

**Meeting:** Planning and Development Committee      **Agenda Item:**

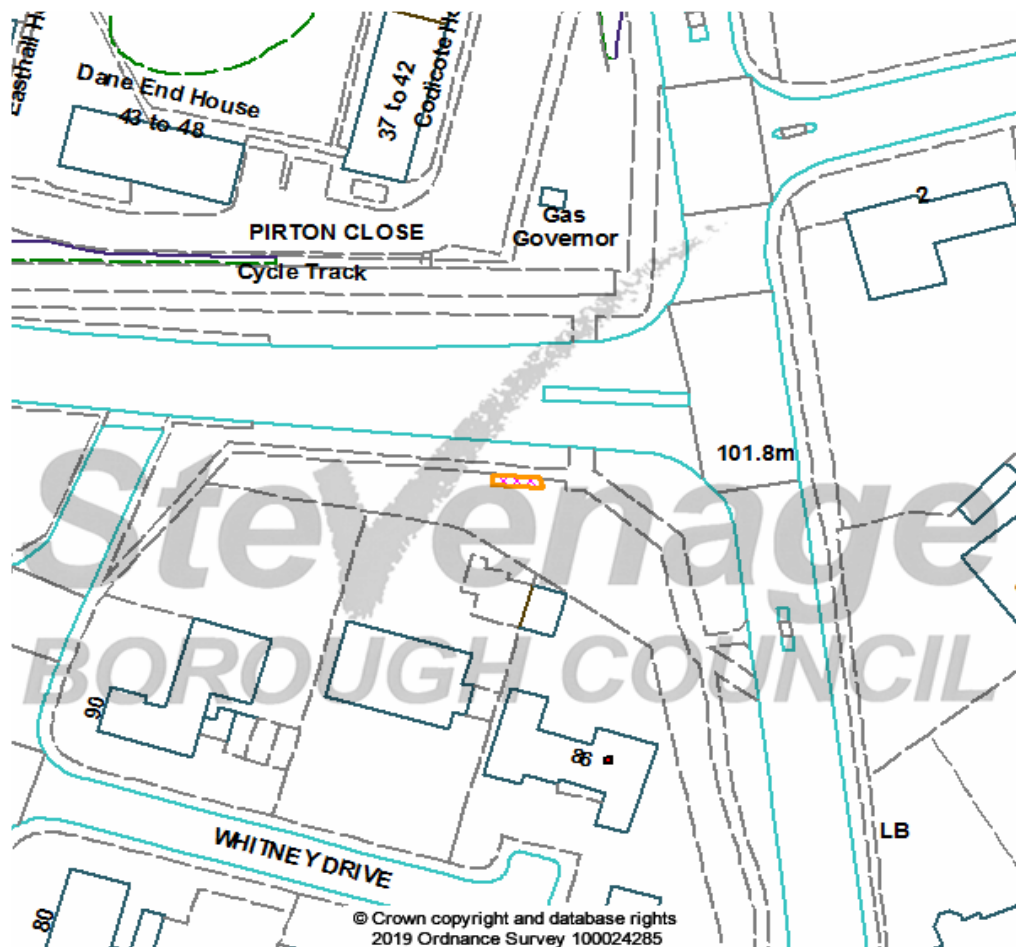
**Date:** 18 August 2021

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Application No: 21/00765/PATELE  
Location: Coreys Mill Lane, Stevenage, Hertfordshire SG1 4FG  
Proposal: Proposed 20.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works  
Drawing Nos.: SVG16478\_M 002; 003; 100; 150; 210; 260; 302; and 305  
Applicant: CK Hutchison Networks (UK) Ltd  
Date Valid: 9 July 2021  
Recommendation: PRIOR APPROVAL IS NOT REQUIRED



Plan for information purposes only

## **1. SITE DESCRIPTION**

- 1.1 The application site is located on a highway verge on the southern side of Coreys Mill Lane, near its junction with North Road. To the south and east of the site are residential properties, while on the northern side of the road is the Lister Hospital. The application site is within the Woodfield ward.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 None.

## **3. THE CURRENT APPLICATION**

- 3.1 Prior approval is sought under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) for the installation of a 20 metre Phase 8 Monopole with a wraparound cabinet and associated ancillary works. The pole would carry two antennas with the wraparound cabinet at the base of the pole. The ancillary works would comprise the installation of a Commscope G100876 cabinet, a Commscope Bowler cabinet and an Ericsson 6130 cabinet.
- 3.2 The proposed pole would be 20m high while the wraparound cabinet would measure 1.8m by 750mm and 1.6m high. The other equipment would measure up to 1.8m high and would cumulatively extend no more than 4m to the west of the wraparound cabinet.
- 3.3 The application comes before Committee for consideration as it has been called in by Councillor Bibby.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 This planning application has been publicised by way of three site notices and neighbour notification letters. 38 letters of objection and one letter of comment have been received. The letters of objection state;
- The proposed mast would be larger than others in Stevenage (which are in industrial areas of the town or along main routes), would be extremely obtrusive and would result in visual intrusion as the surrounding trees would be insufficient to mask or provide a suitable backdrop for the proposal, given its height, 8m taller than the surrounding trees. It would be an enormous blot on the immediate landscape and out of character with the area. It would be visible from hundreds of metres away, including from listed buildings;
  - It would not be in keeping with the area;
  - The single storey nature of many of the nearby dwellings would exacerbate the height and the impact of the proposed mast;
  - Greater co-operation between mast providers is needed to limit the number of taller masts in the area – a strategic plan is required. Upgrading current masts in brownfield areas needs to be reviewed;
  - The Lister Hospital already hosts telecommunications equipment, which is of a significant height and is very close to the planned site. Is this not better than a new eyesore?;
  - It would result in noise pollution as the humming from the base station would be evident from the nearby residential properties;
  - It would be too close to the residential area and would affect property values;
  - It would also be too close to the Lister Hospital;
  - As this part of Stevenage has always been considered as one of the most sought after locations in the town, it seems irresponsible to consider allowing this proposal and it would be a disservice to the best interests of the town as a whole;

- New house purchase searches automatically include mobile mast locations within a 500m radius, highlighting those that fall within a 250m radius to the buyers immediate attention noting that these can be considered 'influencing factors' on whether to continue with the purchase. Given the location and price of houses within this 250m radius, the resulting impact would be extreme;
- People living close to a monopole frequently report symptoms of Electro Magnetic Hypersensitivity such as dizziness, headaches, skin conditions, allergies and many others. Older people appear to be more vulnerable. The mechanisms are only just beginning to be understood;
- The mast would cause severe anxiety: some local residents have been advised to avoid this as a consequence of medical conditions;
- The wider health effects of 5G technology are being debated. The mast may exacerbate existing health issues;
- The information submitted with the application seems misleading – neighbours and the local community were not consulted about the proposal; the surrounding trees (whose roots systems would be harmed by the proposal) would not enable the mast to blend into the surrounding area and would not provide ample screening; and the existing street furniture would similarly not assist in the screening of the proposed mast. The visual intrusion of the mast would not be limited;
- The site selection supplementary information seems to be flawed as two potential alternative sites have been discounted due to close proximity to residential properties: the proposed site at Corey Mills Lane is within a few metres of residential properties. The mast could be at the other end of Coreys Mill Lane, near existing masts;
- Three already have 5G coverage along Martins Way north up to Gravely, but they don't have coverage around Symonds Green;
- Why does the mast have to be white? – this would make it even more of an eyesore;
- The mast would have a harmful impact upon the last remaining mature trees in the area and would impact upon the adjacent nature conservation site;
- If these masts are not allowed within 200m of schools due to "sensitivity", is the presence of younger family members, hospital patients and the delicate machines used in cancer care etc suddenly exempt too?;
- The telecoms agencies should pay more for suitable placements or as consumers we can exercise our right to vote in many ways;
- Many hospital patients use the bench at the proposed site as part of their recovery process to take a break from the hospital environment. It would be highly unappealing to sit next to the oversized cabinets and mast in this location were the proposal to go ahead and the bench to survive;
- The prior approval of the LPA is required in order to give due consideration to the siting and appearance of the proposal;
- It is understood that two prior approval applications on Coreys Mill Lane (ref. 15/00623/ PATELE and 17/00088/PATELE) each proposing a 15 metre mast and associated cabinet were agreed by the LPA. Together with the proposed ground level apparatus and the existing street light columns, signage and other vertical structures, the proposed mast would give rise to cumulative visual clutter;
- The installation of the cabinets would be dangerous and with the cabinet doors open during maintenance, this would cause pedestrians walking past to need to cross the carriageway;
- The majority pf users requiring the level of service that would be provided are residential users and will have fibre installations. Mobile users are adequately served by the existing 4G service;
- The covenant to one of the local roads limits works to single story structures only.

One of the letters of objection states that in the unlikely event that the proposal is approved, the Council should stipulate the following;

- The pole is camouflaged to blend in with its surroundings;
- The cabinets should be placed behind the nearby bench;
- The cabinets should be coloured green and screened with planting;
- All appropriate environmental, health and safety surveys are completed

The letter also states the Council must take full responsibility for the safety of the public if approving the proposal.

The letter of comment states;

- It is important that there is 5G in Stevenage;
- Without mobile phone use, property values would go down;
- Why does the mast need to be so high? What is the minimum height for a 5G mast?;
- Is there a precedent for such high masts?; and
- As far as I know, there is no scientific evidence that the masts are a health hazard.

4.2 Please note that these are not a verbatim of the comments received. Full copies of the comments received against this application can be viewed on the Council's website.

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council as Highways Authority**

5.1.1 The Highway Authority are unable to extend the grant of planning permission as the proposals would prevent any future improvement schemes and therefore is contrary to Policy 1 of Hertfordshire's Local Transport Plan 4 (2018).

### **5.2 Council's Environmental Health Section**

5.2.1 No objections.

## **6. RELEVANT PLANNING POLICIES**

### **6.1 Background to the development plan**

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).
- National Planning Policy Framework (2021)

### **6.2 Central Government Advice**

6.2.1 Section 10 of the National Planning Policy Framework (NPPF; 2021) states 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. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to

existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

6.2.2 The relevant paragraphs of the NPPF are as follows:

*Paragraph 114* - supports the provision of 5G infrastructure in order to support economic growth and social well-being through the increased connectivity that 5G will provide. Central Government is also supportive of the provision of 5G network infrastructure.

*Paragraph 115* - Where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate.

*Paragraph 118* - 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.

6.2.3 The installation of a mobile phone mast is classed as development and would normally require a full application for planning permission. However, designated mobile network operators have certain permitted development rights and this allows them to build prescribed infrastructure without having to apply for planning permission from the Local Planning Authority (LPA). "Prior approval" from the LPA regarding the siting and appearance of the development is required in certain circumstances, including for all new ground-based masts.

6.2.4 A mobile network operator may submit an application for prior approval under the General Permitted Development Order (Part 16 of Schedule 2 of the GPDO 2015 (as amended)). The Order grants approval of the principle of the development as permitted development but requires operators to obtain the prior approval from the LPA for the siting and appearance of the items to be installed, in addition to providing the 'necessary evidence' set out in NPPF chapter 10, paragraph 115, including a statement that self-certifies that, when operational, International Commission guidelines will be met.

#### **Latest Government Advice 22nd July 2020**

6.2.5 The government has published the outcome of a consultation exercise last year on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage. The following paragraphs are relevant to this application.

6.2.6 The scope of the consultation was on the principle of proposed planning reforms to support the deployment of 5G and extend mobile coverage. However, concerns were raised that did not relate to the specific proposed planning changes that views were sought on. These concerns, expressed by the majority of personal respondents, were in relation to in-principle opposition to the deployment of 5G infrastructure. In particular, on grounds relating to public health concerns, and the effects of electromagnetic fields (EMF) radiation on the environment, including on wildlife populations.

6.2.7 Public Health England's (PHE) Centre for Radiation, Chemical and Environmental Hazards (CRCE) takes the lead on public health matters associated with radiofrequency electromagnetic fields, or radio waves, used in telecommunications. PHE is familiar with the evidence submitted to the consultation about possible risks to public health and considers that its advice, as set out below, remains unchanged. PHE updated its guidance, published in October 2019, in respect of 5G in '5G technologies: radio waves and health'. PHE summarised its guidance as:

*"It is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall*

*exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health.”*

- 6.2.8 Some 5G technology will use similar frequencies to existing communications systems. Other 5G technology will work at higher frequencies where the main change would be less penetration of radio waves through materials. Central to PHE advice is that exposure to radio waves should comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In compliance with PHE advice, mobile network operators have committed to follow the ICNIRP guidelines.
- 6.2.9 ICNIRP is an independent organisation which is formally recognised by the World Health Organisation. It issues guidelines on human exposure to EMF, based upon the consensus view of a large amount of research carried out over many years. This includes the frequencies used by 5G and all other mobile / wireless technologies. Over the last two decades there have been over 100 expert reports on EMF and health published internationally with well over 3,000 studies informing these reviews and the existing scientific exposure guidelines.
- 6.2.10 Ofcom will carry out audits of mobile base stations on an ongoing basis to ensure that ICNIRP guidelines are not exceeded and publish the results of these audits on its website. Mobile operators are responsible for ensuring that all sites remain compliant. PHE have also published guidance in respect of 'Mobile phone base stations: radio waves and health'. Ofcom is also proposing new licence conditions for spectrum licensees using equipment that can transmit at power levels above 10 Watts. Under these proposals, licensees would be required to operate within the ICNIRP guidelines as a condition of their Ofcom licence – including keeping data and records of any testing to demonstrate their compliance.
- 6.2.11 PHE is committed to monitoring the evidence applicable to this and other radio technologies, and to revising its advice, should that be necessary.
- 6.2.12 EMF radiation has the potential to impact the movement of insects and some species of animals. However, there is currently no evidence that human-made EMF radiation at realistic field levels has population level impacts on either animals or plants.

### **6.3 Justification of Need**

- 6.3.1 Central Government expects LPAs to respond positively to proposals for telecommunications development and not question the need for equipment in principle, or obstruct the competitiveness of code operators. If a code operator provides justification for needing a telecommunications installation in any given vicinity, the LPA has no choice but to agree to some form and kind of installation.
- 6.3.2 The justification provided to support the development is that the location has been identified as being necessary for CK Hutchison Networks (UK) Ltd business development and meets its specific technical and operational requirements. The application site is required to provide new 5G network coverage for CK Hutchison Networks (UK) Ltd. The cell areas for 5G are very limited with a typical radius of only 50m.
- 6.3.3 Other locations in the vicinity of the site have been considered and dismissed and it is accepted that mobile phone base stations operate on a low power and accordingly, the base stations need to be located in the areas they are required to serve. With increasing numbers of people using mobiles in their homes for business as well as for social purposes, the base stations need to be located in, or close to, residential areas to ensure coverage.

## **6.4 Stevenage Borough Local Plan 2011 – 2031 (adopted May 2019)**

- Policy SP8 – Good Design;
- Policy GD1 – High Quality Design;

## **7. APPRAISAL**

7.1 The determining issues relate to the acceptability of the application in terms of siting and appearance as defined under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The factors which can be considered in relation to appearance as part of the prior approval process include:

- design, form, shape and dimensions;
- colour and materials; and
- whether there are more suitable sites for the proposed works.

7.1.1 The factors which can be considered concerning siting include:

- the height of the site in relation to surrounding ground;
- the existing topographical features and natural vegetation;
- the effect on the skyline or horizon;
- the site when observed from any side;
- the site in relation to areas designated for scenic value;
- the site in relation to existing masts; and
- the site in relation to residential properties

7.1.2 It is therefore clear that the considerations to be taken into account in the determination of Prior Approval applications are prescribed and are very limited and do not include issues of public health.

## **7.2 Appearance**

7.2.1 The proposed development is for the erection of a 20m tall monopole with a wraparound cabinet and associated equipment cabinets on the highway grass verge along Coreys Mill Lane, at its junction with North Road. A recent change in legislation has increased the height of some masts to 20m, therefore while this proposed mast may be taller than others in the borough, a height of 20m will become more typical. The siting of the pole and associated cabinets on the grass verge with some surrounding tree screening and with some other reasonably tall structures and building in the vicinity such as those located at Lister Hospital as well as the development which is under construction at 12 North Road (Planning reference 18/00740/FPM) which is a part four storey, part five storey residential development, is considered that on balance, to be acceptable. It is not considered that the single storey nature of some of the nearby dwellings would exacerbate the height and the impact of the proposed mast, especially as these houses are screened behind the mature tree belt which lies between the application site and the properties on Whitney Drive. The justification of the need for the mast and the continued provision of coverage for mobile users is considered to outweigh the harm in this instance.

7.2.2 It is not considered that the proposed development would result in visual clutter, in addition to the two masts approved under refs. 15/00623/PATELE and 17/00088/PATELE, and nearby lighting columns and signage. The two masts were granted in locations at the opposite end of Coreys Mill Lane (near the roundabout with the A602) and accordingly, the distance between these approved masts and that proposed in this application is sufficient that they would not cumulatively cause visual harm to the area.

The existing lighting columns and signage in the vicinity are not considered to be that numerous or prominent to give rise to visual clutter, in addition to the proposed mast, either.

- 7.2.3 Turning to the proposed equipment cabinets, they are essential to the operation of the mast. Moreover, these cabinets being less than 2.5m<sup>3</sup> each could be implemented under permitted development. Therefore, the cabinets are deemed to be acceptable in this instance.

### **7.3 Siting**

- 7.3. In terms of siting and position, the mast, its wraparound cabinet and the associated cabinets are set off the public footpath on an existing highway verge. The Highways Authority has not raised concern regarding the impact of the proposal upon highway safety. While concern has been raised regarding the impact of the proposal upon the ability of pedestrians to walk past the cabinets while their doors are open during maintenance, the footpath past the site is reasonably wide at around 1.75m wide and there would also be room for pedestrians to walk behind the cabinets at such times. Access past the site would accordingly not be unduly hindered. Moreover, and while it is not known how frequently maintenance would be undertaken, it would not be that often as to have an adverse or material impact upon the use of that part of the footpath.

### **7.4 Other Considerations**

- 7.4.1 The comments received from the members of the public about the application are noted. However, the information submitted with the application states that other sites have been considered but dismissed as not suitable. It is not known that any humming from the cabinets would have a harmful impact upon amenity given this would be a low level of the noise against a reasonably high background level of noise. The Council's environmental Health Officers have not raised objection to the proposal on noise grounds. It is also not known that the development would make sitting on the nearby bench by hospital patients and other people less appealing.
- 7.4.2 The impact of the proposed mast upon property values and health and the presence of a covenant over a local road are not issues that may be taken into consideration in the determination of the application as they are not specifically included in the legislation and are not planning issues.
- 7.4.3 It is not known whether the mast and its installation would harm the nearby trees. However, the mast and cabinets would be sited a certain distance from the nearest trees.
- 7.4.4 The application has been accompanied by an ICNIRP certificate stating the proposed mast would comply with the required guidelines and would accordingly not have a harmful impact upon health.
- 7.4.5 In reply to the Highway Authority's consultation response, the agent for the application has commented that he is not aware of any approved highways schemes in the area and therefore the application must be determined using the current highways guise. If the application is approved and a highways scheme is subsequently progressed, the equipment would be moved elsewhere.

*Human Rights and Equalities*



- 7.4.6 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.4.7 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.4.8 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.4.9 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.4.10 In terms of inclusive access, level access would be provided to the serving hatch enabling wheelchair users and those with pushchairs to queue and order without having to negotiate any changes in ground level.

## **8. CONCLUSIONS**

- 8.1 The proposed 20.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works would have an acceptable impact in terms of siting and appearance. The justification of the need for the mast and the continued provision of coverage for mobile users outweigh the harm in this instance.

## **9. RECOMMENDATIONS**

- 9.1 That prior approval is not required.

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
3. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
4. Central Government advice contained in the National Planning Policy Framework June 2021 and the Planning Policy Guidance March 2014.
5. Stevenage Borough Local Plan 2011-2031 (adopted May 2019).