

Planning and Rights of Way Panel 4th August 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: Telecommunications Equipment adjacent land On The Northern side of West End Road (outside of Petrol Filling Station) West End Road Southampton			
Proposed development: Installation of a 18 metre high monopole supporting 6 x antennas, 2 no. transmission dishes and 4 x equipment cabinets and ancillary works to facilitate 5G network – <i>prior approval sought for siting and appearance</i>			
Application number:	20/00749/TCC	Application type:	Prior Approval – Telecommunications
Case officer:	Rob Sims	Public speaking time:	15 minutes
Last date for determination:	7 th August 2020 ETA Agreed	Ward:	Harefield
Reason for Panel Referral:	Referred by the Head of Planning & Economic Development due to wider public interest Five or more letters of objection have been received	Ward Councillors:	Cllr Laurent Cllr Baillie Cllr Fitzhenry
Referred to Panel by:	Head of Planning and Economic Development	Reason:	Public Interest
Applicant: Hutchison 3G UK Ltd		Agent: Sinclair Dalby Limited	

Recommendation Summary	Prior approval required and approved subject to conditions
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission

should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies SDP 1, SDP9 and TI5 of the the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and the guidance contained within the National Planning Policy Framework 2019.

Appendix attached

1	Development Plan Policies	2	Relevant Planning History
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Recommendation in Full

Prior Approval is REQUIRED and APPROVED subject to the conditions stated.

1. The site and its context

- 1.1 The application site relates to the Esso/Tesco filling station to the north of West End Road in Harefield. The area comprises of a mix of residential and commercial properties.
- 1.2 The petrol filling station has an in-and-out access and lies between No. 147 and 155 West End Road. The Tesco shop is sited back from the road and the pumps are covered with a canopy extending to 6.5m high. Alongside the public pavement is a 7.0m high totem sign for the petrol station. The application proposals would be sited in between the ‘in and out’ access, on the public pavement in front of the existing totem sign.

2. Proposal

- 2.1 The development involves the installation of an 18 metre high monopole on the pavement immediately outside the petrol filling station. The pole would support 6 no. antennas. The three uppermost antennas provide 5G coverage, and the lower set of 3 antennas would provide 3G and 4G coverage. The pole would also support 2 no. transmission dishes below the antennas. These are required to link the site into the wider network.
- 2.2 The Panel will note that telecom masts of this size do not require planning permission, as the industry benefits from certain ‘permitted development’ rights. Instead, the approval of the Council is required prior to its installation for its ‘siting and appearance’ and these are the main considerations in this case.
- 2.3 4 no. equipment cabinets are also proposed at ground level adjacent to the pole which would have the following dimensions
 Commscope Bowler Cabinet: 1.9m (width) x 0.6m (depth) x 1.75m (height)
 Huawei Cabinet: 0.6m x 0.6m x 1.2m
 Commscope Batsman Cabinet: 0.6m x 0.5m x 1.58m
 Wrap around cabinet: 2.0m x 0.7m x 1.54m

Both the monopole and the equipment cabinets would be a steel grey colour.

- 2.4 The application originally proposed a 20m high monopole. However amendments were secured to reduce the height to 18m in order to lessen the visual impact of the development. The description of the proposal has been amended accordingly.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 There are no existing telecommunications masts or equipment within the immediate area with notable planning history.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners and erecting a site notice (19th June 2020). At the time of writing the report **68 letters of objection and 2 letters of support** have been received from surrounding residents. The following is a summary of the points raised:

5.2 Third Party Comments / Concerns Officer Response

The introduction of untested 5G technology would result in serious health concerns. The Council should not permit such technology until an independent review of their health implications has been conducted.

The application contains a declaration confirming the apparatus is in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection.

Residential Amenity

- Loss of light
- Overshadowing
- Eyesore and Poor Design
- Impact on road safety
- Development in the wrong location and other sites more suitable

Impact on neighbour amenity, visual amenity (including siting, appearance and alternative sites), and highway safety will be considered in Section 6.0 below

Loss of trees

- Loss of wildlife
- Loss of view and property values

No trees are to be removed to facilitate the development
The Local planning authority is unable to take account in this process concerns over wildlife, property values

Mobile mast next to petrol station is hazardous and dangerous

The impact of the development on public health should not be afforded weight in the determination of this application and there are others examples across the City of masts alongside petrol filling stations

Development is not needed

The need for the development is not a material planning consideration

Application for developer profit only

This is not a material planning consideration

Development would impact on historic significance of the village

The site does not lie within a Conservation Area or affect a Listed Building

Impact on Human Rights

Impact on human rights is considered in Section 6.0 below

Inadequate public consultation has been carried out, especially during lockdown

A total of 28 neighbouring properties were notified of the development by letter. In addition, a Site Notice was posted outside the site on 19th June 2020. The Council has therefore carried out its statutory requirement for notifying the public on new planning applications.

Consultation Responses

5.4

Consultee	Comments
Archaeology	<p>20/00749/TCC Telecommunications Equipment, West End Road, Southampton</p> <p>The site is in Local Area of Archaeological Potential 16 (The Rest of Southampton), as defined in the Southampton Local Plan and Core Strategy. However on current evidence and given the relatively small scale of the development, I do not require any archaeological conditions to be attached to the planning consent.</p>
Environmental Health/HMO Team	<p>We have no objections to make concerning this proposed development.</p>
SCC Highways	<p>No Objection</p> <p>Obstruction to footway: The plan does show that with the equipment in place, there would be a small stretch of footway with a pinchpoint at approx. 1.8m wide. Pinchpoints like this could be considered acceptable if it is for short distances as the general standard width should be 2m (which is not far off).</p> <p>Furthermore, there appears to be some space (albeit tiny) for these equipment to be moved right up to the back edge of footway. So I wondered if we could get these revised so we can maximise as much footway left as possible. Conditions should also be used to ensure that the remaining space is minimum 1.8m (2m would be ideal if we can achieve the further set back) in case plans do not show the exact dimensions effectively.</p> <p>Sightlines: A more formal plan would be useful to clarify this but from measuring on the location plan, it would appear that the sightline is ok due to</p>

	<p>the wider footway widths here (43m sightline)</p> <p>Officer's Comment: Amendments have been sought and an update will be given at the Panel meeting</p>
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6.0 **Planning Consideration Key Issues**

6.1 Background

6.1.1 The applicant Hutchison 3G UK Ltd (H3G) are licensed operators of an electronic communications network in accordance with the Communications Act 2003. H3G (UK) Ltd benefits from permitted development rights for this development as set out under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Under paragraph A.3.(3) of Part 16, the applicant is required to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the **siting and appearance** of the development. These are the only matters that can be considered by the Local Planning Authority when assessing this application

6.1.2 The key issues for consideration in the determination of this planning application are:

- Principle of the Development
- Siting of the Development
- Impact on the character and appearance of the area;
- Impact on Residential amenity;
- Impact on Highway Safety
- Other Matters, including health impacts and Huawei operations

6.2 **Principle of the Development**

6.2.1 The principle of development can be supported given the government's policy to support the expansion of electronic communications networks whereby:

Paragraph 112 of the NPPF states that "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections".

Paragraph 113 of the NPPF states that: "The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic

communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.”

Paragraph 116 states that “Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”.

6.2.2 Furthermore, saved policy T15 of the Local Plan sets out that the Council will permit proposals for telecommunications infrastructure subject to the acceptability of the design and visual impact, and encourages the use of existing sites wherever practicable.

6.3 Siting of the development

6.3.1 According to the applicant, with ‘...all 5G infill development this is an extremely constrained cell search area. Moving too far from the optimum cell centre will then potentially interfere with adjoining cells. Options are extremely limited and the only viable solution that minimises amenity issues has been put forward. The chosen location is the only site not immediately outside of residential properties.’

6.3.2 The ‘cell centre’ is based on West End and is located close to the junction of West End Road and Wynter Road. A plan is provided with the application and will form part of the officer’s presentation to Panel. Five alternative sites have been considered prior to the application site being put forward.

6.3.3 1) Grass verge outside Oakwood Care Home, 192 West End Road
This was discounted as the development would be located outside of a residential building and the neighbouring trees are too tall which would not allow a signal to propagate effectively

2) Shrubland Close amenity area (to the north of the application site)
This was discounted as it would be located too close to residential properties

3) Flats at junction of Hatley Road and West End Road
This is the most substantial building in the area. It is not available as its pitched roof design is not suitable to accommodate the required equipment

4) Co-op, West End Road
This was discounted as it was located too far West and out of search area

5) Roundabout to the west of West End Road (and 100m further west of the application site)
This is not isn’t suitable as it would be too close to an adjacent cell. It would only provide coverage to approximately half of the target area.

6.3.4 The chosen site outside the petrol filling is located approximately 160m to the west of the cell centre, which is outside of the 100m cell catchment usually favoured by electronic communications operators. The specific siting has been chosen by the applicant to ensure it is set amongst the backdrop of the filling station, the fuel pump canopy and the existing totem sign, as well as existing street furniture in the area and buildings. Within the cell catchment, the filling station is the only area of commercial activity which assists in absorbing the visual impacts of the development.

6.3.5 It is acknowledged that the cell catchment is limited and is sited amongst a number of residential properties, where the visual impacts of the development are sensitive. However, having reviewed the alternative sites put forward by the applicant, and reviewed the context, it is agreed that the chosen site outside the petrol filling station represents the most sensitive location within the catchment. The 18m high monopole and equipment cabinets would be located amongst existing commercial development which includes the totem, signage and forecourt canopy, and represents the most appropriate siting for the development for the cell catchment area.

6.4 Impact on the character and appearance of the area

6.4.1 Following amendments the development involves the installation of an 18 metre high monopole on the pavement immediately outside the petrol filling station. The pole would support 6 no. antennas. The three uppermost antennas provide 5G coverage, and the lower set of 3 antennas would provide 3G and 4G coverage. The pole would also support 2 no. transmission dishes below the antennas.

6.4.2 The applicant states that the proposed height of 18m is ‘...necessary as the site is proposed to provide 5G services and 5G uses higher frequencies which do not propagate through material and potential obstructions as well as lower frequencies, thus there is a need to ensure that the antennas clear local clutter, in particular the trees in the area. In addition, there are two sets of antennas proposed in a stacked formation, and the height of the pole is also needed to ensure the lower antennas propagate effectively to the whole of the target area.’

6.4.3 Whilst the need for the development cannot be disputed – see NPPF reference above - it is clear that the siting of the development and height at 18 metres, would result in a visual presence along West End Road. In addition, it would be notably taller than the forecourt canopy (6.5m) and the adjacent totem sign for the filling station (7.0m). However, the development would be located amongst the only other commercial development within the area and has been purposefully chosen to be absorbed with the existing commercial clutter along West End Road. Whilst it would result in a notable presence within the street scene, in combination with its appropriate siting, it is not considered that the development would result in an incongruous or significantly harmful addition which would be detrimental to the visual

amenities of the area.

6.4.4 The benefits of the proposal also have to be considered. New 5G, and enhanced 3G and 4G coverage would be provided to the surrounding area for H3G from the development and it is considered there are significant public benefits of the proposal which outweigh the visual impacts of the development. On this basis the appearance of the proposed development is also considered to be acceptable.

6.4 Residential amenity

6.4.1 The site is located between the residential properties No. 147 and 155 West End Road and is at an oblique angle to both properties. Whilst these properties are located approximately 20m from the mast, it is not considered that the mast would result in any direct loss of outlook or overshadowing to these neighbouring properties.

6.4.2 To the rear of the site is the Tesco petrol station shop and beyond that are the rear gardens and residential properties at Moorlands Crescent. The rear elevations and windows are located approximately 50m from the new monopole. This distance is considered sufficient to avoid a significant loss of outlook from the rear windows of these properties and would not result in any significant overshadowing of the windows or rear gardens given the thin profile of the mast and antennas.

6.4.3 To the south side of West End Road and opposite the application site are No. 146 – 154 West End Road. They are located approximately 20m from the proposed monopole and antenna. Due to the siting of the telecommunications equipment amongst other commercial development it is not considered that the proposed development would result in a significant loss of outlook from the front aspect of these neighbouring windows. Furthermore the proposed development being located to the north of these properties would not result in any significant loss of light or overshadowing to these properties. On this basis the proposals are considered to be acceptable in terms of its impacts on neighbouring properties and their amenity.

6.5 Impact on Highway Safety

6.5.1 Concerns have been raised by third parties that the new cabinets and monopole will reduce the width of the pavement and restrict use by wheelchair users and buggies. The proposals would result in a reduction of the pavement to 1.87m between the edge of the cabinets and the existing bollards on the pavement. Figure 6.8 of Manual for Streets (MfS) demonstrates the minimum footway width of 2 metres and refers to Department for Transport (DfT) Inclusive Mobility. Paragraph 3.1 of Inclusive Mobility states that a “clear width of 2000mm (ie. 2 metres) allows two wheelchairs to pass one another comfortably and that where this is not possible due to physical constraints 1500mm could be regarded as the minimum acceptable under most

circumstances, giving sufficient space for a wheelchair user and a walker to pass one another". Whilst the resultant footway width slightly underachieves the required 2.0m width, it is already constrained by the existing bollards, which represents a physical constraint on the footway. The retention of a 1.87m width over a short distance of 5.0m would meet the very minimum requirement of 1.5m for 'inclusive mobility' and on this basis it is not considered that the siting of the proposals could reasonably be refused on this basis. These views are also agreed by the Local Highway Authority.

6.5.2 The proposals introduce new development on the pavement, which has raised concerns from third parties that sightlines will be obscured when exiting the petrol station. Although the cabinets are 1.75m in height, they are set back from the edge of the highway and vehicle visibility splays of 2.4 metres by 43 metres from the exit point to the east would not be impeded by the cabinets. Therefore, the development would ensure sufficient visibility for a car exiting the petrol filling station onto West End Road. The Local Highway Authority have also stated that visibility from this junction would not be impacted upon by the proposals.

6.5.3 The proposals would provide sufficient footway width which would accord with the advice contained within Manual for Streets and the Inclusive Mobility document. The proposal would also provide sufficient visibility for vehicles exiting the petrol filling station on to West End Road. The proposal is therefore considered to comply with the relevant local and national planning policy with regard to highway safety, and Officers consider that there would be no justifiable grounds for refusal in terms of the proposals demonstrating severe harm to highway safety.

6.6 Other Matters

6.6.1 It is entirely understandable that the local community may wish to raise other concerns, in particular the need for the mast and its potential impact on health. The applicant has provided an International Commission on Non-ionizing Radiation (ICNIRP) certificate to support this planning application. This certifies that the proposed development would be in full compliance with the ICNIRP guidelines. The ICNIRP guidelines are the most up-to-date and relevant tool to ascertain the acceptability of telecommunications development within the planning process. Paragraph 116 of the NPPF goes on to state that Local Planning Authorities should not substitute their own "opinion" on health issues for that expressed by ICNIRP. The suggested health risks associated with this development (as raised by the objectors) and the fear and/or stress associated with these perceived risks are outweighed by the reassurances provided by the technical information submitted by the applicant. As such, the proposal is deemed acceptable in terms of health-related issues.

6.6.2 The third party objections also raises the matter the impact of the perceived health effects of the development upon their Human Rights. Article 8 of the

Human Rights Act (HRA) relates to enjoyment by residents of their home life. The grant of planning permission for development which may have sufficiently serious effects on the enjoyment by local residents of their home life may in principle affect Article 8, although such cases are likely to involve extreme facts. In addition, Article 8(2) allows public authorities to interfere with the right to respect the home if it is “in accordance with the law” and “to the extent necessary in a democratic society” in the interest of “the well-being” of the area.

6.6.3 Under S.70 of the 1990 Planning Act, Parliament has entrusted planning authorities with the statutory duty to determine planning applications, and has said (S.70(2)) that in dealing with such an application the authority “shall have regard” to the development plan and to “any other material considerations” which will include HRA issues. The courts have held that a “balance” has to be struck in planning decisions between the rights of the developer and the rights of those affected by the proposed development. This involves the balance between:

- on the one hand the specific interests of the individual objector as documented (see above), and
- on the other hand, the interests of the applicant to obtain the planning permission he has applied for, and lastly
- the interests of the wider community, as expressed in Lough (2004) in the following terms “in an urban setting it must be anticipated that development may take place” and that it “is in the public interest that residential developments take place in urban areas if possible”.

6.6.4 The NPPF is clear that for telecommunications development LPAs should not substitute their own opinion on health matters where a development demonstrates that it is meeting ICNIRP guidelines which are the internationally set guiding principles for such matters. An ICNIRP certificate demonstrating adherence to these guidelines has been submitted by the Applicant as part of the application as required. Officers therefore consider that the development would not conflict with the HRA.

6.6.5 In terms of the Huawei cabinet, the applicants are still considering the implications of the Government announcement to remove all Huawei equipment from the UK by 2027. However the applicant has stated that it is likely that the cabinet will be swapped out with one of a similar size from another Vendor and, therefore, the applicant has requested that the cabinet is retained as part of the current proposals. The end operator is not a matter for this planning decision.

6.6.6 The Local planning authority is similarly unable to take account in this process of concerns over the health of wildlife, and other legislation covers the disturbance of protected species, and property values.

7. **Summary**

- 7.1 Under the “Prior Notification” procedure the Council’s planning decision must be limited to those issues around siting and appearance. A site selection process was carried out and a number of other sites were discounted for a variety of reasons. In view of this and the necessary technical requirements, it is considered that the proposed siting is acceptable.
- 7.2 It is accepted that the siting and height of the mast would be visually prominent within the street scene. Although the height of the mast has been reduced to 18.0m, such a height is needed in order to provide a strong signal. On balance, due to the siting of the development amongst other commercial development and street furniture, it is not considered that the proposal would result in an incongruous or significantly harmful addition to warrant a refusal of the application. Particularly as this has been demonstrated to be the least sensitive location.
- 7.3 Overall, it is considered that that the proposed development complies with both the National Planning Policy Framework and Policy TI5 of the Local Plan and on this basis it is recommended that prior approval is granted

8. Conclusion

- 8.1 Prior approval is required for the siting and appearance of the proposed development and it is recommended that the application is approved.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

RS for 04/08/2020 PROW Panel:

PLANNING CONDITIONS

1) Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

2) Mast Removal

The mast, antenna and associated equipment hereby permitted shall be permanently removed within one month of it no longer being required for its purpose.

Reason: To enable the Local Planning Authority to review the need for the equipment

Application 20/00749/TCC

APPENDIX 1

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development

SDP9 Scale, Massing & Appearance

SDP19 Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone

HE6 Archaeological Remains

TI5 Telecommunications

Other Relevant Guidance

The National Planning Policy Framework (2019)

Application 20/00749/TCC

APPENDIX 2

Relevant Planning History

Case Ref	Proposal	Decision	Date
13/00595/ADV	Replacement signage including internally and externally illuminated fascia signs, an internally illuminated projecting sign, an internally illuminated totem sign and a internally illuminated ATM.	Conditionally Approved	04.06.2013
17/01436/FUL	Replacement of Existing Fuelling Infrastructure, including Tanks, Fills, Pipework, Pumps, Canopy and Vents. Alterations to Car Parking and Pedestrian Access (submitted in conjunction with 17/01437/ADV)	Conditionally Approved	29.11.2017
17/01437/ADV	Installation of various illuminated and non illuminated signs (submitted in conjunction with 17/01436/FUL)	Conditionally Approved	01.12.2017
E01/1649	Reconstruction of service station	Conditionally Approved	06.11.1984
1439/P12	Petrol station etc (includes 153)	Conditionally Approved	13.06.1972