Recommendation Report for

REF NO: AL/85/23/TEL

LOCATION: Land at junction of Nyton Road and Lime Avenue
Aldingbourne

PROPOSAL: Prior Approval under Schedule 2 Part 16 Class A for a proposed 15.0m phase 9 street works monopole, 2 No. equipment cabinets with associated meter cabinet and ancillary development thereto.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks to install a 15.0m phase 9 street works monopole, 2 No. equipment cabinets with associated meter cabinet and ancillary development.

The application falls to be determined under Schedule 2, Part 16 of the General Permitted Development Order 2015. The principle of the development is not in dispute. The consideration of the notification concerns the siting and appearance of this location.

SITE CHARACTERISTICS

The site comprises a grass bank, fronted by a public footpath and small grass verge on the corner verge of the junction with Lime Avenue and Nyton Road. This borders the boundary with the playing fields of Ormiston Six Villages Academy.

CHARACTER OF LOCALITY

The character of the locality is predominantly residential. The site borders the A29 (Nyton Road) to the south, and is to the north of Ormiston Six Villages Academy, a secondary school located around 160m away. There are a number of locally listed and designated heritage assets within the locality, such as the Forge House and Merryend to the east, around 50m away.

None of relevance.

REPRESENTATIONS

Aldingbourne Parish Council - No objection:
- Would like to request the colour of the mast, pole and cabinets be green and not grey to blend in with the landscape.
- The location be changed as the site has a very small verge. Should be moved to somewhere more appropriate in the vicinity.
- Record that there has been no contact with the local community or parish council as stated in the application.
- Query why this installation is necessary as it is so close to the new one recently installed outside Meadow Way.

1 letter of objection received from nearby occupiers:

- A puffin crossing has been installed outside their house which is completely unnecessary, devalues their property, and disrupts their access to their property.
- The siting of this telecoms equipment would be opposite the house further devaluing their property.
- Would be an eyesore.
- There is telecoms equipment less than 1 mile down the road installed 2-3 years ago. The roadwork disruption due to the works were ill planned and implemented.
- Strongly object and request other sites in the area be considered which wouldn't cause such an eyesore and would be easier in terms of access for work crews. Suggests the entrance to Peckham Close.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The proposal is being determined on considerations of its siting and appearance. Loss of property value is not a material planning consideration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS: No highway safety or capacity concerns raised, but request that the applicant is advised to obtain formal approval for the works on the public highway.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested informative applied.

POLICY CONTEXT

Built Up Area Boundary
Lidsey Treatment Catchment

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

TELDM1	TEL DM1 Telecommunications
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure

Aldingbourne Neighbourhood Plan 2019-31 Policy EE8 — Communications infrastructure

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The above policies outline the criteria against which the application will be assessed. The only aspects that can be considered with regard to this prior approval application are the siting and appearance of the development. This application falls to be determined under the requirements of Part 16 of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan.

In all applications, the Council must take into account other material considerations. This includes Government advice, case law and appeal decisions which have emerged over recent years. By analysis of these considerations, the following are also relevant:

(i) Health concerns are material planning considerations. Whilst Government advice is that a planning system is not the place for determining health safeguards, Court cases and planning appeals show that public responses on the issue must be weighted in assessing the merits of a site by comparison with alternatives. This must apply to Prior Notification applications as well as applications for planning permission.

(ii) The Planning Inspectorate consider zero health risk (or near zero risk) to be an unreasonable expectation or basis for a decision.

(iii) An ICNIRP Certificate, confirmation compliance with guidelines for the emission of electromagnetic energy, is essential.

(iv) Applications must include a thorough examination of alternative sites; this information must be included in the submitted information for public consultation.

(v) Government best practice advice to applicants expects pre-application consultation with organisations such as schools.

CONSIDERATION OF ALTERNATIVE SITES

The applications report received with this application explains that alternative sites have been considered. These include:

- D1, Fontwell Avenue: Discounted due to shot separation distances and direct, front facing residential views. It may be perceived to be exposed to longer viewpoints and therefore considered more 'harmful'.
- D2, Barnham Road: Discounted in favour of the application site; again the narrow footpath would not accommodate development and the residential amenity impact would be higher due to closer proximity. Additionally, its location at the edge of the Search Area is less technically optimal than that of the application site.
- D3, Church Lane: Discounted due to there being insufficient space to install the required apparatus due to the narrow pavement and presence of overhear powerlines which run above the location. In addition, it was considered that a site in this location would have a greater impact on residential dwellings.
- D4, Nyton Road: Discounted as there were no viable screening opportunities, therefore development would look incongruous and impact would be higher due to close proximity to a Listed Building. It's location is outside the search area is less technically optimal than the application site.

CONCLUSIONS

The proposal falls to be determined under Part 16 of the General Permitted Development Order 2015. The principle of the development is not in dispute. The consideration of the notification concerns only the siting and appearance of the proposed equipment in this location.

The proposal seeks to install a new 15m high telecommunications pole and additional equipment cabinets. This will be on a green bank and footway on the corner of Nyton Lane and Lime Avenue, fronting the A29. The ancillary cabinets fall in permitted development and would be acceptable in size and location without the submission of an application.

The main policy considerations in respect of this proposal are Policy TEL DM1 of Arun Local Plan, and the NPPF.

The relevant parts of Policy TEL DM1 to be considered in relation to this application are:
a) There are no satisfactory alternative sites for telecommunications available;
b) Alternatives have been investigated, including the possibility of mast sharing and mounting the antennae required on existing buildings or other structures,
(c) Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate;
d) The proposal will not have an unacceptable impact upon the landscape,
e) The proposal will not have an adverse effect on the amenity of local residents;
f) Proposals include full details of all new landscaping, screening and of any trees or vegetation to be retained on the site. In addition, details of a satisfactory scheme to return the site to its former or improved condition once operations have ceased are also required;
g) Proposals include full details of the design and external appearance of the development including siting, colour and materials.

The applicant provided sufficient details in the submitted documents to address the above considerations.

The main issues arising from this prior approval notification are whether the mast and cabinets due to their scale and siting would be a visually obtrusive feature which would be so detrimental to the character and appearance of the area and whether any perceived harm would outweigh the significant social and economic benefits associated with the increased service provision attributed to the proposal and other valid material considerations as outlined in the development plan and NPPF.

The mast will be visible due to its height and siting. There are no telecommunications features on site, however there is a variety of street furniture in the immediate vicinity, including trees and streetlamps, with a 10m high tree to the south, and row of trees to the east at about 12m high. Other masts in Nyton Road, such as the one at the corner of Meadow Way around 750m away, already exist, and therefore in the extended vicinity there are other examples which make up part of the street scene. The trees to the east will help screen the properties behind from visibility of the mast. Whilst the mast is taller than surrounding structures, this is not a valid reason to conclude that it is not appropriate at a specific location. Inspectors at appeal have noted that by their very nature to be effective masts are required to be taller than surrounding structures. If the column were to be any lower, the antennas would not be able to provide the necessary 5G coverage to the target coverage area and would not be able to clear the urban clutter/tree canopy. As a result, the antenna signal would not be able to operate effectively. A lower height would lead to a poor user experience for a large part of the target coverage area and would require an additional installation contrary to planning guidance in the NPPF. The mast and associated equipment will be green in colour and will help it blend in with the surrounding environment in compliance

with TEL DM1 (c).

The mast is designed to be as similar as possible to the other linear structures in the immediate area. It is taller than existing structures on site, such as the lamp post and telegraph pole. In this case, to ensure more integration, the mast and associated equipment will be painted green to blend in with surrounding trees and match the lamp posts. Whilst there are other masts, these are not visible from the site's location and do not appear as an excessive number of masts in the locality in compliance with (d).

The mast is in close proximity to dwellings, located around 47m from the nearest properties in Nyton Lane to the east, 36m from properties to the north, and 32m to properties in Lime Avenue to the west. Whilst not sited immediately in front of any residential properties, the mast will be visible, and read as part of the setting of these residential properties. As a sufficient separation distance is retained to not adversely obtrude or dominate any of these properties, the placement of the mast within their setting is not unduly harmful. The mast would be set away from the residential properties as far as is practical whilst ensuring that network coverage is maintained, and as such this impact would not be detrimental to their amenity. It would pose a similar amount of harm to the mast in Meadow Way; which although screened by trees, is still highly visible. The colour of the proposed would allow more sensitive integration with the surroundings, and would not appear unduly obtrusive within the street scene. The proposals are acceptable in terms of amenity in accordance with (e).

Another planning consideration is the impact on neighbouring locally listed and grade II listed buildings. An informal consultation took place with the Conservation Officer, regarding locally listed Forge House, and grade II Listed Merryend, the closest heritage assets east of the mast by around 50m. Whilst the mast will be read as part of their wider setting, it is concluded that the overall and direct harm to each of these assets would be limited, and would not warrant an objection. The location of this mast will have some impact on the setting of these heritage assets, and the character of the area, however this impact will cause less than substantial harm due to its separation distance. Although it is larger than other infrastructure in the street, the proposal will be obscured by the surrounding trees in the area, especially for these assets to the east, and will not appear as an unduly obtrusive or dominant structure within the street scene. The less than substantial harm created is offset by the public benefit in accordance with the requirements of section 16 of the NPPF and relevant heritage policies of the development plan.

A declaration that the proposal would be compliant with International Commission on Non-Ionising Radiation (ICNIRP) Public Exposure Guidelines has been submitted to support the application would be in full compliance with requirements of the radio frequency (RF) public exposure guidelines.

Paragraph 114 of the NPPF encourages 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 supportive of the provision of 5G network infrastructure. Whilst the mast and cabinets would be a prominent feature in the street scene, the negative impact on the appearance of the area is considered not to be so significant as to warrant the refusal of the application, given the public benefit arising from the provision of 5G services.

The social and economic benefits of providing reliable and high quality mobile broadband connections including 5G support growth in productivity, efficiency and labour force participation across the whole economy is fully supported by the NPPF and the aims and objectives of the Local Plan and neighbourhood plan. These benefits are strong material considerations which outweigh any perceived loss of visual amenity to the surrounding area.

Health & Safety
Radiation safety issues and any relevant standards for exposure are a matter for the Health and Safety Executive advised by the National Radiological Protection Board (NRPB). Code system operators must

comply with standards for radiation safety under the Health and Safety at Work Act 1974 and associated regulations; and they must demonstrate that exposure of employees and the public comply with NRPB exposure guidelines.

Notwithstanding the above, the scientific evidence of possible adverse health effects from electromagnetic fields has been reviewed by an Independent Expert Group on Mobile Phones (IEGMP) which reported in 2000 (the Stewart Report). The report concluded that the balance of evidence indicated that there was no general risk to the health of people living or being near telecommunications installations on the basis that exposures are expected to be small fractions of the guidelines. The relevant guidelines are set by the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure.

Current planning guidance at para.118 of the NPPF explains that local planning authorities must determine applications on planning grounds only. They should not, among other things, determine health safeguards if the proposal meets ICNIRP guidelines for public exposure. NPPF para.117 requires proposals to be supported by evidence in the form of a self-certified statement that, when operational, the communications development will meet the guidelines. The applicants have complied with this requirement so there is no basis for the matter to be considered further for the purposes of this application.

On balance, the proposal would be acceptable in terms of visual amenity, and it is recommended that no objections are raised to the siting and design of the equipment.

RECOMMENDATION

1 For the avoidance of doubt, the mast and ancillary cabinets shall be in the colour RAL6009 Fir Green.

Reasons: To ensure the development is visually integrated with its environment in accordance with TEL DM1 of the Arun Local Plan.

2 For the avoidance of doubt the approved details are the Location Plan Dwg No ARN26194_M001 Issue A, Proposed Elevation Dwg No ARN26194_M001 Issue A, Proposed Site Plan Dwg No ARN26194_M001 Issue A, Application Form, and Supplementary Information submitted on 2nd June 2023.

3 INFORMATIVE: The applicant is advised to contact WSCC Highways to obtain formal approval for the works on the public highway and to agree the required traffic management (01243 642105).