

DELEGATED OFFICER REPORT

Application Ref: PN/25/99625
Site Address: 99 Hiltingbury Road, Chandlers Ford, Eastleigh, SO53 5NP
Case Officer: David Huckfield
Description: Application to determine if prior approval is required for telecommunications mast upgrade incorporating the installation of a 20m monopole with 9 no. antenna apertures, 6 no. cabinets, 2 no. 300mm transmission dishes and development ancillary thereto, replacing the existing 15m mast at that location.

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge No. 99 Hiltingbury Road forms part of a designated Neighbourhood Parade		

Relevant Planning History?	Yes ☒	No ☐
Z/28848/002/00 - Notification of intention to erect 15 metre high telecommunications pole with antennae – A PLANNING APPLICATION IS NOT REQUIRED – 17/04/1997 M/14/74549 - Erection of Mast and antenna to a total height of 17.5m – WITHDRAWN – 13/06/2014 Q/15/77077 - Replacement headframe for existing mast; replacement of 6 no. antenna with 3 no. antenna; and the addition of 6 no. RRHs and 1 no. dish – A PLANNING APPLICATION IS NOT REQUIRED – 09/09/2015 PD/23/94485 - Proposed upgrade to the existing 15.0m High Phosco Pole – A PLANNING APPLICATION IS NOT REQUIRED – 23/01/2023 PD/25/99294 - The removal of the existing 15 metre monopole with 3 x antennas and the installation of a new 20 metre monopole with 6 x new antennas attached to a new headframe and 1 x new dish. The installation of ancillary equipment thereto – PLANNING APPLICATION REQUIRED – 16/05/2025		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Consultation Responses:			
Chandlers Ford Parish Council	The Parish Council note the concerns of local residents and request that full consideration is given to all concerns raised.		
Southampton Airport	No response to the Council's consultation was received from Southampton Airport.		
Representations:			
A total of 14 letters of objection have been received in relation to the application, with the following matters being raised:			
• The mast is close to residential properties and public spaces. • The scale and design of the mast is not sympathetic to the local environment and may affect the enjoyment of nearby amenities and enjoyment of views. • The mast should not be located near a school and park. • The existing mast is already intrusive, making it bigger will turn it into an eyesore dominating the street. • The structure is out of keeping with the residential and low rise character of the area and shows little regard for its surroundings. • The proposed increase would make the mast disproportionately tall compared to surrounding buildings and trees, making it visually intrusive from a long distance.			

- Making it bigger will put a lot of properties within the fall zone which needs to be urgently taken into account.
- Impacts on property prices.
- Noise from the fans associated with the mast.
- Concerns about impacts on health and whether any medical people/professionals had been consulted.
- Consideration of alternative sites has not been completed / evidenced sufficiently.
- Allowing the mast would set an undesirable precedent for more masts to be installed in the area.
- Lack of consultation on the proposals and consultation being undertaken during school holidays, reducing the chances of meaningful public input.
- Would question whether the benefits of the mast justify the impact it will have on the local community.
- The mast appears to have footholds suggesting it could be climbed – this creates a high risk to public safety.
- The dimensions of the mast go beyond the permitted increases, particularly in terms of its increased width.
- The proposal is contrary to planning policy and fails to take account of policy CF2 of the Local Plan which encourages the opportunity to be taken to relocate the mast where practical and viable.
- The pre-application process is invalid as the local schools were not consulted.
- Confirmation is requested that the permission was originally granted for a phone mast and any subsequent upgrade.

Response to Representations:

Property prices / values:

- The potential impact of the proposals on property prices/values is not a material planning consideration and therefore cannot be taken into account in reaching a decision.

Planning history of the site:

- The planning history of the site, including that relevant to the original erection of the mast in 1997, is set out above.

Consultation:

- The Council have carried out public consultation on the application in accordance with its established procedures and the requirements of the GPDO, with this including writing to adjoining neighbours by letter and displaying a site notice at the application site. Whilst noting the comments concerning consultation being undertaken during school holidays, the LPA have no control over when an application is made by the applicant and, in line with the provisions of the GPDO, must make a decision within the prescribed 56 day period.

Precedent:

- Each application is considered and determined on its own planning merits having regard to its particular impacts and context. The granting or, indeed, refusing of consent for a proposal, does not therefore automatically mean that subsequent proposals would be subject to the same decision or outcome.

Health and safety:

- There are no planning requirements (either in planning policy or within the GPDO) for masts to not be sited where residential properties (or other buildings) would be

positioned within their 'fall-zone' – the health and safety of the mast in this respect, as well as in terms of the reference made to the security of the mast and the risk of it being climbed, would be matters for which the operator/applicant would be responsible.

- In terms of the concerns raised in relation to the impacts of the mast on public health, the applicant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

In these circumstances, the NPPF (paragraph 123) advises that health safeguards are not something which a decision-maker should determine or set different from the International Commission guidelines for public exposure. No evidence has been put forward by third parties to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified in this regard.

Other matters:

- The other matters raised, in so far as they relate to the provisions of the GPDO and the matters it prescribes can be considered, are covered in the below assessment of the proposals.

Site Visit:

Yes ☒

No ☐

A site visit was undertaken by the Case Officer to assess the proposals in context.

Assessment of Proposals including Legislative and Policy Background:

This application has been submitted under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO") and seeks a determination from the Local Planning Authority (LPA) as to whether its Prior Approval of certain matters is required before the development could be implemented and, if so, to obtain that approval.

Procedure for the assessment of the application:

Article 3 of the GPDO grants planning permission for certain classes of development, subject to specified exceptions, limitations and conditions. Class A of Schedule 2, Part 16 grants permission, *inter alia*, for:

- 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; [and].... (c) development ancillary to radio equipment housing.

The proposals conform to the limitations set out within Class A, however, owing to the width of the proposed mast (inclusive of the antenna support structures as per the definition of "width" as set out within paragraph A.4 of this Class) the provisions of paragraph A.2 (3)(c)(iia)(aa) apply with the existing mast being less than 1m wide and the mast when replaced exceeding the original width of the mast by two thirds.

Accordingly, the proposals are subject to the prior approval process as per the provisions of Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO). A.3(4) requires that before beginning the development, a developer must apply to the LPA for its determination as to whether its Prior Approval will be required as to the siting and appearance of the development.

For clarity and in response to the point raised by third parties, exceeding the width limitations within paragraph A.2(3)(c)(iia) does not mean that the application must be refused but rather, as noted above, that the proposals must follow the prior notification/approval process as stipulated within the GPDO.

Planning policy:

In considering the application, regard has been had to the development plan and any related guidance as well as the National Planning Policy Framework (the Framework) only insofar as they are a material consideration relevant to the matters of siting and appearance. The relevant policies of the Eastleigh Borough Local Plan 2016-2036 in these respects and in the case of this particular application are considered to be: S1 (Sustainable development), DM1 (General criteria for new development), DM9 (Public utilities and communications).

Assessment of the proposals:

Siting and appearance:

The site is located to the rear of No. 99 Hiltingbury Road which forms part of a two-storey parade of shops to the southern side of the street, with these units having residential uses above, and car parking and service access situated to the rear. Beyond this parade to the east and west are dwellinghouses, with Hiltingbury Infant and Junior Schools situated to the south. Hiltingbury Road Recreation Ground, an extensive area of public open space, lies to the south west. The character of the immediate surrounding area, whilst predominantly residential, also therefore additionally incorporates small scale commercial, and education and community uses, with buildings in the main being generally of a lower or more domestic scale and the presence of vegetation and trees, including adjacent to the application site, giving the area a pleasant verdant feel.

There has been a mast situated at the site since 1997, with the current mast, which is proposed to be removed and replaced, extending to a height of 17.4m inclusive of the existing headframe and antennas (15m to c/l of existing RRU). This mast, along with its concrete base and associated equipment cabinets are positioned within a fenced-off parcel of land which has gated access from the aforementioned car parking area, and which appears to be in use as domestic outdoor / garden space.

The current mast is clearly evident from its surroundings, including from nearby domestic gardens and properties, the route into the adjacent schools and recreation ground, and notably, from Hiltingbury Road where it can be seen projecting above the buildings which line it on the approach from both directions. Whilst there are various pieces of street furniture present, including street lights, road signs and telegraph poles, the mast and its antenna stand proud of these as a much taller feature on the sky line, albeit its slim and narrow nature and grey colouring do at least help to reduce its prevalence to a degree.

The application scheme involves the erection of a new mast and associated equipment which, at 20m high, would be both taller than the existing one and, significantly, would be both markedly wider in itself as well as having its equipment set in a much broader arrangement, particularly at its highest point. As a result, it would protrude much more notably above the nearby buildings. Whilst its base and equipment cabins would still be fairly well screened by the surrounding perimeter fencing and vegetation, with the site's recessed position from the highway further assisting in this regard, the mast itself would be significantly more prominent from its surroundings than the existing.

The much larger size of the mast structure would be apparent not only from nearby residential properties but significantly, from the more public vistas of Hiltingbury Road, including from longer range views than is currently the case, with the notable height, scale and form of the structure introducing a much more stark, utilitarian element, which would markedly stand out against, and interrupt the appreciation of, the open sky beyond,

thereby introducing an unduly prominent and visually obtrusive feature to the locality, to the detriment of the character and appearance of the area. This impact would also be apparent from the nearby recreation ground where the proposed mast would be more evident within the treeline than the existing, particularly during winter months, thereby disrupting the green backdrop that it provides from this area of public open space.

Reference has been made within some of the third party comments received to the provisions of Policy CF2 of the Local Plan. This policy allocates the land to the immediate east of the site for residential development in the form of approximately 16 dwellings, with requirement (e.) of the policy stating that “the opportunity should be taken to relocate the existing telecom mast where practical and viable”. Whilst this is noted, the mast lies outside of the boundary of that allocation and, as it stands, there is no specific scheme as yet before the LPA for the redevelopment of the site which would demonstrate that the land the subject of Policy CF2 could not be developed with the mast in situ. Whilst it may be desirable, therefore, for the mast to be removed in the event that the adjacent site was to come forward, it is not considered that it would be reasonable or justifiable at this stage to refuse the current application on the grounds that a replacement mast would be prejudicial to its redevelopment.

Alternative sites

Paragraph 122 of the NPPF states that the use of existing masts, buildings and other structures for new electronic communications capability should be encouraged, and that applications should be supported by the necessary evidence to justify the proposed development. This includes, for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. A similar requirement is set out in Local Plan policy DM9 (3. (b)).

The applicant has provided no such evidence, instead contending that the proposal is to upgrade an existing site and therefore, in essence, that as the site is an existing, long-standing base station, it is sequentially the best location for the replacement mast, with the assertion being put forward that the site is the ‘ideal location’ to provide optimum coverage. This has, however, not been supported by substantive evidence and no other particular options or alternatives are considered or discussed within the submitted information.

Whilst the applicant asserts that this approach aligns with national policy, the application scheme does not involve the use of an existing mast, building or other structure. Irrespective of the fact that the site currently has a mast, the proposed development is for a new, and different one. As such, there is a clear expectation set out within national and local planning policy as referred to above that evidence is provided that the possibility of erecting antennas on an existing building, mast or other structure has been suitably explored. The application submission does not therefore meet this expectation.

Other material considerations:

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 the 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 adopted local plan, as is an assessment of climate impacts.

The NPPF, Policies S1, DM2 and DM3 of the Local Plan and requirements of the Council's 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.

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.

Conclusions and planning balance:

The application submission explains that the proposed mast would enhance the capacity of the current network and bring advanced technologies to the area, providing for, amongst other things, high-quality and high-speed communications infrastructure. Under the provisions of the GPDO, however, the principle of the proposal is not at issue, rather the matters for consideration for the LPA are siting and appearance.

Whilst the various economic and social benefits of the mast presented by the applicant are noted therefore, and it is acknowledged that the scheme may provide improved and upgraded connectivity to the locality, it would, nonetheless harm the character and appearance of the area, and no evidence has been presented that less harmful alternatives have been properly explored. For these reasons it is considered that the siting and appearance of the proposed development is unacceptable, and the proposals are in conflict with the provisions of Policies DM1 and DM9 of the adopted Eastleigh Borough Local Plan 2016-2036 and Paragraphs 122 and 135 of the National Planning Policy Framework. Accordingly, it is recommended that prior approval be refused.

Recommendation:	REFUSE PRIOR APPROVAL
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