

DELEGATED OFFICER REPORT

Application Ref: PN/23/95267

Site Address: Brookside Way Street Works, Eastleigh, SO30 3GY

Case Officer: Alex Webb

Description: Prior approval under class A: Proposed 15m 5G telecoms installation: H3G street pole and additional equipment cabinets.

Particular Site Constraints?	Yes ☒	No ☐
Nature Conservation - NE - SSSI Impact Risk Zones, HRA Screening Criteria (River, SAC, SPA & Ramsar) Hazards/other environmental Environment Agency Surface Water Flooding, EA Flood Map (Flood Zones 2 & 3) Aviation safeguarding - Airport Safeguarding Zones SW Sewers 2m Buffer SURFACE WATER		

Planning History?	Yes ☒	No ☐
Z/26921/008/00 - Construction of 70 dwellings with access road and open space – Permit 04/08/1998 PN/22/93440 - Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets – Prior approval Refused 09/09/2022		

Publicity:	Letters ☒	Site Notice ☒
Representations:	4 x Objections - not in keeping with the area - all nearby buildings single storey - at nearly 50ft the pole is significantly higher. - around 2m higher than nearby trees - will not blend in, especially in winter months. - drainage - area of brookside way next to the site is known for standing water during rainy periods. - replacing grass with concrete -more run off water sitting in the road at a pedestrian crossing point. - previous proposal was considered visually intrusive and harmful to visual amenity - proposal has done nothing to address these issues - visually intrusive to outlook - will restrict the view of traffic in brookside way from pathway adjoining quob farm close and brookside way (registered as a cycling path) and used by pedestrians - quob green is currently a beautiful little green space- the mast would be visually intrusive in the road and from properties - the associated boxes will potentially be covered in graffiti which will also be an eyesore. - obstruct view when people crossing road - eyesore for people who live close by. - dog walkers/dogs enjoy this green area - mast could possibly attract graffiti etc - ugly addition to an otherwise beautiful spot.	
Parish Council:	No response	
Ecology:	Further ecological information is required on the habitats around the site, management of the grassland where the equipment is proposed to be located, and whether or not the site has the potential to support amphibians and reptiles, hedgehogs or bats. Nesting birds may also be affected during construction, which should be done outside of the	

	breeding bird season (which is March through August inclusive). It is unlikely that the operation of this equipment will affect protected species. A CEMP will be required to include wildlife protection and protection of the stream from pollutants and sediment. The CEMP can be conditioned and must include precautionary working methods to avoid disturbance to bats, nesting birds, reptiles and amphibians and hedgehogs. Biodiversity enhancements in the area of this proposal would also be welcomed.
Trees:	The cabinets are pretty close to the exiting tree. My rough calculations and estimates put them outside of the RPA by virtue of the RPA being relatively small (2-3m radius from the stem) but they have not plotted the exact stem location, only an indicative crown. Ultimately, I do not think that there will be a significant impact, but it would be nice if the cabinets were moved slightly to the northeast (even by a metre).
Highways:	No objection to the proposals from a highways perspective. The positioning of the proposed 5G mast and associated equipment does not interfere with any visibility splay requirements, not any plans for highway upgrades such as foot/cycle provisions.
Southampton Airport:	Proposal examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore, have no objection to this proposal.
Pollution:	The installation is for electronic apparatus emitting non ionising radiation, for which the applicant states will comply with public exposure guidelines. The document certifying this is not signed and therefore you may prefer to receive a signed version by a responsible person. The applicant does not state any other emission and therefore we take it there will be non-audible noise emission from equipment or cabinets located at ground level for example, or from the structure induced by wind.

Site Visit:	Yes ☒	No ☐
16/07/2023		

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 <u>Eastleigh Borough Local Plan 2016-2036</u> 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 the north east side of Brookside Way, close to the junction of Brookside Way almost opposite the junction with Willow Close. The site is surrounded by mature trees and vegetation, where it is also noted there is a pedestrian footpath further east connecting Brookside Way to Quob Farm Close. Despite the vegetation, the site is relatively prominent. There is also limited street paraphernalia.

The surrounding area comprises residential properties. It is also noted that there is a nursery and community church within the vicinity.

Proposal

The proposal is for the installation of an 15m high phase street pole in a green colour with 3 x additional ancillary equipment cabinets also in a green colour and associated ancillary works including the provision of 4 x paving slabs in front (south east) of the proposed cabinets.

The equipment will be sited on a grassed verge positioned next to an existing tree.

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 exceed 15m above ground level, there are 3no. cabinets proposed which would have a maximum height of approx. 1.8m.

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

The proposed mast would be located on highway/grass verge whereby the proposed maximum height of the mast would be 15m. The siting of the telecommunications equipment would be partially on adopted highway (the mast and proposed commscope bowler cabinet)

The proposal would not replace an existing mast, would not exceed 20m or 25m, given it is partially located on a highway and partially on unprotected land, 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.

Paragraph 114 of the NPPF emphasises 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 green 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 proposed telecommunication equipment would have a utilitarian/ functional design, however this would appear uncharacteristic of the surroundings, where there is limited street furniture. The introduction of a 15m monopole and associated equipment, would therefore create visual clutter, and would be out of keeping. The proposed mast would be located in a prominent location, visible from wider public vantage points.

The proposed telecommunication equipment would also be located on a grassed verge with trees nearby and it unclear whether the development would be outside the RPA of the adjacent trees. As such, the Council's Arboriculturalist would recommend the proposed mast and ancillary cabinets be relocated further north east.

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

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 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 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: 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 ☒

Comments ...