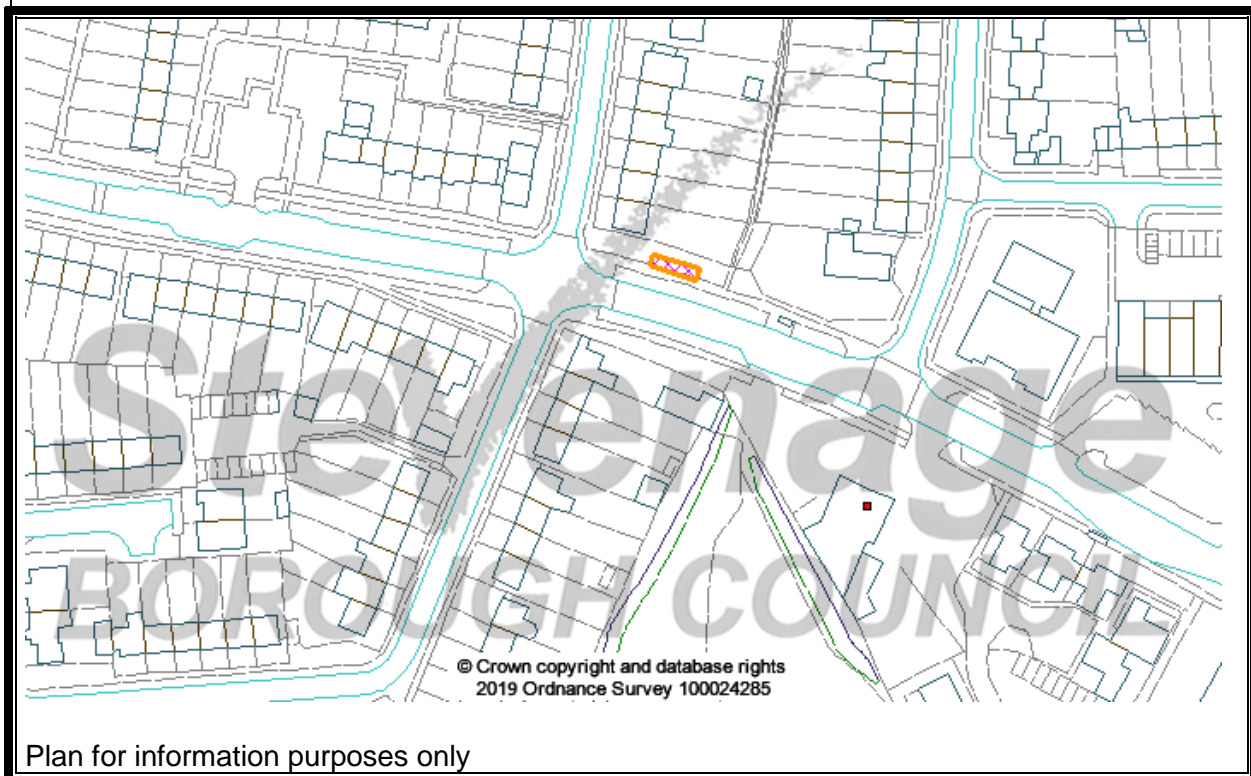


Meeting:	Planning and Development Committee	Agenda Item:
Date:	9 August 2022	
Author:	Linda Sparrow	01438 242837
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Linda Sparrow	01438 242837

Application No:	22/00635/PATELE
Location:	Broadwater Crescent, Stevenage, Herts
Proposal:	The installation of a new 15m-high telecommunications monopole and 3no. ground-based equipment cabinets; and ancillary development thereto.
Drawing Nos.:	002; 215; 265;
Applicant:	CK Hutchison Networks (UK) Ltd
Date Valid:	8 July 2022
Recommendation:	PRIOR APPROVAL REQUIRED AND GIVEN



1. SITE DESCRIPTION

- 1.1 The application site is located on a highway verge on the northern side of Broadwater Crescent, in between the two junctions for Nodes Drive to the west and The Willows to the east. To the south on the opposite side of the road is the junction with Marymead Drive with the commercial vehicle sales business of Village Cars to the south-east of the site.
- 1.2 The site lies within the Broadwater (Marymead) Conservation Area.

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 15m high Phase 8 Monopole with associated equipment cabinets.

3.2 The proposed pole would be 15m high while the 3no. associated cabinets would measure 1.9m by 670mm and 1.8m high; 750mm by 650mm and 1.1m high and 450mm by 650mm and 1.5m high.

3.3 The application comes before Committee for consideration as it has been called in by Councillor Howells.

4. PUBLIC REPRESENTATIONS

4.1 This planning application has been publicised by way of neighbour notification letters, sent to 80 properties within a 100m radius of the application site.

4.2 A site notice was not erected in the locality in this instance as to do so would result in the public consultation period ending after a decision is made at this committee meeting. However, under Schedule 2, Part 16, Class A, A.3, (5)(d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended), the Local Planning Authority is required to give notice of the application by way of a site notice OR serving notice on any adjoining owner or occupier. Therefore, by sending letters to all properties within a 100m radius of the site exceeds our requirements under the aforementioned Legislation and the addition of a site notice placed locally is not necessary.

4.3 Owing to the location being within the Broadwater (Marymead) Conservation Area, a notice was placed in the local newspaper.

4.4 As a result of the public consultation, no letters of representation have been received from local residents although a letter of objection was received from the Stevenage MP, Mr McPartland, which is summarised below:

- Not an appropriate site being a residential area;
- I have started a campaign to the local residents to make them aware of the impacts of these masts and to hopefully have them reconsidered in the planning process;
- The mast is not in line with the NPPF of 2019 as it is not sympathetically designed and is more visible than the current infrastructure;
- More favourable sites could be found.
- Advice is that masts should be tens or hundreds of metres away from the user and not accessible to the public;
- It is clear that a wider debate and strategy in the location of these huge masts is needed; they need to be absorbed into existing street furniture such as street lights on roundabouts.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

- 5.1.1 Recommend refusal as the proposal 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 but would like regard to be had to the immediate neighbour in Nodes Drive and the potential for a noise issue arising from any cooling fans in the base cabinets, if not operating at optimum.

5.3 B.E.A.M.S

- 5.3.1 The application site is within the Broadwater (Marymead) Conservation Area. A conservation area is an area of "special architectural or historic interest, the character of which it is desirable to preserve or enhance". The local planning authority has a duty to identify and designate conservation areas under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Broadwater (Marymead) Conservation Area was designated in 2007 as a good example of one of Stevenage's Mark 1 'New Town' neighbourhoods. It focuses on the Marymead neighbourhood centre with shops / church etc. and some of the surrounding residential development. The application proposes a new 15m high telecommunications monopole and associated cabinets as part of enhancing the mobile network coverage locally. The developer has not acknowledged the position of the site within the Broadwater (Marymead) Conservation Area; it is recommended the supplementary statement provided is expanded upon to address this and consider any impacts upon the significance of the Conservation Area that may arise. Would there be a more suitable site locally, or outside the Conservation Area boundary?

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 in 2020 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.

Justification of Need

- 6.2.13 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.
- 6.2.14 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.
- 6.2.15 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.

6.2.16 The information submitted with the application states that five other sites, all within residential streets in the area, have been considered but dismissed as not suitable due to overhead power/utility lines and existing utilities. The discounted sites are as follows:

Site ³	Site Name and address	National Reference	Grid	Reason for not choosing ⁴
1	The Willows, Broadwater, Stevenage, Hertfordshire, East of England, England, SG2 8AW, United Kingdom	525386	222073	Overhead lines of existing electricity/utility services are in proximity creating safety issues around the siting of a vertical structure.
2	The Willows, Broadwater, Stevenage, Hertfordshire, East of England, England, SG2 8AW, United Kingdom	525520	222082	Overhead lines of existing electricity/utility services are in proximity creating safety issues around the siting of a vertical structure.
3	Burydale, Broadwater, Stevenage, Hertfordshire, East of England, England, SG2 8AU, United Kingdom	525537	222062	Discounted due to existing utilities posing design issues for the streetworks site.
4	Burydale, Broadwater, Stevenage, Hertfordshire, East of England, England, SG2 8AU, United Kingdom	525586	222068	Overhead lines are in proximity creating safety issues around the siting of a vertical structure.
5	Burydale, Broadwater, Stevenage, Hertfordshire, East of England, England, SG2 8AU, United Kingdom	525615	221925	Overhead lines are in proximity creating safety issues around the siting of a vertical structure. Heavy scarring on the pavement and pre-existing infrastructure services posing design issues.

6.2.17 The Government is driving forward the delivery of 5G networks. In a press release in May 2022 they state that 5G is the next generation of mobile internet and can offer download speeds up to 100 times faster than 4G. It is expected to broaden the role that mobile technology plays in wider society which could transform the way public services are delivered by allowing greater real-time monitoring and responsiveness in order to reduce waste, pollution or congestion.

6.2.18 At the time of writing, our dependence on network services and connectivity is ever more apparent. Restrictions on travel resulting from the Coronavirus pandemic, plus three national lockdowns, have resulted in a large shift from office based to home working, from physical, professional and social gatherings to virtual ones, and to unprecedented reliance on online shopping and entertainment services. Network usage within suburbs has increased dramatically as less people are travelling to town and city centres than during pre-pandemic times. Maintaining and enhancing the mobile networks is of vital national importance, and it was significant that telecommunications were designated as “critical work” during that time. It is anticipated that the current shift towards homeworking and online services will persist, to a lesser degree, in the future. It is vital that the infrastructure is in place throughout the UK to meet this demand, and the needs of the public.

6.2.19 The benefit of having a strong and resilient network has been highlighted in the last 30 months following the sudden shift in the network requirements, as the demand on the network in residential areas increased with home-working and home-schooling. Research by Ofcom, Online Nation 2020 found that until early that year, online video calling was used much less than other online communication services, with 35% of online adults using online video calling at least weekly in the 12 months to February 2020. However, in May 2020, this had doubled to 71% of online adult consumers using online video calling services at least weekly, with 38% using them at least daily. Research suggests that 7% of adult internet-users used video calling for the first time as a result of the coronavirus pandemic.

6.2.20 The Ofcom Connected Nations 2020 UK Report outlined a sharp increase in both mobile and voice data, particularly during the enforced national lockdowns of 2020. The report states that average call volumes and average call duration increased in the week that national lockdown was introduced in March 2020, with mobile hotspots shifting away from city centres to the suburbs and residential areas as restrictions continued. Significantly, the same report states that the consumption of mobile data saw a staggering rise of 42%, when compared with the previous year. Additionally, the traffic

carried in England in June 2020 (during lockdown) exceeded that carried across the whole of the UK (England, Scotland, Wales, and Northern Ireland) in February 2020 (prior to lockdown).

- 6.2.21 Research by Online Nation 2020 found in April 2020, internet users in the UK spent an average of 4 hours 2 minutes online each day, 37 minutes more each day per online adult compared with January 2020. This emphasises the importance of telecommunications infrastructure in being able to provide internet users with reliable network coverage and capacity to deal with an increasing amount of time online each day.
- 6.2.22 Notwithstanding the Covid-19 pandemic, and the increase in network reliance, a look at past data shows that our reliance on mobile networks was increasing year-on-year, prior to 2020. Ofcom's Communications Market Report 2018 provides a figure of 92 million active mobile subscribers in the UK at the end of 2017. It detailed that 78% of adults used a smartphone and that 76% of mobile users were using their devices for web and data access. Figures within the report also confirm that users were spending an increasing amount of time per day using their mobile phone. 68% of participants in the Touchpoints research reported that they "could not live without" their mobile phone (rising to 78% among 25-34s). Whilst not included within the research figures, anecdotal evidence suggests that this number is greater still amongst those aged under 18. Given that two years have now passed since this report, it is anticipated that these figures have increased further. All of which points towards the nation's increasing dependency on mobile services and connectivity.
- 6.2.23 A relatively recent YouGov survey (January 2021) adds further support to this, with 67% of those who were at the time working from home during the pandemic confirming that they had been using mobile data, as opposed the fixed-line broadband, agreeing that access to it would be an important factor when choosing where to live in the future. This rises to 76% for 18 to 34-year olds. The survey also confirmed that 44% of one network Operator's data traffic in January 2021 went to streaming services, such as Disney+, and that 45% of 18 to 24 year olds confirming that they are more likely to use their mobile data for browsing social media.
- 6.2.24 All of the above occur in a domestic setting. There is a clear need and demand for connectivity and capacity, and it is anticipated that telecommunications infrastructure has become, and will continue to become, commonplace in residential and suburban settings, and on highways verges, such as the application site.
- 6.2.25 Ofcom's 2018 Communications Market Research Report shows that smartphones are owned by four of every five UK consumers and smart TVs are in almost half of all households. Demand for data continues to grow rapidly for UK consumers, with 1.9GB consumed by an average mobile subscription per month in 2017, (up from 1.3 GB the previous year). The report found that more than seven in ten now use their mobile to access the internet, sufficient coverage is obviously vital for this basic utilities service to be provided.
- 6.2.26 Since 2016, and particularly during the enforced lockdowns of 2020 and 2021, public and business reliance on the established mobile networks has continued to increase. Improved mobile coverage and connectivity is now no longer viewed as a 'luxury', but rather an every-day necessity. This has been further exacerbated as, at the time of writing, the country appears to be adopting a more hybrid-working pattern, split between traditional office working, and working from home. As this 'working from home' naturally occurs within a residential setting, then it follows that the necessary infrastructure and apparatus must be in place to allow this to happen. As such, this type of infrastructure must be deployed within sub-urban, urban and residential areas. It is imperative that improving network connectivity and capacity is continuous – to meet the demands of the

public who have changed both their working and social behaviour over the last 2 and a half years.

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 15m tall monopole with 3no associated equipment cabinets on the highway grass verge on the western side of the entry road into Burghley Close from Hertford 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. A Government press release in March 2022 indicates that the Government intends to relax the permitted development rights further to allow masts up to 30m tall and 2m wider than is currently allowable.

7.2.2 Whilst there are no trees immediately close to the proposed site, there are a number of mature trees in the wider area. There are a number of lampposts in the area and a number of houses have very tall aerials on their roofs.

7.2.3 A previous telecommunications application (21/00638/PATELE) was refused in Fishers Green and subsequently allowed on appeal (APP/K1935/W/21/3281055). In his report, the Inspector stated that the area of Fishers Green was essentially urban in nature despite the open common land due to the presence of roads, kerbs, footways, verges, street lighting, a bus shelter, traffic signs, speed humps, lane markings, yellow lines and other urban paraphernalia. As such, he concluded that a mast in an urban setting, even

when visible from substantial distances, would nevertheless not appear out of place in these urban surroundings.

- 7.2.4 It is, therefore, considered that, on balance, the appearance of the proposed mast in this urban residential setting is acceptable and would not appear out of keeping within the urban setting and would not therefore give rise to undue harm to the character and appearance of the area. The justification of the need for the mast and the continued provision of coverage for mobile users are considered to outweigh any harm in this instance.
- 7.2.5 Turning to the proposed equipment cabinets, they are essential to the operation of the mast. Moreover, these cabinets being less than 2.5m³ each could be implemented under permitted development. Therefore, the cabinets are deemed to be acceptable in this instance.
- 7.2.6 The comments from the Council's Listed Buildings and Conservation Officer, B.E.A.M.S, are noted. The applicant has not provided a detailed impact statement on the impact of the proposed development on the character and appearance of the Conservation Area. However, as referred to in points 7.2.3 and 7.2.4, the area is considered urban in nature and the erection of a mast would not appear out of keeping within its setting.
- 7.2.7 The applicant has provided details of an appeal which was allowed following refusal of a mast close to a listed building. Whilst not entirely similar to the application at hand, Listed Buildings and Conservation Areas are both considered designated heritage assets and so the appeal is considered an acceptable evidence base for this proposal. This appeal was in November 2021 against London Borough of Hillingdon (MBNL Limited vs London Borough of Hillingdon APP/R5510/W/21/3269903). The Inspector stated that:

*“Based on the evidence before me, **the height of the monopole would be substantially taller than the mature trees which bound the site. Accordingly, it would represent a significant departure from the established height of existing lampposts with the height of the proposed structure representing a visually dominant addition to the existing environment.** Due to the substantial height of the monopole, and plethora of associated cabinets, the proposal would detract from the pleasing greenery within which it would be located. **This would harm the established landscape feature which positively contributes to the surrounding area as well as causing some harm to the visual amenities of surrounding properties, particularly those within converted office premises.** (Applicant emphasis added).*

*“**The proposal would also be located relatively close to three Grade II Listed Buildings.** However, because the proposal does not seek planning permission or permission in principle, the duty established within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, does not apply to this proposal. **Despite this, the Framework still requires the heritage implications to be fully considered**”. (Applicant emphasis added).*

*“Accordingly, **although the siting and appearance of the proposed development would cause some limited harm to the setting of the nearby listed buildings, I am satisfied that the economic and social benefits of the proposal, would outweigh this harm**” (Applicant emphasis added).*

- 7.2.8 As such, whilst BEAMS consider that insufficient evidence has been supplied with the application to determine the impact on the Conservation Area, it is felt that, given the area is urban residential, and masts are considered an acceptable structure in an urban setting (see 7.2.3), the harm to the designated heritage asset would be less than substantial and when weighing up the planning balance, significant weight is given to the public benefits of the proposal. Accordingly, the impact of the mast on the Conservation Area is considered to be less than substantial and therefore acceptable in this regard.

7.3 Siting

- 7.3.1 In terms of siting and position, the mast and its associated cabinets would be set on an existing highway verge. HCC Highways as Highways Authority have recommended refusal of the application stating that it would prevent future improvement works to the footpath. They acknowledge the footpath in this location is already wide and there is a bus stop nearby but go on to state that as part of the Hertfordshire Local Transport Plan, Policy 1 encourages greater and safer use of sustainable transport modes to include improvements to existing pedestrian and cycle routes.
- 7.3.2 Whilst the potential future improvement policy is noted, this verge is relatively short at approximately 40m in length, and is terminated at the western end by Nodes Drive and the eastern end by the rear garden fence of The Vicarage, The Willows. It is not therefore considered that this small stretch of verge would be utilised for such potential improvement works. Further, as a Statutory Undertaker, telecommunication operators have rights to install equipment within highway verges and footpaths.
- 7.3.3 It is considered that the public benefits of improving the mobile network outweigh the concerns of the Highways Authority in this instance in relation to potential future improvement works.
- 7.3.4 The Council's Environmental Health department have raised no objections to the siting of the mast and equipment cabinets in this location despite the proximity to properties in Nodes Drive. However, they have requested regard is given to the impact on these properties by way of noise. There is no evidence that telecommunication masts emit noise to such a level that would be harmful to local residents.
- 7.3.5 Neither the Legislation, NPPF nor the Code of Practice for Wireless Network Development in England, set any parameters or guidance on siting of masts in residential areas; nor do they set any prescribed distances from residential dwellings. As such, despite the proximity of the development to properties in Nodes Drive, there are no Legislative or policy means with which to refuse the application on this basis and defend at appeal.
- 7.3.6 The importance of continued, and improved, telecommunications network coverage cannot be underestimated, especially throughout the years 2020 and 2021, when the dependence on these networks has been higher than ever before. This dependence has continued into 2022 as our online shopping, gaming, and social habits have changed, post-pandemic, as well as many people adopting a working-from-home or hybrid work pattern. The applicant has provided a number of appeal cases which have been considered appropriate by the Planning Inspectorate for installations very similar to the one proposed here, even within close proximity to residential housing. One such appeal, very recently in March 2022, the decision of Broadland District Council to refuse their Prior Approval for the installation of a 17.5-metre-high monopole and associated cabinets was overturned by the Planning Inspectorate (MBNL Limited Vs Broadland District Council, appeal reference APP/K2610/W/21/3280694). Within the decision notice, the Inspector made specific reference to the '*Living conditions of the occupiers of neighbouring properties*', stating that:

"At the location where the mast is proposed to be located there are houses which face onto, but are not accessed from, Dussindale Drive. These houses are set behind hedges and fences and separated from the proposed site of the mast by a cycleway and footpath. They also have front gardens and drives between the front elevation of the house and the cycleway and footpath. The proposed equipment cabinets would not be visible from these houses. However, the mast would be visible from the windows of their front elevations" (Applicant emphasis added).

"Policy GC4 of the DPD seeks, amongst other things, to consider 'the impact upon the amenity of existing properties' of new development. Whilst the proposed mast is

significantly taller than other street fixtures in the area it has a slim profile and will be finished in a light grey colour. It is also set off the boundary with existing residential properties with a cycleway and footpath in between the proposed site and the boundary of the houses. In these respects, it is therefore consistent with Policy CG4 of the DPD” (Applicant emphasis added).

“Moreover, the residential properties have front gardens and drives between their front elevations and their boundaries. Consequently, given the slim profile of the mast, its light grey colour, and its distance from the front elevations of nearby properties I do not consider that its siting and appearance would unacceptably harm the outlook of the occupiers of these properties” (Applicant emphasis added).

- 7.3.7 Given that the Planning Inspectorate have, as recently as March 2022, determined that taller installations than the one proposed as part of this application (i.e. a 17.5m-high monopole as outlined in the appeal above), are considered acceptable within close proximity to residential properties, then it is recognised that a smaller mast in this instance is considered acceptable in terms of impact on residential dwellings.
- 7.3.8 Further, as set out in point 6.2.17 in this report, the siting of masts are not just for the benefit of immediate local residents, but rather by having masts covering all areas of the Town, they will allow a greater degree of accuracy for real-time monitoring of public transport as well as improving access to mobile services by members of the public in the area who would not have access to a broadband service.

Human Rights and Equalities

- 7.3.9 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.
- 7.3.10 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.
- 7.3.11 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.
- 7.3.12 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.

8. CONCLUSIONS

- 8.1 The proposed 15m Phase 8 Monopole and associated ancillary works would not have an unduly harmful impact on the character and appearance of the Conservation Area and are therefore considered acceptable in terms of siting and appearance. The justification of the need for the mast and the continued provision of coverage for mobile users outweigh any harm identified in this instance.

9. RECOMMENDATIONS

9.1 That prior approval is Required and Given.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. 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).
6. Central Government advice contained in the Code of Practice for Wireless Network Development in England, 2016.
7. Broadwater (Marymead) Conservation Area Management Plan (2012)