

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (WEST) - 22 March 2016
Planning Application Report of the Planning and Development Manager

Application address: Land adjacent Chamberlayne Leisure Centre, Weston Lane.			
Proposed development: Replacement of 11.8m high telecoms pole, equipment cabinet and meter pillar.			
Application number	16/00100/FUL	Application type	FUL
Case officer	Kieran Amery	Public speaking time	5 minutes
Last date for determination:	22.03.2016	Ward	Woolston
Reason for Panel Referral:	More than 5 letters of objection have been received, together with an objection from Cllr Payne.	Ward Councillors	Cllr Chamberlain Cllr Hammond Cllr Payne

Applicant: CTIL and Vodafone Ltd	Agent: Daily International
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Recommendation Summary	Conditionally approve
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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.

Considering the existing situation at the site the proposed replacement telecoms mast and cabinet are not considered to be harmful to the character of the area or the visual amenities of the nearby residential properties. 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 has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP16, of the City of Southampton Local Plan Review (March 2006) and CS13, CS14, CS18, CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History
3	Appeal decision (11/01094/TCC)		

Recommendation in Full

Conditionally approve

1.0 Introduction

- 1.1 The application proposes the replacement of an 11.8m tall telecommunications mast and ancillary radio equipment housing cabinet, with a new telecommunications pole of the same height and a larger ancillary equipment cabinet.

Objections have been received regarding the visual impact of the fence and the potential impact of the equipment on public safety. The justification of the proposed works have also been brought into question.

2.0 The site and its context

- 2.1 The site is adjacent to a public footway along Weston Lane and grounds belonging to Chamberlayne Leisure Centre. There is a residential property (no.138 Weston Lane) within 3m of the proposed telecommunications pole.
- 2.2 There is an existing telecommunications pole of the same height on the site, there is also an existing cabinet shell in this area.
- 2.3 The local area is characterised by two storey housing and open space, including the car park of Chamberlayne Leisure Centre.

3.0 Proposal

- 3.1 The proposal is for the replacement of an 11.8m tall telecoms mast with a new telecoms mast of the same size, as well as a replacement cabinet shell of a larger size than the existing.
- 3.2 The replacement telecoms mast would be roughly 1.5m further to the South West (and thereby closer to no.138) than the existing mast. The proposed mast would have a width of 0.32m and the top aspect containing the antenna would be 0.35m wide. The mast would be designed to resemble a telegraph pole in order to blend in better with the residential street scene. It would be a dark brown colour.
- 3.3 The proposed replacement cabinet shell would be 1.94m tall, 1.3m wide and would sit near to the north east of the front access way to no. 138 Weston Lane. There is an existing cabinet on site which is 1.6m wide and 1.3m tall.
- 3.4 Under permitted development criteria as set out in Schedule 2, Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, a replacement mast at this site could be achieved with a maximum height of 15m and a maximum width of 0.27m. The proposed mast would therefore only require planning permission because the width would exceed the width of the existing mast by more than a third and because it would be located 1.8m further to the south west of the existing mast to be removed.

4.0 Relevant Planning Policy

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these

proposals are set out at **Appendix 1**.

- 4.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy 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.
- 4.3 Paragraph 42 of the NPPF states that advanced, high quality communications infrastructure is essential for sustainable economic growth and that the development of communications networks also plays a vital role in enhancing the provision of local community facilities and services. Paragraph 43 states that local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband. They should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified.
- 4.4 Saved policy SDP1(i) seeks to protect the amenity of local residents and states that planning permission will only be granted for development which does not have an unacceptable affect the health, safety and amenity of the city and its citizens.
- 4.5 Saved policy TI5(i) states that proposals for telecommunications equipment and public utility infrastructure will be permitted if the design of the installation, including its height, materials, colour, and use of screening respects the character and appearance of the locality. Saved policy TI5(ii) states that wherever practical existing sites should be utilised. TI(iii) states that technical requirements or constraints need to be demonstrated to outweigh any adverse environmental impact.

5.0 Relevant Planning History

- 5.1 The relevant planning history is set out in detail in **Appendix 2**.
- 5.2 There have been numerous applications for telecommunications equipment at this site. Two applications were refused prior to application ref:11/01094/TCC which was refused by the LPA but approved at appeal on the 6th of March 2011. This application was for the existing telecommunications equipment at the site. A copy of this appeal decision is attached in **Appendix 3**.
- 5.3 An application (ref:14/00463/TCC) was made for a replacement 15m monopole which was refused on the 25th of April 2014. The application was refused because it was considered that the proposed mast would be visually dominant in the area.

Consultation Responses and Notification Representations

6.0

6.1 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 (02.02.2016 and 05/02/2016). At the time of writing the report eight representations have been received, seven from surrounding residents including one from the occupier of no.138 Weston Lane, four from no.170 Weston Lane and one from councillor Warwick Payne. A summary of the material considerations raised by these objections is set out below.

6.1.1 Comment

The proposed mast is not in-keeping with the surrounding area, it is unsightly and would damage the visual amenities of the area.

Response

The site already has a telecoms mast of the same height. The increased width of the structure is minimal and unlikely to make the mast more visually prominent in the street scene to an acceptable level. The replica telegraph pole design would help the mast integrate into the mostly residential street scene. Given the existing situation with a mast already present, it is unlikely that the replacement mast would contribute significantly to a harmful impact on the character of the area. It should be noted that a mast up to 15m in height could be achieved under permitted development.

It is also noted that there are a number of lamp posts and a wooden telegraph pole within the street scene which the proposed monopole is designed to resemble.

6.1.2 Comment

The proposed development will allow for further development of the site beyond that which would be suitable for the area.

Response

No further development of the site has been proposed other than that proposed within the application. Any further applications made under under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 would be subject to the prior approval of the Local Planning Authority (LPA). The proposed works would therefore not result in any unsuitable development.

6.1.3 Comment

There has been a suggested conflict of interest regarding the reasons for the application being made. It is assumed that the application is made for the financial benefit of SCC.

Response

The application has been made by CTIL and Vodafone Ltd, for the benefit of this company. There is no such conflict of interest and it should also be noted that prior to the Planning Inspectorate's decision to overturn the LPA's refusal of application ref: 11/01094/TCC, development of telecommunications equipment at this site was resisted (see **Appendix 2**).

6.1.4 Comment

An increase of 4m to the height of the mast would make the structure too tall for the area, to the detriment of visual amenity.

Response

The proposed replacement monopole would be 11.8m tall, which is the same height of the existing monopole. It is assumed that there has been some confusion with application ref: 14/00463/TCC which proposed a replacement 15m monopole at this site and was refused on the 25th of April 2014 for reasons set out above.

6.1.5 Comment

The proposed development is not justified.

Response

Details submitted in conjunction with the application provide a background to the requirements of the proposed works. Vodafone Ltd has entered into an agreement with Telefonica UK Ltd in which the two companies will share basic network infrastructure. The proposed development will allow for an upgrade of the existing base station to accommodate the needs of both companies without the need for a new base station or additional mast. The site was selected through a site selection process which identifies areas where insufficient signal level exists. There is also reference made to increased data transfer meaning upgrades to base stations are required. It should be noted that mobile phone technology cannot operate without base stations.

6.1.6 Comment

The radio waves produced by this base station will be harmful to public health, thereby making the development harmful to the safety and amenity of the public. There is particular concern regarding the impacts of radiation on pacemakers and on the potential for the radiation to cause leukaemia.

Response

Paragraph 45 of the NPPF states that applications for telecommunications development for an addition to an existing mast or base station should be supported by a statement that self certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guidelines

A declaration of conformity with ICNIRP public exposure guidelines was submitted with that application confirming that the proposed works at this site would be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation (as expressed in the EU council recommendation of 12 July 1999).

These guidelines ensure that the public are not exposed to electromagnetic fields beyond 300GHz. Information submitted supporting this application states that Vodafone and Telefonica use radio frequencies to transmit and receive calls at 900 MHz or 1800 MHz for 2G whilst 3G uses frequencies within the 2100MHz range. The highest frequencies will be used by 4G, within the range of 800MHz and 2600MHz. The highest frequency considered to have no adverse biological effects is over one hundred and fifteen times this highest utilized frequency. As

such the health concerns regarding the proposals are satisfied.

It should also be noted that the environmental health department have raised no objections to the proposed works.

6.2 Consultation Responses

6.2.1 **Environmental Health** - We have no objections to make concerning this proposal.

6.2.2 **Highways Development Management** – I would like to see revised plans showing the pole mounted closer to the back edge of the footway closer to the wall, and the cabinet should be shown with the door opening from the other side so that when maintenance is being carried out there is no obstruction to the footway.

Response – The proposed cabinet is permitted development, following discussions with the application no further amendments have been sought for reasons set out below.

7.0 Planning Consideration Key Issues

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

- (i) Impact on public safety;
- (ii) Impact on the character of the area;
- (iii) Impact on highways safety;
- (iv) Impact on the amenities of nearby residents.

7.2 (i) Impact on public safety

7.2.1 A declaration of conformity with ICNIRP public exposure guidelines was submitted with the application confirming that the proposed works at this site would be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation (as expressed in the EU council recommendation of 12 July 1999).

7.2.2 The response to paragraph 6.1.6 provides evidence that the proposed development would not result in an unacceptable impact on the health and safety of the city and its citizens and accord with saved policy SDP1(i).

7.3 (ii) Impact on the character of the area

7.3.1 The site is in a predominantly residential area with nearby playing fields and open space which forms part of Chamberlayne Leisure Centre. Previous applications for telecoms equipment have been refused due to the associated mast being deemed to be visually intrusive and out of character with the area. No applications for telecoms development have been approved at this site under delegated powers for this reason (planning history set out in **Appendix 2**).

7.3.2 However the existing 11.8m monopole and cabinet at the site, allowed at appeal, have set a precedent in the area and are significant material considerations in this case. The existing situation with telecommunications equipment on site must be considered when evaluating the impact of the proposals on the character of

the area in terms of whether their impact would be significantly more harmful than the existing monopole and cabinet.

7.3.3 It is preferable that the proposed mast would not exceed the height of the existing mast. The increased width of the structure from 0.2m to 0.32m is unlikely to make the mast more visually prominent in the street scene, however the adoption of a replica telegraph pole design would help the mast integrate into the mostly residential street scene. It is also noted, as in the case with most streets, that there are a number of lampposts and a wooden telegraph pole within the street scene which the proposed monopole is designed to resemble.

7.3.4 Given the existing situation with a mast of the same height already present on the site, it is not considered that the replacement mast would contribute to a harmful impact on the character of the area.

7.4 (iii) Impact on highways safety

7.4.1 The primary impact of the proposals on highways safety would be an obstruction of the footway which the equipment would occupy. Despite its larger diameter the proposed monopole would not result in a serious obstruction compared to the existing situation. This is because it would be situated the same distance from the edge of the footway as the existing monopole, allowing for around 1.7m of unobstructed footway.

7.4.2 The proposed cabinet would be located in a position where it would cause limited obstruction to the footway. The door of this cabinet when opened would leave a width of 1m unobstructed when fully open. However, it is noted that this door will only be open when the electronic communications equipment ancillary to the proposed monopole is being worked on by an engineer. This is likely to occur only for a short time, a few times a year. It is also noted that the proposed cabinet could be achieved under a "part 14 notification" which is a notification of intent to carry out works permitted under Schedule 2, Part 14, of the Town and Country Planning (General Permitted Development) (England) Order 2015. As such the cabinet could be installed without the benefit of planning permission.

7.5 (iv) Impact on the amenities of nearby residents

7.5.1 The only property that is likely to be impacted by these proposals would be no.138 Weston Lane which the proposed monopole would sit within 3.2m of and the proposed cabinet would sit adjacent to. Given the nature of the development there would be very little overshadowing impact on this property as it would not result in a substantial loss of daylight or sunlight to a habitable room or private amenity area for a majority of the day.

7.5.2 The monopole would not cause any significant overbearing impact on the property despite its height, given that it is set back from the boundary by 3.2m, would not be more than 0.32m thick, and because there are existing features on the street (a telegraph pole, lampposts, and the existing mast) which are of similar form and do not result in any significant harm to residential amenity.

7.5.3 It should also be noted that the mast would only be immediately visible from the front and northern side elevations of the property and would therefore not have a significant impact on the private amenity space in the property's rear garden.

8.0 Summary

8.1 The proposals are not considered to have an adverse impact on public health, the amenities of nearby properties or on highway safety. The proposals are considered in-keeping with the character of the area given the presence of existing telecommunications equipment.

9.0 Conclusion

9.1 As such, the proposal is judged to have an acceptable impact and, therefore, can be supported for conditional approval.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(vv), 7(a), 9(a), 9(b)

KA for 22/03/16 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION – Approved Materials

The development hereby permitted shall be constructed using materials as specified in the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

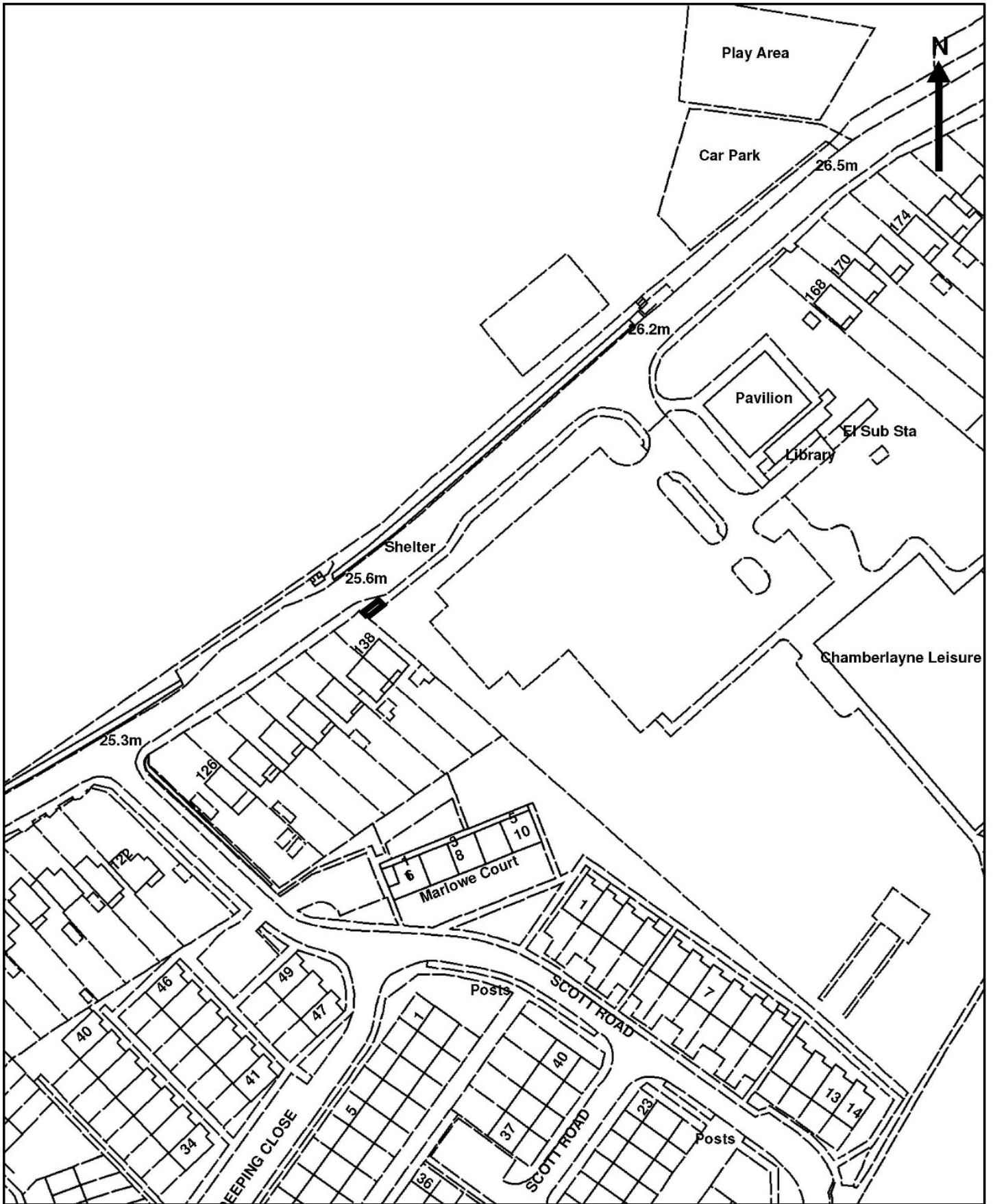
For the avoidance of doubt and in the interests of proper planning.

03. APPROVAL CONDITION - 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. For the avoidance of doubt the works shown on the plans in connection with application 14/01941/FUL do not form part of this approval.

Reason:

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



Scale: 1:1,250

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