

DELEGATED OFFICER REPORT

Application Ref: PN/22/94405

Site Address: Grass Verge to Duke Road near junction with Paxton Close

Case Officer: Rachael Morris

Description: The installation of an 18 metre high slim-line monopole, supporting 6 no. antennas with 1 no. wraparound equipment cabinet at the base, 2 no. equipment cabinets, 1 no. electric meter cabinet, and ancillary development thereto, including the installation of a GPS module

Particular Site Constraints?	Yes ☒	No ☐
Within the urban edge		

Planning History?	Yes ☐	No ☒

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	<u>77 Objections</u> - Eye sore - Detrimental impact on human health - Detrimental impact on house prices - Potential to harm bats within the area - Restricted view when driving out of junctions - Duke Road is a man-made hill not capable of supporting the mast - Traffic concerns during construction - The grass verge is used by local children for play - Loss of sun from gardens - Loss of view - Alternative locations would be more suitable - Position made worse by elevated position on the top of a hill - Local trees could be damaged - Doubt is thrown over the validity of ICNIRP certificates Some objections are supported by multiple links to reports/studies <u>1 Support</u> - Improvement to local mobile phone infrastructure		
Parish Council:	Members of the committee strongly objected on the following grounds: - The mast would have an obvious visual impact making it an eye sore and out of keeping with the character of the local area - A request for technical specification from Clarke-Telecom has not been forthcoming as of yet. Without seeing this, we cannot offer full comments. - The site specific supplementary states there were no problems with 3G or 4G coverage in the local area and therefore members did not consider that this level of equipment to enable 5G was required. - Reports show an increase in radiation by up to 2%. Committee members felt that even an increase of 2% was too much. - The proposed site would impact the line of site for both vehicles and pedestrians, raising safety concerns. Members of the public raised the following additional comments: - Concerns around radiation increases leads to greater anxiety for people living in the area with various ill health issues.		

	• The area in question is used by children in the area to play on. If an antenna and associated cabinets was erected in this area, there are no other grassed areas for the children to use. • The planning application does not include any barriers around the structure leads to another safety concern in the event children/youths climb on the equipment. • Bats are a key feature in the local area and are highly protected. There is plenty of evidence available to suggest EMF's deter bats by up to around 60% in the foraging stage. This is a strategy that is used around wind turbines to prevent bats becoming injured by flying too close. As these masts emit EMF frequencies, this would have an impact on bats in the area. • Residents have previously liaised with the ecology team at EBC and have identified 2 species of bats living in the vicinity. Plans are in place for EBC to carry out a survey of bats in the area, however this survey is proposed to be carried out in April/May of this year. Bats do not forage until at least June and therefore this survey will be of limited use. Residents have already raised this with the ecology team so that the timing of this study can be amended. • One resident raised the fact that he had previously struggled to obtain planning permission for an extension to his property as it was not considered to be in keeping with the area. This is also not in keeping with the local area.	
Ecology:	Whilst there is evidence of foraging and commuting bats which has been provided in the area of this site, it is not clear that any further ecological assessments would provide any additional information on this small site which contains two trees and amenity grassland. The ecological impact on the trees has not been addressed, and no information provided about root protection areas.	
Environmental Health:	We assume there will be no audible noise from supporting equipment (the boxes to be located at the base of the monopole - do not contain fans, motors etc?). Please would you ask the applicant for clarification on this and ask will there be aeolian noise audible at the nearby dwelling during windy weather? The pole would be 18m high and poses obstacle to wind flow inducing turbulence and effects which can manifest as audible noise. We see the proposed installation is close to dwellings and there is opportunity to increase the separation distance. A location closer to Duke Road would also appear to make future maintenance easier for the operator.	
Hampshire Highways:	There is no objection to the proposals from a highway's perspective. Submitted plans demonstrate that the monopole and associated cabinets sit well behind the visibility splays required for the highway movements of vehicles egressing adjacent junctions (2.4 x 43.0m). Onwards, the equipment is located an appropriate distance from the adjacent footway, and as such will not impact on pedestrian movements.	
Tree Officer:	The proposed mast and supporting infrastructure is on close proximity to an existing street tree. As no arboricultural information has been submitted, it is not possible to determine whether the mast will be situated within the Root Protection Area (RPA) of the tree or whether it is outside. Regardless, the tree has the potential to grow larger (height and spread) and we would have concerns that the tree would inevitably require pruning to maintain operations should the mast be allowed. A location slightly further from the tree would eliminate these concerns.	
Site Visit:	Yes ☒	No ☐

Policy:

**National Planning Policy Framework
Planning Practice Guidance**

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1, S2 and S4; and Development Management policies DM1, DM2, DM9, DM11 and DM14.

Supplementary Planning Documents:

Quality Places; Trees and Development.

Legislation:

Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment:

Assessment Against Schedule 2, Part 16, Class A of the GPDO:

In accordance with condition A.3 of Part 16 of the GPDO, the application has been submitted for a determination as to whether prior approval is required in relation to the siting and appearance of the proposal.

Class A - electronic communications code operators sets out the following criteria:

Permitted Development:

A. Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—

- (a) the installation, alteration or replacement of any electronic communications apparatus,
- (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
- (c) development ancillary to radio equipment housing.

Development not permitted: ground-based apparatus

A.1—(1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if—

- (a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;
- (b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of 30 metres above ground level on unprotected land; or 25 metres above ground level on article 2(3) land or land which is on a highway;

(d) in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of 30 metres above ground level on unprotected land; or 25 metres above ground level on article 2(3) land or land which is on a highway.

Assessment of proposal against above criteria

- To conclude, the proposal which is for the installation of ground-based electronic communications apparatus by an electronic communications code operator complies with the criteria set out within Class A.1.
- Under the Act (Schedule 2, Part 16, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)) the developer must apply to the Local Planning Authority, before starting development, to determine whether the prior approval of the authority will be required as to the siting and appearance of the proposed development.

Proposal

- The proposal is the installation of up to a 18m high slim-line monopole, supporting 6 no. antennas, 1 no. wraparound equipment cabinet at the base of the monopole, 2 no. equipment cabinets, 1 no. electric meter cabinet, and ancillary development.
- Mobile phone base stations operate on a low power and accordingly base stations therefore need to be located in the areas they are required to serve. Increasingly, people are also using their mobiles in their homes and this means we need to position base stations in, or close to, residential areas.
- There is a specific requirement for a new column and associated equipment cabinets at this location to allow CK Hutchinson Networks (UK) Ltd (commonly known as Three) to improve their 3G and 4G coverage and capacity in the district of Eastleigh and be able to provide new 5G service provision to this cell. This area is struggling to cope with demand and an increase in capacity is required.
- The height has been selected because the 3 upper antennas will provide new 5G service provision. The 3 lower antennas will provide 3G and 4G technology for the operator to the surrounding area. This makes the lower set of antennas 3.35m lower than the top of the pole. Thus if the column were to be any lower, the antennas would not be able to clear the buildings, trees and urban clutter and as such would not be able to operate effectively.
- The prior notification applications includes:
 - An ICNIRP certificate declaring the equipment conforms to public exposure guidelines.
 - Developers notice

Site and Surroundings

- The application site comprises of a grassed area where Duke Road meets Paxton Close. Duke Road is located to the South of the application site and Paxton Close to the East. The site is relatively small, but fairly prominent given its position to the top of a hill in an open setting and forward of residential properties.
- The surrounding area is predominantly residential in nature.

Siting and Appearance

- A list of nine alternative sites has been provided (within the supplementary information form) along with the reasons why these have been discounted.
- The position of the pole and ancillary equipment is not considered to obstruct visibility splays of the movement of pedestrians and there is no highway objection.
- Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.
- The area contains grass, several mature trees and a streetlight. The proposed mast would be sited on a prominent location to the top of a hill, with limited screening offered. As such, public views would be obtained from Duke Road, Paxton Close, Havendale, Crusador Road and Kings Copse Avenue. Owed to the prominent location, combined with its height and appearance, the introduction of a 18m monopole and associated equipment would be out of keeping, and would be considerably higher than the existing street paraphernalia and nearby neighbouring buildings, thus would have a harmful impact upon the visual amenity of the wider surroundings. This is enhanced by its positioning on the top of a hill and as such this 18m monopole would appear even higher when looking up from Kings Copse Avenue.
- The proposal is in close proximity to an existing mature tree and no arboricultural information has been provided with the application submission. An arboricultural objection is therefore raised against the siting of the proposed pole and cabinets. This tree has the potential to grow and as such there is a concern this tree would require unnecessary maintenance to allow the mast operations. The proposal is therefore considered to have a potential detrimental impact on the health of the existing mature tree and insufficient information to determine where the mast will be situated within the Root Protection Area. The street tree is an important and attractive feature within the street scene and locality and as such potential harm is contrary to local plan policy DM11 and the Trees and Development SPD.
- In terms of appearance, the proposed telecommunication equipment would have a utilitarian and functional design. This would appear uncharacteristic of the surroundings, where there is limited street furniture, (comprising some streetlights and mature trees), thus would be considerably higher than this general street paraphernalia.
- Whilst acknowledging Paragraph 114 of the NPPF, that high quality communications infrastructure is essential for economic growth, and Paragraph 117 advises that applications should be supported by necessary evidence to justify the proposal. There is also a requirement, under Paragraph 115, that 'equipment should be sympathetically designed and camouflaged where appropriate'. In this instance, the pole and cabinets would be a light grey colour and the urbanising effect would conflict with national advice. It would therefore be concluded that the wider economic benefits of providing communications infrastructure would not be considered to outweigh the harm to the visual amenity of the area.

Other Matters

- The applicant has submitted an ICNIRP declaration which states that the proposals are in compliance with the requirements of the radio frequency public exposure guidelines on the International Commission on non-ionising Radiation Protection. This meets the current government requirements (as outlined in Paragraph 117 of the NPPF) and satisfactorily addresses the issues of potential or perceived health risk, and the particular circumstances of this case would not merit a departure from these requirements or outweigh national policy guidance.
- The Council's Environmental Health Officer (EHO) has been consulted as part of this application. They raised specific queries with regard to aeolian noise, requesting additional information from the applicant. If this application was recommended for permission, this additional information would have been sought prior to determination.

Objections

- In terms of objections, whilst it is acknowledged that there have been objections on this application, Paragraph 118 of the NPPF, states that "Local planning authorities must determine applications on planning grounds only". Therefore, some of the objections made are not considered valid on planning grounds.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- 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.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion:

Recommendation:	PERMIT ☐	REFUSE ☒
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Prior approval is refused for the following reasons:

- 1) The proposal, by reason of siting and appearance is considered to be visually dominant and intrusive, harmful to visual amenity and detrimental to the character and appearance of the area, contrary to Policies DM1 and DM9 of the Eastleigh Borough Local Plan 2016-2036 and the contents of the National Planning Policy Framework (NPPF) (2021).

- 2) Insufficient information has been provided to assess if the proposed development would damage the health of the existing mature tree to which is an important and attractive feature within the locality and street scene. As such the proposal is contrary to DM11 of the Eastleigh Borough Local Plan 2016-2036 and the Trees and Development SPD (2022).