but are not directly affected by the proposal. To the north and west of the application site are buildings identified as 'important building groups, normally of a similar date, or character of frontage detail'. The Council's Interim Heritage Advisor states that the proposal does not directly impact upon the specific value of these buildings. When considering the setting of listed buildings in the area, the Council's Interim Heritage Advisor considers that the contextual views between the application site and listed buildings are suitably divorced that there is no significant impact.

The Council's Interim Heritage Advisor has stated that due to the height and design of Waldon Point, the existing telecommunications infrastructure on the building, and existing vegetation, especially mature trees, the impact of the proposed structures from the public realm in relatively close proximity to the site will be limited. From more distant public views the structures would become slightly more apparent, however the existing telecommunication structures are already visible and whilst the new apparatus will add to the impact, the views concerned are generally long range and the development proposed should not significantly impact upon the special character of the Belgravia Conservation Area.

The Council's Interim Heritage Advisor concludes that whilst the proposal will lead to some limited change and the introduction of what may be regarded as additional visual clutter, it is considered that in terms of the impact upon the heritage assets the proposal will lead to limited harm and that this falls within the category of less than substantial harm to the significance of a designated heritage asset, therefore this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is noted that the proposal would support the aforementioned policy objectives of enhancing local communications infrastructure and provision. It is considered that there are public benefits in this case that outweigh the less than substantial harm identified in relation to heritage assets.

Given the existing situation on site with the existing telecommunications apparatus, it is considered that given the proposal's siting, scale, and design, that it would not result in unacceptable harm to the character or visual amenities of the locality. Policy IF1 of the Local Plan states that a planning condition will be employed with a planning consent to ensure that any telecommunication

apparatus and associated structures that subsequently become redundant will be permanently removed from the site.

Subject to the use of this condition, the proposal is considered to comply Policies DE1 and SS10 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

### **3. Development Amenity**

Policy DE3 Development Amenity of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

The proposed development would be sited on the rooftop of Waldon Point. Objectors have raised concerns regarding residential amenity. The application is supported by an ICNIRP (The International Commission of Non-Ionizing Radiation Protection) certificate.

Given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours, in terms of their outlook, privacy, access to light, or in terms of disturbance.

The proposal is therefore considered to be in accordance with Policy DE3 of the Local Plan.

### **4. Flood risk**

Policy ER1 Flood Risk of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is located within the Critical Drainage Area and is accompanied by a Flood Risk Assessment. As the proposed development would not result in an increase in the impermeable area on the site, the proposal is deemed acceptable in terms of its impact on surface water flooding. Given the nature of the proposal, the proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan.

### **Statement on Human Rights and Equalities Issues**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to

the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

### **Local Finance Considerations**

#### **S106/CIL -**

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

### **EIA/HRA**

#### **EIA:**

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

### **Conclusions**

The proposal is considered acceptable, having regard to the Adopted Torbay Local Plan 2012-2030, the Paignton Neighbourhood Plan, and all other material considerations.

### **Conditions**

Any of the approved telecommunications equipment which becomes redundant and ceases to be used for a period in excess of six months shall be permanently removed within a further period of three months.

Reason: In the interests of visual amenity and protecting the Belgravia Conservation Area, and in accordance with Policies DE1 and SS10 of the Torbay Local Plan, and Policy TH8 of the Torquay Neighbourhood Plan.

### **Relevant Policies**

DE1 - Design

DE3 - Development Amenity

SS10 - Conservation and Historic Environment

ER1 - Flood Risk

SS11 - Sustainable Communities

IF1 - Information and Communications Technology



TH8 – Established Architecture