

DELEGATED OFFICER REPORT

Application Ref: PN/23/95058

Site Address: DEW LANE street works, DEW LANE, EASTLEIGH, SO50 9DU

Case Officer: Alex Webb

Description: Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets.

Particular Site Constraints?	Yes ☒	No ☐
Nature Conservation NE - SSSI Impact Risk Zones, SAC, SPA, Ramsar Hazards/other environmental Environment Agency Surface Water Flooding1000 year extent Aviation safeguarding Airport Safeguarding Zones AQMA Air Quality Management Area 2005 (No. 1)		

Planning History?	Yes ☒	No ☒
F/11/70044 - Construction of 312 dwellings and flatted block incorporating D1 use (eg Creche, community hall, training establishment) with associated vehicular accesses from Dew Lane, Passfield Avenue, George Raymond Road and Great Farm Road, pedestrian accesses, parking, landscaping, open space including public art, and retention of existing office building, following demolition of existing buildings and associated structures – permit 26/07/2011		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	5 x Objections: • very busy junction • impact on road safety - position of mast and cabinets will obstruct view of motorists and pedestrians approaching crossing. • nowhere for service vehicles to park. • Alternative locations - Kornwestheim Way/ Brookwood avenue/Woodside Avenue industrial areas rather than residential area? • No suitable place for the 5G equipment. • unsightly mast • impacts on natural environment - hedgerow/mature trees/birds. • Intrusive and visually detrimental. 1 x Support: • more stable and faster connections needed in area. • Signal speed and quality is low in Eastleigh. • wonderful addition.		
Parish Council:	No Comment/No Objection		
Southampton Airport	No objection		
Hampshire Highways	No objection to the proposals from a highways perspective. The street pole and additional equipment sit outside of the required visibility splay, and there is an adjacent foot/cycleway in place so it would not be anticipated that the land would be required for any highway improvement works.		
Trees	The area proposed for the mast and cabinets on the corner of Leigh Road and Bill Luffman Way has no trees and, therefore, we raise no arboricultural objection to the proposals.		

Site Visit:	Yes ☒	No ☐
19/05/2023		

Legislation:

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

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 and S4; and Development Management policies DM1, DM9 and DM13.

Supplementary Planning Documents:

Quality Places (2011) and Trees and Development (2022)

Assessment:**Site and Surroundings**

The application site comprises a grassed verge on a corner location. This is to the south west of Leigh Road A335, and west of Bill Luffman Way. The site is small but is prominent given its corner siting on a main road. The wider surrounding area predominantly comprises residential properties.

Proposal

The proposal is for the installation of an 16m high phase street pole in a light grey colour with 3 x additional ancillary equipment cabinets also in a light grey colour and associated ancillary works including the provision of 5 x paving slabs in front (south west) of the proposed cabinets.

The equipment will be sited on a grassed area positioned next to the corner of Leigh Road and Bill Luffman Way.

The prior notification application includes:

- An ICNIRP certificate declaring the equipment conforms to public exposure guidelines.
- Developers notice made under article 13.

The proposal would allow for the of the upgrade the existing telecommunications network to provide improved coverage and capacity, most notably in relation to 5G services. 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.

The technical requirements of 5G technology means that available sites are limited to a small radius within the immediate residential area in order to transmit signals to neighbouring base stations. A list of six alternative sites has been provided (within the supplementary information form) along with the reasons why these have been discounted.

Assessment upon GPDO criteria:

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 electronic 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.

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

The proposed mast would be located on a highway and the proposed maximum height of the mast would be 16m.

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.

The proposal which is for the installation of ground-based electronic communications apparatus by an electronic communications code operator therefore complies with the criteria set out within Class A.1.

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.

Assessment of proposal in relation to siting and appearance

Strategic Policy S4 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. 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 application site contains grass and the 'Bill Luffman Way' street sign. The proposed mast would be sited on a prominent corner location, with no screening. As such, public views would be obtained from Leigh Road and Bill Luffman Way.

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). The introduction of a 16m monopole and associated equipment, would therefore create visual clutter, would be out of keeping, and would be considerably higher than the existing street paraphernalia and the nearby neighbouring buildings. The proposed mast would not be screened by any existing trees or vegetation and would be located on a prominent corner location, whereby the proposals could be visible from wider public vantage points.

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, although the pole and cabinets would be a light grey colour, 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.

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.

Other Matters

Amenity

The applicant has submitted an unsigned 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.

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, this matter would be considered acceptable however the Council's Environmental Health Officer (EHO) has been consulted as part of this application and has noted the ICNIRP declaration is a draft version and a signed copy would be required if prior approval were to be granted.

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.

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.

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 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: Prior approval is refused for the following reason:

- 1) The proposal, by reason of siting and appearance, is considered to be visually dominant and intrusive resulting in a harmful impact on the visual amenity and character and appearance of the area, contrary to Policies S4, DM1 and DM9 of the Eastleigh Borough Local Plan 2016-2036 and the contents of the National Planning Policy Framework (NPPF) (2021).

Recommendation:	PERMIT ☐	REFUSE ☒
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Comments ...
