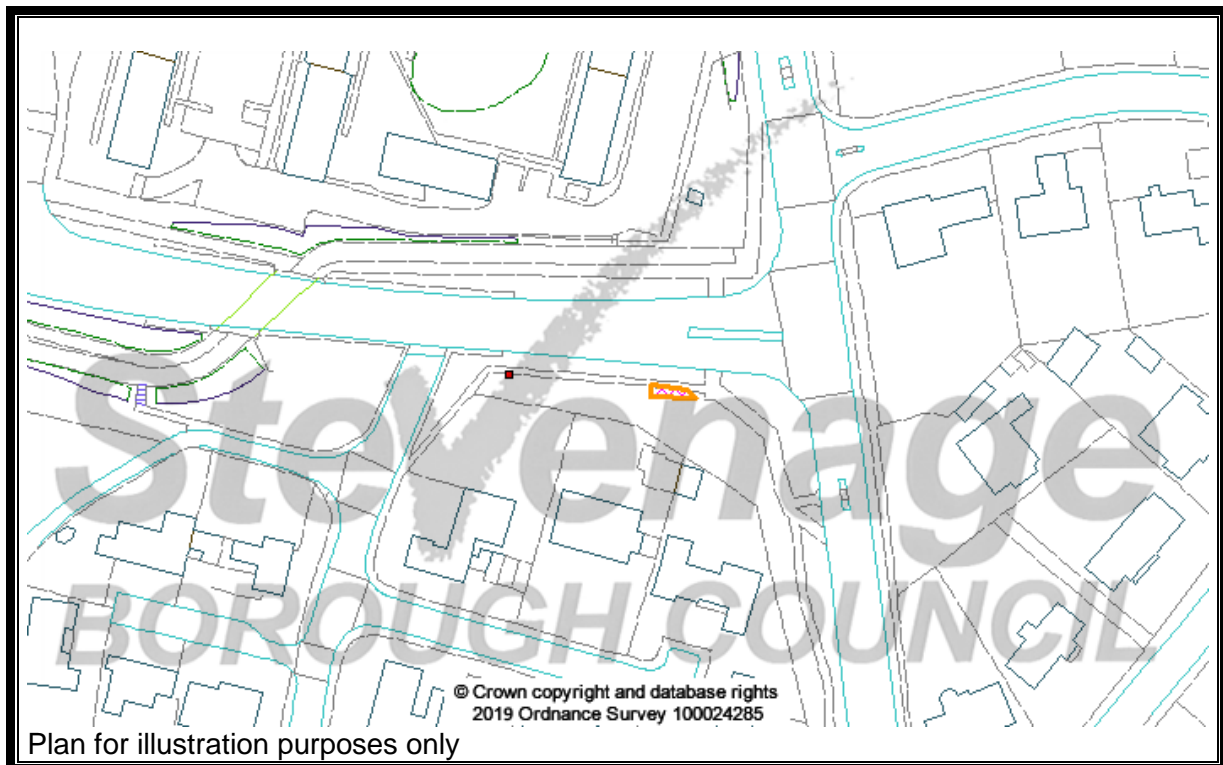


Meeting:	Planning and Development Committee	Agenda Item:
Date:	1 November 2022	
Author:	Linda Sparrow	01438 242837
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Linda Sparrow	01438 242837

Application No :	22/00847/PATELE
Location :	Corey's Mill Lane Stevenage
Proposal :	Proposed telecommunications installation: Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works
Drawing Nos.:	002; 100; 150; 210; 260;
Applicant :	CK Hutchison Networks (UK) Ltd
Date Valid:	21 September 2022
Recommendation :	PRIOR APPROVAL REQUIRED AND GIVEN



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 21/00765/PATELE, Corey's Mill Lane. Proposed 20.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works. Refused at Planning & Development Committee of 18.08.2021 for the following reasons:

1. The proposed siting, design, form and dimension of the proposed 20m high monopole and associated equipment would cause substantive harm to the existing skyline when viewed from any side and where viewed from nearby residential properties on Whitney Drive and North Road. The proposal would also be seen as incongruous to the detriment of the character and appearance of the area. Consequently, it is considered by the Local Planning Authority that there would be more appropriate locations to site the proposed 20m high monopole and associated equipment where it does not cause harm to the skyline or to the character and appearance of the area. The proposal is therefore, contrary to Policies SP8 and GD1 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019) and the NPPF (2021).
2. The proposed siting of the 20m high monopole and associated equipment would cause significant harm to natural vegetation which is located in close proximity to the proposed mast and associated equipment. Consequently, it is considered by the Local Planning Authority that there would be more appropriate locations to site the proposed 20m high monopole and associated equipment where it does not cause significant harm to nearby natural vegetation. The proposal is therefore, contrary to Policies SP12 and NH5 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019) and the NPPF (2021).

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 wide, 650mm deep and 1.7m high; 750mm wide, 650mm deep and 1.1m high and 450mm wide, 500mm deep and 1.5m high. The mast would be 2.5m from the edge of the existing footpath to the east which leads to the crossing on Corey's Mill Lane.
- 3.3 The application comes before Committee for consideration as it has been called in by Councillor Bibby.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letter, and a site notice, a number of public representations have been received from the following properties:
 - 76, 84, 86, 88, 90 and 93 Whitney drive
 - 4, 6 and 9 Chancellors Road
 - 5 and 6 Woodfield Road
 - 8 North Road

A further letter was received which was submitted to the 2021 application and re-submitted for this application with signatories from 17 properties in Woodfield Road and Whitney Drive as well as the authors of the letter from North Road, Chancellors Road and Rectory Lane.

- 4.2 A summary of the objections raised are as follows:-

- The previous application was refused in 2021 due to its position affecting planned improvements to north road;
- If the 2021 application would impact the area then so will this one;
- Will affect the skyline;
- Will probably affect the roots of trees;
- This application does not address the concerns from the last application;
- Unsightly from all angles and incongruous to the areas;
- Too close to residential properties;
- The Lister Hospital should be used instead;
- Will tower over trees;
- Developer trying to get away with most height possible with no regard to community;
- Out of keeping with the area;
- Already have masts in Corey's Mill;
- Developer already has a mast on the A602 that it says is not a possible site;
- Devalue house prices and unable to sell;
- No data on safety of 5G masts;
- Enough change to this area already with Forster Country being built on and industrial logistic centre, we don't need more change;
- Details in the application are factually incorrect and misleading;
- Mast on Hitchin Road is shared between Three and EE yet developer claims masts cannot be shared;
- Proposed mast will not provide any increase to provision already provided by the Hitchin Road mast;
- No tree root survey undertaken;
- Council have failed to provide the public with full information as previous 2021 application is not listed on the related applications section of the website;
- Will be dangerous to users of the footpath when the doors are open on cabinets for maintenance;
- Siting is 200m from John Henry Newman School;
- Local residents will have broadband so have no need for this service and those mobile users can be adequately served by 2-4G masts in the area;
- Planning Advisory Service states that masts should be shared where possible; and
- Local residents were not consulted by the Developer prior to the application

4.3 The aforementioned summary is not a verbatim copy of the comments received. Full copies of all representations received can be viewed on the Council's website.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

5.1.1 Objection. The highways authority have completed plans for the North Road cycle way improvements; if the proposals go ahead it would prevent the cycle way improvements being implemented.

5.2 Council's Environmental Health Section

5.2.1 No objections. The overall exposure of radio waves should have no consequence for public health.

5.3 Council's Arboricultural and Conservation Manager

5.3.1 I have studied this application, inspected the site and can confirm that I have no objection from an arboriculture view point. I believe that the proposed excavations are at a sufficient distance to minimise the impact on any nearby tree.

5.4 The aforementioned summary is not a verbatim copy of the comments received. Full copies of all consultation responses received can be viewed on the Councils website.

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).

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 8 other sites in the area, have been considered but dismissed as not suitable due to obstructing tree canopies, pavement widths or underground services:

- D1 – Nominal – North Road – Discounted due to obstructing tree canopy.
- D2 – Coreys Mill Lane – Discounted due to proximity to residential properties.
- D3 – Chancellors Road – Discounted due to insufficient pavement width and obstructing tree canopy.
- D4 – North Road – Discounted due to insufficient pavement width and proximity to residential properties.
- D5 – Hitchin Road – Discounted due to underground services.
- D6 – Hitchin Road – Discounted due to underground services.
- D7 – Rectory Lane – Discounted due to insufficient pavement width.
- D8 – Hitchin Road – Discounted due to insufficient pavement width.

- 6.2.17 The mast on Hitchin Road to which a number of representations refer to was granted full planning permission in 2019 (planning reference number 19/00719/FP). This application was submitted by CK Hutchison UK for EE. Whilst CK Hutchison UK (the applicant for this current application) is now the owner of Three, this existing mast is not a shared mast for Three and EE, it is only for EE. The two masts approved under 15/00623/PATELE and 17/00088/PATELE were for Telefonica UK which is now O2. The newer style 5G masts include a Remote Radio Unit which now needs to be placed at the top of the mast and not at ground level as on previous masts. As such, the masts, and other street works, are not structurally capable of accommodating the equipment needed for more than one operator which is why 5G masts are not shared. Whilst the Planning Advisory Service (PAS) may continue to recommend mast sharing, this is no longer supported for 5G installations. For the same reason, the other masts on North Road and Corey’s Mill Lane are also not considered acceptable for site sharing purposes.

- 6.2.18 Additionally, with 5G masts operating at lower frequencies, they serve smaller areas and therefore additional masts are required to ensure full coverage of service for the mobile operator. Whilst there may be masts in the wider area, they cannot be shared for reasons stated above and if they provide service for a competitor company then they are not providing service for the applicant. Paragraph 118 of the NPPF (2021) states that Local Planning Authorities should not prevent competition between operators or question the need for an operator in that location. As such, to refuse prior approval because there are other masts in the wider area would be contrary to policy guidelines.
- 6.2.19 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.
- 6.2.20 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.
- 6.2.21 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.
- 6.2.22 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).
- 6.2.23 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.
- 6.2.24 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.

- 6.2.25 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.
- 6.2.26 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.
- 6.2.27 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.
- 6.2.28 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.

6.3 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 wraparound cabinet and 3no. associated equipment cabinets on the highway grass verge on the southern side of Corey's Mill Lane, close to its eastern end 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, heights 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 Corey's Mill Lane and North Road are very well landscaped with tall trees and other soft landscaping. There are a number of lampposts, street signs, roof aerals and tall buildings in the immediate vicinity. 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 at 12 North Road, 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.

7.2.3 The previous application in 2021 was refused on the basis that a 20m high mast in this location would cause harm to the skyline and be an incongruous form of development in the area. Further, it would likely result in harm to the nearby trees and vegetation (this is covered in more detail under the siting section below). This current application has addressed the impact on the skyline by reducing the height of the mast to 15m which is more in keeping with the height of the nearby landscaping and so would reduce the visual impact of the mast. Further, the siting of a mast in this location would not be considered out of keeping in this urban setting as explained further in point 7.2.4 below.

7.2.4 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.

7.2.5 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 Corey's 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.

7.2.6 It is, therefore, considered that on balance the appearance of the proposed mast in this urban 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.

7.2.7 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.

7.3 Siting

7.3.1 In terms of siting and position, the mast and its associated cabinets are set on an existing highway verge. The Highways Authority issued notice that they cannot extend the grant of permission as they state that the siting of the mast in this location would prevent the implementation of the North Road cycle way improvements.

7.3.2 Whilst the comments from the highways authority are noted, applications must be determined upon the merits of the application and the location at present. A refusal of an application based on future developments would be unreasonable and not defensible at appeal as, whilst they may already be planned, there is no guarantee that they will come forward. The location at present does not contain a cycleway and the proposed development would be sited within a grassed area of highway verge.

7.3.3 Telecommunications Operators are a Statutory Undertaker and under the New Road and Street Works Act 1991 they are provided with rights under Section 50 to install their equipment within maintained highways without prior consent. As such, whilst the mast itself needs prior approval, the equipment cabinets fall under Permitted Development (see point 7.2.7 above) and can be installed in this location without consent from either the Council or the highways Authority. In this regard, it would be a matter for HCC Highways and the telecommunications operator to resolve any issues of equipment being in the way of any improvements works, if those improvements come forward in the future.

7.3.4 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 future improvement works. In addition, it is important to note that the Highways Authority has not objected to the application on ground of highway safety. As such, it can be concluded that the siting and position of the mast does not prejudice the safety and operation of the highway network.

7.3.5 The Council's Environmental Health department have raised no objections to the siting of the mast and equipment cabinets in this location.

7.3.6 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 residential dwellings in Whitney Drive and North Road, there are no

Legislative or policy means with which to refuse the application on this basis and defend at appeal.

- 7.3.7 The comments from local residents regarding residents already having access to better broadband and therefore not requiring a mobile phone mast, as referred to in point 6.2.19 above 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.
- 7.3.8 The previous application which was refused in 2021 included a reason of refusal based on the siting of the mast being likely to harm the nearby vegetation. However, research by Officers into these types of developments show that the foundations required for such masts and cabinets are generally a similar width to the article they support. The mast and cabinets are approximately 2m from the outer edge of the canopy of the trees; the canopy is generally accepted to be the size of the extent of the root area. As such, it is considered that the proposed development is sited a sufficient distance away from the root protection area of the vegetation so that no detrimental harm would be caused to this existing vegetation. Further, other masts and cabinets which have been erected in the Town close to trees and other vegetation have not caused them any harm.
- 7.3.9 The Council's Arboricultural Manager has assessed the application and visited the site and his professional view as an experienced and qualified Arborist is that the proposed development is sited a sufficient distance from the adjacent vegetation such that there would not be any harm to said vegetation.
- 7.3.10 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.

7.4 Matters Raised from Public Representations

- 7.4.1 The impact of the proposed mast upon property values and health 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.
- 7.4.2 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.
- 7.4.3 The Council must assess and determine these Prior Approval applications as received and they cannot be amended once submitted. As such, the Council cannot negotiate alternative locations, such as the Lister Hospital.

Equality, Diversity and Human Rights

- 7.4.4 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.
- 7.4.5 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.

- 7.4.6 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.
- 7.4.7 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.
- 7.4.8 The proposed development is sited within an adopted highways verge. In this regard, there would be no detrimental harm to the free flow of users of the adjacent public footpath, including those users who have protected characteristics under the Equalities Act.

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 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.
3. Central Government advice contained in the National Planning Policy Framework June 2021 and the Planning Policy Guidance March 2014.
4. Stevenage Borough Local Plan 2011-2031 (adopted May 2019).
5. Central Government advice contained in the Code of Practice for Wireless Network Development in England, 2016.