Recommendation Report for

REF NO: LU/393/22/TEL

LOCATION: Horsham Road street works
Littlehampton
BN17 6LX

PROPOSAL: Prior approval under Schedule 2, Part 16, Class A for proposed 5G telecoms installation, H3G 17m street pole and additional equipment cabinets.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to install a 17m telecommunications pole. The application 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 this location.
SITE CHARACTERISTICS	The site is an area of grass verge adjacent to a footpath and cemetery.
CHARACTER OF LOCALITY	The area is predominately residential.

None.

REPRESENTATIONS

Littlehampton Town Council provided an objection.
- Unsightly and would have an adverse impact on the surrounding area.
- At 17m high, the monopole would be very visible and contrary to Policy TEL DM1 of the Local Plan.
- The development was considered too exposed, and it was felt there are more suitable nearby locations.

5 letters of objection from nearby occupiers:
- Owing to the siting, height, detailing and bulk it will be an overly prominent and obtrusive feature.
- It will be out of scale and character in the street scene.
- The technology is not proven safe.

1 letter of support.
- Improving the availability of high-speed connectivity across the county is essential. Not only for personal users, but also for businesses.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed the conclusion.

There are no policies or requirements that specify how far masts should be located from residential properties.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

TELDM1	TEL DM1 Telecommunications

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

This application falls to be determined under the requirements of Schedule 2, Part 16 of the General Permitted Development Order 2015, as amended. The only aspects that can be considered with regard to this prior approval application are the siting and appearance of the development.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no 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. Sites should be secure by fencing with advisory notes attached.

(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. The Council can look for evidence that this has happened.

CONSIDERATION OF ALTERNATIVE SITES

6 alternative sites were discounted due to the following reasons
- Unsuitable pavements or grass verge.
- Visibility splay issues
- Too close to residential area.

Further information on this is viewable under this reference on the council website.

CONCLUSIONS

The proposal seeks to install a new 17m pole with supporting ancillary cabinets to the edge of a grassed area fronting Beaumont Park. The ancillary cabinets fall within 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 mast will be visible due to its siting close to the Horsham Road. However, it is not such a prominent feature in the street scene as to warrant an objection. The siting is appropriate as it retains sufficient space to the pavements and highway. Whilst the equipment is tall, there are trees located behind to the north and south and also within the verge, which provides screening when travelling along the Horsham Road. It is noted that the mast and ancillary cabinets are to be a light grey colour. However, this can be conditioned to be green as doing so will aid the proposals ability to be camouflaged into the verdant landscape of the cemetery to the west. It is noted that there are a number of similarly high lamppost in close vicinity which helps the development blend in with its surroundings.

Alternative sites have been investigated and details are included with regards to mast sharing. The

applicants conclude that the proposal is 'In compliance with its licence and the sequential approach outlined in the NPPF, all attempts to utilise any existing telecommunication structures where they represent the optimum environmental solution have been employed'.

Objectiors have raised the potential impact of 5G equipment on the health and wellbeing of the local community. The Government has through the revised NPPF (2021) established a clear expectation that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). As such, Local Planning Authorities are required not to impose a ban on new equipment nor should they seek to prevent competition between different operators, or question the need for an electronic communication system. The Applicant states that the proposed equipment and installation as shown in the submitted plans are in full compliance with the requirements of the radio frequency (RF) public exposure guidelines.

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.

The main issues arising from this prior approval notification are whether the proposed mast and cabinets due to their scale and siting would be a visually obtrusive feature which would be significantly detrimental to the character and appearance of the area. 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 within NPPF and the Arun Local Plan.

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. These benefits are strong material considerations which outweigh any perceived loss of visual amenity to the surrounding area.

The proposal would therefore 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 'Proposed Site Location Plan - ARN22071_ARN082_88210 _BN0754_GA_REV_A' , 'Site Plan ARN22071_ARN082_88210 _BN0754_GA_REV_A' and 'Proposed Site Elevation - ARN22071_ARN082_88210 _BN0754_GA_REV_A' submitted December 2022.

3 INFORMATIVE: The Local Highways Authority (LHA) advises the applicant that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the proposed works on the highway by contacting them on tel. no. 01243 642105.