

DELEGATED OFFICER REPORT

Application Ref: PN/23/94779

Site Address: Corner of Grange Road & Kings Copse Avenue

Case Officer: Summer Sharpe

Description: Prior approval for 5G telecoms installation: 15m street pole and 3 additional ancillary equipment cabinets and associated ancillary works.

Particular Site Constraints?	Yes ☒	No ☐
- Within urban edge - HCC Minerals Safeguarding - Solent Mitigation & Disturbance Zone - Airport Safeguarding		

Planning History?	Yes ☒	No ☐
Planning App No.	Proposal	Decision
PN/22/93301	Installation of 15m Monopole, with associated cabinet and ancillary works.	Prior Approval Granted (August 2022)

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None received.		
Parish Council:	None received.		
Hampshire Highways:	No objection from a highways perspective. The proposed location does not obstruct either highway visibility, or pedestrian/ cycle movement on the adjacent shared use path.		
Environmental Health:	<u>Comments 13 April 2023 (following amended ICNIRP):</u> This appears satisfactory record; a declaration of conformity signed on behalf of Three UK Limited. <u>Comments 23 March 2023:</u> We see a draft compliance statement regarding the International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines. This of course would need to be checked and signed by a qualified and responsible person and submitted to the Local Planning Authority before planning consent / prior approval can be granted.		
EBC Arboriculturalist:	We do not consider the move of the apparatus, compared with PN/22/93301, to be significant from an arboricultural perspective. Therefore, whilst no arboricultural information has been provided, it doesn't appear that the cabinets would be within the RPAs of the trees to the south. Further, because there is "development" between the trees and the proposed site of the cabinets/pole, in the form of the established path, there is less risk. We raise no arboricultural objection to the proposal.		

Policy:
Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
Development Plan:
<u>Eastleigh Borough Local Plan 2016-2036</u>

Policies: S1 (Delivering sustainable development), S4 (Employment provision), DM1 (General development), DM9 (Public utilities and communications), and DM13 (Transport).

National Planning Policy Framework

Supplementary Planning Documents:

Quality Places, and Trees and Development.

Site Visit	Yes ☒	No ☐
A site visit was not undertaken as part of this application, but was undertaken 1 July 2022, as part of the previous application (PN/22/93301).		

Assessment:

Site & Surroundings

The application site comprises a pocket of green space, to the south of Grange Road (A334), and to the east of the Maypole Roundabout. The site is predominantly grassed, but there is a pedestrian footpath and some trees, which do not appear to be covered by a TPO.

The surrounding area predominantly comprises residential properties, however to the north it is noted that there are some commercial/ industrial units.

Proposal

The application proposes the installation of 15m monopole, with associated 3no. cabinets and ancillary works.

Schedule 2, Part 16, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) allows certain development by communications code operators to be carried out, subject to first submitting an application to the local authority to determine if prior approval is required in relation to siting and appearance.

It is noted within the history section of this report that there was a previous prior approval granted for the positioning of telecommunications equipment. The previous application proposed the siting of telecommunication equipment approx. 0.6m from the pathway. Whereas this application proposes to locate the telecommunication equipment approx. 2.2m from the pathway.

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

In accordance with condition A.3 of Part 16 of the GDPO, 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

unservicable 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;

- The ground-based apparatus would not exceed 15m above ground level, there are 3no. cabinets proposed which would have a maximum height of approx. 1.8m.

(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;

- The ground-based apparatus would not alter or replace any existing apparatus, it would be new equipment.

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—

(i) 25 metres above ground level on unprotected land; or

(ii) 20 metres above ground level on article 2(3) land or land which is on a highway;

- The proposed mast would be located on a highway whereby the proposed maximum height of the mast would be 15m.

(d) in the case of the alteration or replacement of a mast, the mast, excluding any antenna, would when altered or replaced—

(i) exceed the greater of the height of the existing mast or a height of—

(aa) 25 metres above ground level on unprotected land; or

(bb) 20 metres above ground level on article 2(3) land or land which is on a highway; or

(ii) together with any antenna support structures on the mast, exceed the width of the existing mast and any antenna support structures on it by more than one third, at any given height

- The proposal would not replace an existing mast, would not exceed 20m, given it is located on a highway, nor would it exceed the width of an existing mast.

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.

Assessment of proposal in relation to siting and appearance

Strategic Policy S4 (3e) notes that the provision of high-speed telecommunication facilities to serve Eastleigh and the rest of the Borough's settlements will be encouraged. Policy DM1 states that new development should seek to respect the context of the site and its surroundings, and Policy DM9 makes specific regard to public utilities and communications, and notes that there is general support for providing new/ improving existing facilities.

Further to this, Paragraph 114 of the NPPF advises that 'advanced, high quality and reliable communications infrastructure is essential for economic growth', whilst also stating in paragraph 115 that the use of existing masts, buildings and other structures should be

encouraged. Where new sites are required, equipment should be 'sympathetically designed and camouflaged where appropriate'.

The proposed telecommunications equipment would be situated to the south of Grange Road (A334), whereby it is noted that this section of road has a mixed character. There is some street furniture comprising; streetlights, a bus stop and highway signage. Whilst noting there is some street furniture, it is generally limited.

The proposals would have a fairly utilitarian appearance and would be visible within the streetscene, although this could be partially screened by the vegetation. In order to 'camouflage' the proposals, as per paragraph 115 of the NPPF, the apparatus is recommended to be finished in a dark green colour (to blend with the vegetation), (as opposed to the RAL7035 (grey) shown on the submitted plans). This is recommended to be secured via condition.

To conclude, the proposed siting and appearance of the telecommunications equipment is considered to be acceptable.

Amenity

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 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. Initially they noted that the ICNIRP would need to be checked and signed by a qualified and responsible person. Following discussions with the agent, they provided an amended ICNIRP which the EHO has agreed.

Given that the application includes the required declaration that the installation will comply with the requirements of the International Commission for non-ionising radiation protection, there are not considered to be any other material planning considerations which would outweigh the assessment or recommendation to grant prior approval.

Equalities Act:

Section 149 of the Equalities Act 2021 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.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other this, 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 and development plan 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 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 and 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 limit impacts on climate emissions as a result of the development or its use.

Conclusion:

The proposed telecommunications equipment is considered to comply with all the relevant criteria of Class A, Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as well as paragraphs 114-118 of the National Planning Policy Framework (NPPF). The specific siting and appearance of the proposed equipment has been considered and deemed appropriate given the surrounding area in which it is to be erected, with regard to the character and context of the surrounding vicinity. Prior approval is therefore required and hereby granted for the proposed development.

Recommendation:	PRIOR APPROVAL REQUIRED & GRANTED ☒	REFUSE ☐
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