Development Management – Delegated Officer Report

Application Number: **AWDM/0536/23** **Recommendation: APPROVE**

Site: **Land At Junction Of Boundary Road, Grand Avenue, Worthing**

Proposal: **Application for determination as to whether prior approval will be required for proposed 15.0m 5G Phase 8 Monopole and associated ancillary works.**

Date of Site Visit: **19 April**

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

This application seeks prior approval for a 15 metre high telecommunications mast to the eastern side of Grand Avenue just to the north of its junction with Boundary Road. A previous application for a 15 metre high telecommunications mast of almost identical design at the junction of Grand Avenue and Pevensey Road (directly across the road from this site) was allowed on appeal following a refusal of the application by the Council. A previous prior approval proposal in the same location for a 18 metre high mast had previously been refused.

The site is just north of a crossroads and therefore Pevensey Road is almost directly to the west. The nearest buildings to the site are Belmer Court, a 4 storey block residential block of flats immediately to the east while Cardinal Court, a residential block of 3/4 storey flats is to the west. There are further flats blocks immediately to the north and a number to the east along Grand Avenue, otherwise there are low density houses. Grand Avenue is a wide road of character leading to the seafront with buildings all set back from the road and a number of trees providing an attractive vista.

Planning History:

AWDM/0551/21: Application for Prior Approval for installation of Proposed (5G) 18m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works refused in April 2021.

AWDM/1530/21: Application for Prior Approval for installation of Proposed (5G) 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works - refused in October 2021. A subsequent appeal to the Planning Inspectorate was allowed in April 2022.

Consultations:

West Sussex County Council:

Proposal content

The proposed mast, cabinets and barrier are all located within highway boundary and not anticipated to obstruct visibility for vehicles travelling along the Boundary Road and Grand Avenue.

The proposed site is located on verge with a footway. This proposal is not anticipated to result in an obstruction to any pedestrians who may be utilising or be seeking refuge within the highway boundary.

The statutory undertaker will need to submit the necessary notification to the Highway Authority independently and any traffic management will need to be agreed with WSCC Highways prior to works taking place.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Representations:

100 letters of objection plus petitions from Courtland Close, Rugby Road, Boundary Road, Grand Avenue, Cardinal Court, Pevensey Road, Belmer Court, Romney Court, Downview Court, Windlesham Court, Goring Way, Bury Cottages and Barrington Road have been received objecting to the development on the following grounds:

- inappropriate siting
- proximity of mast to residential balconies
- adverse impact upon the visual character of the area and the particular character of Grand Avenue
- proximity to tree in Belmer Court
- adverse impact upon the amenities of residential properties
- proximity to residential properties
- proximity to sensitive receptors
- health concerns
- the mast is too tall
- the trees nearby will not provide adequate screening
- proposed grey colour of the mast would not fit in with the surrounds
- would be better sited on top of a building

1 letter of support has been received

Relevant Planning Policies:

Worthing Local Plan 2023

Policies DM5 (Quality of the Built Environment), DM14 Digital Infrastructure

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

Planning Assessment

As a prior approval application, the Local Planning Authority is only able to take into account the siting and appearance of the installation.

A significant number of objections have been raised in respect of this application. These concerns, insofar as they related to the areas which the Council can take into account when determining an application for a telecommunications mast, were fully shared by officers and members in respect of the previous 2 applications across the road, both of which were refused by the Council. The planning assessment regarding the second application stated:

The applicant's own plans demonstrate that the proposed mast would be 5 metres taller than the nearby streetlights, 4 to 5 metres taller than the nearby trees and 3.5 metres taller than the nearby Cardinal Court, one of the taller buildings in the vicinity, certainly compared to the residential housing immediately across the road which are not shown on the application plans. It is strongly contested, therefore, that the trees and streetlights will provide 'ample screening' as it is quite clear that the structure will be significantly visible from the surrounding area.

Such visibility will be exacerbated by the width of the road and the set back of nearby buildings. Grand Avenue, as per its name, is an attractive north-south road of quite clear and distinct visual character. Any structure will be clearly seen from either direction and it is considered will seriously detract from the visual character of the area. The proposal is therefore considered to be unacceptable and while the Local Planning Authority is aware of the needs of telecommunications infrastructure requirements, poorly conceived proposals should not be accepted as a result, especially when the applicant has made no meaningful attempt to engage with the Local Planning Authority to discuss alternative proposals. It is noted that a number of sites have been discounted because of 'proximity to residential properties' or 'amenity issues' with no further explanation and accordingly it is not considered that the availability of alternative sites has been suitably considered.

For the avoidance of doubt, the previously refused proposal had also been the subject of adverse comment from the Council at the pre-application stage (the applicant incorrectly stated that the Council had not responded at that point), nor were any alternative sites discussed with the Council.

The applicant had the right of appeal which was allowed by the government Inspector. In the decision letter the Inspector stated:

Because of the open vistas, the mast and antennae array would be visible in views along the roads that intersect at this point. Some screening would be provided in mid to long distance views by the trees along Grand Avenue and on immediately adjoining land. However, the mast at 15m high would project above the canopies of

these trees. It would therefore remain visible, even when the trees were in full leaf. There are regularly spaced lighting columns along all the roads, but these differ from the proposed mast by being approximately 10m in height and considerably more slender in profile.

The proposed equipment cabinets would be relatively modest in size and similar to other such cabinets used by a variety of infrastructure providers to house electronic equipment. They are commonly seen on highway verges, including examples south of the junction, and would be unobjectionable. However, the proposed mast and antenna array, because of its height and girth, would be prominent and would cause a degree of harm to the character and appearance of the area. It is therefore necessary to consider whether there are any alternative, preferable sites that the antenna could be located.

The siting of the mast is constrained by the need to provide coverage for the target area, and also by the technical limitations of the cellular network of which it would form part. The appellant has provided information on the location of existing base stations, which shows that the cellular network is already a dense one, giving only limited scope for siting of new antennae.

I have not been made aware of any existing masts in the immediate area that could be shared. Building mounted options are also limited given the predominant domestic scale of buildings in the area. The apartment buildings along Grand Avenue are taller but are still residential in nature, and even then are lower than the height of the proposed antennae. So far as alternative sites for a new mast are concerned, the appellant has provided a long and a shortlist of sites that were considered but rejected in favour of the proposed location. These sites are mainly located on highway verges, all within established residential areas, and would therefore give rise to similar visual impacts to that of the proposed site…

…Concern has been raised in representations about the potential effect of microwave radiation on human health. Paragraph 118 of the Framework says that local planning authorities, and by implication other decision makers, should not seek to set health safeguards different from the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by ICNIRP. Having regard to this national policy, and that the application is one for prior approval where only siting and appearance are for consideration, the potential effect on health is not a determining issue in this case…

…In this case, while I have identified that a degree of visual harm would be caused by the proposed installation in the context of the street scene along Grand Avenue and the two intersecting roads, I have also determined that the location is no more intrusive than any of the reasonable alternatives that are before me. I conclude that the economic and social benefits accruing from the provision of an advanced, high quality and reliable communications network outweigh the visual harm that may be caused. The proposal is therefore acceptable.

Under planning law, the previous decision is a material consideration that must be taken into account in the determination of any future application. The applicant has

advised that due to proximity to existing services, the site which was allowed on appeal cannot be utilised and hence this site directly across the road has been applied for instead. While the considerable concerns of residents are quite appreciated, there appears no credible reason why this location should be rejected compared to the now allowed location of the road. The tree cover on the eastern side of the road is slightly reduced from that on the western side of the road but given concerns have been expressed in both applications about the impact of development upon existing trees, it would seem difficult to conclude that the revised location would be more harmful to trees than that approved by the Inspector.

The new mast is closer to residential properties than previously - the proposal allowed on appeal was about 25 metres from Cardinal Court whereas the current proposal is about 19 metres from Belmer Court. It remains a matter of fact, though, that the mast would be visible from either of these flat blocks whichever of the consents was implemented and it is not considered that the current proposal is materially more harmful than the previous proposal.

It is noted that some representations make reference to the grey colour of the proposed mast as was the case with the allowed appeal. The Inspector did not require any change in colour under the previous decision, but the applicant has been requested to change the colour of the mast to green under this proposal, a request to which they have agreed. This is considered a benefit of the proposal compared to the previous proposal.

It remains extremely disappointing that the previous appeal was allowed. The decision is the overriding factor in the consideration of this application and with the minor benefit of a green coloured mast compared to the previously approved grey, there are no grounds to resist the proposal.

Recommendation

PRIOR APPROVAL REQUIRED AND GRANTED

subject to the following conditions:

01 Compliance with the submitted plans
02 The monopole and associated equipment shall be painted Fir Green (RAL 6009) and retained as such colour for the life of the structure
03 The monopole hereby permitted shall not be constructed in addition to the mast approved on appeal under reference AWDM/1530/21

Case Officer: Gary Peck Date: 26 May 2023

Authorised by: Date: 26th May 2023