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| <b>Planning Committee Report</b> |  |
| <b>Planning Ref:</b>             | PL/2023/0001348/PAEC   |
| <b>Site:</b>                     | Land At 9 Orchard Court Coventry.  |
| <b>Ward:</b>                     | Wyken  |
| <b>Proposal:</b>                 | Installation of 15m 5G telecoms installation: H3G street pole and additional equipment cabinets. |
| <b>Case Officer:</b>             | Tom Cox  |

## SUMMARY

This application is being considered before Planning Committee seeking prior approval for the installation of 15m mast with ancillary equipment cabinets. This 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

This proposal forms part of CK Hutchinson Networks (UK Ltd) network upgrade to rollout the 5G Network in the area, the proposal is recommended for approval.

## KEY FACTS

|  |   |
|--|---|
| <b>Reason for report to committee:</b> | More than five objections have been received.                   |
| <b>Current use of site:</b>            | Grass verge adjacent to public footway.                         |
| <b>Proposed use of site:</b>           | Telecommunications infrastructure – 15m high mast and cabinets. |

## RECOMMENDATION

Planning committee are recommended to grant Prior Approval, subject to conditions at the end of this report.

## 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 is an area of grass verge on the junction of Harry Weston Road and Orchard Court, located within the centre of Binley Business Park. The site is surrounded by commercial properties siting within mature landscaped grounds and there are no residential uses in proximity to the site.

## 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 15m high mast and associated ancillary equipment adjacent to an existing footway.

The development proposal comprises of a 15m high street pole and three equipment cabinets.

The application is supported by an ICNIRP certificate.

The applicant states that: “it is recognised that high-speed mobile connectivity is the lifeblood of a community; facilitating educational benefits, providing access to vital services, improving communications with the associated commercial benefits for local businesses, enabling ecommerce and facilitating the increased need and demand for working from home, as well as enjoying access to social, media and gaming for leisure time activities.”

## PLANNING HISTORY

There is no history of applications at this site, however, as detailed below, several similar telecommunications masts have been permitted on Harry Weston Road, a short distance from this site.

| Application Number | Description of Development  | Decision and Date      |
|--------------------|---|------------------------|
| TEL/2017/0230      | Installation of telecommunications system - 17.5m monopole and two equipment cabinets   | Granted (23.03.2017)   |
| TNO/2021/2336      | Installation of 20m high telecommunications mast and associated equipment cabinets      | Permitted (20.07.2021) |
| TELO/2020/0574     | Installation of 17.5m high telecommunications mast and associated equipment cabinets    | Granted (10.06.2020)   |
| TEL/2022/1524      | Installation of telecommunications system - 17.5m monopole and three equipment cabinets | Granted (08.08.2022)   |

## 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**

No Objections received from the following consultees:

- a) Environmental Protection – ICNIRP has been provided.
- b) Highways – Amendments requested relating to the siting of the mast for the purposes of future schemes to widen the highway. No objection to the principle of the mast or its design provided it is colour coated to match the existing street furniture.

## **Neighbour consultation**

Immediate neighbours have been notified and a site notice was placed on the 06.07.2023

Eight 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
- f) Impact on house prices in the area

Any further comments received will be reported within late representations.

## **APPRAISAL**

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 15m mast and associated cabinets accord with the requirements set within Schedule 2, Part 16, Class A.

The size of the mast is significant in comparison to the adjacent buildings and lampposts measuring approximately 8m in height, however there is a precedence set for substantial vertical features within the street scene, with several structures of similar height located adjacent. The surrounding area is characterised by commercial and office uses, with large multi-level buildings of considerable scale set within substantial landscaped grounds, with no residential streets in proximity to the site. The mast is located between two existing lampposts, it is also located such that it would not be in the direct sightline of any windows from the nearest building and given the large-scale commercial character of the locality, and the existing nearby telecommunications masts; it is not considered the proposal itself would appear as an overtly incongruous or harmful feature within the street scene.

Whilst the proposal will result in the introduction of a further mast into the street scene, it is considered preferable to concentrate such development within commercial locations, aware from residential properties. Given the technical requirements of modern 5G

systems, mast sharing with an existing operator would only be possible with a substantial increase in mast height, which from a visual perspective would be undesirable.

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 amenity of the street scene of the character of the business park.

### **Highway considerations**

The highways authority have requested minor amendments to the proposed siting of the mast and equipment cabinets which the applicant has agreed, to accommodate potential future plans for sustainable transport schemes within the locality.

### **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 12<sup>th</sup> 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. In this instance there are also no residential properties in proximity to the site, and as such, visual impact from the proposal is considered to be acceptable. 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

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| <b>1.</b>     | The development hereby permitted shall be carried out in accordance with the following approved plans:<br><br>COV21673-COV238-86350-CV1601-GA-REV-A;   |
| <b>Reason</b> | <i>For the avoidance of doubt and in the interests of proper planning.</i>   |
| <b>2.</b>     | Within one month of the installation of the telecommunications mast and associated equipment cabinets hereby permitted they shall have been colour coated Black (RAL 9005) on all external faces, and any replacement or modification shall be colour coated to match within one month of being carried out. |
| <b>Reason</b> | <i>To ensure the proposed development has a satisfactory appearance in the interests of the visual amenities of the area in accordance with Policy DE1 and Policy C1 of the Coventry Local Plan 2016.</i>  |