

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	TELO/2022/3124
<b>Site:</b>	New Pippin PH, Ansty Road Coventry.
<b>Ward:</b>	Wyken
<b>Proposal:</b>	5G telecoms installation: H3G 16m street pole and additional equipment cabinets
<b>Case Officer:</b>	Liam D'Onofrio

## SUMMARY

The application is for determination as to whether the prior approval of the Local Planning Authority is required to the siting and appearance of the development for the installation of a 16-metre-high monopole and associated equipment cabinets. The application is submitted under the requirements of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 16, Class A.

## BACKGROUND

The proposed installation is part of Three UK's network upgrade to rollout 5G network in the area. The proposal is recommended for approval.

## KEY FACTS

<b>Reason for report to committee:</b>	More than five objections received.
<b>Current use of site:</b>	Public footway
<b>Proposed use of site:</b>	Telecommunications infrastructure – 16m high mast and cabinets

## RECOMMENDATION

Planning Committee are recommended to grant Prior Approval, subject to conditions.

## REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will have limited adverse impact upon the visual amenity of the area; however, the social and economic benefits of the proposal would outweigh visual harm.
- The proposal falls within the criteria of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and accords with the NPPF.

## SITE DESCRIPTION

The application site relates to a section of pavement located outside the New Pippin PH on the north-eastern side of Hipswell Highway close to the junction with Ansty Road. The site is adjacent and opposite commercial properties, near a busy road junction and within Ansty Road Local Centre.

## APPLICATION PROPOSAL

This is an application for a determination as to whether the prior approval of the Authority will be required as to the siting and appearance for a replacement mast and associated ancillary equipment.

The development proposal comprises of a 16m high street pole and three equipment cabinets.

The application is supported by an ICNIRP certificate.

The applicant states that: "there is an acute need for a new base station to provide effective service coverage and in this case, the height of the proposed street pole is the minimum required to bring the benefits of 5G to this area."

## **PLANNING HISTORY**

None

## **POLICY**

### **National Policy Guidance**

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

### **Local Policy Guidance**

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

Policy DE1 Ensuring High Quality Design

Policy C1: Telecommunications

Policy DS3: Sustainable Development Policy

## **CONSULTATION**

- Highways: No objection – subject to black colour coating to match street furniture
- EP: No objection – ICNIRP has been provided.

### **Neighbour consultation**

Immediate neighbours and local councillors have been notified; a site notice was posted on 17/11/22.

Seven letters of objection have been received, raising the following material planning considerations:

- a) Health and safety concerns.
- b) The mast and cabinets will have a detrimental visual impact upon the area.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- c) Public liability Insurance
- d) Competence of the submission
- e) Electricity power demand for 5G system

Any further comments received will be reported within late representations.

## **ASSESSMENT**

The NPPF recognises 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). Nevertheless, paragraph 115 of the NPPF suggests that the number of masts should be kept to a minimum and where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate.

Paragraph 117 of the NPPG suggests that Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include: a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or and b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or c) 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 and a statement that self-certifies that, when operational, International Commission guidelines will be met.

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

Policy C2 states "When considering notifications, planning applications and prior approval applications, regard will be given to the following factors:

- a) operational requirements of the telecommunication networks and the technical limitations of the technology, including any technical constraints on the location of telecommunications apparatus;
- b) the need for the ICNIRP Guidelines (and any other relevant guidance in place at the time of the application) for safe emissions to be met;
- c) the potential for sharing existing masts, buildings and other structures; and
- d) the impact of the development on its surroundings with particular regard to the following criteria:
  - i. the visual amenity, character or appearance of the surrounding area.
  - ii. apparatus and associated structures sited on a building should be sited and designed in order to seek to minimise impact to the external appearance of the host building.
  - iii. development should not have an unacceptable effect on conservation areas or buildings of architectural or historic interest or areas of ecological interest or areas of landscape value or sites of archaeological importance.
  - iv. the proposed provision of landscaping."

The supporting information highlights other sites have been considered and discounted with the application site identified as the most suitable option that balances operational need with local and national planning policies and that it will deliver public benefit in terms of the mobile services it will provide. The proposed 16m mast and associated cabinets accord with the requirements set within Schedule 2, Part 16, Class A.

The site location is adjacent and opposite commercial properties and a petrol station, on a busy road traffic light junction and within Ansty Road Local Centre. The surrounding area is characterised by residential streets with limited opportunity to locate a mast. The facility is therefore well positioned and of a scale that is appropriate. The mast has been located centrally between existing 9.8m high lampposts.

The applicant has confirmed at the request of the case officer that the apparatus and cabinet will be colour coated black (RAL 9005) to match existing street furniture and aid assimilation. A condition is suggested to secure this appropriate finish.

The apparatus and cabinet are not considered to result in any significant impact upon the amenities of nearby residents.

### **Highways**

Highways have raised no objection to the position of the installation on the public highway.

### **Health matters**

The UK Health Security Agency (UKHSA) guidance on 'Mobile phone base stations: radio waves and health' (updated 27 August 2021) states that: Independent expert groups in the UK and at international level have examined the accumulated body of research evidence. Their conclusions support the view that health effects are unlikely to occur if exposures are below international guideline levels. UKHSA's main advice about radio waves from base stations is that the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) should be adopted for limiting exposures. The ICNIRP guidelines apply to frequencies up to 300 gigahertz and cover exposures arising from new 5G base stations as well as from older technologies.

ICNIRP is formally recognised as an official collaborating non-governmental organisation by the World Health Organization (WHO). The WHO states that, to date, and after much research performed, no adverse health effect has been causally linked with exposure to wireless technologies.

Government guidance and established case law indicates that the planning system should not duplicate existing controls under other legislation and is not the place to determine health safeguards. It is the Government's view that if a proposed development conforms to International Compliance for Public Exposure Guidelines for Public Exposure to Electromagnetic Fields established by the International Commission on Non-Ionising Radiation Protection (ICNIRP), further consideration of this issue should not be necessary by the local authority. The Health & Safety Executive and the National Radiological Protection Board (now part of Public Health England) are responsible for monitoring and enforcing compliance with ICNIRP. The applicant has provided a Declaration of Conformity with ICNIRP Public Exposure Guidelines, ensuring that the

proposed telecommunications equipment is in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP), as expressed in EU Council recommendation of 12th July 1999 (1999/519/EDC) on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)".

It is central Government's responsibility, not that of the Council or Local Planning Authority, to decide what measures are necessary to protect public health. The Government's advice on telecommunications within the National Planning Policy Framework (NPPF), Paragraph 118 states: '*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.*'

Residents' concerns are noted and Officers recognise that the siting of base stations in residential areas can cause considerable distress. Officers will seek to avoid masts being located in close proximity to residential properties; however, this is on visual amenity rather than health grounds. As the application is supported by an ICNIRP certificate the LPA have no reasonable grounds to consider health matters further.

### **Equality Implications**

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) 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.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

### **Conclusion**

The proposal falls within the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and in line with guidance of the NPPF and therefore it is recommended that the prior approval is not required and those details, having been submitted, are acceptable.

## CONDITIONS / REASONS

	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p>
1.	<p>Drg No. 002 Site Location Plan Issue A, 215 Proposed Site Plan Issue A, 265 Proposed Site Elevation Issue A, supporting e-mail dated 25/11/22 regarding black colour coating.</p>
<b>Reason</b>	<p><i>For the avoidance of doubt and in the interests of proper planning.</i></p>
2.	<p>Notwithstanding colour coating details on the approved plans, within one month of the installation of the antenna, associated apparatus and ground-based cabinet(s) hereby approved, they shall have been colour coated Black (RAL 9005), as agreed in the supporting e-mail dated 25/11/22. Any replacement or modification shall be colour coated to match within one month of being carried out.</p>
<b>Reason</b>	<p><i>To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area in accordance with Policy DE1 of the Coventry Local Plan 2016.</i></p>