

Swindon Borough Council

Planning Committee

Tuesday, 9 February 2016

Council Chamber, Civic Offices

At 5.30 p.m.

Conservative Councillors

*Colin Lovell
Vera Tomlinson
Nick Martin
Alan Bishop
Kevin Parry
Eric Shaw
Cathy Martyn
Timothy Swinyard*

Labour Councillors

*Abdul Amin
John Ballman
Teresa Page
Peter Watts
Paul Baker
Steph Exell*

Liberal Democrat Councillors

Stan Pajak

(Copy to all other Members of the Council – For Information)

Committee Officer: Iain Tucker (Telephone 01793 463605)
email: itucker@swindon.gov.uk

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street,
Swindon, SN1 2JH (Telephone 01793 445500)

PLEASE NOTE: AN ADDITIONAL INFORMATION SHEET CONTAINING ANY INFORMATION RECEIVED AFTER PUBLICATION OF THIS AGENDA WILL BE PLACED IN COUNCILLORS' PIGEONHOLES FOR DELIVERY ON THE FRIDAY IMMEDIATELY BEFORE THE MEETING.

PUBLIC COPIES OF THE ADDITIONAL INFORMATION SHEET WILL BE AVAILABLE ON THE COUNCIL'S WEBSITE AND FROM APPROXIMATELY 5.30 PM IN THE COUNCIL CHAMBER.ON THE DAY OF THE MEETING

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes (Pages 5 - 12)

To receive the minutes of the meeting held on 12th January 2016

4. **Public Question Time**
See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.
5. **Determination of Planning and Related Applications** (Pages 13 - 16)
6. **S/TC/16/0012/IH Prior Notification Application for the erection of a 15 metre high monopole, equipment cabinet and associated works.Land at Aiken Road, Taw Hill, Swindon** (Pages 17 - 36)
7. **S/TC/16/0014/IH Prior Notification Application for the erection of a 15 metre high monopole, equipment cabinet and associated works Land on the North Side of Cassini Drive, Oakhurst, Swindon** (Pages 37 - 56)
8. **S/TC/16/0027/IH Prior Notification Application for the erection of a 15 metre high monopole, equipment cabinet and associated works.Land at Polonz Court, Haydon End, Swindon** (Pages 57 - 78)
9. **S/TC/16/0018/IH Prior Notification Application for the erection of a 15 metre high monopole, equipment cabinet and associated works. Land at Redhouse Way, Redhouse, Swindon** (Pages 79 - 98)
10. **S/TC/16/0019/IH Prior Notification Application for the erection of a 15 metre high monopole, equipment cabinet and associated works.Land at Eastbury Way, Redhouse Swindon** (Pages 99 - 120)
11. **S/TC/15/2005/RA The installation of a 17.5 metre lattice tower to supply high speed broadband, supporting 3 no. antennas and a 0.6m transmission dish, 2no. equipment cabinets and a 2.4 metre high palisade fence and associated works.Land At Stratton Community Leisure Centre, Grange Drive, Stratton St Margaret** (Pages 121 - 138)
12. **Local Plan Principle of High Quality Design** (Pages 139 - 146)

Date of Despatch: 01 February 2016

Key:

Officers:

HPRS&H - Head of Planning, Regulatory Services and Heritage

Public Question Time - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website.

(<http://www5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sched=doc&cat=13338&path=0>) or from the Committee Officer named above.

Access Arrangements – *The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Officer above, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

WELCOME TO THE PLANNING COMMITTEE OF SWINDON BOROUGH COUNCIL

NEW GUIDELINES - PLEASE READ

IF YOU HAVE COME TO SPEAK ABOUT AN APPLICATION THAT INTERESTS YOU PLEASE READ THE FOLLOWING GUIDELINES. THEY EXPLAIN HOW THE COMMITTEE DEALS WITH EACH ITEM. THESE GUIDELINES ONLY APPLY TO APPLICATIONS LISTED ON THE MAIN SCHEDULE IN THE AGENDA

- 1. THE COMMITTEE CHAIR CALLS THE ITEM**
- 2. PLANNING OFFICER PRESENTS THE APPLICATION**
- 3. WARD COUNCILLORS MAY SPEAK**
- 4. APPLICANTS AND/OR AGENT (5 MINUTES MAXIMUM IN TOTAL) WHO HAVE NOTIFIED THEIR INTENTION TO SPEAK ON THE ITEM TO THE COMMITTEE CLERK BY 12 NOON THE DAY BEFORE THE MEETING.**
- 5. PUBLIC SPEAKERS (INCLUDING PARISH COUNCIL)- WHO HAVE NOTIFIED THEIR INTENTION TO SPEAK ON THE ITEM TO THE COMMITTEE CLERK BY 12 NOON THE DAY BEFORE THE MEETING.**

(MAXIMUM 5 MINUTES EACH UP TO 2 SPEAKERS, IF MORE THAN 2 THEN MAXIMUM 10 MINUTES TOTAL SPEAKING TIME FOR ALL SPEAKERS)
- 6. COUNCILLORS WHO HAVE DECLARED PERSONAL OR PREJUDICIAL INTERESTS MAY SPEAK**
- 7. MEMBER ONLY DISCUSSION, INCLUDING ANY FURTHER QUESTIONS TO OFFICERS OR ANYONE ELSE WHO HAS SPOKEN**
- 8. A PLANNING OFFICER WILL CLOSE THE ITEM BY COMMENTING ON ISSUES RAISED BY MEMBERS**
- 9. VOTE**
- 10. CHAIR BRIEFLY EXPLAINS DECISION IF NECESSARY**
- 11. NEXT BUSINESS**

THE 10 MINUTE MAXIMUM PUBLIC SPEAKING PERIOD WILL BE YOUR ONLY OPPORTUNITY TO SPEAK, UNLESS MEMBERS OF THE COMMITTEE WISH TO ASK YOU QUESTIONS UNDER GUIDELINE 7.

SPEAKERS WHO MERELY REPEAT POINTS ALREADY MADE BY OTHERS MAY BE ASKED TO STAND DOWN.

IF THERE IS MORE THAN ONE PERSON WISHING TO ADDRESS THE COMMITTEE EITHER AS AN OBJECTOR OR SUPPORTER, THEY ARE EXPECTED TO NOMINATE A REPRESENTATIVE FROM THE SPEAKERS LISTED TO REPRESENT THEIR COLLECTIVE VIEWS.

THE CHAIR AND THE COMMITTEE HAVE THE DISCRETION TO DEPART FROM THESE GUIDELINES, BUT WILL IN MOST CASES EXPECT ALL PARTIES TO ABIDE BY THEM.

PLANNING COMMITTEE

TUESDAY, 12 JANUARY 2016

PRESENT: - Councillors Abdul Amin, John Ballman, Colin Lovell (Chair), Vera Tomlinson, Peter Watts, Alan Bishop, Kevin Parry, Eric Shaw, Cathy Martyn, Stan Pajak, Timothy Swinyard and Steph Exell.

Apologies for absence were received from Councillors Teresa Page, Nick Martin and Paul Baker.

94. Declarations of Interest

There were no declarations of interest

95. Minutes

Resolved – That the minutes of the meeting held on 8th December 2015, be confirmed and signed.

96. Public Question Time

There were no public questions

97. Determination of Planning and Related Applications

The Committee considered: -

- (a) Applications for permission to develop;
- (b) Recommendations of the Head of Planning, Regulatory Services and Heritage;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (d) The comments of Councillor Friend in respect of application numbered S/15/1585
- (e) The comments of the following interested persons:-

<u>App No.</u>	<u>Name</u>	<u>Address/Organisation</u>
S/15/1585	Chris Beaver	Agent
	Mr Nipin	58 Millgrove Street
	Alison Ellis	12 River Green
S/15/1687	Michael Fowler	Agent
	Alistair Kidson-Trigg	Applicant

Resolved – (1) That permission be refused in respect of application numbered S/15/1585 for the following reasons:

The development by reason of its bulk, massing and siting would have an overbearing and adverse impact upon the outlook enjoyed by the nearest dwellings, to the detriment of the residential amenities of the occupiers of those properties. The

proposal is contrary to policy DE1 of the Swindon Local Plan 2015 (2026) and the NPPF.

(2) The Head of Planning, Regulatory Services and Heritage be authorised to grant permission in respect of application numbered S/15/1687 subject to appropriate conditions.

98. Marlborough park S106 agreement

The Head of Planning, Regulatory Services and Heritage submitted a report seeking approval of this Committee to enter into a supplemental legal agreement with the landowners/ developers of the land known as Marlborough Park (Former Wakefield House off Pipers Way) ("the Development Site").

Resolved – That the Director of Law & Democratic Services, in consultation with the Head of Planning, Regulatory Services and Heritage, and the Board Director, Resources, be authorised to enter into a supplemental legal agreement with the landowners/developers, in respect of Development Site, as detailed under paragraph as set out in the report.

99. Protocol for Dealing with Planning and Related Applications

On consideration of (a) a report of the Head of Planning, Regulatory Services and Heritage seeking this Committee's approval of an updated and consolidated consultation protocol for the dealing with planning and related applications, and (b) a slightly amended consultation protocol circulated and tabled at the meeting

Resolved – That this Committee:

(1) Notes that the majority of comments are received electronically and agrees to discontinue notification (other than by electronic means) to those persons who have made representations of the decision as this will be available via the planning pages of the Councils web site. (Paragraph 6.2 of the report refers).

(2) Approves the procedures set out in consultation protocol tabled at the meeting and set out below for the purpose of consultation on planning and related applications ("consultation protocol")

(3) Agrees that the consultation protocol be circulated to all Borough Councillors and Parish and Town Councils for information.

(4) Agrees that the Council's Statement of Community Involvement in Planning be amended at the next review to reflect these changes

(5) Authorises the Head of Planning, Regulatory Services and Heritage to publish the protocol in the planning pages of the Councils Web site,, and

(6) Authorises the Head of Planning, Regulatory Services and Heritage to make any minor or typographical changes as may be necessary

Swindon Borough Council

Protocol for Dealing with Planning and Related Applications

Approved by the Planning Committee on 12th January 2016

1. Introduction

This protocol was considered and approved by the Planning Committee at its meeting on 12th January 2016

2. The legal position

2.1 The requirements for publicising planning applications are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Planning Authority is required to publicise a planning or related application once it has been validated.

2.2 In accord with legislation in most cases, a 21 day period is given in which responses must be made. The application details are published online and are accessed via the planning pages of the council's web site. Once the consultation period has ended, the web site reflects this, and comments are no longer able to be submitted on-line.

2.3 There are also statutory publicity requirements for certain categories of development, which include the posting of site notices and publishing details in the public notices section of a newspaper, for example, proposals affecting a listed building and conservation area and major development.

3. Use of IT / electronic media

3.1 The Government encourages the use of electronic media and the legislation reflects this by allowing consultation to take place in this format. The department takes advantage of IT and notifies most statutory and internal consultees by email. Similarly Parish and Town Councils are notified in this way.

3.2 Applicants are encouraged to submit their applications and documents / drawings electronically via the Planning Portal.

3.3 When an application is made electronically the planning authority may correspond with the applicant in this manner.

3.4 The Public Access System where the application details are viewed through the Council's web pages.

4. Consultation with neighbours

4.1 In addition to the relevant statutory consultees, adjoining properties are required to be consulted and given an opportunity to comment on planning applications. Swindon Borough Council carries out this requirement by notifying the neighbouring properties, i.e. those premises that adjoin the application site. This is done by sending a card to the properties concerned, informing them of the proposal and providing information as to where the details about the application can be inspected and the date by which any comments must be made. All post is sent out via 2nd class mail except in exceptional circumstances where first class mail may be used.

4.2 The application details are published online and are accessed via the planning pages of the Council's web site. A period of 21 days is given in which responses must be made. When the consultation period has ended, the web site reflects this, and comments are no longer able to be submitted on-line.

5. General Consultation Principles

5.1 Notifications are sent to neighbouring occupiers whose properties adjoin an application site, whether or not they are residential neighbours.

5.2 In the case of a side extension to a house, those properties situated either side and to the front and rear will be notified. In the case of a rear house extension, only

those to the side and rear will be notified. Similar principles will apply to a front only extension. Some developments that may have wider / off site impacts may be subject to broader consultation, including the use of site notices.

6. Consultation following receipt of revised details / amended plans

6.1 A proportion of the applications dealt with are subject to revisions. It is generally regarded as good practice by most planning authorities, including this Council to undertake further consultation in cases where the impact of the revision is deemed to justify re-consultation. Where so deemed appropriate, notification takes the form of a card, as with the original consultation. However, a lesser timescale of 14 days is allowed for responses.

6.2 In each case a judgment has to be made whether further consultation is necessary and if so whether it should be a 'wholesale' exercise or be proportionate to the impact of the revisions. The following are examples where revisions would not normally lead to a further round of consultation being carried out:

- ☐ The revisions mitigate, address or overcome objections.
- ☐ The revisions reduce the scale or impact of a scheme to which no comments have been received.
- ☐ The revisions amend part of a scheme where no additional impact arises and upon which no concerns have been raised.

6.3 When it is deemed appropriate that a revised consultation exercise takes place, the notifications will be limited to:

- ☐ Those properties that are adjacent to the location of the amended proposals.
- ☐ Those properties directly affected by the location of the amended proposals.
- ☐ Those who have written in already and expressed concerns at the matters being amended – unless their stated concerns have been addressed

7. Consultation with Swindon Borough Councillors

7.1 Members are made aware of applications through the weekly list of applications that appears in the Members bulletin, published each week and either emailed or posted to every Councillor. Where members request the weekly list as a stand-alone document, separate to the Bulletin, it is either emailed or posted to them as they may prefer upon request.

7.2 Ward Councillors are only notified by a card where re-consultation takes place following amendments to an application. This is because the amendments would not appear in the weekly list, which only report applications received and determined.

7.3 From time to time, Councillors are formally notified of new applications by receiving a card similar to that sent to neighbours. Although there is no requirement to do this, it does occur where the case officer is of the view that that a proposal may be locally controversial or is a type of development that Ward Members have expressed an interest in and therefore special attention should be drawn to it.

8. Consultation with Parish and Town Councils

8.1 The process of notifying Parish and Town Councils follows closely that for notifying neighbours, described above. . They are notified of applications within their area and are given 21 days to respond and 14 days when notified of revised plans.

8.2 The procedure is also contained in the Swindon Borough Parish and Town Council Charter 2015, agreed by the Parish and Town Councils, and the Swindon Area Committee of the Wiltshire Association of Local Councils in January 2015.

8.3 The Charter also confirms the ability of Parish and Town councils to request that applications be determined by the planning committee rather than by officers under delegated powers. This echoes the relevant clause in the Councils scheme of delegation but does require reasons to be given for the request as to why a particular application is considered to raise significant planning issues or is locally controversial.

8.4 Parish and Town Councils are consulted using electronic media

9. Consultation on applications for the approval of Reserved matters following grant of Outline permission

9.1 For applications that follow the grant of outline permission, we notify only those immediately affected by the details of the reserved matters, i.e. mostly housing developments, rather than those further afield who whilst not agreeing with a development, will not be directly affected by the details e.g. layout and house types.

9.2 Reserved matters applications that meet the definition of 'major' development e.g. 10 houses or more are published in the local newspaper and a notice is displayed on the site. This is in addition to notifying affected 'neighbours'.

9.3 Similar principles would be applied to applications for full planning permission where the principle of the development has been established by the grant of planning permission and a revised application proposes changes to the scheme, e.g. changes to a housing development to alter the layout / house types.

10. Larger sites

The neighbour notification procedure described above requires all those properties adjoining the application site to be notified of the proposal. There are instances where this should be re-assessed and a more proportionate approach taken. For example there might be a proposal for a bike shelter within a large commercial complex or a school campus, where the application site might include the whole grounds. To avoid unnecessarily consulting a number of neighbours who may be a significant distance away and will not be affected by the proposal a judgment will be made to ensure a proportionate consultation exercise is undertaken so that only those properties likely to be affected will be notified. Of course, a site visit might suggest otherwise and additional / wider notifications can / will be sent out.

11. Certificates of Lawfulness

There is no formal requirement for a local planning authority to undertake any consultation upon receipt of this type of application. This is because they must be considered on the basis of fact rather than on the planning merit or desirability of the development. In clear cut cases, no neighbour consultation would be expected to be undertaken. However, there may be instances where the local planning authority may find it helpful to seek additional evidence from neighbours. In such cases there is nothing to preclude the local planning authority from seeking the views of local residents or any other interested parties to assist its deliberations.

12. Telecommunications

Applications for planning permission or prior approval for Masts and paraphernalia associated with telecommunications including those by mobile phone and broadband operators can be controversial. Acknowledging this, all properties, including schools, within a 100m Radius of the site are to be notified when applications are received.

13. Reporting comments received.

13.1 All comments / representations received are assessed and taken into account in the determination of applications. These are set out by the officer in the application

report and commented upon / addressed as appropriate in reaching the recommendation / decision.

13.2 Where an application is determined by the planning committee, those making representations will be sent a card informing them of the meeting details to enable them to speak or be present at the meeting of the planning committee.

13.3 There are often instances where objectors / supporters of a scheme produce a standard letter / email that is copied by many individuals and submitted in opposition or support of a development. Each letter is logged as an individual comment and each person will be notified of the decision and if applicable the date the planning committee meeting at which the application that the application will be considered at.

14. Petitions

The local planning authority will continue to treat petitions that relate to a planning application as a single representation. When received, the petition will be logged as a comment from a single individual and this will be attributed to the author of any accompanying note or in the absence of any details identifying the originator of the petition, it will be attributed to the top signature on the first or top page. This protocol is confirmed and explained in the planning pages of the Council's website

15. Determining applications

Applications are determined either by the planning committee or by Officers authorised under the Council's Scheme of Delegation. This is re-affirmed by Council each year as part of the constitution; the details of which are:

An application will be determined under delegated powers unless

a) The Head of Planning, Regulatory Services and Heritage determined that it should be determined by the planning committee;

b) A member has requested in writing within 28 days of the date of validation that the application be considered by the planning committee;

c) A parish Council request within 21 days of notification the planning committee considers the application because it raised significant planning issues or is locally controversial.

16. Late representations

Applications dealt with by the Planning Committee

16.1 Representations received after the publication the agenda and up to the start of the meeting will not normally be circulated. The committee will be informed that additional representations have been received but the detail will only be reported where they raise new points or significantly add to those reported in the committee papers. If the comments are received very late, members may be advised that there has been insufficient time to assess or consider the information.

16.2 With regard to request for material to be circulated at the meeting, the Members Planning Code of Good Practice advocates against allowing documents to be circulated at Committee meetings which have not previously been submitted to the Committee as all parties may not have had time to react to the submissions and officers may not be able to provide considered advice on the material. A recent case law - R (Joicey) v. Northumberland County Council [2015] indicates that the Court is likely to quash a decision where new materials have not been made available to the public at least five clear days before the relevant meeting, in breach of section 100D of the Local Government Act 1972. The objectors were said to have not had adequate time to prepare and respond in that particular case.

Applications dealt with under Officers' Delegated Authority

16.3 Representations received after the close of the formal consultation period will be considered, provided that the case officer is aware of them before the relevant application report has been written. Representations received after this time will be

taken into account by the Officer determining the application provided that he/she is aware of their existence prior to the application being decided. Decided in this case means that the decision has been authorised (signed off)

17. Non Material and Minor Material amendments

17.1 Recent changes introduced flexibility into the planning regime to allow applicants to amend their schemes in a less onerous way than by making a planning application. The options available include applications for a non-material amendment and a minor material amendment, each of which has a different procedure.

17.2 The approach to use will depend on the particular circumstances of each. Similarly, the appropriateness of the extent of any consultation will have to be considered on a case by case basis.

18. Site visits by the Planning Committee

Individual members of the committee can, prior to a meeting, visit the site under their own volition with or without the appropriate Planning Officer if they consider it necessary.

19. Conditions on planning permissions

Most planning permissions are subject to conditions which are discharged by Planning Officers under Delegated Authority. Occasionally, there will be exceptional circumstances where members may wish to be made aware of such details and may for example request that Officers discharge a condition in conjunction and the agreement the Ward Councillors. Similarly the discharge of some conditions may require that technical or specialist input is sought.

20. Appeals

When an appeal is received, all those previously notified of and commented on the related application are required to be informed that an appeal has been lodged. Any comments they wish to make must be sent direct to the planning inspectorate who administer the process. The exception is in respect of 'householder' appeals where there is no further opportunity to comment.

21. Permitted Development / Prior approvals

21.1 Informal requests for a decision on whether a proposal constitutes permitted development are no longer accepted. Such requests can be made via an application for a certificate of lawfulness. However, as members will be aware the scope of permitted development rights have recently been extended and relaxed.

21.2 The relaxation has in many instances introduced a formal but limited consultation requirement, default approval where no representations have been made and also sets out the limited extent of matters that can be taken into account. For example, where larger 6m and 8m long house extensions are proposed, only the immediate neighbours are notified and if they do not object within 21 days, permission is deemed to have been granted. Members and Parish Councils are unable to have any part in this process. The local planning authority is required to determine such applications so as to comply with and be in accord with the relevant regulations.

22. Local Development Orders

A number of Local Development Orders (LDOs) have been made by the Council in the last 5 years, including those covering house extensions, development at employment locations, low carbon energy and an area based order for Victoria Road. Each LDO specifies the consultation that will be necessary. This is less than what is required for formal applications because a wider consultation exercise would have been undertaken prior to the making of the LDO.

23. Other Matters

From time to time the department is contacted by persons who have requested (insisted) that they be formally notified of an application of which they have

knowledge of by being sent a card. They are of course already aware of the application, which is the rationale for notifying, but have not been formally consulted. This is most likely because they live a little further away from a site than would trigger a notification. In such cases it is not appropriate to agree to their request as they clearly know about the development and are not prejudiced or precluded from commenting. This would extend the consultation period for a further 21 days which may not be desirable or reasonable. Criticism could also be levelled at the Council for not informing others in a similar position. Such interested persons will be advised to comment on the application as this would trigger and ensure further notifications about the application will be sent to them as it progresses.

24. Notification of the decision

Those that have made representations in respect of an application are not subsequently informed of the outcome of the determination of the application. This is because they would have been informed via the 'consultation card' that the details of the outcome would be available on the planning pages of the Council's website.

25. Privacy statement / How personal information will be used

25.1 The Planning department receives a significant amount of correspondence on applications, much of which is required to be made available and published so that it can be viewed on-line. There is a requirement to ensure that sensitive information is not made available electronically, including contact details and signatures. Such details are redacted.

25.2 A privacy statement is published to ensure that those persons who make comments will know what will happen to the information they give us.

26. Pre application consultation

26.1 The Council encourages all applicants, developers and landowners to discuss their proposals with Borough Councillors (Ward Members) and the local community before submitting planning applications. However, the legislation as currently drafted does not make this mandatory. There may be instances where a developer wishes to carry out pre – application discussions about a potential scheme with the local planning authority that they do not want to be made public, even when these discussions include selected Statutory Consultations. The local planning authority will only comply with such a confidentiality request, in so far as its duty under the Freedom of Information Act and the Environmental Information Regulations permits. The developer will be urged to share details of the proposed scheme with the community at the earliest opportunity.

27. Conclusion

Whilst this protocol will cover most situations and applications, there will always be the occasional proposal that will require special treatment or wider consultation. In such cases the local planning authority will continue to adopt a cautious approach of undertaking more, rather than less consultation.

Determination of Planning and related Applications

Planning Committee

Date: 9th February 2016

Author:	Head of Planning, Regulatory Services and Heritage
Wards:	All Wards
Locality Affected:	All Locality Area
Parishes Affected:	All Parish Area

1. Purpose and Reasons

- 1.1 To determine the planning and related applications in the Committee reports that follow this report in the Committee Agenda, as may be amended by an additional information sheet circulated before the meeting

2. Recommendations

The Committee is recommended to:

- 2.1.1 determine the applications set out in the Committee agenda in accordance with the recommendations set out in the reports, including, where relevant, the additional information.

3. Alternative Options

- 3.1 The Committee could choose not to determine the Planning applications

4. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 4.1 There would be financial implications if, following a refusal to grant planning permission or the grant of conditional permission, costs are awarded against the Council on appeal. However, this would only happen if the Council was adjudged to have acted unreasonably

Legal and Human Rights Implications

- 4.2 There are no staffing implications. No comments have been received from relevant trade unions, unless specified in the attached schedule.
- 4.3 Human Rights considerations have been taken into account in compiling the reports. It is considered that the recommendations of the reports are compatible with Convention rights and that in accordance with the principle of proportionality any interference with the Convention rights of individuals is justified by the overall benefit to the community.

5. Appendices

- 5.1 Appendix 1 - Documents which may be relied on in the preparation of the application reports

Further information on the subject of this report can be obtained from Iain Tucker, Direct Dial Telephone Number, (01793) 463605, itucker@swindon.gov.uk.

Determination of Planning and related Applications

Planning Committee

Date: 9th February 2016

5.2 Planning and related applications reported to this Committee for the first time.

APPENDIX 1

DOCUMENTS WHICH MAY BE RELIED ON IN THE PREPARATION OF THE APPLICATION REPORTS

1. The approved Development Plan, consisting of
 - Swindon Borough Local Plan 2026, (2015), and the Swindon Borough Local Plan 2026 Policies Map (2015)
 - Wiltshire and Swindon Minerals Core Strategy, (2009)
 - Wiltshire and Swindon Minerals Development Control Policies DPD (2009)
 - Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan, (2013)
 - Wiltshire and Swindon Waste Core Strategy, (2009)
 - Wiltshire and Swindon Waste Development Control Policies DPD, (2009)
 - Wiltshire and Swindon Waste Site Allocations Local Plan, (2013)
 - Swindon Central Area Action Plan, (2009)
2. Adopted Supplementary Planning Guidance Notes, Supplementary Planning Documents and Development Control Guidance Notes
3. The National Planning Policy Framework, (2012); and policy statements, guidance and DCLG circulars that support the National Planning Policy Framework
4. Ministerial Statements and other guidance material to the consideration of applications
5. Relevant appeal decisions and case law
6. Relevant planning history, case files and related correspondence including the views of statutory consultees
7. Any emerging relevant Development Plan Documents

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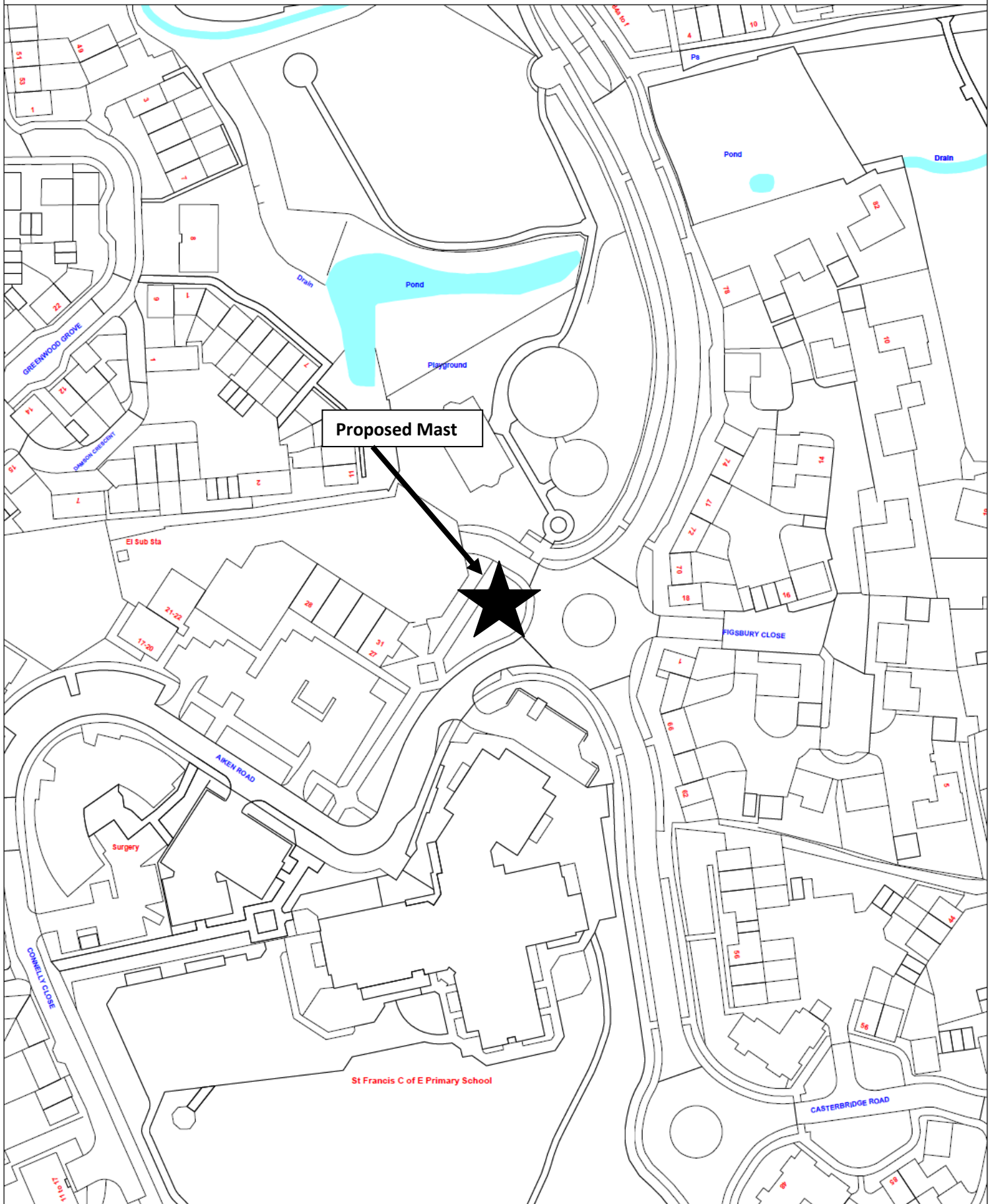
Highways Verge Aiken Road Swindon



This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.

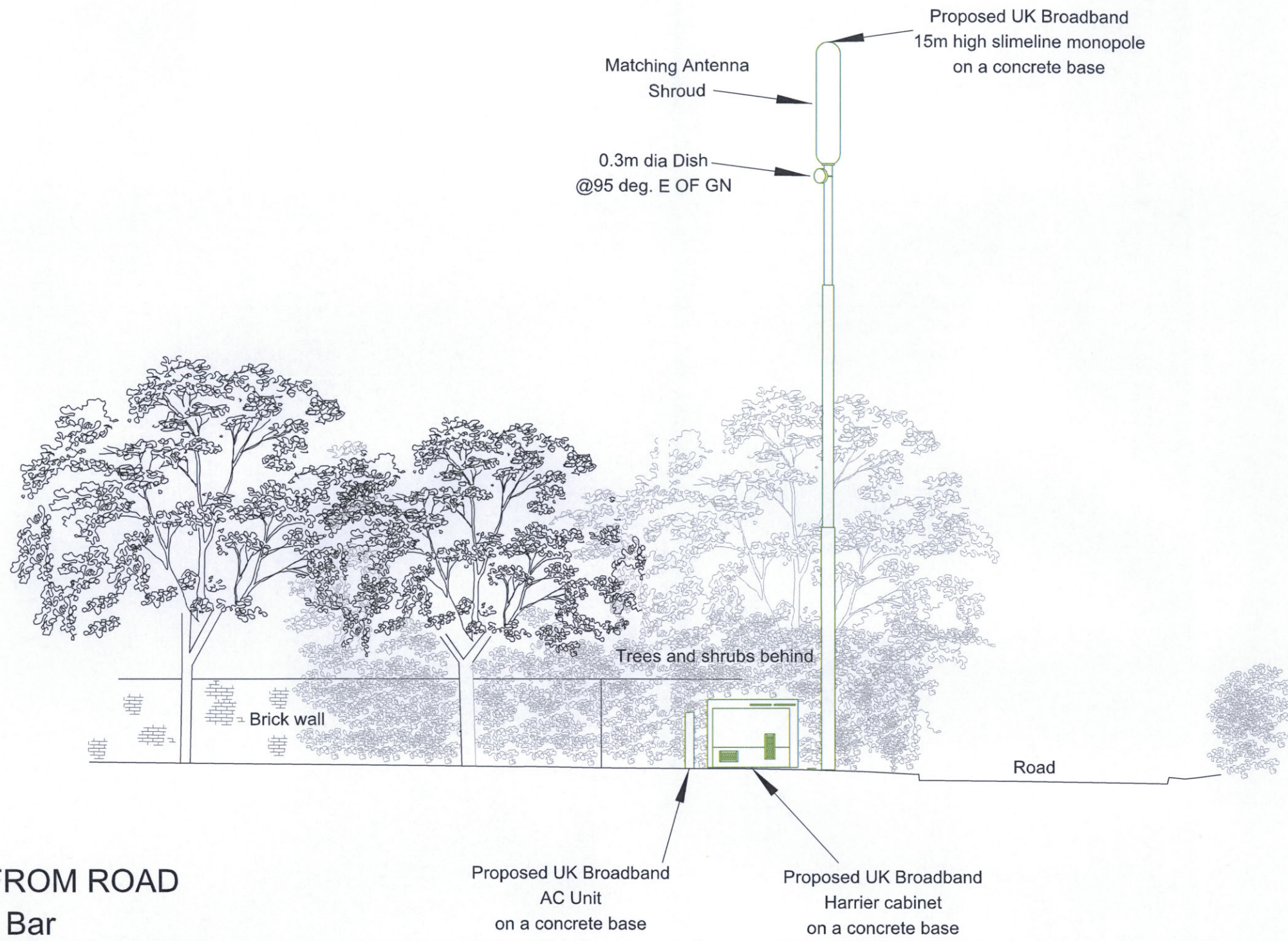
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Highways Verge Aiken Road Swindon

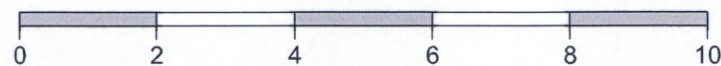


This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.


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ELEVATION FROM ROAD
Scale Bar



SWINDON BOROUGH COUNCIL
- 5 JAN 2016
SHC11610012
PLANNING DEPARTMENT

REVISIONS	DATE	DESCRIPTION	CLIENT	PROJECT	TITLE		
A	14-07-15	Issued for Approval		PROPOSED ANTENNAE AIKEN ROAD SWINDON WILTSHIRE SN25 1BW	ELEVATION AIKEN ROAD SWINDON WILTSHIRE SN25 1BW	SCALE A3 Sheet @ 1 to 100	
B	15-07-15	Monopole Amended				DATE July 2015	SURVEYED BY PW
C	19-07-15	Minor Amendments				DRAWN BY PW/PJA	CHECKED BY PJA
D	23-10-15	Equipment Repositioned				<div>DRAWING No. SWI2004A-03D</div>	

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Site Location



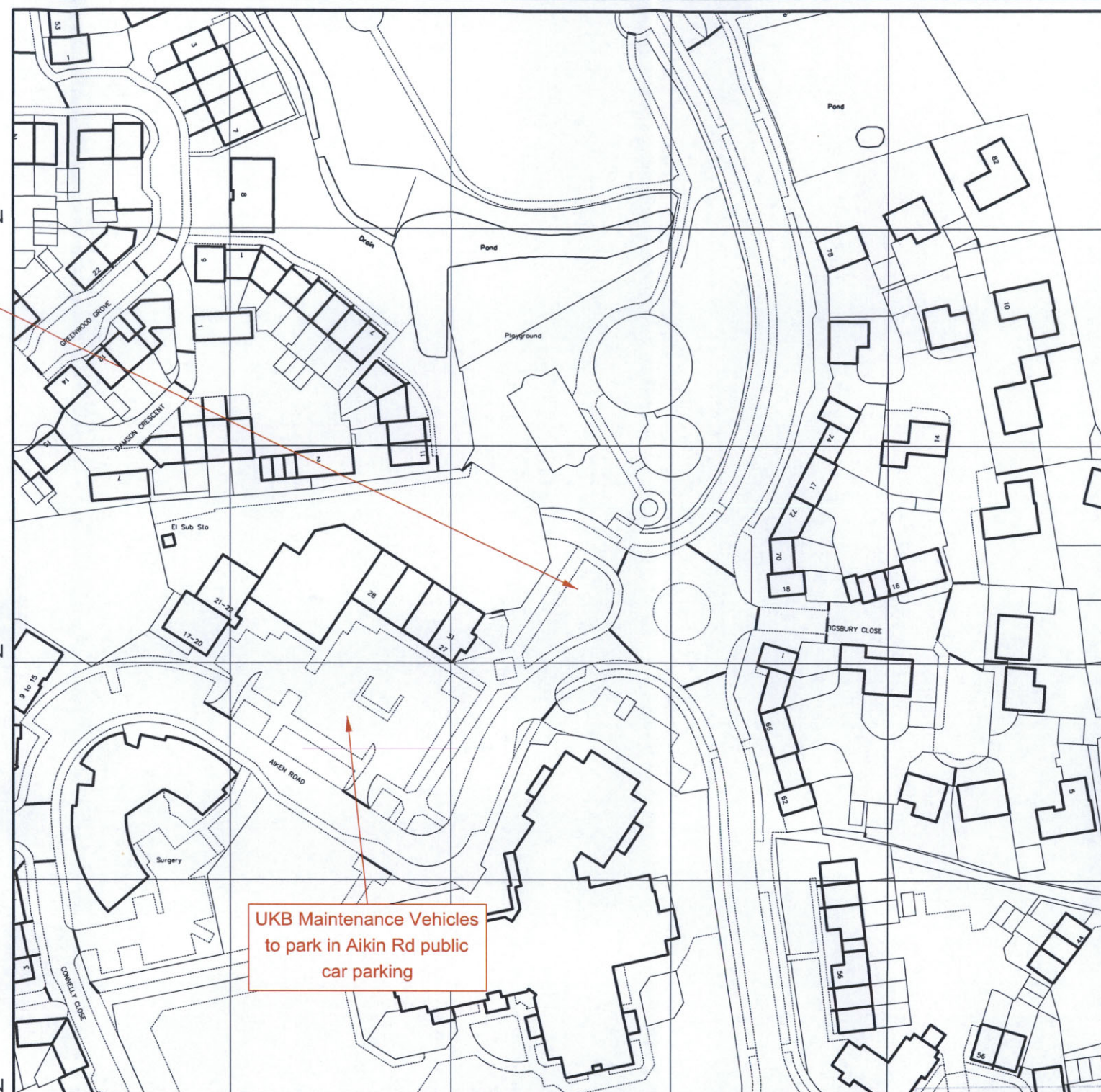
SITE LOCATION PLAN
1:50,000

Site Location

188500 N

188400 N

188300 N



UKB Maintenance Vehicles
to park in Aiken Rd public
car parking

LOCATION PLAN
1:1250



REVISIONS	DATE	DESCRIPTION
A	14-07-15	Issued for Approval
B		
C	19-07-15	Minor Amendments
D	23-10-15	Equipment Repositioned



CLIENT



PROJECT

PROPOSED ANTENNAE
AIKEN ROAD
TAW HILL
SWINDON
WILTSHIRE
SN25 1BW

TITLE

LOCATION PLANS
AIKEN ROAD
TAW HILL
SWINDON
WILTSHIRE
SN25 1BW

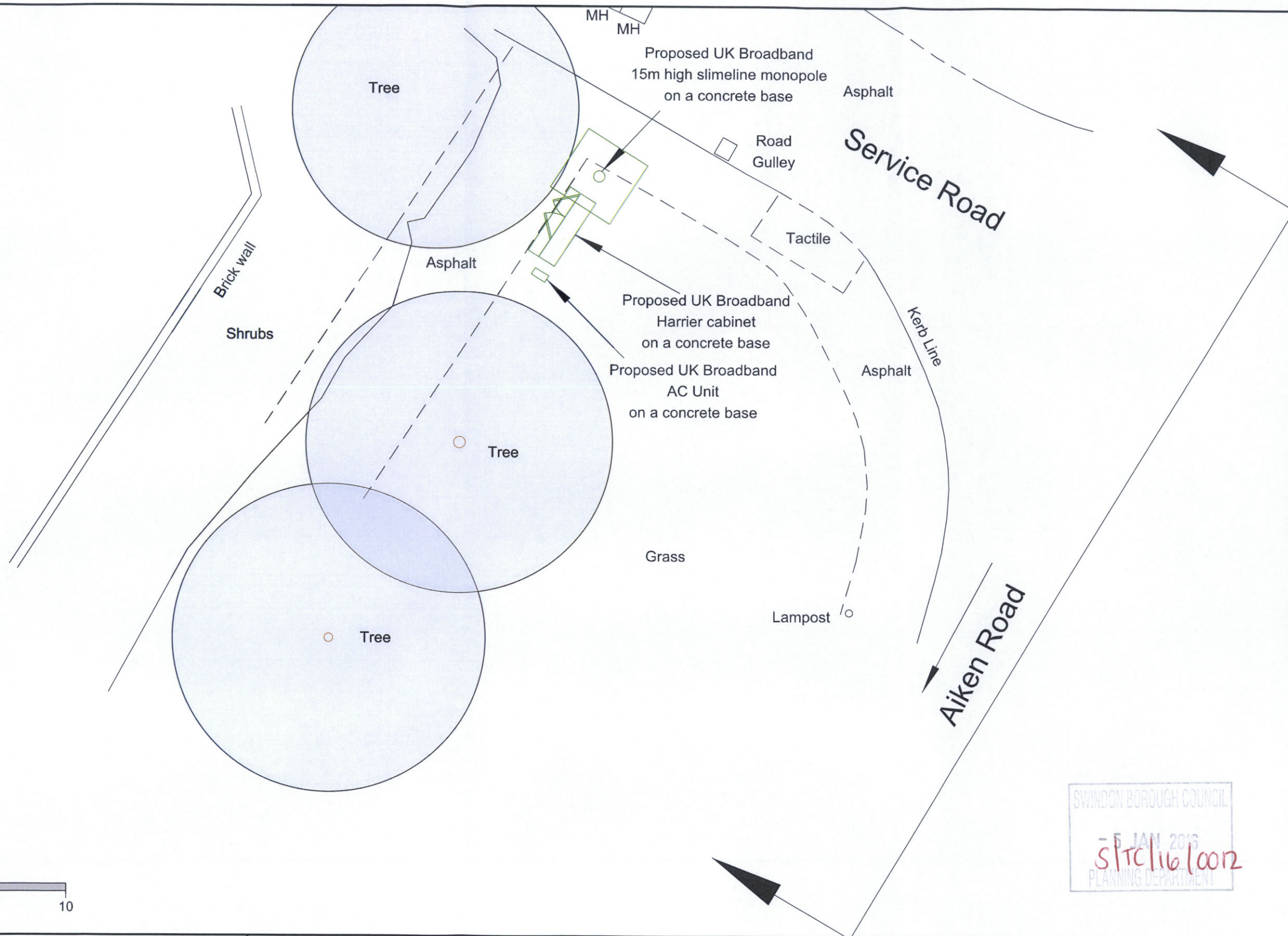
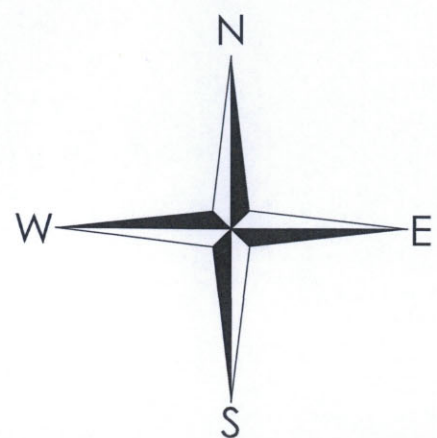
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SCALE
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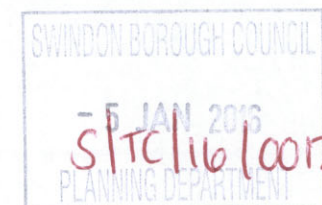
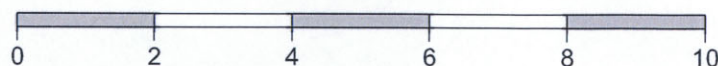
DATE
July 2015
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PW/PJA
SURVEYED BY
PW
CHECKED BY
PJA

DRAWING No.
SWI2004A-01D

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SITE LAYOUT
Scale Bar



REVISIONS	DATE	DESCRIPTION
A	14-07-15	Issued for Approval
B	15-07-15	Monopole Amended
C	19-07-15	Minor Amendments
D	23-10-15	Equipment Repositioned



CLIENT

PROJECT

PROPOSED ANTENNAE
AIKEN ROAD
SWINDON
WILTSHIRE
SN25 1BW

TITLE

SITE PLAN
AIKEN ROAD
SWINDON
WILTSHIRE
SN25 1BW

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SCALE **A3 Sheet @ 1 to 100**

DATE July 2015	SURVEYED BY PW
DRAWN BY PW/PJA	CHECKED BY PJA

DRAWING No.
SWI2004A-02D

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COMMITTEE REPORT

Item Number: 6

Ward: Priory Vale

Application Number: S/TC/16/0012/IH

Parish: Haydon Wick

Proposal: Prior Notification Application for the erection of a 15 metre high monopole, equipment cabinet and associated works.

Site Location: Land at Aiken Road, Taw Hill, Swindon

Case Officer: Mr Ian Halsall

Agent:

Ms Fiona Kadama
Waldon Telecom Ltd
Phoenix House
Pyrford Road
West Byfleet
Surrey
KT14 6RA

Applicant

UKB Networks Ltd
C/o Waldon Telecom Ltd

Officers Report

Background

i. This application has been brought before Planning Committee at the request of Councillor Faramarzi owing to the public interest that this proposal. A specific objection has also been raised by Councillor McCracken.

ii. In addition to this application there are a further four similar applications on this agenda which generate the same material and non-material planning issues. Within the Priory Vale ward, these are at land on the north side of Cassini Drive, Oakhurst (application number S/TC/16/0014) and land at Polonez Court, Haydon End (application number S/TC/0027). Within the St. Andrew's ward, two applications relate to land at Redhouse Way (application number S/TC/16/0018) and land at Eastbury Way (application number S/TC/16/0019).

iii. It is important that the committee notes that this and the other four applications, which are proposed as part of securing the delivery fourth generation superfast wireless broadband to communities across the Borough based on a network of radio base stations, are for **PRIOR APPROVAL** and not full planning permission. Statutory Instrument 2015 No.596, the Town and Country Planning (General Permitted Development) (England) Order 2015 already secures planning permission as the height of the monopoles and associated cabinets fall below the threshold criteria requiring the submission of a full planning application. However the Prior Approval of the Local Planning Authority is still required as to the siting and

appearance.

iv. As the Local Planning Authority has considered that prior approval is required for the siting and appearance of the development, the applicant must receive notification of its decision within 56 days of the date in which the application is received. Failure to issue a decision within the requisite period will result in approval being given by default. The 56 day period will expire on the 1st March 2016.

v. The application is a resubmission of a previous application for prior approval for the same structure on the same site that was submitted in September 2015 (application number S/TC/15/1564) but was withdrawn to allow for further public consultation.

vi Consultation has been carried in accord with the procedure agreed by the planning committee which is wider than required by legislation. This includes notifying all properties within a 100 M radius of the equipment.

vii The development would assist Delivery of the Government standard Superfast Broadband coverage to all commercial and domestic premises in the Borough by 2017, which is a Priority Pledge within the Vision for Swindon .

Summary of Recommendation:

1 That the prior approval of the Local Planning Authority is REQUIRED and is **GIVEN**.

The Proposal:

2 This application seeks Prior Approval under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the installation of a 15 metre high grey galvanised steel slim line monopole with a 2.5 metre long fibre glass shroud at its top, a 300 millimetre transmission dish at a height of 12.5 metres above ground level, an associated green cabinet some 400mm to the south west of the pole measuring 1.75 metres in width, 400mm in depth and 1.4 metres in height, and an air conditioning unit a further 250mm south west of the cabinet measuring 350mm in length, 200mm in depth and 1.1 metres high. The equipment will be mounted on a concrete base.

3 The development is to provide superfast broadband services to the local area and the installation will have a coverage radius of approximately 500 metres thus providing coverage over most of Taw Hill, south eastern Oakhurst and western Haydon End. The service will be available to subscribers who would install a receiver on their property within range and sight of the pole.

The Site and Surroundings:

4 The equipment will be installed within the grass verge on the north side of Aiken Road west of the roundabout junction with Queen Elizabeth Drive and Figsbury Close and adjacent to the entrance to the rear car park and service yard of the Taw Hill village centre. The submitted plans show that the monopole is located outside the notional crown spread of three trees which are positioned at the back of the verge one to the northwest and two to the

south west. A two metre footway defines the western edge of the verge and runs parallel to the site that connects the village centre car park and Aiken Road to the south west to a children's playground to the north east. Alongside this is an area of shrub planting adjacent to the boundary wall of the rear service yard of the village centre shopping parade. Another footway runs along the northern and eastern edge of the verge where there is a dropped kerb crossing point leading to the open space.

5 Aitken Road gives access to Taw Hill village centre located immediately to the west and to St. Francis Church of England Primary School opposite to the south. Residential properties comprising two and three storey terraced houses are located to the east at the junction of Queen Elizabeth Drive and Figsbury Close. The local area is characterised by regular tree planting alongside the road frontage, together with shrub and other ornamental planting.

6 The Taw Hill village centre to the west provides local shopping and other facilities including the Taw Hill medical centre, located to the south-west. The village centre comprises two storey buildings with shops located on the ground floor with flats at first floor level. The proposed site is located approximately 20 metres from the easternmost part of Taw Village Centre and the first floor flats and 20 metres from an entrance to the children's play area to the north. The other nearest neighbouring dwelling is at number 18 Figsbury Close, located approximately 45 metres to the east of the proposed site.

Representations:

7 Parish Council: Haydon Wick Parish Council meet on the 2nd February after the agenda has been published. Their views on this application will be reported verbally to the planning committee.

8 Neighbours: Eight formal objections to this specific application have been received from addresses in Connolly Close, Figsbury Close, Henchard Crescent, Melstock Road, Noyes Close and Queen Elizabeth Drive in Taw Hill, Stanford Road in Redhouse and Stardust Crescent in Oakhurst. The reasons cited are summarised below:

- Structure not in keeping with a residential area as it is twice as high as surrounding buildings, would be visible by a large number of properties and would be an eyesore and will detract from the visual amenities of the area including the open space to the north.
- The structure will cause a hazard and distraction to traffic entering the delivery bay of the shopping area, a crossing point between the local centre, school and open space.
- It should be located away from residential properties and schools so as to have less of a visual impact. There is no evidence that any alternative sites have been explored which could be less visually harmful.
- The proposal contravenes the "Cabinet Siting and Pole Siting, Code of Practice" which states that the sharing of pole structures should be considered at the design stage in order to reduce unnecessary duplication and visual impact. There are plenty of tall street lights in the area that could be used.
- The cabinet should be sited at the back of the footway not in a freestanding position in accordance with best practice.
- The proposal sits in direct sunlight and could be liable to overheating again contrary

to best practice.

- Not consistent with the local need as this structure will deter the investment of cable based internet provision which would better suit the economic needs of residents as it is far faster and more future proof than the proposed solution.

9 Ward Member: Councillor McCracken (St. Andrew's Ward) has raised a general objection to all five of the proposed monopolies that are defined above with her main concern being:

- That the applicants have disregarded the protocols of the "Code of Best Practice on Mobile Network Development in England" with regards to:
 - Insufficient consultation having taken place.
 - The applicants having not fully considered the option of mast and service sharing which raises serious doubts over the need to erect 15 metre high monopolies outside resident's houses, outside schools and in children's play areas.
- Although health issues are not considerations for planning, the evidence is inconclusive in that putting such masts in such densely populated areas would reduce parent freedom of choice to reduce their children's exposure to non-ionising radiation compared to turning off hubs or mobile phones in the home.
- The roll out of faster broadband speed is fully supported but this should be achieved through other means.

Planning Considerations:

Legislative Background

10 The General Permitted Development Order (GPDO) (Schedule 2 Part 16 Communications System Operators" and Class A "Electronic Communications Code Operators) requires the applicant, who is a code system operator to apply to the Local Planning Authority for a determination as to whether approval of the siting and appearance of their development is required under their "permitted development" rights.

11 The Local Planning Authority considers that prior approval is required for the siting and appearance of the development, and must notify the applicant of its decision within 56 days of the date in which the application is received. Failure to issue a decision within the requisite period will result in approval being given by default. The 56 day period will expire on the 1st March 2016.

12 It is therefore important to note that the prior approval process is separate and distinct from a development that requires express planning permission as the considerations are limited only to those of siting and appearance.

National Planning Policy Framework

13 Paragraph 21 of the National Planning Policy Framework (NPPF), 2012 which carries significant weight advises that Local Planning Authorities should plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries. Paragraph 42 emphasises that high quality communications infrastructure is essential for sustainable economic growth and affirms that the development

of high speed broadband technology and other communications also play a vital role in enhancing the provision of local community facilities and services.

14 The NPPF encourages Local Planning Authorities to support the expansion of electronic communication networks including telecommunications and high speed broadband (paragraph 43). It states that the numbers of masts and the sites for such installations should be kept to a minimum, whilst sites need to be justified and sympathetically designed and camouflaged where appropriate.

15 The NPPF (paragraph 45) further states that applications for telecommunication development, **including those for prior approval** [*Planning Officer's emphasis*] should be supported by the necessary evidence to justify the proposed development. Applications should include the following:

- The outcome of consultation with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college.
- A statement that self certifies that the cumulative exposure, when operational, will not exceed International Commission on Non-ionising Radiation Protection guidelines (known as an "ICNIRP declaration").
- Evidence that the applicant has explored the possibility of erecting equipment on existing buildings, masts or other structure before selecting the proposed site.

16 The NPPF (paragraph 46) emphasises that Local Planning Authorities must determine applications on planning grounds and should not seek to prevent competition between different operators, nor should it question the need for the system or determine health safeguards if the proposal meets the aforementioned International Commission guidelines for public exposure.

The Swindon Borough Local Plan (2026) as a material consideration

17 For the purpose of determining this prior approval application, in accordance with section A.3 (3) of Part 16 of the General Permitted Development Order, consideration can only be given to the **siting and appearance** of the development. However despite the fact that the policies in the Local Plan do not apply in the same way as they would in the case of an application for planning permission, in the determination of this prior approval application, the general principles of the policies of the Swindon Local Plan 2026 can still be used to guide the Local Planning Authority as to the suitability of the proposal in terms of its siting and appearance. Therefore the following policies are of relevance and can be used to inform the Council in its determination of the siting and appearance of this development.

18 Policy SD1 (Sustainable Development Principles) states in enabling the delivery of sustainable development and supporting sustainable communities, relevant to this proposal, development proposals should be of a high quality design, respect conserve, and / or enhance the natural built and historic environments and provide or contribute to the assessed local and borough wide infrastructure and service requirements.

19 Policy IN3 (ICT and Telecommunications) states that telecommunication proposals should be sited and designed in a way that has considered the appearance of the surrounding area and proposals should only be supported if the siting and any other additional equipment does not unduly detract from the appearance of the surrounding area

or form an adversely intrusive addition to the streetscene. Secondly, the policy states that the amenity of any neighbouring sites should not be unacceptably harmed by the proximity of the proposal. Thirdly, the policy states that the colour and profile of the equipment should be sympathetic to the site's surroundings and the size of the development should be kept to a technical minimum to ensure any adverse impact on the environment is minimised. Policy IN3 further notes that the Plan is supportive of proposals that make provision to incorporate super-fast broadband.

20 Policy DE1 (High Quality Design) requires proposals to be assessed in respect of their context and character, particularly with regards to existing built characteristics and acknowledged features of importance such as trees. Consideration should also be given to the siting, orientation, scale amongst other criteria when considering the layout form and function of the development. Furthermore and again relevant to this proposal consideration should be given to the amenity implications of the proposal in terms of outlook.

21 Based on the principle of siting, highway safety factors are also a consideration and the guiding principle to inform the Council as to the suitability of the monopole and ancillary equipment. This is considered under policy TR2 (Transport and Development) which states that proposal should not be detrimental to highway safety and local amenity with regards the scale, type and location of the development in question.

Outcome of Pre-Application Consultation

22 The submitted Design, Access and Supporting Statement refers to pre-application consultation with the three ward members representing the Priory Vale ward, Haydon Wick Parish Council, the Head Teacher and Chair of Governors of St. Francis Primary School together with discussions that were held with Planning and Highway officers at the Council.

23 The applicants report that the Parish Council was not supportive of the proposed site due to its proximity to the school and had suggested alternative sites, none of which have proved feasible for operational or land ownership reasons. No meaningful dialogue was had between the applicant and representatives from St. Francis School, whilst your officers had asked for consideration to be given to siting the structure within the demise of the local centre delivery area where it could perhaps be more concealed; however the owners were not in a position to engage with the applicant.

Compliance with Public Exposure Guidelines

24 The application is accompanied by a self-certified declaration of conformity with the public exposure guidelines. Government guidance is explicit that Local Planning Authorities must determine applications on planning grounds only and should not determine health safeguards if the proposal meets with public exposure guidelines. This declaration states that the proposed monopole:

'is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in an EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0Hz to 300 GHz).'

As a declaration of compliance with the international guidelines has been submitted, no weight can be attributed to any objection on health grounds even though the application may generate concerns because of its proximity to a children's playground and a school.

Justification for Site Selection

25 The Local Planning Authority cannot question the need for the service only make a decision based upon the siting and appearance of the required infrastructure. However by way of background, the applicant who is working in partnership with the Council to provide a 4G network providing the ability to deploy multiple 20Mhz channels to meet rapidly growing wireless data demands states that the proposed 4G broadband service is based on a network of radio stations. For operational reasons, these have to be situated in relatively high locations such as on tall buildings and located close to the projected customer. For this reason the use of lamp columns or shorter monopole structures is not technically feasible. These base stations typically consist of a set of antennas and one or more small equipment cabinets, which are connected to the wider network by transmission dishes or fibre-optic cables.

26 The applicant advises that when selecting base station sites, use is made of existing telecommunication sites in the first instance when this will achieve the required network coverage. However where no such structures exist, as in this case a new mast or street works style installation will be required. This is fully in line with the Government's guidance on site selection.

27 The technical constraints affecting the siting of the proposed base station including the limited range of customer reach is necessitating the installation of a network of several masts within the Priory Vale and St. Andrew's wards together with the requirement for subscribers to have antennas installed on their properties within view of the masts. Taking that into account it is considered that the applicant has demonstrated that where there had been technical potential to locate the proposed monopole on a different site, all were deemed inappropriate for reasons including highway safety, proximity to even more properties than at present, would have had an even greater visual impact, and other maintenance or land ownership / covenant constraints.

Codes of Best Practice

28 A number of objectors in respect of this and the other proposed monopoles have referred to the document "Cabinet Siting and Pole Siting Code of Practice". This is a voluntary code agreed by relevant stakeholders including BT and Virgin Media that was agreed in June 2013 in respect of **fixed** electronic telecommunications equipment. This sets out the general principles and protocols in relation to the seeking and granting of approvals for the siting and design of street furniture based electronic communications apparatus associated with telecommunication infrastructure delivered by copper wire or fibre optic cables, including the siting of cabinets and telegraph poles.

29 In addition reference has been made by Councillor McCracken to the "Code of Best Practice on **Mobile** Network Development in England". This is a more detailed code that was developed and agreed in July 2013 by a working group comprising similar stakeholders as above, excluding the fixed broadband and telephone suppliers but including the Mobile

Operators Association. This provides more detailed guidance on how mobile networks should be rolled out, including technical details, what considerations need to be given to site selection, and how to engage with the public. It is however less rigid over specific site siting measures in terms of where not to site cabinets, poles and antenna than the fixed communication code of practice, providing more general principles.

30 The “Code of Best Practice on Mobile Network Development in England” is more pertinent to the proposed infrastructure as the guidance which has been quoted by a number of objectors relates to that of fixed telecommunication infrastructure which specifically states that the purpose of the code of practice relates to *“cabinets and poles utilised by fixed line Code Operators, **not including masts utilised by mobile Code Operators.**” [paragraph 1.1].* The guidance relating to fixed telecommunications is therefore not considered relevant to this type of “wireless” infrastructure.

31 As this is a voluntary code of practice between interested parties and not protocols that have been formally adopted or subjected to consultation by this Council they can only carry limited weight in determining this application. However where relevant to the role of the Local Planning Authority, those parts of the National Planning Policy Framework relating to telecommunications appear to have been used to inform that Code and in turn both have been used as a policy and evidence base and appear consistent with those relevant policies of the Local Plan.

Appearance

32 The proposal will primarily comprise the erection of a 15 metre high monopole with a minimum diameter of 300mm and a maximum diameter of 500mm at its highest point. The monopoles and their associated cabinets have a utilitarian function as part of delivering communication services, in this case the provision of superfast wireless broadband, which will be of benefit to the local community. However despite their relative height, monopoles are generally tolerated by a majority as part of urban street furniture like other infrastructure such as street lighting columns, the nearest comparable tall structure within an urban environment which are approximately 8.25 metres high but much more frequent in number particularly in relation to Queen Elizabeth Drive.

33 This does not necessarily offer any comfort for those households who will be able to view the structure from their properties. However whilst likely to be initially unwelcomed, your officers do not consider that the structure as proposed would be so visually intrusive in its setting, given that the nearest house facing towards the site is some 45 metres to the east and the nearest flats above the shops some 20 metres to the south west do not have any habitable room windows facing towards it. It is therefore considered that the monopole will not cause significant of harm to the outlook of local residents or unacceptably affect their present levels of enjoyment and appreciation of the surrounding area or the streetscene when viewed in context as a whole.

34 Many similar structures are familiar objects within the streetscene across the Borough and the country. This can be aided as with this application by ensuring that the structure attempts to be as inconspicuous as possible through its colour (grey) and finish (matt). However, unlike mobile phone mono poles which this structure replicates, these cannot be confined to just principal roads such as Thamesdown Drive, be more limited in numbers or share sites because of the technical need to be close to the receivers of the customers that

they will serve.

35 The cabinets are at low level and modest in size and will only be seen from certain positions or close up and will have no more of an overall visual impact than any other conventional street cabinet associated with traffic signals or telephone systems for example.

Siting

36 The applicant has sought to site the monopole and equipment back from the edge of the highway within the grass verge and parallel to the footway. The site will have some relatively low lying screening in the form of adjacent trees and shrubs and it is not considered that the trees will be adversely affected by the structure as it falls outside their notional crown spread. It is considered that attempts have been made to minimise as much as possible the relative prominence that the structure will have and to move the structure a few metres in any given direction will not lead to any overall improvement or mitigate against the obvious impact that the structure will have and may in fact have a worsening effect if it was to involve the removal of shrubs alongside the boundary wall of the local centre delivery area.

37 The positioning of the poles offering the wireless superfast broadband service is because the antenna does need to be visible so that it can be in optimum line of sight with customer receivers. As the applicant has sought to demonstrate through their submission, and as discussed in paragraph 27 above, in order to provide that optimal coverage, this is considered to be only suitable site given that the pole will only serve a radius of approximately 500 metres. It is considered that this location would not be so visually harmful in this location that it would cause any unreasonable depreciation to the local environment in context with its built and landscaped surroundings.

38 The Council's highways officers do not raise any objections to the siting of the structure close to the entrance to the rear service yard of the Local Centre and do not consider that this will in anyway be detrimental to pedestrian or highway safety nor will it obstruct the footway or crossing point to the open space to the north.

Concluding Comments

39 The proposed monopole and associated equipment will initially have a perceived negative impact on the local environment. However it is not considered that this will be so detrimental in visual terms to the amenities of the local area, the quality of the streetscene and residents living close to the site in its wider urban and landscaped context. The applicant has demonstrated that there is a technical need for the structure in this location with no existing sites available within the required area of coverage to share facilities and no other suitable new site being available without causing highway safety issues or having an even greater visual impact. It is perhaps in planning terms and in the wider public interest of enabling improved broadband services to be rolled out across the wider community in accordance with national and local policy, the best of the worst sites in the required location.

40 Therefore in **pure planning terms** given the national and local planning policy requirements to encourage and support proposals that can secure and deliver broadband

facilities to communities and as this application has to be determined which has to be determined by the 1st March, any perceived initial negative visual impact should be outweighed by the wider public benefits that the facility will bring to most of Taw Hill, south eastern Oakhurst and western Haydon End.

Recommendation:

That Prior Approval is REQUIRED and **GIVEN**.

Condition

1 This decision shall be in respect of drawings SW12004A-01D, 02D and 03D, dated July 2015 and the following supporting documents:

- Declaration of ICNIRP compliance
- Design, Access and Supporting Statement
- Supplementary information

All documents were received by the Local Planning Authority on 5 January 2016.

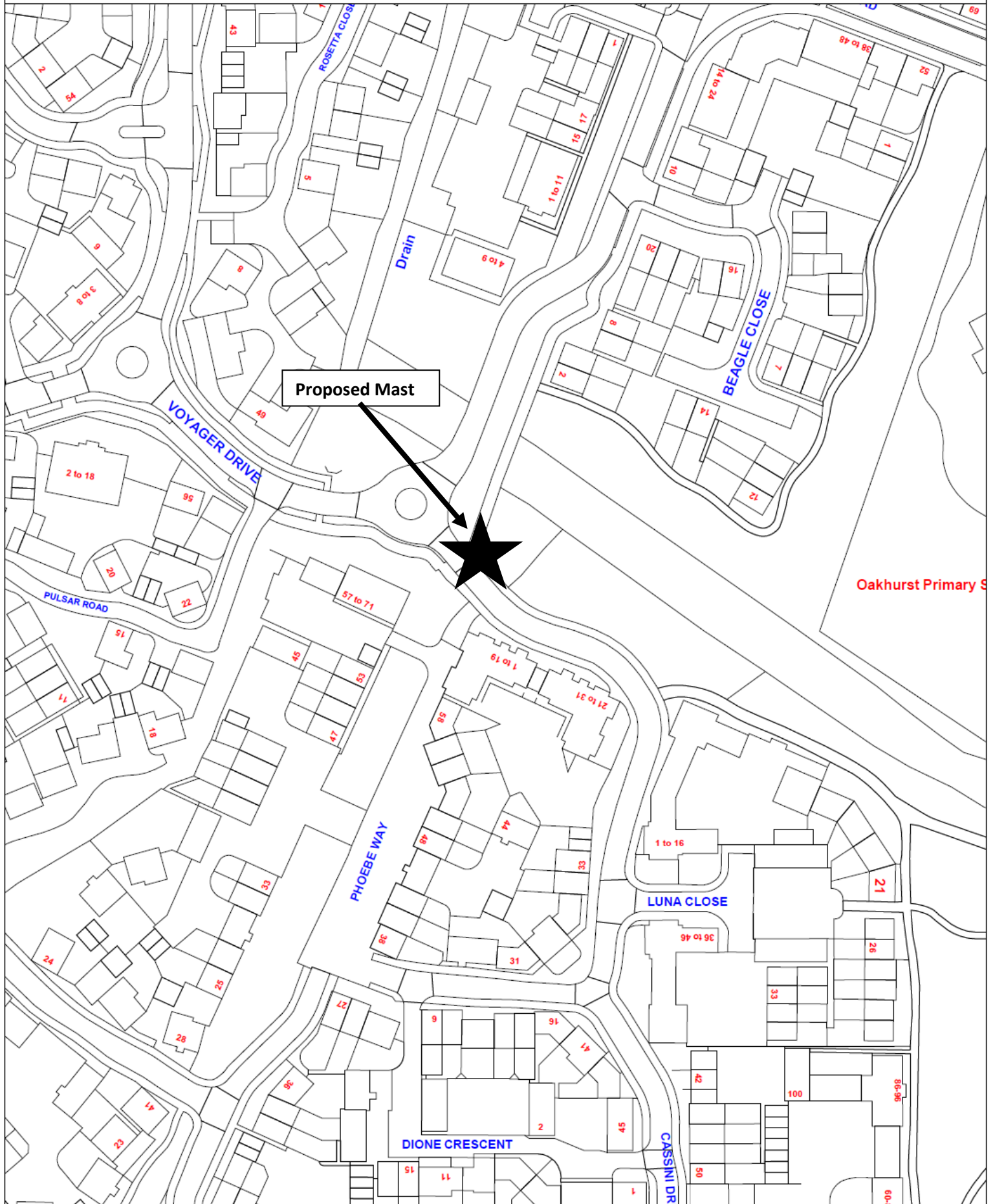
End of Report

Land On North Side Of Cassini Drive Oakhurst Swindon



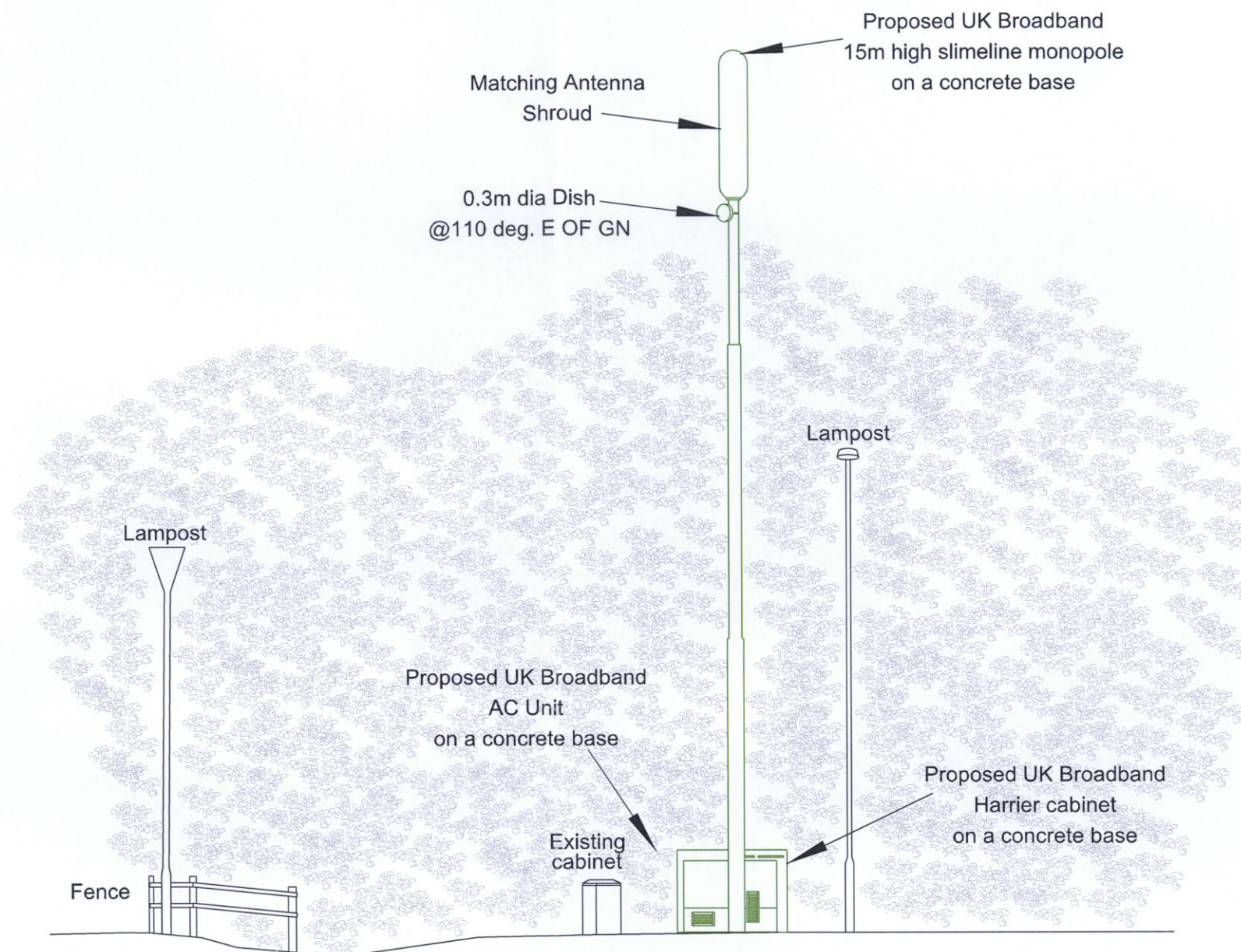
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In all cases references should be made to the submitted plans

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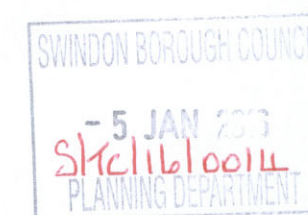


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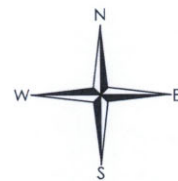


ELEVATION FROM ROAD
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						DATE August 2015
						DRAWN BY PW/PJA
						SURVEYED BY PW
						CHECKED BY PJA
						DRAWING No.
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Site Location



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Site Location

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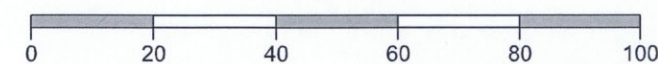
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LOCATION PLAN
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413000 E



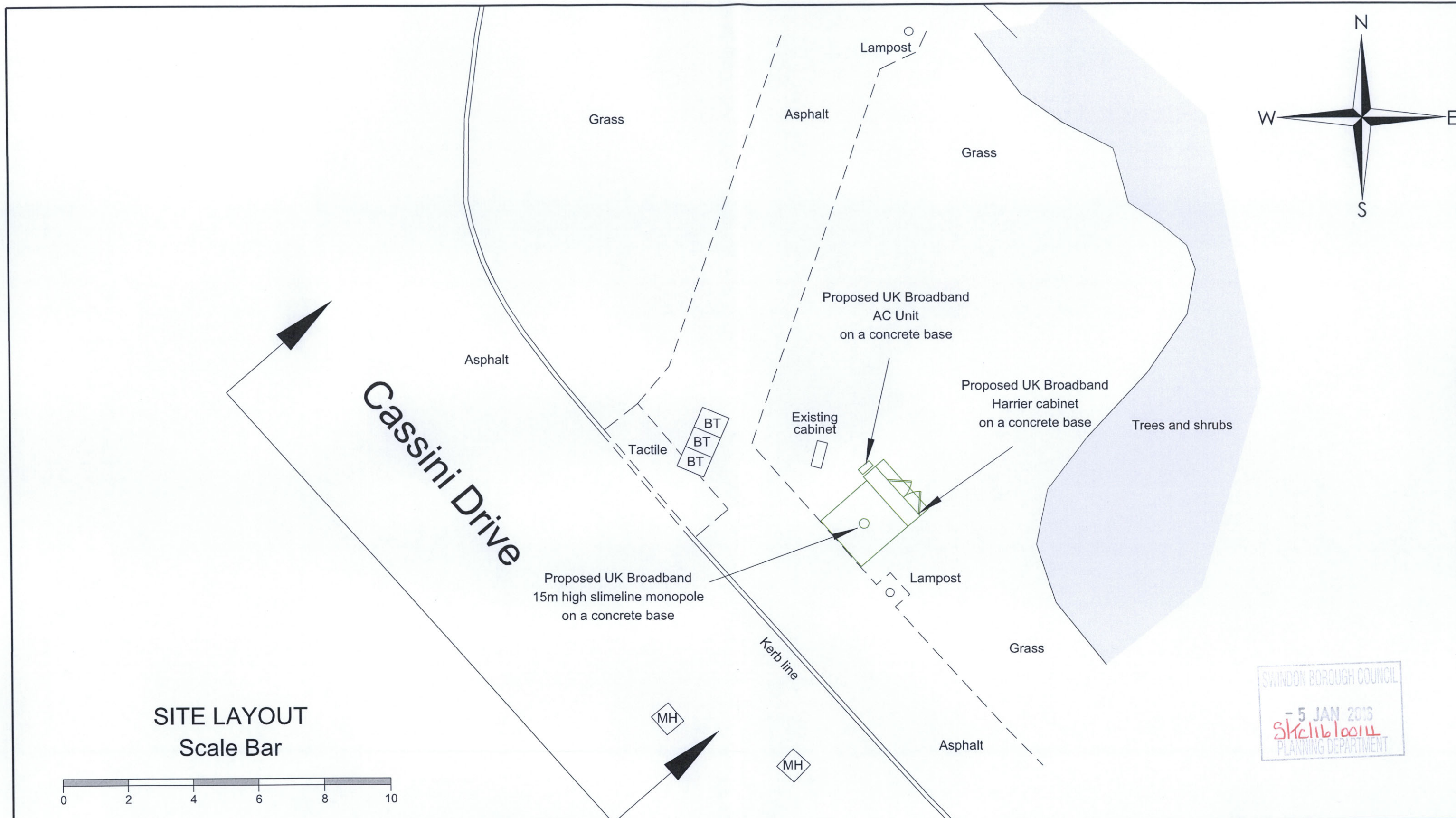
- 5 JAN 2015
Skellibloom
PLANNING DEPARTMENT

REVISIONS	DATE	DESCRIPTION
A	10-08-15	Issued for Approval



CLIENT	PROJECT	TITLE	Ordnance Survey (c) Crown Copyright 2015. All rights reserved. Licence number 100022432
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			DATE August 2015
			DRAWN BY PW/PJA
			SURVEYED BY PW
			CHECKED BY PJA
			DRAWING No. SWI2001B-01A



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SITE LAYOUT
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REVISIONS	DATE	DESCRIPTION
A	10-08-15	Issued for Approval



CLIENT	PROJECT	TITLE
		
	<p>PROPOSED ANTENNAE CASSINI DRIVE SWINDON WILTSHIRE</p>	<p>SITE PLAN CASSINI SWINDON WILTSHIRE</p>

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SCALE	A3 Sheet @ 1 to 100
DATE	August 2015
DRAWN BY	PW/PJA
SURVEYED BY	PW
CHECKED BY	PJA
<p>DRAWING No. SWI2001B-02A</p>	

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Page 1 of 10

below the threshold criteria requiring the submission of a full planning application. However the Prior Approval of the Local Planning Authority is still required as to the siting and appearance.

iv. As the Local Planning Authority has considered that prior approval is required for the siting and appearance of the development, the applicant must receive notification of its decision within 56 days of the date in which the application is received. Failure to issue a decision within the requisite period will result in approval being given by default. The 56 day period will expire on the 1st March 2016.

v Consultation has been carried in accord with the procedure agreed by the planning committee which is wider than required by legislation. This includes notifying all properties within a 100 M radius of the equipment.

vi The development would assist Delivery of the Government standard Superfast Broadband coverage to all commercial and domestic premises in the Borough by 2017, which is a Priority Pledge within the Vision for Swindon .

Summary of Recommendation:

1 That the prior approval of the Local Planning Authority is REQUIRED and is **GIVEN**.

The Proposal:

2 This application seeks Prior Approval under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the installation of a 15 metre high grey galvanised steel slim line monopole with a 2.5 metre long fibre glass shroud at its top, a 300mm transmission dish at a height of 12.5 metres above ground level, an associated green cabinet some 0.7m to the north east of the pole measuring 1.75 metres in width, 400mm in depth and 1.4 metres in height, and an air conditioning unit a further 100mm to the north west of the cabinet measuring 350mm in length, 200mm in depth and 1.1 metres high. The equipment will be mounted on a concrete base.

3 The development is to provide superfast broadband services to the local area and the installation will have a coverage radius of approximately 500 metres thus providing coverage over most of Oakhurst and western Redhouse. The service will be available to subscribers who would install a receiver on their property within range and sight of the pole.

The Site and Surroundings:

4 The equipment will be installed within a grassed area on the north side of the entrance to Cassin Drive on the eastern side of the roundabout junction with Voyager Drive and Cassini Drive. The submitted plans show that the monopole is located in front of an area of mature trees which form a backdrop to the pole some 3 metres to the east and 10 metres to the north east. The equipment will be positioned at the back of a junction of an existing 3 metre

wide footway which comprises an east-west route along the north side of Cassini Drive and north-south route along the east side of Voyager Drive. An existing cabinet associated with telephone communications is located 2 metres north west of the proposed mast.

5 The surrounding area is entirely residential with a mix of two and three storey houses and apartments to the south, south east and west. Voyager Drive continues northwards towards further residential properties beyond a landscaped corridor providing access to the Oakhurst Community School. The nearest part of the school grounds are some 85 metres to the east with the main school building being approximately 130 metres to the north east beyond those mature trees.

6 The nearest residential properties are 1 to 19 Cassini Drive and 57-71 Voyager Drive which are both apartment blocks some 20 metres to the south east and south west respectively of the proposed monopole. Further residential properties are located to the south in Phoebe Way which has pedestrian access opposite the pole site from Cassini Drive.

Representations

7 Parish Council: Haydon Wick Parish Council meet on the 2nd February after the agenda has been published. Their views on this application will be reported verbally to the planning committee.

8 Neighbours: Four formal objections to this specific application have been received from addresses in Cassini Drive and Stardust Crescent in Oakhurst, Melstock Road in Taw Hill and Stanford Road in Redhouse. The reasons cited are summarised below:

- The proposed Wi-Fi scheme should be scrapped as it not want local residents want and a cabled solution is far faster and more future prove than the proposed Wi-Fi solution.
- The structure will be too prominent, will tower over existing homes and will change the character of the area through overdevelopment whilst harming visual amenity.
- There is no evidence that any alternative sites have been explored which could be less visually harmful.
- The proposal contravenes the “Cabinet Siting and Pole Siting Code of Practice” which states that the sharing of pole structures should be considered at the design stage in order to reduce unnecessary duplication and visual impact. There are plenty of tall street lights in the area that could be used.”
- Cabinets and poles should not be located at a junction or bend or other prominent locations on grass verges or grassed amenity areas contrary to best practice.

9 Ward Member: Councillor McCracken (St. Andrew’s Ward) has raised a general objection to all five of the proposed monopoles that are defined above with her main concern being:

- That the applicants have disregarded the protocols of the “Code of Best Practice on Mobile Network Development in England” with regards to:
 - Insufficient consultation having taken place;
 - The applicants having not fully considered the option of mast and service sharing which raises serious doubts over the need to erect 15 metre high monopoles outside resident’s houses, outside schools and in children’s play

areas.

- Although health issues are not considerations for planning, the evidence is inconclusive in that putting such masts in such densely populated areas would reduce parent freedom of choice to reduce their children's exposure to non-ionising radiation compared to turning off hubs or mobile phones in the home.
- The roll out of faster broadband speed is fully supported but this should be achieved through other means.

Planning Considerations:

Legislative Background

10 The General Permitted Development Order (GPDO) (Schedule 2 Part 16 Communications System Operators" and Class A "Electronic Communications Code Operators) requires the applicant, who is a code system operator to apply to the Local Planning Authority for a determination as to whether approval of the siting and appearance of their development is required under their "permitted development" rights.

11 The Local Planning Authority considers that prior approval is required for the siting and appearance of the development, and must notify the applicant of its decision within 56 days of the date in which the application is received. Failure to issue a decision within the requisite period will result in approval being given by default. The 56 day period will expire on the 1st March 2016.

12 It is therefore important to note that the prior approval process is separate and distinct from a development that requires express planning permission as the considerations are limited only to those of siting and appearance.

National Planning Policy Framework

13 Paragraph 21 of the National Planning Policy Framework (NPPF), 2012 which carries significant weight advises that Local Planning Authorities should plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries. Paragraph 42 emphasises that high quality communications infrastructure is essential for sustainable economic growth and affirms that the development of high speed broadband technology and other communications also play a vital role in enhancing the provision of local community facilities and services.

14 The NPPF encourages Local Planning Authorities to support the expansion of electronic communication networks including telecommunications and high speed broadband (paragraph 43). It states that the numbers of masts and the sites for such installations should be kept to a minimum, whilst sites need to be justified and sympathetically designed and camouflaged where appropriate.

15 The NPPF (paragraph 45) further states that applications for telecommunication development, **including those for prior approval** [*Planning Officer's emphasis*] should be supported by the necessary evidence to justify the proposed development. Applications should include the following:

- The outcome of consultation with organisations with an interest in the proposed

development, in particular with the relevant body where a mast is to be installed near a school or college.

- A statement that self certifies that the cumulative exposure, when operational, will not exceed International Commission on Non-ionising Radiation Protection guidelines (known as an “ICNIRP declaration”).
- Evidence that the applicant has explored the possibility of erecting equipment on existing buildings, masts or other structure before selecting the proposed site.

16 The NPPF (paragraph 46) emphasises that Local Planning Authorities must determine applications on planning grounds and should not seek to prevent competition between different operators, nor should it question the need for the system or determine health safeguards if the proposal meets the aforementioned International Commission guidelines for public exposure.

The Swindon Borough Local Plan (2026) as a material consideration

17 For the purpose of determining this prior approval application, in accordance with section A.3 (3) of Part 16 of the General Permitted Development Order, consideration can only be given to the **siting and appearance** of the development. However despite the fact that the policies in the Local Plan do not apply in the same way as they would in the case of an application for planning permission, in the determination of this prior approval application, the general principles of the policies of the Swindon Local Plan 2026 can still be used to guide the Local Planning Authority as to the suitability of the proposal in terms of its siting and appearance. Therefore the following policies are of relevance and can be used to inform the Council in its determination of the siting and appearance of this development.

18 Policy SD1 (Sustainable Development Principles) states in enabling the delivery of sustainable development and supporting sustainable communities, relevant to this proposal, development proposals should be of a high quality design, respect conserve, and / or enhance the natural built and historic environments and provide or contribute to the assessed local and borough wide infrastructure and service requirements.

19 Policy IN3 (ICT and Telecommunications) states that telecommunication proposals should be sited and designed in a way that has considered the appearance of the surrounding area and proposals should only be supported if the siting and any other additional equipment does not unduly detract from the appearance of the surrounding area or form an adversely intrusive addition to the streetscene. Secondly, the policy states that the amenity of any neighbouring sites should not be unacceptably harmed by the proximity of the proposal. Thirdly, the policy states that the colour and profile of the equipment should be sympathetic to the site's surroundings and the size of the development should be kept to a technical minimum to ensure any adverse impact on the environment is minimised. Policy IN3 further notes that the Plan is supportive of proposals that make provision to incorporate super-fast broadband.

20 Policy DE1 (High Quality Design) requires proposals to be assessed in respect of their context and character, particularly with regards to existing built characteristics and acknowledged features of importance such as trees. Consideration should also be given to the siting, orientation, scale amongst other criteria when considering the layout form and function of the development. Furthermore and again relevant to this proposal consideration should be given to the amenity implications of the proposal in terms of outlook.

21 Based on the principle of siting, highway safety factors are also a consideration and the guiding principle to inform the Council as to the suitability of the monopole and ancillary equipment. This is considered under policy TR2 (Transport and development) which states that proposal should not be detrimental to highway safety and local amenity with regards the scale, type and location of the development in question.

Outcome of Pre-Application Consultation

22 The submitted Design, Access and Supporting Statement refers to pre-application consultation with the three ward members representing the Priory Vale ward, Haydon Wick Parish Council, the Head Teacher and Chair of Governors of Oakhurst Community Primary School together with discussions that were held with Planning and Highway officers at the Council.

23 The applicants report that the Parish Council was not supportive of the proposed site due to its proximity to residential properties and suggested alternative sites, none of which have proved feasible for operational reasons. The school was pleased note that an original proposal to site the monopole immediately outside the main entrance gates to the school to the north but emphasised that it was difficult for them to comment on the new location as they were not certain how this would impact upon the local community. Your officers had advised that although located within a residential area, (for the reasons explained below), they felt this proposed siting would be more acceptable within the landscaped corridor and would overcome the perceived fears about its proximity to Oakhurst School.

Compliance with Public Exposure Guidelines

24 The application is accompanied by a self-certified declaration of conformity with the public exposure guidelines. Government guidance is explicit that Local Planning Authorities must determine applications on planning grounds only and should not determine health safeguards if the proposal meets with public exposure guidelines. This declaration states that the proposed monopole:

“is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in an EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0Hz to 300 GHz).”

As a declaration of compliance with the international guidelines has been submitted, no weight can be attributed to any objection on health grounds.

Justification for Site Selection

25 The Local Planning Authority cannot question the need for the service only make a decision based upon the siting and appearance of the required infrastructure. However by way of background, the applicant who is working in partnership with the Council to provide a 4G network providing the ability to deploy multiple 20Mhz channels to meet rapidly growing wireless data demands states that the proposed 4G broadband service is based on a network of radio stations. For operational reasons, these have to be situated in relatively

high locations such as on tall buildings and located close to the projected customer. For this reason the use of lamp columns or shorter monopole structures is not technically feasible. These base stations typically consist of a set of antennas and one or more small equipment cabinets, which are connected to the wider network by transmission dishes or fibre-optic cables.

26 The applicant advises that when selecting base station sites, use is made of existing telecommunication sites in the first instance when this will achieve the required network coverage. However where no such structures exist, as in this case a new mast or street works style installation will be required. This is fully in line with the Government's guidance on site selection.

27 The technical constraints affecting the siting of the proposed base station including the limited range of customer reach is necessitating the installation of a network of several masts within the Priory Vale and St. Andrew's wards together with the requirement for subscribers to have antennas installed on their properties within view of the masts. Taking that into account it is considered that the applicant has demonstrated that where there had been technical potential to locate the proposed monopole on a different site, all were deemed inappropriate for reasons including highway safety, proximity to even more properties than at present, would have had an even greater visual impact, would affect the setting of Clifford's Meadow Site of Special Scientific Interest, and other maintenance or land ownership / covenant constraints.

Codes of Best Practice

28 A number of objectors in respect of this and the other proposed monopoles have referred to the document "Cabinet Siting and Pole Siting Code of Practice". This is a voluntary code agreed by relevant stakeholders including BT and Virgin Media that was agreed in June 2013 in respect of **fixed** electronic telecommunications equipment. This sets out the general principles and protocols in relation to the seeking and granting of approvals for the siting and design of street furniture based electronic communications apparatus associated with telecommunication infrastructure delivered by copper wire or fibre optic cables, including the siting of cabinets and telegraph poles.

29 In addition reference has been made by Councillor McCracken to the "Code of Best Practice on **Mobile** Network Development in England". This is a more detailed code that was developed and agreed in July 2013 by a working group comprising similar stakeholders as above, excluding the fixed broadband and telephone suppliers but including the Mobile Operators Association. This provides more detailed guidance on how mobile networks should be rolled out, including technical details, what considerations need to be given to site selection, and how to engage with the public. It is however less rigid over specific site siting measures in terms of where not to site cabinets, poles and antenna than the fixed communication code of practice, providing more general principles.

30 The "Code of Best Practice on Mobile Network Development in England" is more pertinent to the proposed infrastructure as the guidance which has been quoted by a number of objectors relates to that of fixed telecommunication infrastructure which specifically states that the purpose of the code of practice relates to *"cabinets and poles utilised by fixed line Code Operators, **not including masts utilised by mobile Code Operators.**"* (Paragraph 1.1). The guidance relating to fixed telecommunications is

therefore not considered relevant to this type of “wireless” infrastructure.

31 As this is a voluntary code of practice between interested parties and not protocols that have been formally adopted or subjected to consultation by this Council they can only carry limited weight in determining this application. However where relevant to the role of the Local Planning Authority, those parts of the National Planning Policy Framework relating to telecommunications appear to have been used to inform that Code and in turn both have been used as a policy and evidence base and appear consistent with those relevant policies of the Local Plan.

Appearance

32 The proposal will primarily comprise the erection of a 15 metre high monopole with a minimum diameter of 300mm and a maximum diameter of 500mm at its highest point. The monopoles and their associated cabinets have a utilitarian function as part of delivering communication services, in this case the provision of superfast wireless broadband, which will be of benefit to the local community. However despite their relative height, monopoles are generally tolerated by a majority as part of urban street furniture as other infrastructure such as street lighting columns, the nearest comparable tall structure within an urban environment which are approximately 8.25 metres high but much more frequent in number particularly in relation to Voyager Drive.

33 This does not necessarily offer any comfort for those households who will be able to view the structure from their properties. However whilst likely to be initially unwelcomed, your officers do not consider that the structure as proposed would be so visually intrusive that it would cause significant harm to the outlook of local residents. It is relatively well screened by surrounding trees to the east and north and is not directly in the line of site from the majority of habitable room windows from nearby apartments some 20 metres to the south and south west. Therefore present levels of enjoyment of the space and the appreciation of the surrounding area and the streetscene when viewed in context as a whole will not be compromised to an unacceptable degree.

34 Many similar structures are familiar objects within the streetscene across the Borough and the country. This can be aided as with this application by ensuring that the structure attempts to be as inconspicuous as possible through its colour (grey) and finish (matt). However, unlike mobile phone mono poles which this structure replicates, these cannot be confined to just principal roads such as Thamesdown Drive, be more limited in numbers or share sites because of the technical need to be close to the receivers of the customers that they will serve.

35 The cabinets are at low level and modest in size and will have no more of an overall visual impact than any other conventional street cabinet associated with traffic signals or telephone systems for example and the existing telephone cabinet which is already located on site.

Siting

36 The applicant has sought to site the monopole and equipment at the edge of the highway within the grass verge and parallel to the footway. The site will have some medium height screening from the north and east in the form of adjacent trees and shrubs and it is not

considered that the trees will be adversely affected by the structure as they fall outside their notional crown spread. It is considered that attempts have been made to minimise as much as possible the relative prominence that the structure will have and to move the structure a few metres in any given direction will not lead to any overall improvement or mitigate against the obvious impact that the structure will have and may in fact have a worsening overall visual effect.

37 The positioning of the offering the wireless superfast broadband service is because the antenna does need to be visible so that it can be in an optimum line of sight with customer receivers. As the applicant has sought to demonstrate through their submission, and as discussed in paragraph 27 above, in order to provide that optimal coverage, this is considered to be only suitable site given that the pole will only serve a radius of approximately 500 metres. However as with the appearance of the structure, it will have prominence but would not be so visually harmful in this location that it would cause any unreasonable depreciation to the local environment in context with its built and landscaped surroundings.

38 The Council's highways officers do not raise any objections to the siting of the structure close on the eastern side of the roundabout on the north side of the entrance to Cassini Drive. They do not consider that this will in anyway be detrimental to pedestrian or highway safety in terms of onward visibility nor will it obstruct the footway or crossing points.

Concluding Comments

39 The proposed monopole and associated equipment will initially have a perceived negative impact on the local environment. However it is not considered that this will be so detrimental in visual terms to the amenities of the local area, the quality of the streetscene and residents living close to the site in its wider urban and landscaped context. The applicant has demonstrated that there is a technical need for the structure in this location with no existing sites available within the required area of coverage to share facilities and no other suitable new site being available without causing highway safety issues or having an even greater visual impact. It is perhaps in planning terms and in the wider public interest of enabling improved broadband services to be rolled out across the wider community in accordance with national and local policy, the best of the worst sites in the required location.

40 Therefore in **pure planning terms** given the national and local planning policy requirements to encourage and support proposals that can secure and deliver broadband facilities to communities and as this application has to be determined which has to be determined by the 1st March, any perceived initial negative visual impact should be outweighed by the wider public benefits that the facility will bring to most of Oakhurst and western Redhouse.

Recommendation:

That Prior Approval is REQUIRED and **GIVEN**.

Condition

1 This decision shall be in respect of drawings SW12001B-01A, 02A and 03A, dated August 2015 and the following supporting documents:

- Declaration of ICNIRP compliance
- Design, Access and Supporting Statement
- Supplementary information

All documents were received by the Local Planning Authority on 5 January 2016.

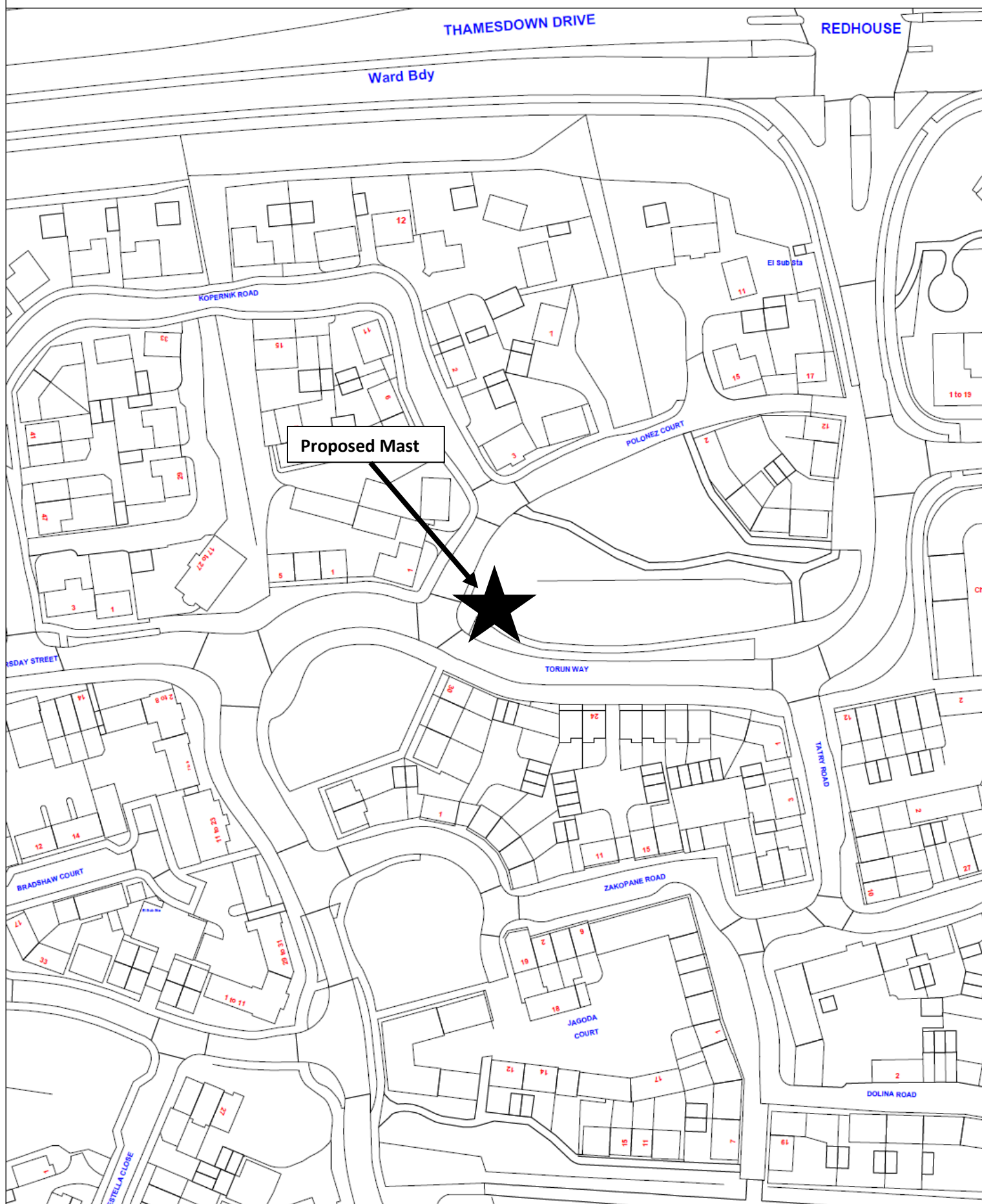
End of Report

Land At Polonez Court Haydon End Swindon



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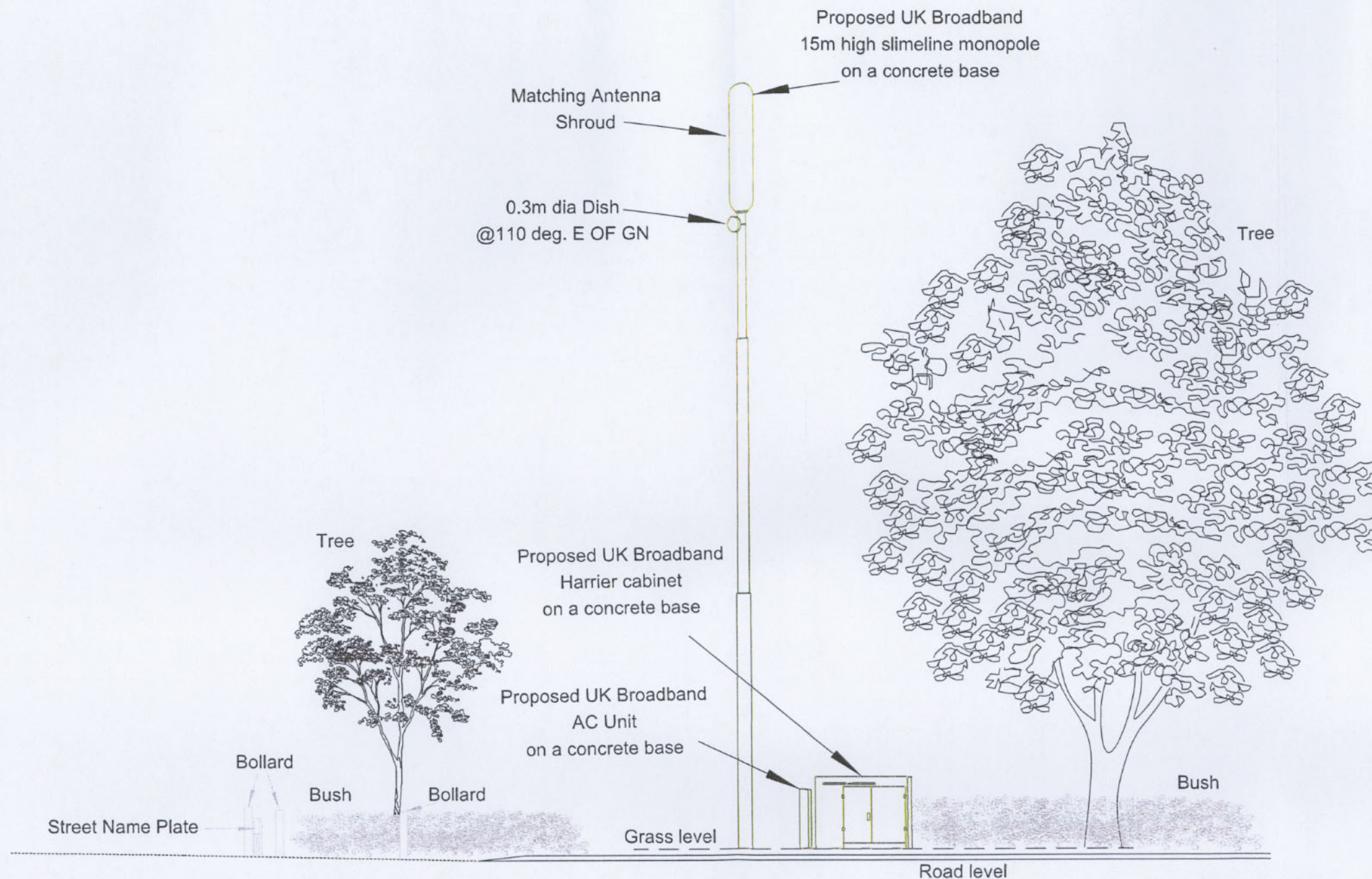
Land At Polonez Court Haydon End Swindon



This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.

In all cases references should be made to the submitted plans.


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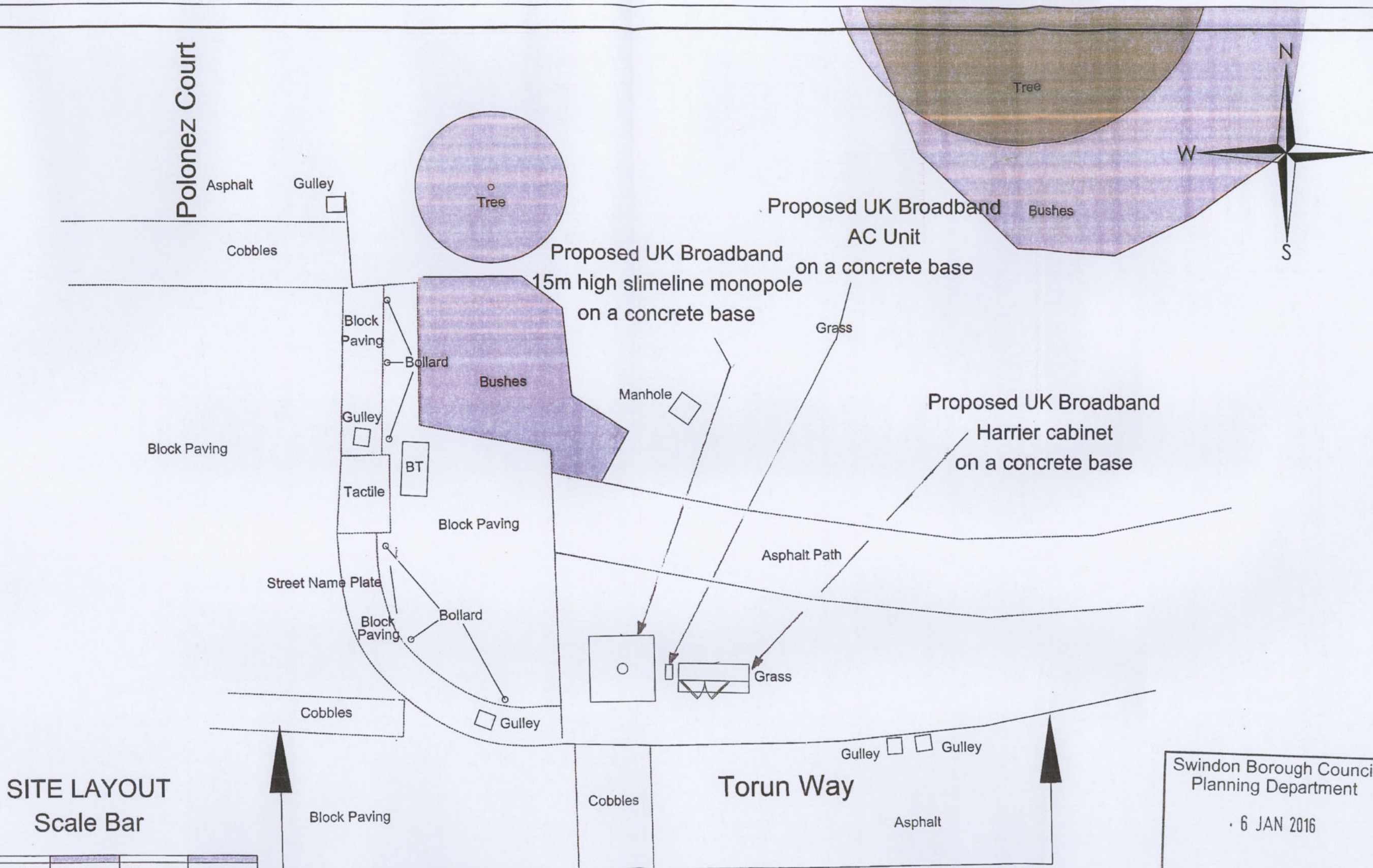
ELEVATION FROM ROAD Scale Bar





Swindon Borough Council
Planning Department
6 JAN 2016

REVISIONS	DATE	DESCRIPTION	CLIENT	PROJECT	TITLE	SCALE	
A	14-07-15	Issued for Approval		PROPOSED ANTENNAE TORUN WAY SWINDON WILTSHIRE SN25 1TF	ELEVATION TORUN WAY SWINDON WILTSHIRE SN25 1TF	A3 Sheet @ 1 to 100	
B	15-07-15	Monopole Amended				DATE	SURVEYED BY
C	15-07-15	Minor Amendments				July 2015	PW
D	22-12-15	Relocated				DRAWN BY	CHECKED BY
						PW/PJA	PJA
						DRAWING No. SWI2005A-03D SITZ116 10027	

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REVISIONS	DATE	DESCRIPTION
A	14-07-15	Issued for Approval
B	15-07-15	Monopole Amended
C	19-07-15	Minor Amendments
D	22-12-15	Relocated

		<p>PROPOSED ANTENNAE TORUN WAY SWINDON WILTSHIRE SN25 1TF</p>	<p>SITE PLAN TORUN WAY SWINDON WILTSHIRE SN25 1TF</p>	<p>Ordinance Survey (c) Crown Copyright 2015. All rights reserved. Licence number 100022432</p>	
				<p>SCALE A3 Sheet @ 1 to 100</p>	
				<p>DATE July 2015</p>	<p>SURVEYED BY PW</p>
				<p>DRAWN BY PW/PJA</p>	<p>CHECKED BY PJA</p>
<p>DRAWING No. SWI2005A-02D</p> <p style="color: red; font-size: 1.2em;">Sheet 1 of 2</p>					

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Site Location



SITE LOCATION PLAN
1:50,000

Site Location

189000 N

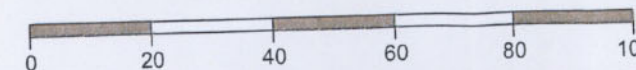
188900 N

188800 N



LOCATION PLAN
1:1250

412800 E



Swindon Borough Council
Planning Department

6 JAN 2016

REVISIONS	DATE	DESCRIPTION
A	14-07-15	Issued for Approval
B		
C	19-07-15	Minor Amendments
D	22-12-15	Relocated



CLIENT

PROJECT

PROPOSED ANTENNAE
TORUN WAY
SWINDON
WILTSHIRE
SN25 1TF

TITLE

LOCATION PLANS
TORUN WAY
SWINDON
WILTSHIRE
SN25 1TF

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SCALE A3 Sheet @ 1 to 2500

DATE	July 2015	SURVEYED BY	PW
DRAWN BY	PW/PJA	CHECKED BY	PJA

DRAWING No.
SWI2005A-01D

SLT/116/10027

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COMMITTEE REPORT

Item Number: 8

Ward: Priory Vale

Application Number: S/TC/16/0027/IH

Parish: Haydon Wick

Proposal: Prior Notification Application for the erection of a 15 metre high monopole, equipment cabinet and associated works.

Site Location: Land at Polonz Court, Haydon End, Swindon

Case Officer: Mr Ian Halsall

Agent:

Ms Fiona Kadama
Waldon Telecom Ltd
Phoenix House
Pyrford Road
West Byfleet
Surrey
KT14 6RA

Applicant

UKB Networks Ltd
C/o Waldon Telecom Ltd

Officers Report

Background

i. This application has been brought before Planning Committee at the request of Councillor Faramarzi owing to the public interest that this proposal has generated. A specific objection has also been raised by Councillor McCracken.

ii. In addition to this application there are a further four similar applications on this agenda which generate the same material and non-material planning issues. Within the Priory Vale ward, these are at land on the north side of Cassini Drive, Oakhurst (application number S/TC/16/0014) and land at Aiken Road, Taw Hill (application number S/TC/0012). Within the St. Andrew's ward, two applications relate to land at Redhouse Way (application number S/TC/16/0018) and land at Eastbury Way (application number S/TC/16/0019).

iii. It is important that the committee notes that this and the other four applications, which are proposed as part of securing the delivery fourth generation superfast wireless broadband to communities across the Borough based on a network of radio base stations, are for **PRIOR APPROVAL** and not full planning permission. Statutory Instrument 2015 No.596, the Town and Country Planning (General Permitted Development) (England) Order 2015 gives deemed planning permission as the height of the monopoles and associated cabinets fall below the threshold criteria requiring the submission of a full planning application. However the Prior Approval of the Local Planning Authority is still required as to the siting and

appearance.

iv. As the Local Planning Authority has considered that prior approval is required for the siting and appearance of the development, the applicant must receive notification of its decision within 56 days of the date in which the application is received. Failure to issue a decision within the requisite period will result in approval being given by default. The 56 day period will expire on the 1st March 2016.

v. The application is a resubmission of a previous application for prior approval for the same structure on a nearby site that was submitted in September 2015 (application number S/TC/15/1561) but was withdrawn to allow for further public consultation.

vi Consultation has been carried in accord with the procedure agreed by the planning committee which is wider than required by legislation. This includes notifying all properties within a 100 M radius of the equipment.

vii The development would assist Delivery of the Government standard Superfast Broadband coverage to all commercial and domestic premises in the Borough by 2017, which is a Priority Pledge within the Vision for Swindon .

Summary of Recommendation:

1 That the prior approval of the Local Planning Authority is REQUIRED and **REFUSED**.

The Proposal:

2 This application seeks Prior Approval under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the installation of a 15 metre high grey galvanised steel slim line monopole with a 2.5 metre long fibre glass shroud at its top, a 300 millimetre transmission dish at a height of 12.5 metres above ground level, an associated green cabinet some 600mm of the pole measuring 1.75 metres in width, 400mm in depth and 1.4 metres in height, and an air conditioning unit positioned between the monopole and cabinet measuring 350mm in length, 200mm in depth and 1.1 metres high. The equipment will be mounted on a concrete base.

3 The development is to provide superfast broadband services to the local area and the installation will have a coverage radius of approximately 500 metres thus providing coverage over most of Haydon End, central Redhouse and the western part of the Orbital Shopping Park. The service will be available to subscribers who would install a receiver on their property within range and sight of the pole.

The Site and Surroundings:

4 The site is located in a grass verge south of a footway at the south western corner of an area of open space in the residential district of Haydon Endon. The equipment will be installed at the eastern side of the junction with Polonez Court on the north side of Torun

Way, a main all vehicular route including bus route that traverses through the neighbourhood.

5 The open space is entirely surrounded by a number of mainly two and three storey residential properties defined by Torun Way to the south and east and Polonez Court on the north and west sides. These dwellings are constructed in a mix of facing stone and brickwork and are located close to the highway edge, separated from the edge of the pavement/cycle way by small front gardens enclosed with a mix of railing and hedgerows. The nearest dwellings to the installation are 1 Polonez Court some 20 metres to the west, the side of 30 Torun Way some 20 metres to the south.

6 The open space comprises an area of mature shrubs including a prominent and mature oak tree some, the outer part of the notional canopy of which is some 16 to 17 metres to the north east. The site is immediately to the east of an area of block paving with a tactile crossing point allowing at grade access over the entrance of Polonez Court. The south west corner of the footway which continues northwards into Polonez Court has a number of bollards along its edge. Diagonally opposite the open space is a further area of open space on the south eastern side of the junction with Torun Way as it curves around to the south and Thursday Street which continues westwards. This again incorporates another mature oak tree. The roadways generally comprise shared surfaces or raised tables to create a strong sense of openness within what is an otherwise medium to high density residential environment.

Representations:

7 Parish Council: Haydon Wick Parish Council meet on the 2nd February after the agenda has been published. Their views on this application will be reported verbally to the planning committee.

8 Neighbours: Seven formal objections to this specific application have been received from addresses in Polonez Court, Torun Way and Kopernik Road in Haydon End; Stanford Road in Redhouse and Melstock Road and Noyes Close in Taw Hill. The reasons cited are summarised below:

- Adverse visual impact on the area which is designated as major open space where the visual focus is the retained trees and bushes. A 15 metre mast is taller than anything around it, will be overbearing, out of scale and character.
- Disappointment that the Council continues to disregard the views of local residents and homeowners affected by a continued desire to erect an unwanted mast.
- The previous objections were very clear as reported in the local press.
- Moving the mast does not address the previous concerns.
- Not consistent with the local need as this structure will deter the investment of cable based internet provision which would better suit the economic needs of residents as it is far faster and more future proof than the proposed
- The structure is on a junction and will affect visibility and compromise highway safety particularly given the location of a nearby bus stop.
- The proposal contravenes the “Cabinet Siting and Pole Siting, Code of Practice” which states that the sharing of pole structures should be considered at the design stage in order to reduce unnecessary duplication and visual impact. There are plenty

- of tall street lights in the area that could be used.
- The cabinet should be sited at the back of the footway not in a freestanding position in accordance with best practice.
- The structure would be better positioned along Thamesdown Drive.
- The proposal sits in direct sunlight and could be liable to overheating again contrary to best practice.

9 Ward Member: Councillor McCracken (St. Andrews Ward) has raised a general objection to all five of the proposed monopoles that are defined above with her main concern being:

- That the applicants have disregarded the protocols of the “Code of Best Practice on Mobile Network Development in England” with regards to:
 - Insufficient consultation having taken place;
 - The applicants having not fully considered the option of mast and service sharing which raises serious doubts over the need to erect 15 metre high monopoles outside resident’s houses, outside schools and in children’s play areas;
- Although health issues are not considerations for planning, the evidence is inconclusive in that putting such masts in such densely populated areas would reduce parent freedom of choice to reduce their children’s exposure to non-ionising radiation compared to turning off hubs or mobile phones in the home.
- The roll out of faster broadband speed is fully supported but this should be achieved through other means.

Planning Considerations:

Legislative Background

10 The General Permitted Development Order (GPDO), Schedule 2 Part 16 (Communications) Class A requires an electronic communications code operator such as the applicant, to apply to the Local Planning Authority for a determination as to whether approval of the siting and appearance of their development is required under their "permitted development" rights.

11 The Local Planning Authority considers that prior approval is required for the siting and appearance of the development, and must notify the applicant of its decision within 56 days of the date in which the application is received. Failure to issue a decision within the requisite period will result in approval being given by default. The 56 day period will expire on the 1st March 2016.

12 It is therefore important to note that the prior approval process is separate and distinct from a development that requires express planning permission as the considerations are limited only to those of siting and appearance.

National Planning Policy Framework

13 Paragraph 21 of the National Planning Policy Framework (NPPF), 2012 advises that local plan policies should plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries whilst

Paragraph 42 (NPPF) emphasis that high quality communications infrastructure is essential for sustainable economic growth and that the development of high speed broadband technology and other communications also play a vital role in enhancing the provision of local community facilities and services.

14 The NPPF advises that local planning authorities are encouraged to support the expansion of electronic communication networks including telecommunications and high speed broadband (paragraph 43) but the numbers of masts and the sites for such installations should be kept to a minimum, whilst sites need to be justified and sympathetically designed and camouflaged where appropriate.

15 The NPPF (paragraph 45) further states that applications for telecommunication development, **including those for prior approval** *[officer's emphasis]*, should be supported by the necessary evidence to justify the proposed development. This should include the following:

- The outcome of consultation with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college;
- A statement that self certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection (ICNIRP) guidelines; and,
- Evidence that the applicant has explored the possibility of erecting equipment on existing buildings, masts or other structure before selecting the proposed site.

16 The NPPF (paragraph 46) emphasises that local planning authorities must determine applications on planning grounds and should not seek to prevent competition between different operators, question the need for the system or determine health safeguards if the proposal meets the aforementioned International Commission guidelines for public exposure.

The Swindon Borough Local Plan (2026) as a material consideration

17 For the purpose of determining this prior approval application, in accordance with section A.3 (3) of Part 16 of the General Permitted Development Order, consideration can only be given to the **siting and appearance** of the development. However despite the fact that the policies in the Local Plan do not apply in the same way as they would in the case of an application for planning permission, in the determination of this prior approval application, the general principles of the policies of the Swindon Local Plan 2026 can still be used to guide the Local Planning Authority as to the suitability of the proposal in terms of its siting and appearance. Therefore the following policies are of relevance and can be used to inform the Council in its determination of the siting and appearance of this development.

18 Policy SD1 (Sustainable Development Principles) states in enabling the delivery of sustainable development and supporting sustainable communities, relevant to this proposal, development proposals should be of a high quality design, respect conserve, and / or enhance the natural built and historic environments and provide or contribute to the assessed local and borough wide infrastructure and service requirements.

19 Policy IN3 (ICT and Telecommunications) states that telecommunication proposals should be sited and designed in a way that has considered the appearance of the

surrounding area and proposals should only be supported if the siting and any other additional equipment does not unduly detract from the appearance of the surrounding area or form an adversely intrusive addition to the streetscene. Secondly, the policy states that the amenity of any neighbouring sites should not be unacceptably harmed by the proximity of the proposal. Thirdly, the policy states that the colour and profile of the equipment should be sympathetic to the site's surroundings and the size of the development should be kept to a technical minimum to ensure any adverse impact on the environment is minimised. Policy IN3 further notes that the Plan is supportive of proposals that make provision to incorporate super-fast broadband.

20 Policy DE1 (High Quality Design) requires proposals to be assessed in respect of their context and character, particularly with regards to existing built characteristics and acknowledged features of importance such as trees. Consideration should also be given to the siting, orientation, scale amongst other criteria when considering the layout form and function of the development. Furthermore and again relevant to this proposal consideration should be given to the amenity implications of the proposal in terms of outlook.

21 Based on the principle of siting, highway safety factors are also a consideration and the guiding principle to inform the Council as to the suitability of the monopole and ancillary equipment. This is considered under policy TR2 (Transport and development) which states that proposal should not be detrimental to highway safety and local amenity with regards the scale, type and location of the development in question.

Outcome of Pre-Application Consultation

22 The submitted Design, Access and Supporting Statement refers to pre-application consultation with the three ward members representing the Priory Vale ward, Haydon Wick Parish Council, the Head Teacher and Chair of Governors of Orchid Vale Primary School together with discussions that were held with Planning and Highway officers at the Council.

23 The applicants report that the Parish Council was not supportive of the proposed site due to its proximity to residential properties and suggested alternative sites, none of which have proved feasible for operational reasons. Representatives from Orchid Vale school advised that they would not be objecting to the proposal but did indicate that that decision would have to be reviewed if the monopole was to be moved any closer. Your officers advised that whilst there are residential properties immediately opposite the site, it was acknowledged that the application would need to be accompanied by a corticated of compliance with public exposure guidelines and a demonstration that this was the only possible site available. In meeting the need, a slimline pole would be the most sympathetic solution.

Compliance with Public Exposure Guidelines

24 The application is accompanied by a self-certified declaration of conformity with the public exposure guidelines. Government guidance is explicit that Local Planning Authorities must determine applications on planning grounds only and should not determine health safeguards if the proposal meets with public exposure guidelines. This declaration states that the proposed monopole:

“is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising

Radiation Protection (ICNIRP), as expressed in an EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0Hz to 300 GHz)."

As a declaration of compliance with the international guidelines has been submitted, no weight can be attributed to any objection on health grounds even though the application may generate concerns because of its proximity to residential properties.

Justification for Site Selection

25 The Local Planning Authority cannot question the need for the service only make a decision based upon the siting and appearance of the required infrastructure. However by way of background, the applicant who is working in partnership with the Council to provide a 4G network providing the ability to deploy multiple 20Mhz channels to meet rapidly growing wireless data demands states that the proposed 4G broadband service is based on a network of radio stations. For operational reasons, these have to be situated in relatively high locations such as on tall buildings and located close to the projected customer. For this reason the use of lamp columns or shorter monopole structures is not technically feasible. These base stations typically consist of a set of antennas and one or more small equipment cabinets, which are connected to the wider network by transmission dishes or fibre-optic cables.

26 The applicant advises that when selecting base station sites, use is made of existing telecommunication sites in the first instance when this will achieve the required network coverage. However where no such structures exist, as in this case a new mast or street works style installation will be required. This is fully in line with the Government's guidance on site selection.

27 The technical constraints affecting the siting of the proposed base station including the limited range of customer reach is necessitating the installation of a network of several masts within the Priory Vale and St. Andrew's wards and together with the requirement for subscribers to have antennas installed on their properties within view of the masts. Taking that into account it is considered that the applicant has demonstrated that where there had been technical potential to locate the proposed monopole on a different site, all were deemed inappropriate for reasons including highway safety, proximity to even more properties than at present, would have had an even greater visual impact and physical constraints of nearby tall buildings.

Codes of Best Practice

28 A number of objectors in respect of this and the other proposed monopoles have referred to the document "Cabinet Siting and Pole Siting Code of Practice". This is a voluntary code agreed by relevant stakeholders including BT and Virgin Media that was agreed in June 2013 in respect of **fixed** electronic telecommunications equipment. This sets out the general principles and protocols in relation to the seeking and granting of approvals for the siting and design of street furniture based electronic communications apparatus associated with telecommunication infrastructure delivered by copper wire or fibre optic cables, including the siting of cabinets and telegraph poles.

29 In addition reference has been made by Councillor McCracken to the "Code of Best

Practice on **Mobile** Network Development in England”. This is a more detailed code that was developed and agreed in July 2013 by a working group comprising similar stakeholders as above, excluding the fixed broadband and telephone suppliers but including the Mobile Operators Association. This provides more detailed guidance on how mobile networks should be rolled out, including technical details, what considerations need to be given to site selection, and how to engage with the public. It is however less rigid over specific site siting measures in terms of where not to site cabinets, poles and antenna than the fixed communication code of practice, providing more general principles.

30 The “Code of Best Practice on Mobile Network Development in England” is more pertinent to the proposed infrastructure as the guidance which has been quoted by a number of objectors relates to that of fixed telecommunication infrastructure which specifically states that the purpose of the code of practice relates to *“cabinets and poles utilised by fixed line Code Operators, **not including masts utilised by mobile Code Operators.**”* [paragraph 1.1]. The guidance relating to fixed telecommunications is therefore not considered relevant to this type of “wireless” infrastructure.

31 As this is a voluntary code of practice between interested parties and not protocols that have been formally adopted or subjected to consultation by this Council they can only carry limited weight in determining this application. However where relevant to the role of the Local Planning Authority, those parts of the National Planning Policy Framework relating to telecommunications appear to have been used to inform that Code and in turn both have been used as a policy and evidence base and appear consistent with those relevant policies of the Local Plan.

Appearance

32 The proposal will primarily comprise the erection of a 15 metre high monopole with a minimum diameter of 300mm and a maximum diameter of 500mm at its highest point. The monopoles and their associated cabinets have a utilitarian function as part of delivering communication services, in this case the provision of superfast wireless broadband, which will be of benefit to the local community. However despite their relative height, monopoles are generally tolerated by a majority as part of urban street furniture as other infrastructure such as street lighting columns, the nearest comparable tall structure within an urban environment which range in height between approximately 6 metres and 8.5 metres in height but are much more frequent in number particularly in relation to Torun Way and Thursday Street.

33 Although the installation of new mobile communication sites (again it is emphasised that this monopole is not intended for mobile phone communications but for wireless broadband provision) do inevitably cause anxieties, they are not unfamiliar structures within the streetscene. This can be aided as with this application by ensuring that the structure attempts to be as inconspicuous as possible through its colour (grey) and finish (matt). However, unlike mobile phone monopoles which this structure replicates, these cannot be confined to just principal roads such as Thamesdown Drive, be more limited in numbers or share sites because of the technical need to be close to the receivers of the customers that they will serve. Nevertheless on this occasion, it is how this tall and functional structure will be viewed in context that generates concerns in planning terms.

Siting

34 Torun Way and Polonez Court is a medium to high density urban environment of predominantly two and three storey houses and apartment blocks. The character of the area is defined by an attractive central area of green open space and various traffic calming measures including raised tables which enable Torun Way itself to contribute to this spaciousness between the front and side elevations of the buildings that surround and indeed front onto it. The space connects to a further “village green” to the south west as Torun Way passes the site of the proposed monopole and associated cabinet equipment before continuing to a further area of openness to the south in the vicinity of Orchid Vale School with a substantial visual leakage to the west along Thursday Street.

35 The development is proposed to be sited within an area of grass verge close to the junction of Torun Way and Polonez Court on the northern side of Torun Way. Although reading as part of the wider open space, the verge forms part of the public highway and also include a number of other underground services. However the site is part of a continuous grassed area running alongside Torun Way from east to west, within which trees have been planted to create an extensive area of quality open space within a denser urban setting. Apart from bollards located around key points on the edge of Torun Way adjacent to the open space the edge of the carriageway, other street furniture is limited to a street name board but there is no street lighting on the north side of Torun Way within the open space, with such lighting being confined to the south side of the road against buildings, which helps to contribute to the pleasant and open character of the area.

36 With the exception of the feature oak tree, other trees within the green are relatively young and immature specimens and have yet to grow to their full extent. In time, this area will develop into a very well established public spaced. However until that time, this would leave the proposed monopole highly exposed, particularly from longer range views to the west along Thursday Street and from the south west as Torun Way continues with no discernible screening.

37 Given this open character the space has an important role as a village green that is well overlooked and enjoyed. The absence of other infrastructure or street furniture even of a comparable scale such as street lighting and the close proximity of neighbouring occupiers, it is considered that the siting of the proposal will detract from the appearance of the area and would result in an intrusive addition to the street scene which will be difficult to ignore. Furthermore, although the structure will not necessarily be in the direct line of site from all except perhaps 1 Polonez Court 20 metres to the west, it will still be highly visible from longer distances and at a key point where two areas of opens space connect together. It is therefore considered that the amenities of neighbouring occupiers and of those enjoying the open space would be unacceptably harmed by the proximity of the proposed development because of its siting and overall design, even though the appearance of the structure is of a simple form.

38 However, following consultation with the Highways Officer, it is not considered that the siting of the monopole will result in any highway safety issues.

39 The cabinet in this regard will unlike those other sites within North Swindon that are being considered on this agenda be quite exposed in its position on the grass verge as little can be done to screen this again to the detriment of the visual amenities of the area.

Conclusion

40 The proposed monopole and associated cabinets are intended to provide the residents of this part of North Swindon with increasingly essential broadband communication infrastructure, something that Local Plan policy IN3 and the National Planning Policy Framework strongly encourage. Although the weight of public opposition cannot in its own right justify refusal of an application in planning terms, in light of that level of public opposition taken wholly in context with the unambiguously utilitarian appearance of the monopole structure and the fact that it will be highly visible, an irony perhaps because in respect of offering the wireless superfast broadband service the antenna does need to be visible so that it can be in an optimum line of site with customer receivers, it is considered that the proposed infrastructure will be too prominent and have an invasive appearance within the wider landscape and streetscene.

41 On that basis, it is not considered in this particular regard that the wider public benefit of providing superfast wireless based broadband to the area can be outweighed by those concerns over the siting of the structure in the proposed location, and it is in that public interest that in its context the proposed monopole will be unacceptably harmful in visual terms and have a detriment impact upon the character and appearance and wider enjoyment and appreciation of the area.

Recommendation:

That Prior Approval is **REQUIRED** and **REFUSED**

Reason

1. The proposed telecommunications installation by reason of its height and appearance as viewed in context to its siting within a high quality area of amenity space which provides some visual relief within an medium to high density residential area will have an adverse impact upon the character, appearance and wider enjoyment of the area by forming a prominent and intrusive addition to the streetscene. Furthermore, the amenities of nearby neighbouring dwellings would be unacceptably harmed by the proximity of the development which cannot be outweighed by the public benefit the infrastructure could otherwise bring to the wider community. As such the proposal is an unacceptable form of development in terms of its siting and appearance contrary to the material considerations of National Planning Policy Framework (2012) and policies INF3 and DE1 of the Swindon Borough Local Plan 2026 (2015).

Informative

2 This decision shall be in respect of drawings SW120005A-01D, 02D and 03D and the following supporting documents;

- Design, Access and Supporting Statement
- Statement of ICNIRP compliance
- Supplementary information

All documents were received by the Local Planning Authority on the 6th January 2016

End of Report

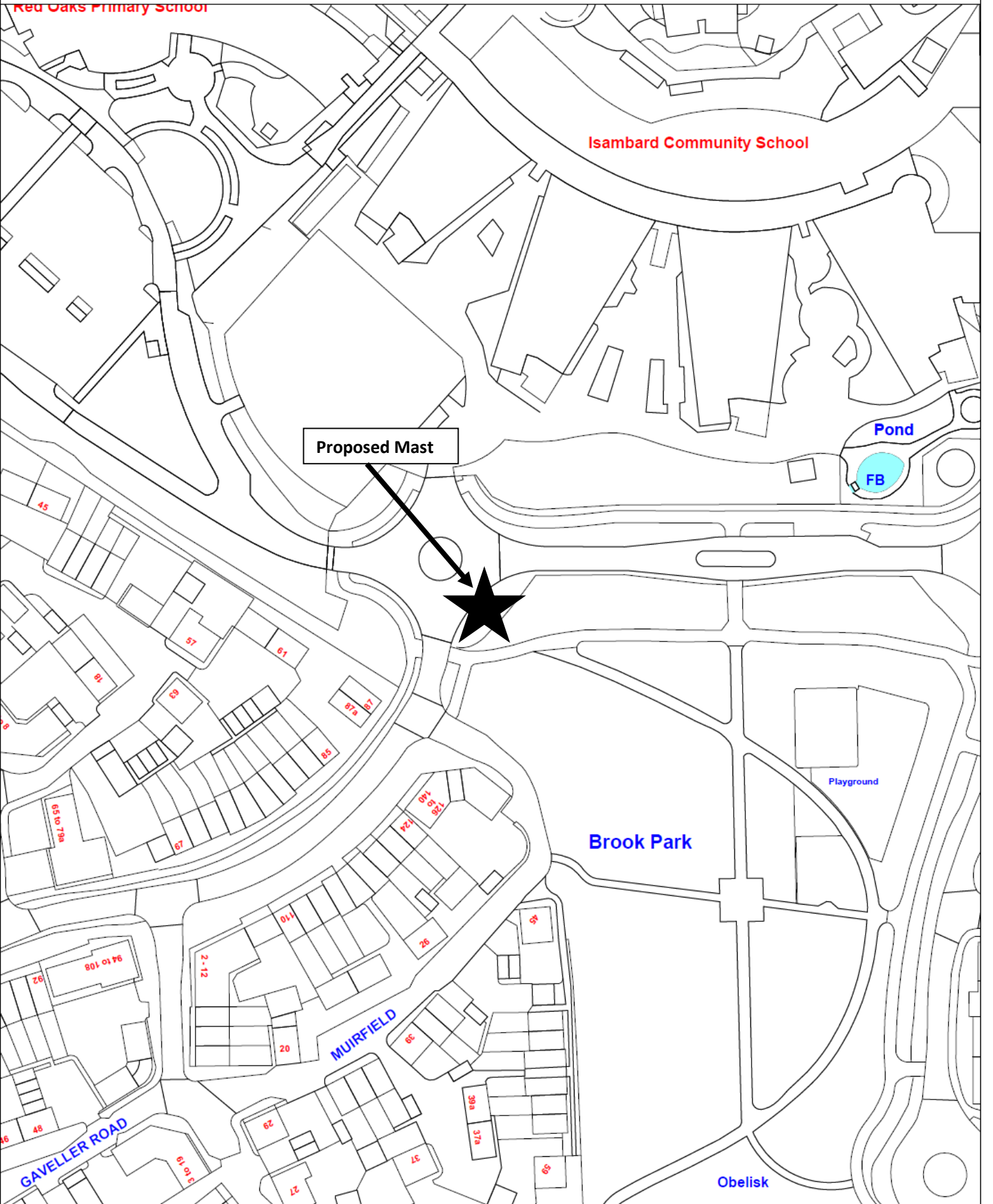
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Land At Redhouse Way Swindon

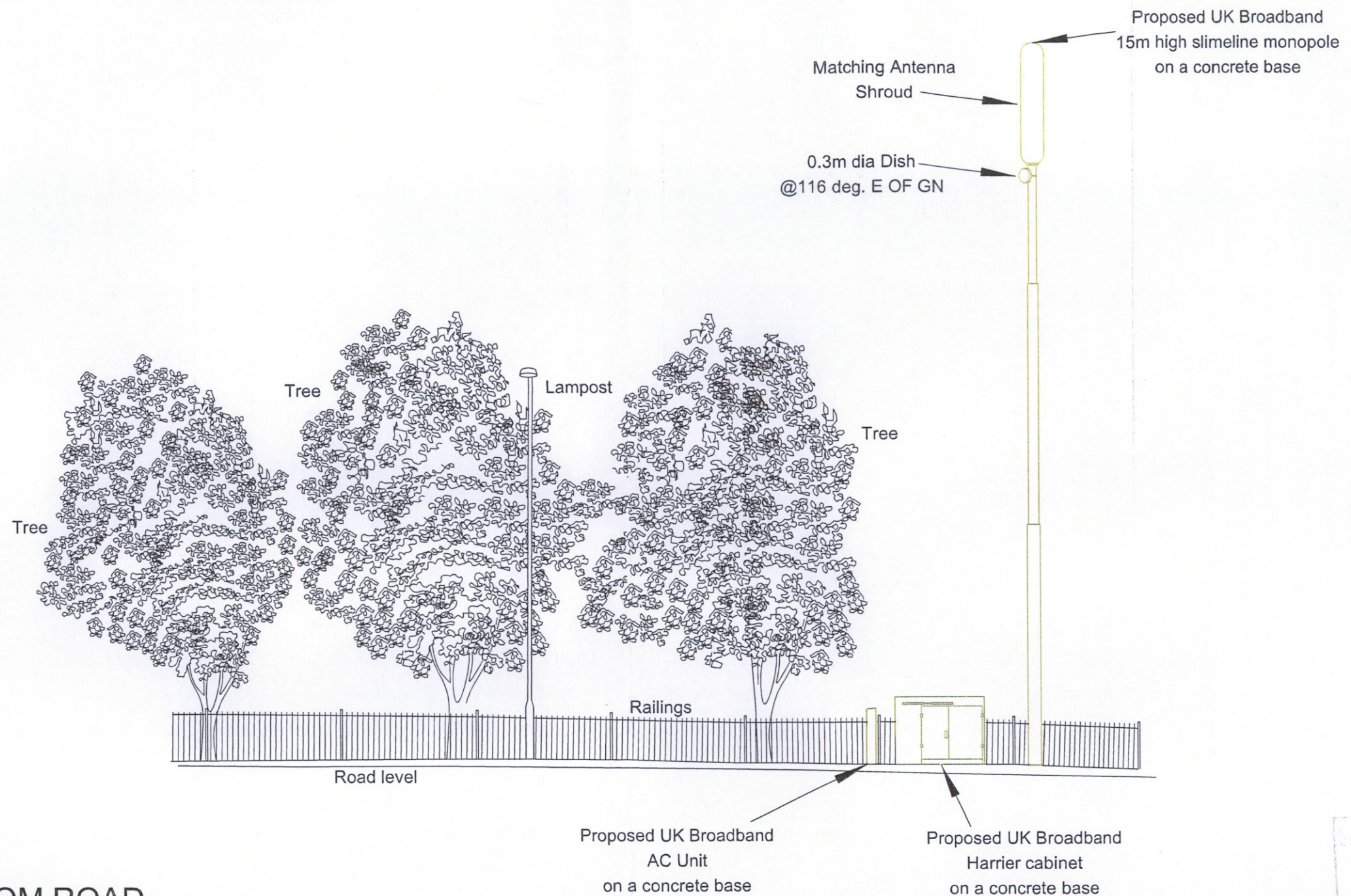


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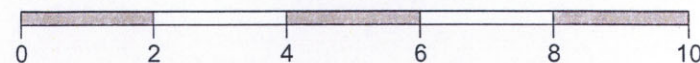
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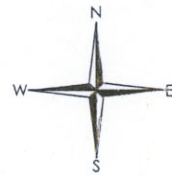
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Scale Bar



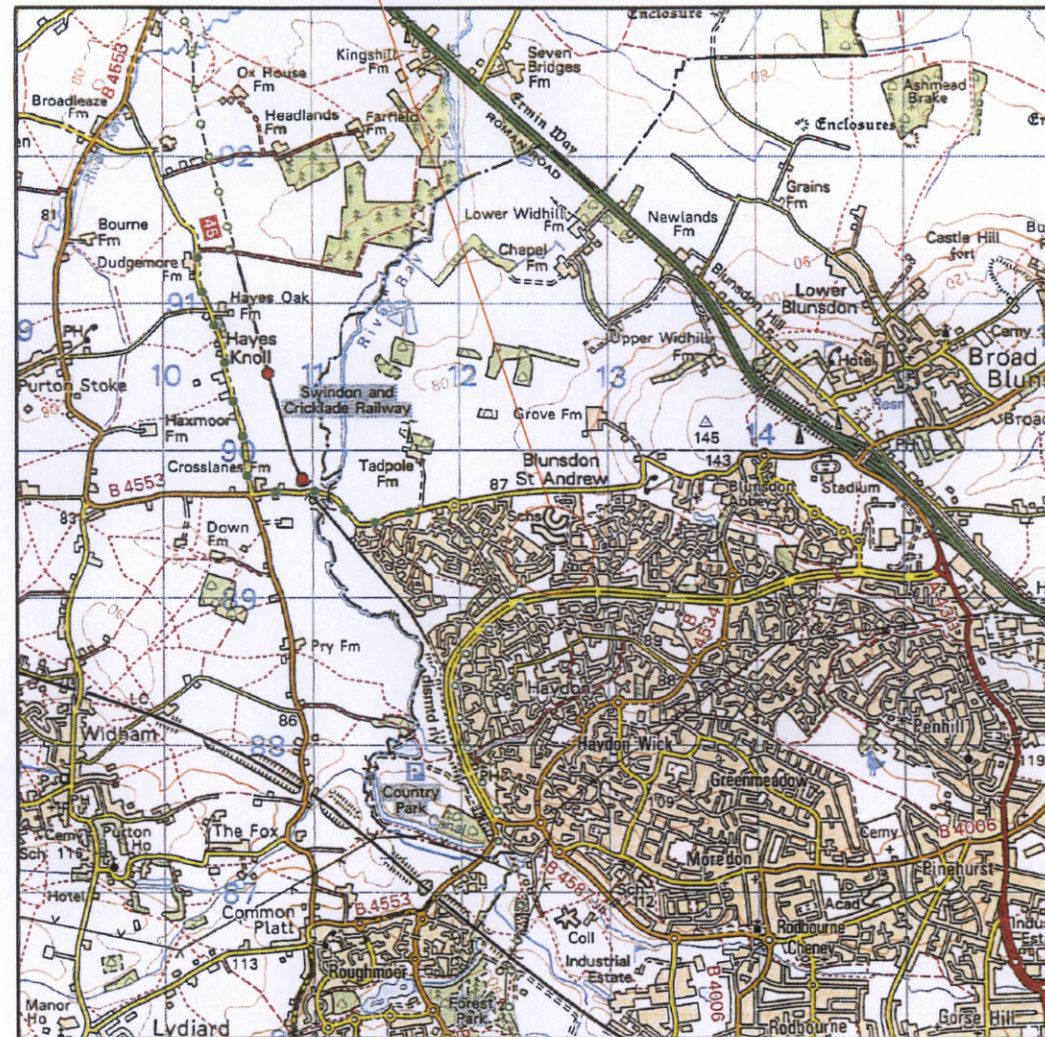
5/12/16/0018

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A	14-07-15	Issued for Approval		DATE July 2015		SURVEYED BY PW					
B	15-07-15	Monopole Amended		DRAWN BY PW/PJA		CHECKED BY PJA					
C	19-07-15	Minor Amendments									
D	23-10-15	Equipment Repositioned									
			DRAWING No. SW12002A-03D								

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Site Location



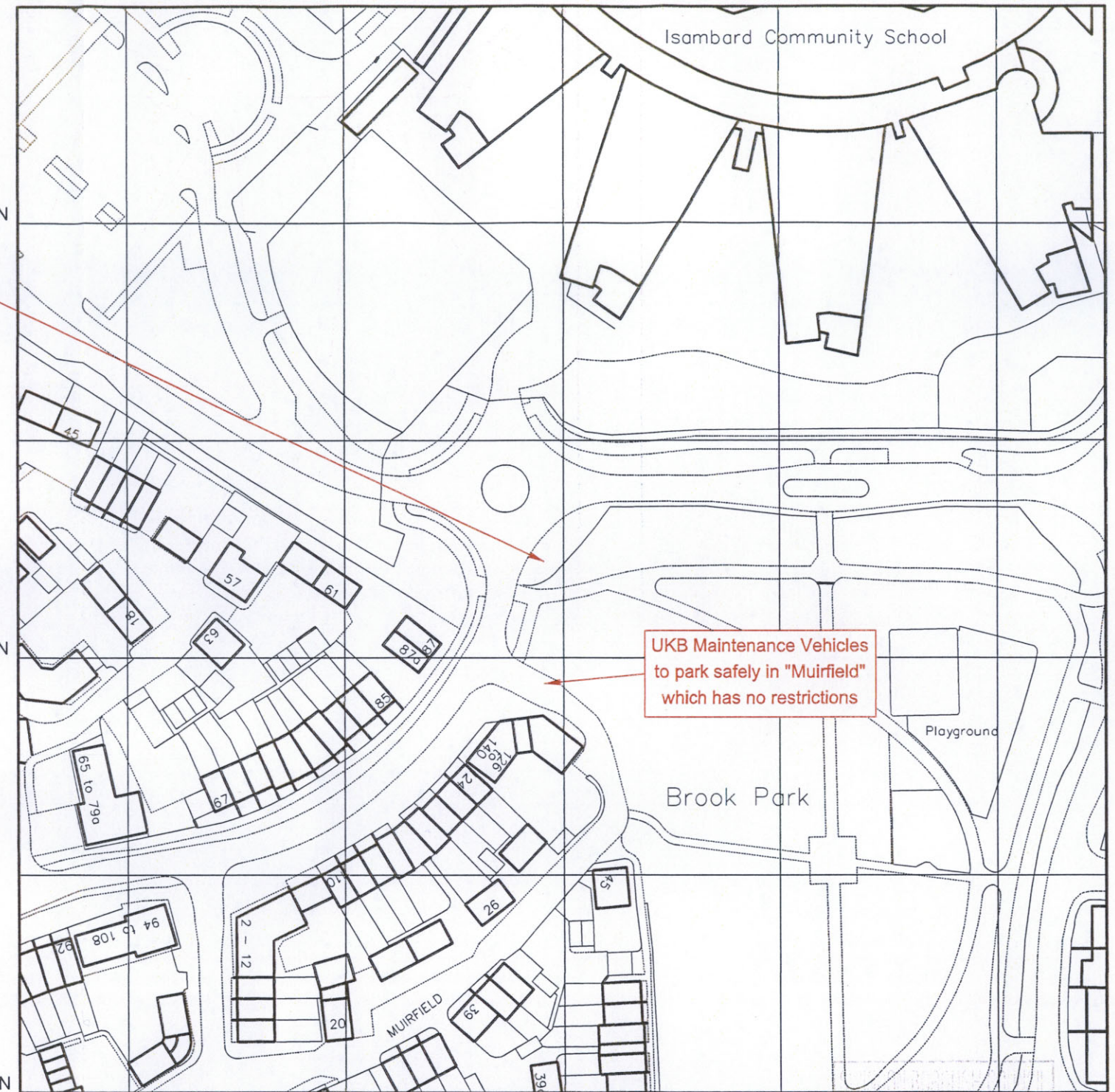
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1:50,000

Site Location

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189300 N

189200 N



LOCATION PLAN
1:1250

412500 E



412700 E
5 JUL 2015
12/16/0018

REVISIONS	DATE	DESCRIPTION
A	14-07-15	Issued for Approval
B		
C	19-07-15	Minor Amendments
D	23-10-15	Equipment Repositioned



CLIENT

PROJECT

PROPOSED ANTENNAE
REDHOUSE WAY
SWINDON
WILTSHIRE
SN25 2AU

TITLE

LOCATION PLANS
REDHOUSE WAY
SWINDON
WILTSHIRE
SN25 2AU

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A3 Sheet @ 1 to 2500

DATE
July 2015

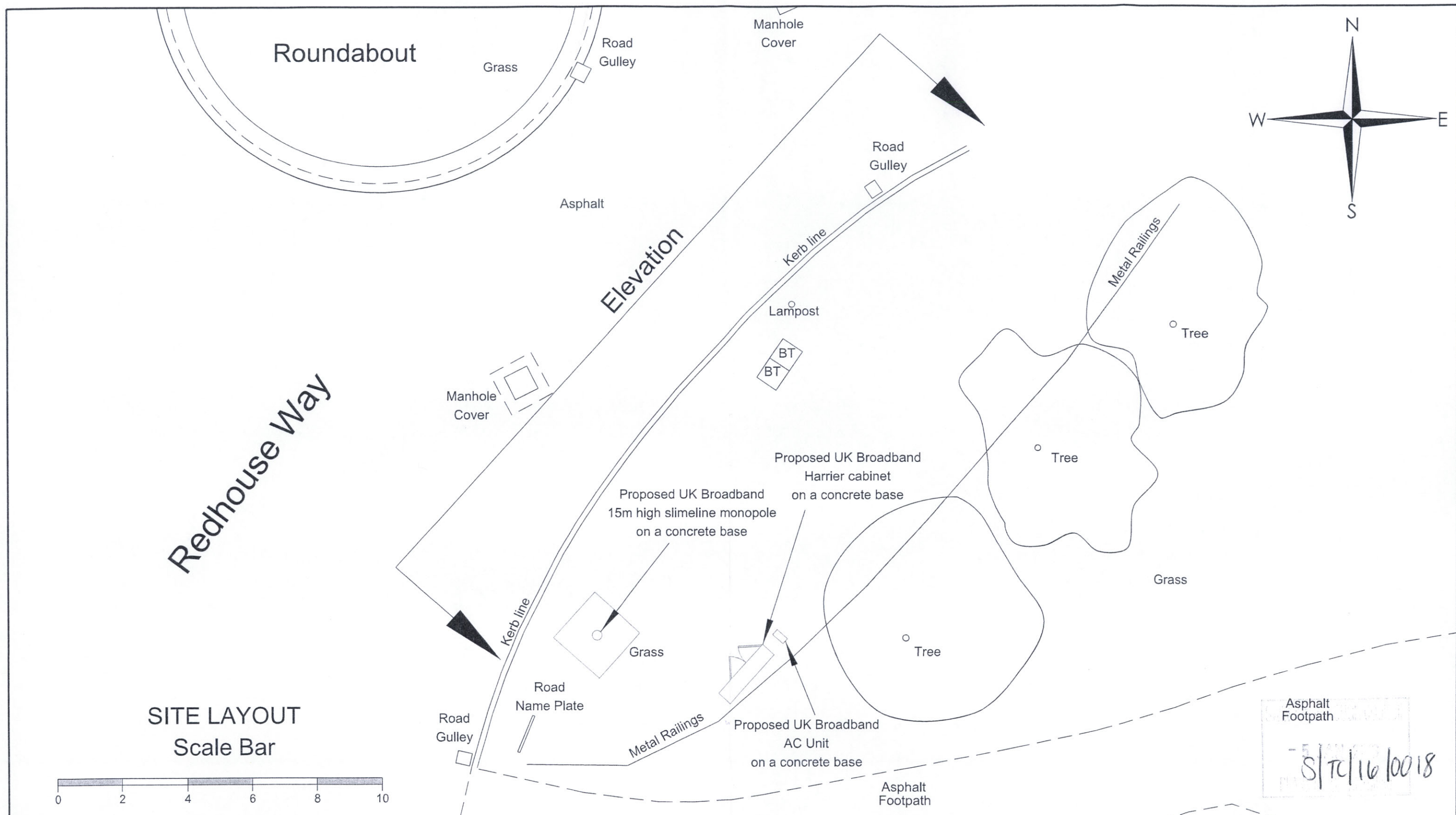
DRAWN BY
PW/PJA

SURVEYED BY
PW

CHECKED BY
PJA

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SW12002A-01D

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REVISIONS	DATE	DESCRIPTION
A	14-07-15	Issued for Approval
B	15-07-15	Monopole Amended
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PROJECT

PROPOSED ANTENNAE
REDHOUSE WAY
SWINDON
WILTSHIRE
SN25 2AU

TITLE

SITE PLAN
REDHOUSE WAY
SWINDON
WILTSHIRE
SN25 2AU

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DATE July 2015	SURVEYED BY PW
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COMMITTEE REPORT

Item Number: 9

Ward: St. Andrews

Application Number: S/TC/16/0018/IH

Parish: Blunsdon St. Andrew

Proposal: Prior Notification Application for the erection of a 15 metre high monopole, equipment cabinet and associated works.

Site Location: Land at Redhouse Way, Redhouse, Swindon

Case Officer: Mr Ian Halsall

Agent:

Mr Chris Andrews
Waldon Telecom Ltd
Phoenix House
Pyrford Road
West Byfleet
Surrey
KT14 6RA

Applicant

UKB Networks Ltd
C/o Waldon Telecom Ltd

Officers Report

Background

i. This application has been brought before Planning Committee at the formal request of Councillors Friend and Tomlinson owing to the public interest that this proposal has generated. A specific objection has also been raised by Councillor McCracken.

ii. In addition to this application there are a further four similar applications on this agenda which generate the same material and non-material planning issues. A second application within St. Andrew's ward at land at Eastbury Way (application number S/TC/16/0019) and within the Priory Vale ward, these are at land at Aiken Road, Taw Hill (application number S/TC/16/0012) and land at Polonez Court, Haydon End (application number S/TC/0027) and land on the north side of Cassini Drive, Oakhurst (application number S/TC/16/0015).

iii. It is important that the committee notes that this and the other four applications, which are proposed as part of securing the delivery fourth generation superfast wireless broadband to communities across the Borough based on a network of radio base stations, are for **PRIOR APPROVAL** and not full planning permission. Statutory Instrument 2015 No.596, the Town and Country Planning (General Permitted Development) (England) Order 2015 gives deemed planning permission as the height of the monopoles and associated cabinets fall below the threshold criteria requiring the submission of a full planning application. However the Prior Approval of the Local Planning Authority is still required as to the siting and

appearance.

iv. As the Local Planning Authority has considered that prior approval is required for the siting and appearance of the development, the applicant must receive notification of its decision within 56 days of the date in which the application is received. Failure to issue a decision within the requisite period will result in approval being given by default. The 56 day period will expire on the 1st March 2016.

v. The application is a resubmission of a previous application for prior approval for the same structure on the same site that was submitted in September 2015 (application number S/TC/15/1565) but was withdrawn to allow for further public consultation.

vi Consultation has been carried in accord with the procedure agreed by the planning committee which is wider than required by legislation. This includes notifying all properties within a 100 M radius of the equipment.

vii The development would assist Delivery of the Government standard Superfast Broadband coverage to all commercial and domestic premises in the Borough by 2017, which is a Priority Pledge within the Vision for Swindon .

Summary of Recommendation:

1 That the prior approval of the Local Planning Authority is REQUIRED and is **GIVEN**.

The Proposal:

2 This application seeks Prior Approval under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the installation of a 15 metre high grey galvanised steel slim line monopole with a 2.5 metre long fibre glass shroud at its top, a 300 millimetre transmission dish at a height of 12.5 metres above ground level, an associated green cabinet some 2.75 metres to the south east of the pole measuring 1.75 metres in width, 400mm in depth and 1.4 metres in height, and an air conditioning unit a further 300 mm north east of the cabinet measuring 350mm in length, 200mm in depth and 1.1 metres high. The equipment will be mounted on individual concrete bases.

3 The development is to provide superfast broadband services to the local area and the installation will have a coverage radius of approximately 500m offering coverage over central and western Redhouse including the Learning Campus and parts eastern Oakhurst and Northern Haydon End. The service will be available to subscribers who can install a receiver on their property within range and sight of the pole.

The Site and Surroundings:

4 The equipment will be installed within a grassed area on the south eastern side of the roundabout junction with Redhouse Way, and two entrances into to the Learning Campus. The submitted plans show that monopole is located on the north western edge of Brook

Park, outside of a 1 metre high railing that defines the northern edge of the public open space running parallel with Redhouse Way. A footpath crossing is located to the south of the installation whilst pedestrians are taken through the park toward Redhouse village centre some 175 metres to the east south of the site. A line of three semi mature trees at approximately 9 metres in height are located to the east and north east of the site on the south eastern side of the boundary railing. There is no pedestrian access to this verge as the grassed area runs up to the kerb edge of the roundabout.

5 The Learning Campus is to the north of the site with nearest part of Isambard Community School being approximately 60 metres away. The access to the other schools and car parking is to the northwest with Brook Park to the east and south east. To the south and west of the site are residential properties comprising a mix of mainly 3 storey town houses and four and five storey apartments which are set back along Redhouse Way from the edge of the carriage way by a wide area of tree lined paving. The nearest residential properties are the apartments at 126-140 Redhouse Way on the corner of Muirfield some 35 metres to the south and numbers 87 and 87a Redhouse Way 30 metres to the south west

Representations:

6 Parish Council: Blunsdon St. Andrew Parish Council objects to the application as they consider the equipment will be detrimental to the streetscene and will be a “blot on the landscape” and are also aware of strong local objections for various reasons.

7 Neighbours: Seven formal objections to this specific application have been received from addresses in Claydon Road, Stanford Road and Redhouse Way in Redhouse; Melstock Road and Noyes Close in Taw Hill and Stardust Crescent in Oakhurst. The reasons cited are summarised below:

- Object on health grounds. The future health effects of telecoms masts is a controversial subject so caution should be exercised by choosing not to place these within .next to play grounds and opposite schools. Other countries are banning these from such areas.
- The proposed Wi-Fi scheme should be scrapped as it not want local residents want and a cabled solution is far faster and more future prove than the proposed Wi-Fi solution.
- The structure will be too prominent, will tower over existing homes and will change the character of the area through overdevelopment whilst harming visual amenity particularly within Brook Park.
- There is no evidence that any alternative sites have been explored which could be less visually harmful.
- The proposal contravenes the “Cabinet Siting and Pole Siting Code of Practice” which states that the sharing of pole structures should be considered at the design stage in order to reduce unnecessary duplication and visual impact.
- Cabinets and poles should not be located at a junction or bend or other prominent locations on grass verges or grassed amenity areas contrary to best practice.

8 Ward Member: Councillor McCracken has raised a general objection to all five of the proposed monopoles that are defined above with her main concern being:

- That the applicants have disregarded the protocols of the “Code of Best Practice on

Mobile Network Development in England" with regards to:

- Insufficient consultation having taken place;
- The applicants having not fully considered the option of mast and service sharing which raises serious doubts over the need to erect 15 metre high monopoles outside resident's houses, outside schools and in children's play areas;
- Although health issues are not considerations for planning, the evidence is inconclusive in that putting such masts in such densely populated areas would reduce parent freedom of choice to reduce their children's exposure to non-ionising radiation compared to turning off hubs or mobile phones in the home.
- The roll out of faster broadband speed is fully supported but this should be achieved through other means.

Planning Considerations:

Legislative Background

9 The General Permitted Development Order (GPDO) (Schedule 2 Part 16 Communications System Operators" and Class A "Electronic Communications Code Operators) requires the applicant, who is a code system operator to apply to the Local Planning Authority for a determination as to whether approval of the siting and appearance of their development is required under their "permitted development" rights.

10 The Local Planning Authority considers that prior approval is required for the siting and appearance of the development, and must notify the applicant of its decision within 56 days of the date in which the application is received. Failure to issue a decision within the requisite period will result in approval being given by default. The 56 day period will expire on the 1st March 2016.

11 It is therefore important to note that the prior approval process is separate and distinct from a development that requires express planning permission as the considerations are limited only to those of siting and appearance

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- The outcome of consultation with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college.
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18 Policy IN3 (ICT and Telecommunications) states that telecommunication proposals should be sited and designed in a way that has considered the appearance of the surrounding area and proposals should only be supported if the siting and any other additional equipment does not unduly detract from the appearance of the surrounding area or form an adversely intrusive addition to the streetscene. Secondly, the policy states that the amenity of any neighbouring sites should not be unacceptably harmed by the proximity of the proposal. Thirdly, the policy states that the colour and profile of the equipment should be sympathetic to the site's surroundings and the size of the development should be kept to a technical minimum to ensure any adverse impact on the environment is minimised. Policy IN3 further notes that the Plan is supportive of proposals that make provision to incorporate super-fast broadband.

19 Policy DE1 (High Quality Design) requires proposals to be assessed in respect of their

context and character, particularly with regards to existing built characteristics and acknowledged features of importance such as trees. Consideration should also be given to the siting, orientation, scale amongst other criteria when considering the layout form and function of the development. Furthermore and again relevant to this proposal consideration should be given to the amenity implications of the proposal in terms of outlook.

20 Based on the principle of siting, highway safety factors are also a consideration and the guiding principle to inform the Council as to the suitability of the monopole and ancillary equipment. This is considered under policy TR2 (Transport and development) which states that proposal should not be detrimental to highway safety and local amenity with regards the scale, type and location of the development in question.

Outcome of Pre-Application Consultation

21 The submitted Design, Access and Supporting Statement refers to pre-application consultation with the three ward members representing the St. Andrew's ward, Blunsdon St. Andrew Parish Council, the Head Teachers and Chairs of Governors of Isambard, Brimble Hill, Red Oaks, Uplands Schools and Tadpole Farm Primary Academy together with discussions that were held with Planning and Highway officers at the Council.

22 The applicant reports that the Councillor McCracken had sought clarification of the areas that would receive coverage from the proposed new mast and raised concerns regarding the possible health implications in proximity to schools. Blunsdon St. Andrew Parish Council confirmed that superfast broadband was desperately needed in the area so fully understood the reason for the proposal. However they suggested that local residents may not be supportive of the location. Your officers advised that consultation with the nearby schools would have to be demonstrated through the application and although the proposal would be sited close to a children's playground there would not be any appear to be any issues in siting and design terms. This was however without prejudice to any public response. Whilst the local schools were notified and followed up as part of pre application consultation, only Red Oaks school responded and objected on visual and health and safety grounds.

Compliance with Public Exposure Guidelines

23 The application is accompanied by a self-certified declaration of conformity with the public exposure guidelines. Government guidance is explicit that Local Planning Authorities must determine applications on planning grounds only and should not determine health safeguards if the proposal meets with public exposure guidelines. This declaration states that the proposed monopole:

"is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in an EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0Hz to 300 GHz)."

As a declaration of compliance with the international guidelines has been submitted, no weight can be attributed to any objection on health grounds even though the application may generate concerns because of its proximity to a children's playground and a number of schools.

Justification for Site Selection

24 The Local Planning Authority cannot question the need for the service only make a decision based upon the siting and appearance of the required infrastructure. However by way of background, the applicant who is working in partnership with the Council to provide a 4G network providing the ability to deploy multiple 20Mhz channels to meet rapidly growing wireless data demands states that the proposed 4G broadband service is based on a network of radio stations. For operational reasons, these have to be situated in relatively high locations such as on tall buildings and located close to the projected customer. For this reason the use of lamp columns or shorter monopole structures is not technically feasible. These base stations typically consist of a set of antennas and one or more small equipment cabinets, which are connected to the wider network by transmission dishes or fibre-optic cables.

25 The applicant advises that when selecting base station sites, use is made of existing telecommunication sites in the first instance when this will achieve the required network coverage. However where no such structures exist, as in this case a new mast or street works style installation will be required. This is fully in line with the Government's guidance on site selection.

26 The technical constraints affecting the siting of the proposed base station including the limited range of customer reach is necessitating the installation of a network of several masts within the Priory Vale and St. Andrew's Wards together with the requirement for subscribers to have antennas installed on their properties within view of the masts. Taking that into account it is considered that the applicant has demonstrated that where there had been technical potential to locate the proposed monopole on a different site, all were deemed inappropriate for reasons including highway safety, proximity to even more properties than at present, would have had an even greater visual impact and physical constraints of nearby tall buildings.

Codes of Best Practice

27 A number of objectors in respect of this and the other proposed monopoles have referred to the document "Cabinet Siting and Pole Siting Code of Practice". This is a voluntary code agreed by relevant stakeholders including BT and Virgin Media that was agreed in June 2013 in respect of **fixed** electronic telecommunications equipment. This sets out the general principles and protocols in relation to the seeking and granting of approvals for the siting and design of street furniture based electronic communications apparatus associated with telecommunication infrastructure delivered by copper wire or fibre optic cables, including the siting of cabinets and telegraph poles.

28 In addition reference has been made by Councillor McCracken to the "Code of Best Practice on **Mobile** Network Development in England". This is a more detailed code that was developed and agreed in July 2013 by a working group comprising similar stakeholders as above, excluding the fixed broadband and telephone suppliers but including the Mobile Operators Association. This provides more detailed guidance on how mobile networks should be rolled out, including technical details, what considerations need to be given to site selection, and how to engage with the public. It is however less rigid over specific site siting measures in terms of where not to site cabinets, poles and antenna than the fixed

communication code of practice, providing more general principles.

29 The “Code of Best Practice on Mobile Network Development in England” is more pertinent to the proposed infrastructure as the guidance which has been quoted by a number of objectors relates to that of fixed telecommunication infrastructure which specifically states that the purpose of the code of practice relates to *“cabinets and poles utilised by fixed line Code Operators, **not including masts utilised by mobile Code Operators.**”* [paragraph 1.1]. The guidance relating to fixed telecommunications is therefore not considered relevant to this type of “wireless” infrastructure.

30 As this is a voluntary code of practice between interested parties and not protocols that have been formally adopted or subjected to consultation by this Council they can only carry limited weight in determining this application. However where relevant to the role of the Local Planning Authority, those parts of the National Planning Policy Framework relating to telecommunications appear to have been used to inform that Code and in turn both have been used as a policy and evidence base and appear consistent with those relevant policies of the Local Plan.

Appearance

31 The proposal will primarily comprise the erection of a 15 metre high monopole with a minimum diameter of 300mm and a maximum diameter of 500mm at its highest point. The monopoles and their associated cabinets have a utilitarian function as part of delivering communication services, in this case the provision of superfast wireless broadband, which will be of benefit to the local community. However despite their relative height, monopoles are generally tolerated as part of urban street furniture as other infrastructure such as street lighting columns, the nearest comparable tall structure within an urban environment which are approximately 8.25 metres high but much more frequent in number particularly in relation to Redhouse Way.

32 This does not necessarily offer any comfort for those households who will be able to view the structure from their properties. However whilst likely to be initially unwelcomed, your officers do not consider that the structure as proposed would be so visually intrusive, given that the nearest properties facing towards the site are some 30 metres away and not in a direct line of site from the majority of habitable room windows. It is therefore considered that the monopole will not cause significant harm to the outlook of local residents nor will unacceptably affect their present levels of enjoyment and appreciation of the surrounding area, including wider the setting of Brook Park or the streetscene when viewed in context and as a whole.

33 Many similar structures are familiar objects within the streetscene across the Borough and the country. This can be aided as with this application by ensuring that the structure attempts to be as inconspicuous as possible through its colour (grey) and finish (matt). However, unlike mobile phone mono poles which this structure replicates, these cannot be confined to just principal roads such as Thamesdown Drive, be more limited in numbers or share sites because of the technical need to be close to the receivers of the customers that they will serve.

34 The cabinets are at low level and modest in size and will only be seen from certain positions or close up and will have no more of an overall visual impact than any other

conventional street cabinet associated with traffic signals or telephone systems for example.

Siting

35 The applicant has sought to site the monopole and equipment the edge of the highway in a relatively inaccessible part of the grass verge, although site maintenance operatives will still be able to access the site safely and park their vehicle on Redhouse Way or the public part of Muirfield which is not subject to any parking restriction. The pole and cabinet will be located and away from pedestrian routes and crossing points. The Highways Officer has advised that whilst the mast will be in the visibility splay it will cause no more of an obstruction than any street lighting column and that the cabinet is set back so that it will have only a limited impact and neither will be so detrimental to highway safety.

36 The proposed siting has enabled the applicant to attempt where technically possible to camouflage the pole at lower level behind the three established trees so the overall impact of it within the setting of Brook Park will be more diminished particularly from viewpoints the east and it is not considered that the trees will be adversely affected by the structure as it falls outside their notional crown spread.

37 The positioning of the pole offering the wireless superfast broadband service is because the antenna does need to be visible so that it can be in optimum line of sight with customer receivers. As the applicant has sought to demonstrate through their submission, and as discussed in paragraph 26 above, in order to provide that optimal coverage, this is considered to be only suitable site given that the pole will only serve properties within a radius of approximately 500 metres. It is considered that this location would not be so visually harmful in this location that it would cause any unreasonable depreciation to the local environment in context with its built and landscaped surroundings.

Concluding Comments

38 The proposed monopole and associated equipment will initially have a perceived negative impact on the local environment. However it is not considered that this will be so detrimental in visual terms to the amenities of the local area, the quality of the streetscene and residents living close to the site in its wider urban and landscaped context. The applicant has demonstrated that there is a technical need for the structure in this location with no existing sites available within the required area of coverage to share facilities and no other suitable new site being available without causing highway safety issues or having an even greater visual impact. It is perhaps in planning terms and in the wider public interest of enable improved broadband services to be rolled out across the wider community in accordance with national and local policy, the best of the worst sites in the required location.

39 Therefore in **pure planning terms** given the national and local planning policy requirements to encourage and support proposals that can secure and deliver broadband facilities to communities and as this application has to be determined which has to be determined by the 1st March, any perceived initial negative visual impact should be outweighed by the wider public benefits that the facility will bring to central and western Redhouse, including the Learning Campus and parts eastern Oakhurst and Northern Haydon End.

Recommendation:

That Prior Approval is REQUIRED and **GIVEN**.

Conditions

This decision shall be in respect of drawings SW12002A-01D, 02D and 03D and the following supporting documents:

- Design, Access and Supporting Statement
- Statement of ICNIRP compliance
- Supplementary information

All documents were received by the Local Planning Authority on 5th January 2016.

End of Report

Land At Eastbury Way Redhouse Swindon

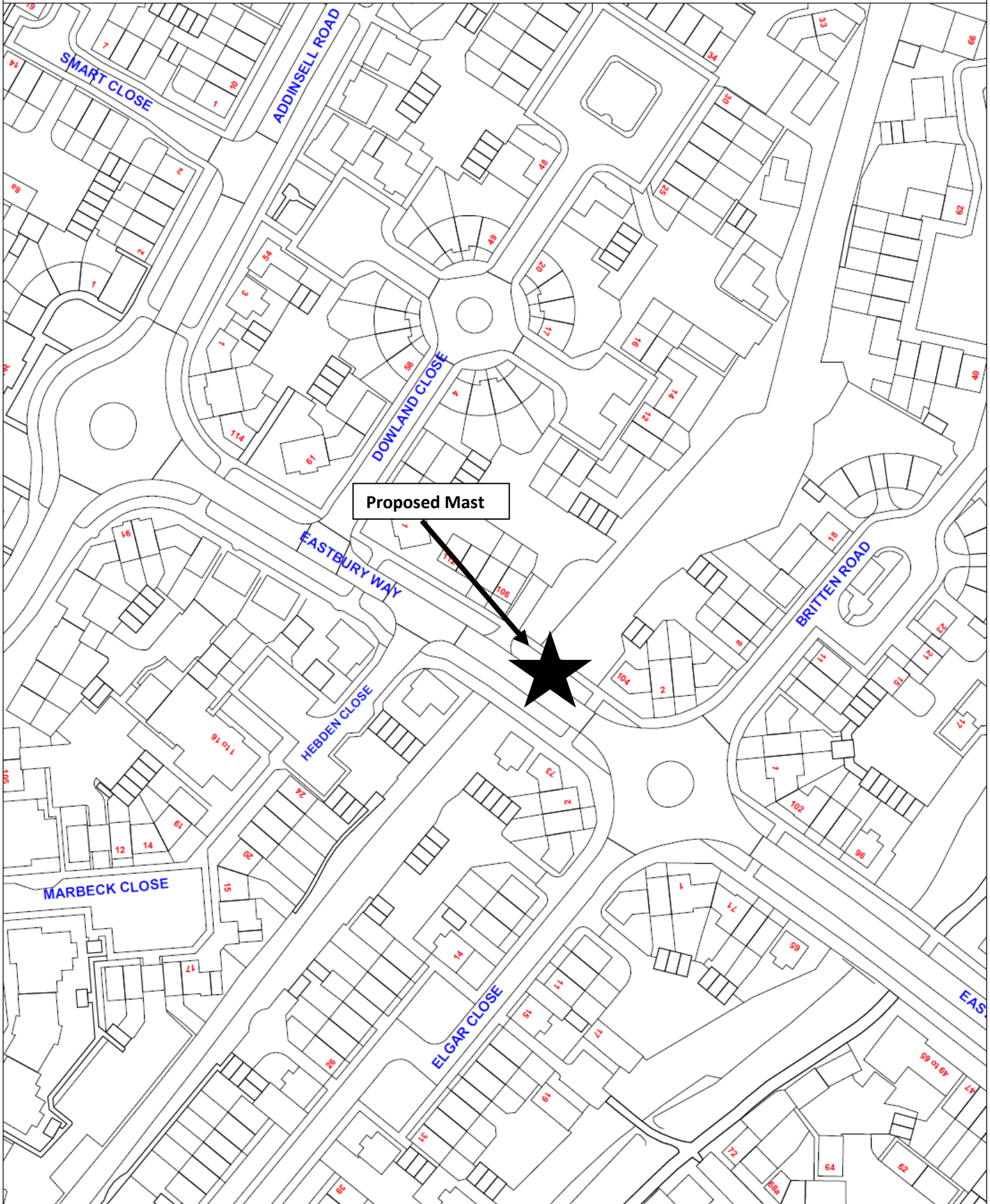


This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.

In all cases references should be made to the submitted plans. Page 99

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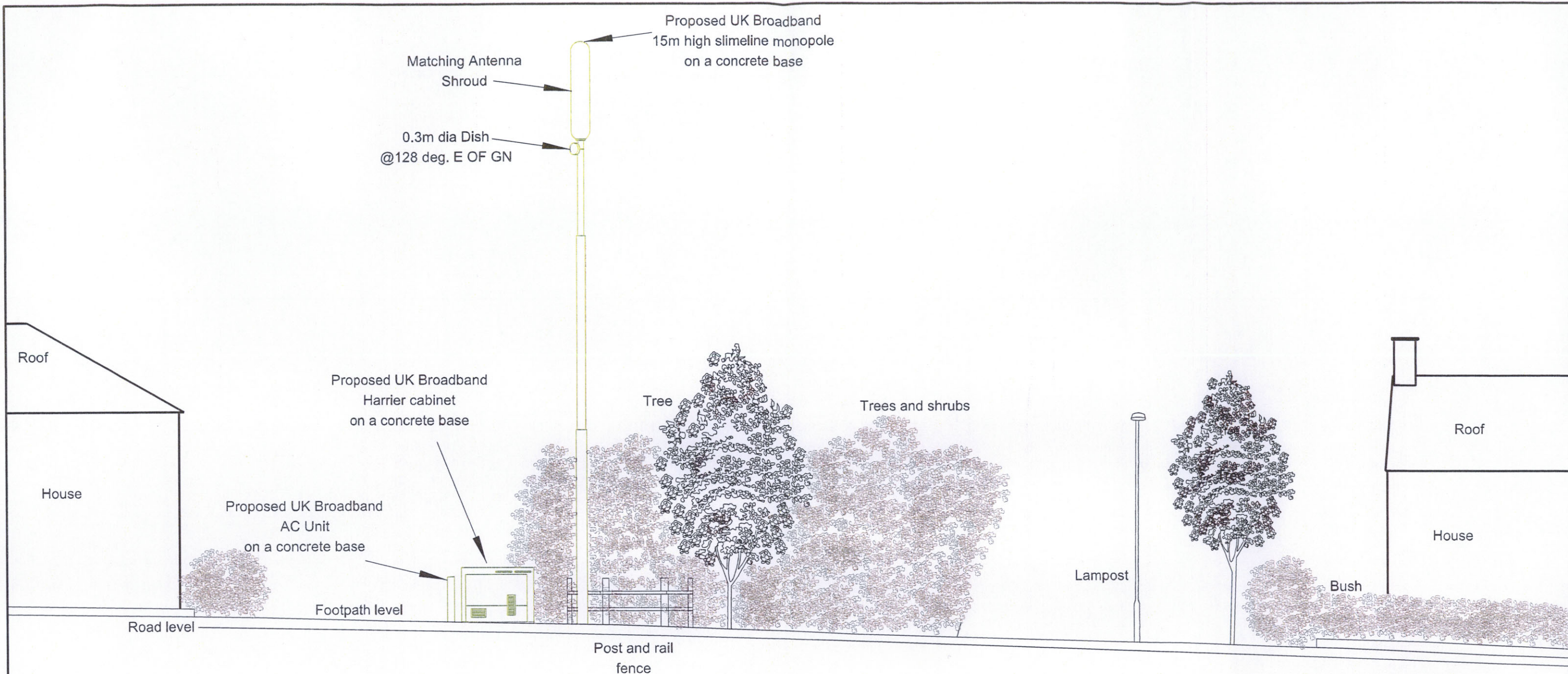
Land At Eastbury Way Redhouse Swindon



This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.

In all cases references should be made to the submitted plans.

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ELEVATION FROM ROAD
Scale Bar



SWI2003A-03C
- 5 JAN 2015

REVISIONS	DATE	DESCRIPTION
A	14-07-15	Issued for Approval
B	15-07-15	Monopole Amended
C	19-07-15	Minor Amendments



CLIENT

PROJECT

PROPOSED ANTENNAE
EASTBURY WAY
SWINDON
WILTSHIRE
SN25 2GB

TITLE

ELEVATION
EASTBURY WAY
SWINDON
WILTSHIRE
SN25 2GB

SCALE A3 Sheet @ 1 to 100

DATE July 2015

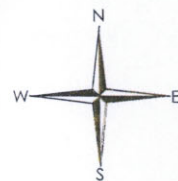
DRAWN BY PW/PJA

SURVEYED BY PW

CHECKED BY PJA

DRAWING No. SWI2003A-03C

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Site Location

Site Location

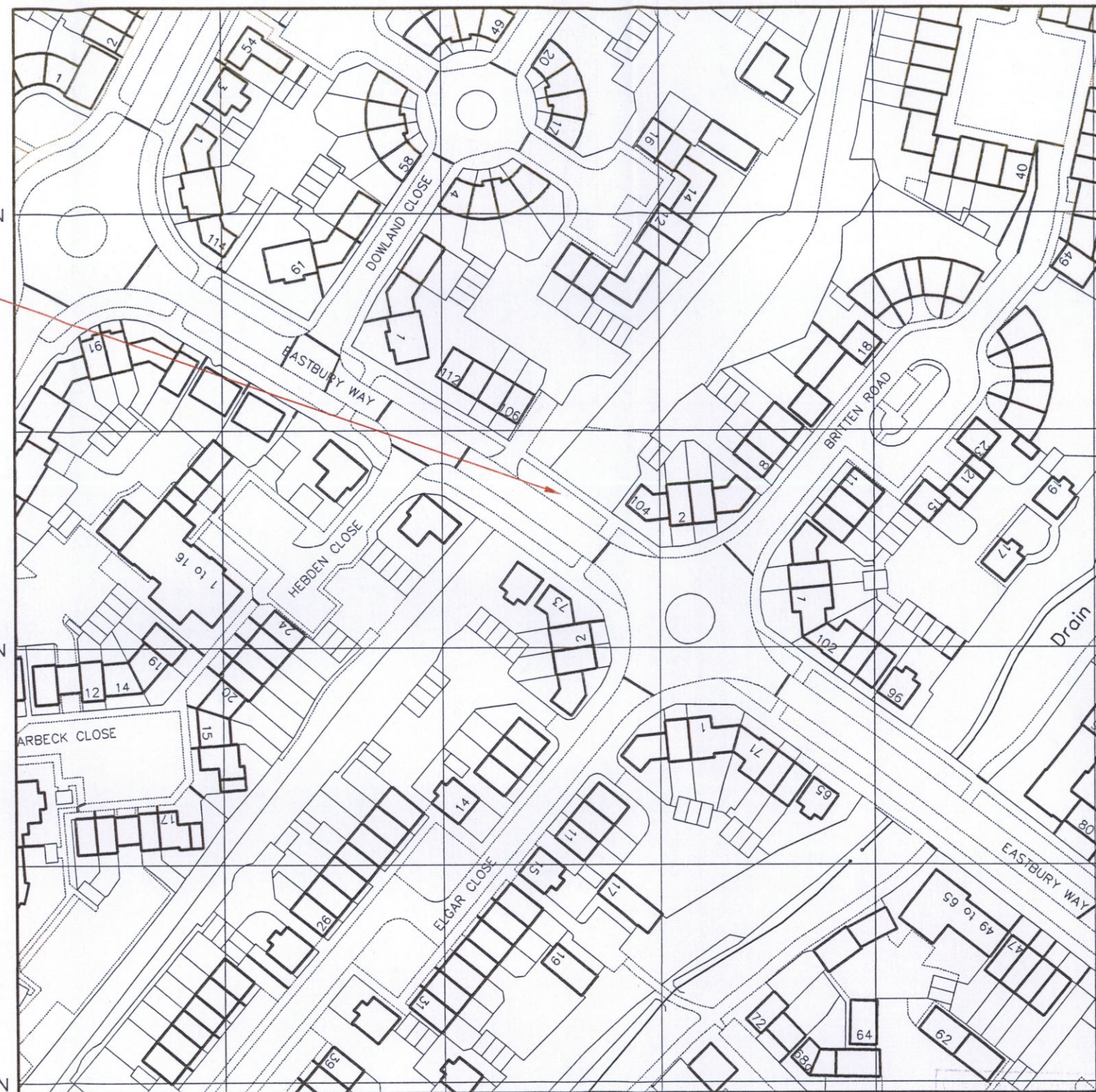


SITE LOCATION PLAN
1:50,000

189500 N

189400 N

189300 N



LOCATION PLAN
1:1250

413200 E

413350 E



REVISIONS	DATE	DESCRIPTION
A	14-07-15	Issued for Approval
B		
C	19-07-15	Minor Amendments



CLIENT

PROJECT

PROPOSED ANTENNAE
EASTBURY WAY
SWINDON
WILTSHIRE
SN25 2GB

TITLE

LOCATION PLANS
EASTBURY WAY
SWINDON
WILTSHIRE
SN25 2GB

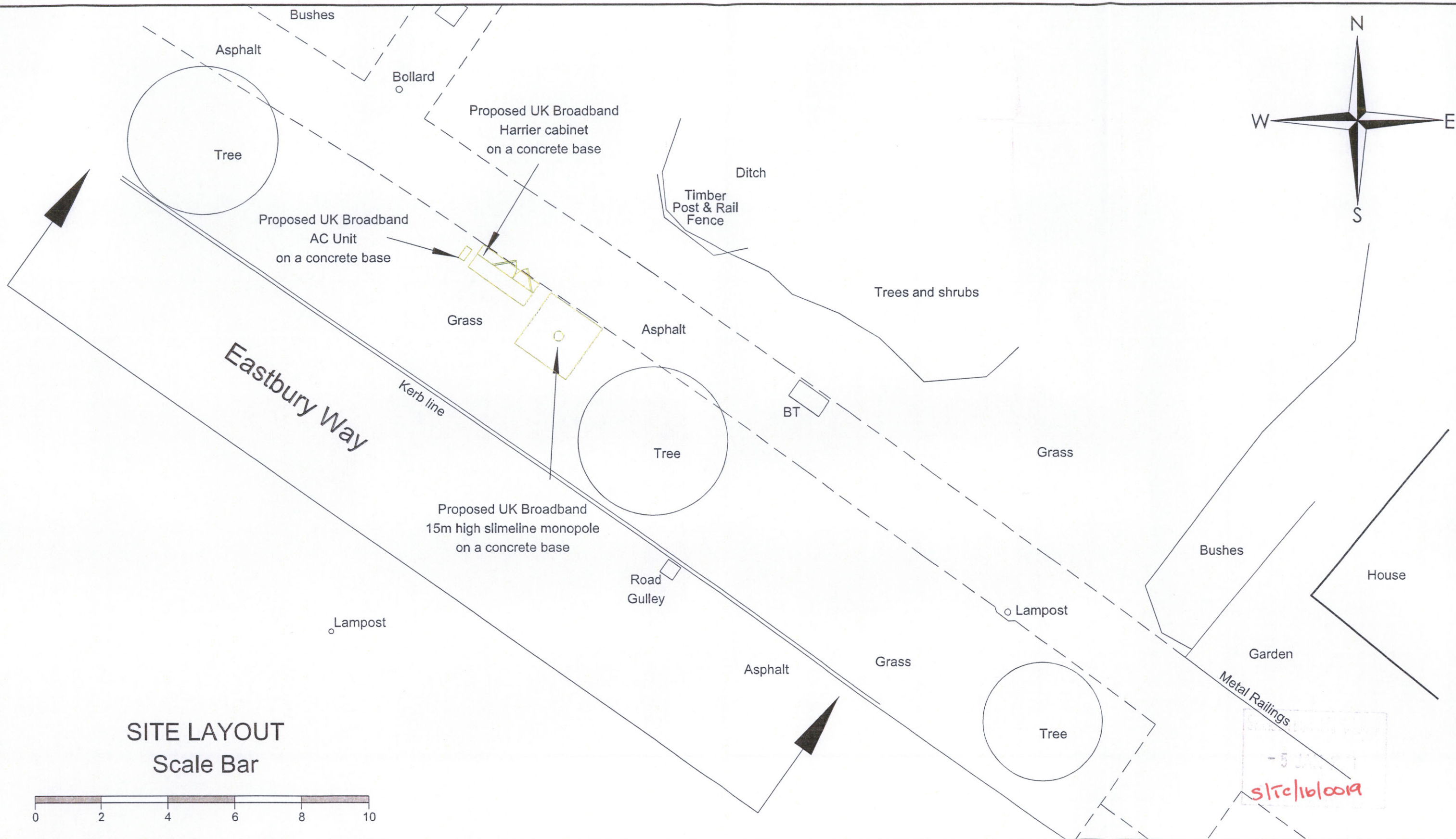
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SCALE A3 Sheet @ 1 to 2500

DATE	July 2015	SURVEYED BY	PW
DRAWN BY	PW/PJA	CHECKED BY	PJA

DRAWING No.
SWI2003A-01C

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REVISIONS	DATE	DESCRIPTION
A	14-07-15	Issued for Approval
B	15-07-15	Monopole Amended
C	19-07-15	Minor Amendments

VIRTUA
People • Passion • Performance

UK Broadband
Fast • Secure • Wireless

CLIENT
PROJECT
PROPOSED ANTENNAE
EASTBURY WAY
SWINDON
WILTSHIRE
SN25 2GB

TITLE
SITE PLAN
EASTBURY WAY
SWINDON
WILTSHIRE
SN25 2GB

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SCALE
A3 Sheet @ 1 to 100

DATE
July 2015

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PW

CHECKED BY
PJA

DRAWING No.
SWI2003A-02C

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COMMITTEE REPORT

Item Number: 10

Ward: St. Andrews

Application Number: S/TC/16/0019/IH

Parish: Blunsdon St. Andrew

Proposal: Prior Notification Application for the erection of a 15 metre high monopole, equipment cabinet and associated works.

Site Location: Land at Eastbury Way, Redhouse Swindon

Case Officer: Mr Ian Halsall

Agent:

Mr Chris Andrews
Waldon Telecom Ltd
Phoenix House
Pyrford Road
West Byfleet
Surrey
KT14 6RA

Applicant

UKB Networks Ltd
C/o Waldon Telecom Ltd

Officers Report

Background

i. This application has been brought before Planning Committee at the formal request of Councillors Friend, McCracken and Tomlinson owing to the public interest that this proposal has generated. A specific objection has also been raised by Councillor McCracken.

ii. In addition to this application there are a further four similar applications on this agenda which generate the same material and non-material planning issues. A second application within St. Andrew's ward at land at Redhouse Way (application number S/TC/16/0018) and within the Priory Vale ward, these are at land at Aiken Road, Taw Hill (application number S/TC/16/0012) and land at Polonez Court, Haydon End (application number S/TC/0027) and land on the north side of Cassini Drive, Oakhurst (application number S/TC/16/0015..

iii. It is important that the committee notes that this and the other four applications, which are proposed as part of securing the delivery fourth generation superfast wireless broadband to communities across the Borough based on a network of radio base stations, are for **PRIOR APPROVAL** and not full planning permission. Statutory Instrument 2015 No.596, the Town and Country Planning (General Permitted Development) (England) Order 2015 gives deemed planning permission as the height of the monopoles and associated cabinets fall below the threshold criteria requiring the submission of a full planning application. However the Prior Approval of the Local Planning Authority is still required as to the siting and

appearance.

iv. As the Local Planning Authority has considered that prior approval is required for the siting and appearance of the development, the applicant must receive notification of its decision within 56 days of the date in which the application is received. Failure to issue a decision within the requisite period will result in approval being given by default. The 56 day period will expire on the 1st March 2016.

v. The application is a resubmission of a previous application for prior approval for the same structure on the same site that was submitted in September 2015 (application number S/TC/15/1566) but was withdrawn to allow for further public consultation.

vi Consultation has been carried in accord with the procedure agreed by the planning committee which is wider than required by legislation. This includes notifying all properties within a 100 M radius of the equipment.

vii The development would assist Delivery of the Government standard Superfast Broadband coverage to all commercial and domestic premises in the Borough by 2017, which is a Priority Pledge within the Vision for Swindon .

Summary of Recommendation:

1 That the prior approval of the Local Planning Authority is REQUIRED and is **REFUSED**.

The Proposal:

2 This application seeks Prior Approval under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the installation of a 15 metre high grey galvanised steel slim line monopole with a 2.5 metre long fibre glass shroud at its top; a 300 millimetre transmission dish at a height of 12.5 metres above ground level; an associated green cabinet some 400mm to the north west of the pole measuring 1.75 metres in width, 400mm in depth and 1.4 metres in height; and an air conditioning unit a further 250mm north west of the cabinet measuring 350mm in length, 200mm in depth and 1.1 metres high. The equipment will be mounted on a concrete base.

3 The development is to provide superfast broadband services to the local area and the installation will have a coverage radius of approximately 500m offering coverage over eastern Redhouse and parts of Blunsdon St. Andrew. The service will be available to subscribers who can install a receiver on their property within range and sight of the pole.

The Site and Surroundings:

4 The site is located within an area of grass verge on the north eastern side of Eastbury Way to the north west of its junction with Britten Road. The submitted plans show the mast and equipment cabinet to be sited adjacent to an existing tree, one of a number of similar trees that have been planted within the verge on both sides of Eastbury Way that give the road its boulevard character. A footway runs parallel to the site and the grass verge.

5 The area is a relatively high density residential district with properties located on both sides of Eastbury Way comprising a mix of two and three storey houses and junctions

leading to residential streets including Dowland Close 60 metres to the north west, Britten Road and Elgar Close 35 metres to the south east and Hebden Close 30 metres to the west. The footway to the north of the proposed infrastructure provides access to the back of properties in Dowland Close and an area of open space.

6 The closest residential properties are numbers 104 and 106 Eastbury Way which are approximately 15 metres to the south east and about 20 metres to the north west respectively. Number 75 Eastbury Way is 18 metres opposite the site to the south west. The dwellings are mainly two and three storey in the locality and are constructed in a mix of facing render and brickwork and the area is characterised by the siting and location of residential development close to the highway edge, separated from the back edge of the pavement by small front gardens enclosed with a mix of railing and hedgerows.

Representations

6 Parish Council: Blunsdon St. Andrew Parish Council objects to the application as they consider the equipment will be detrimental to the streetscene and will be a “blot on the landscape” and are also aware of strong local objections for various reasons.

7 Neighbours: Eleven formal objections to this specific application have been received from addresses at Chartwell Road, Dowland Close, Eastbury Way, Elgar Close, Stanford Road, and Tippet Avenue in Redhouse; Melstock Road and Noyes Close in Taw Hill and Stardust Crescent in Oakhurst. The reasons cited are summarised below:

- No consideration for those who will live next to the structure which is an eyesore and visual detraction.
- The structure will be too prominent, will tower over existing homes and will change the character of the area through overdevelopment whilst harming visual amenity.
- There must be a more suitable location to site the monopole.
- There is strong evidence that such installations are linked to high radiation levels which can cause cancer and other health issues such as migraines and be harmful to children, of which many live in the vicinity with no evidence submitted to the contrary.
- Such masts emit a buzzing sound when it is raining and the cooling equipment will generate unacceptable levels of ambient noise.
- The mast will affect property values in the area.
- The last application was withdrawn because of public opposition to it but has now been resubmitted.
- The mast and equipment are not in keeping with the area or streetscene and should not be located near houses or schools.
- The need for antenna to be fixed to houses to work alongside the masts will add to the prevalence of satellite dishes in the area and will make the area look even worse.
- There is no evidence that the projected number of subscribers will sign up to the service as the local groundswell of opinion is that air broadband is far inferior to fibre and there is little support for this service.
- This will be a waste of money as residents will simply choose not to use the service.
- This is a cheap and substandard way of providing something lesser than promised whilst destroying the visual impact of a street that residents take pride in.
- The proposal contravenes the “Cabinet Siting and Pole Siting Code of Practice”

which states that the sharing of pole structures should be considered at the design stage in order to reduce unnecessary duplication and visual impact.

- Cabinets and poles should not be located at a junction or bend or other prominent locations on grass verges or grassed amenity areas contrary to best practice.

8 Petition: The Council has also taken receipt of a petition containing 32 signatures from households in Dowland Close, Capesthorne Drive and Eastbury Way. This states:

“We the undersigned, request Swindon Borough Council to refuse planning permission for the planned mast referenced above on the following grounds:

- 1. At 15m high the masts are not in keeping with the immediate area and street scene. They will also pose a health and safety risk as a distraction to drivers.*
- 2. In relation to residential buildings in North Swindon, UK Broadband should have to identify suitable locations away from built-up / densely populated areas.*
- 3. In relation to School in North Swindon, UK Broadband should have to identify locations away from schools.*
- 4. As North Swindon is currently un-cabled and many residents have an aerial TV connection, the 4G mast can interfere with the signal. How this will be addressed and who will bear the cost?*
- 5. The product that UK Broadband intend to bring to North Swindon already exists via Cotswold Wireless and is therefore not an acceptable way to spend tax payers money.*
- 6. UK Broadband have adopted a cost-effective one-size fits all approach to a project intended to improve broadband in rural areas. This is not an acceptable approach for the residents of North Swindon (urban area)”*

9 Ward Member: Councillor McCracken has raised a general objection to all five of the proposed monopoles that are defined above with her main concern being:

- That the applicants have disregarded the protocols of the “Code of Best Practice on Mobile Network Development in England” with regards to:
 - Insufficient consultation having taken place;
 - The applicants having not fully considered the option of mast and service sharing which raises serious doubts over the need to erect 15 metre high monopoles outside resident’s houses, outside schools and in children’s play areas;
- Although health issues are not considerations for planning, the evidence is inconclusive in that putting such masts in such densely populated areas would reduce parent freedom of choice to reduce their children’s exposure to non-ionising radiation compared to turning off hubs or mobile phones in the home.
- The roll out of faster broadband speed is fully supported but this should be achieved through other means.

Planning Considerations:

Legislative Background

10 The General Permitted Development Order (GPDO), Schedule 2 Part 16

(Communications) Class A requires an electronic communications code operator such as the applicant, to apply to the Local Planning Authority for a determination as to whether approval of the siting and appearance of their development is required under their "permitted development" rights.

11 The Local Planning Authority considers that prior approval is required for the siting and appearance of the development, and must notify the applicant of its decision within 56 days of the date in which the application is received. Failure to issue a decision within the requisite period will result in approval being given by default. The 56 day period will expire on the 1st March 2016.

12 It is therefore important to note that the prior approval process is separate and distinct from a development that requires express planning permission as the considerations are limited only to those of siting and appearance.

National Planning Policy Framework

15 Paragraph 21 of the National Planning Policy Framework (NPPF), 2012 advises that local plan policies should plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries whilst Paragraph 42 (NPPF) emphasises that high quality communications infrastructure is essential for sustainable economic growth and that the development of high speed broadband technology and other communications also play a vital role in enhancing the provision of local community facilities and services.

16 The NPPF advises that local planning authorities are encouraged to support the expansion of electronic communication networks including telecommunications and high speed broadband (paragraph 43) but the numbers of masts and the sites for such installations should be kept to a minimum, whilst sites need to be justified and sympathetically designed and camouflaged where appropriate.

16 The NPPF (paragraph 45) further states that applications for telecommunication development, **including those for prior approval** *[officer's emphasis]*, should be supported by the necessary evidence to justify the proposed development. This should include the following:

- The outcome of consultation with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college;
- A statement that self certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection (ICNIRP) guidelines; and,
- Evidence that the applicant has explored the possibility of erecting equipment on existing buildings, masts or other structure before selecting the proposed site.

17 The NPPF (paragraph 46) emphasises that local planning authorities must determine applications on planning grounds and should not seek to prevent competition between different operators, question the need for the system or determine health safeguards if the proposal meets the aforementioned International Commission guidelines for public exposure.

The Swindon Borough Local Plan (2026) as a material consideration

18 For the purpose of determining this prior approval application, in accordance with section A.3 (3) of Part 16 of the General Permitted Development Order, consideration can only be given to the **siting and appearance** of the development. However despite the fact that the policies in the Local Plan do not apply in the same way as they would in the case of an application for planning permission, in the determination of this prior approval application, the general principles of the policies of the Swindon Local Plan 2026 can still be used to guide the Local Planning Authority as to the suitability of the proposal in terms of its siting and appearance. Therefore the following policies are of relevance and can be used to inform the Council in its determination of the siting and appearance of this development.

19 Policy SD1 (Sustainable Development Principles) states in enabling the delivery of sustainable development and supporting sustainable communities, relevant to this proposal, development proposals should be of a high quality design, respect conserve, and / or enhance the natural built and historic environments and provide or contribute to the assessed local and borough wide infrastructure and service requirements.

20 Policy IN3 (ICT and Telecommunications) states that telecommunication proposals should be sited and designed in a way that has considered the appearance of the surrounding area and proposals should only be supported if the siting and any other additional equipment does not unduly detract from the appearance of the surrounding area or form an adversely intrusive addition to the streetscene. Secondly, the policy states that the amenity of any neighbouring sites should not be unacceptably harmed by the proximity of the proposal. Thirdly, the policy states that the colour and profile of the equipment should be sympathetic to the site's surroundings and the size of the development should be kept to a technical minimum to ensure any adverse impact on the environment is minimised. Policy IN3 further notes that the Plan is supportive of proposals that make provision to incorporate super-fast broadband.

21 Policy DE1 (High Quality Design) requires proposals to be assessed in respect of their context and character, particularly with regards to existing built characteristics and acknowledged features of importance such as trees. Consideration should also be given to the siting, orientation, scale amongst other criteria when considering the layout form and function of the development. Furthermore and again relevant to this proposal consideration should be given to the amenity implications of the proposal in terms of outlook.

22 Based on the principle of siting, highway safety factors are also a consideration and the guiding principle to inform the Council as to the suitability of the monopole and ancillary equipment. This is considered under policy TR2 (Transport and development) which states that proposal should not be detrimental to highway safety and local amenity with regards the scale, type and location of the development in question.

Outcome of Pre-Application Consultation

23 The submitted Design, Access and Supporting Statement refers to pre-application consultation with the three ward members representing the St. Andrew's ward, Blunsdon St. Andrew Parish Council, the Head Teacher and Chair of Governors of Bridlewood Primary School together with discussions that were held with Planning and Highway officers at the Council.

24 The applicant reports that the Councillor McCracken had sought clarification of the areas that would receive coverage from the proposed new mast and raised concerns regarding the possible health implications in proximity to schools. Blunsdon St. Andrew Parish Council confirmed that superfast broadband was desperately needed in the area so fully understood the reason for the proposal. However they suggested that local residents may not be supportive of the location. Your officers advised that the proposed structure would be in reasonable proximity to residential properties in what is a high density area with narrow roads, but there would not be any appear to be any significant planning concerns with regards siting and design although this was without prejudice to any public reaction. No response was received from representatives of Bridlewood School.

Compliance with Public Exposure Guidelines

25 The application is accompanied by a self-certified declaration of conformity with the public exposure guidelines. Government guidance is explicit that Local Planning Authorities must determine applications on planning grounds only and should not determine health safeguards if the proposal meets with public exposure guidelines. This declaration states that the proposed monopole:

“is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in an EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0Hz to 300 GHz).”

As a declaration of compliance with the international guidelines has been submitted, no weight can be attributed to any objection on health grounds even though the application may generate concerns because of its proximity residential properties.

Justification for Site Selection

26 The Local Planning Authority cannot question the need for the service only make a decision based upon the siting and appearance of the required infrastructure. However by way of background, the applicant who is working in partnership with the Council to provide a 4G network providing the ability to deploy multiple 20Mhz channels to meet rapidly growing wireless data demands states that the proposed 4G broadband service is based on a network of radio stations. For operational reasons, these have to be situated in relatively high locations such as on tall buildings and located close to the projected customer. For this reason the use of lamp columns or shorter monopole structures is not technically feasible. These base stations typically consist of a set of antennas and one or more small equipment cabinets, which are connected to the wider network by transmission dishes or fibre-optic cables.

27 The applicant advises that when selecting base station sites, use is made of existing telecommunication sites in the first instance when this will achieve the required network coverage. However where no such structures exist, as in this case a new mast or street works style installation will be required. This is fully in line with the Government's guidance on site selection.

28 The technical constraints affecting the siting of the proposed base station including the limited range of customer reach is necessitating the installation of a network of several masts within the Priory Vale and St. Andrew's wards together with the requirement for subscribers to have antennas installed on their properties within view of the masts. Taking that into account it is considered that the applicant has demonstrated that where there had been technical potential to locate the proposed monopole on a different site, all were deemed inappropriate for reasons including highway safety, proximity to even more properties than at present, would have had an even greater visual impact and physical constraints of nearby tall buildings.

Codes of Best Practice

29 A number of objectors in respect of this and the other proposed monopoles have referred to the document "Cabinet Siting and Pole Siting Code of Practice". This is a voluntary code agreed by relevant stakeholders including BT and Virgin Media that was agreed in June 2013 in respect of **fixed** electronic telecommunications equipment. This sets out the general principles and protocols in relation to the seeking and granting of approvals for the siting and design of street furniture based electronic communications apparatus associated with telecommunication infrastructure delivered by copper wire or fibre optic cables, including the siting of cabinets and telegraph poles.

30 In addition reference has been made by Councillor McCracken to the "Code of Best Practice on **Mobile** Network Development in England". This is a more detailed code that was developed and agreed in July 2013 by a working group comprising similar stakeholders as above, excluding the fixed broadband and telephone suppliers but including the Mobile Operators Association. This provides more detailed guidance on how mobile networks should be rolled out, including technical details, what considerations need to be given to site selection, and how to engage with the public. It is however less rigid over specific site siting measures in terms of where not to site cabinets, poles and antenna than the fixed communication code of practice, providing more general principles.

31 The "Code of Best Practice on Mobile Network Development in England" is more pertinent to the proposed infrastructure as the guidance which has been quoted by a number of objectors relates to that of fixed telecommunication infrastructure which specifically states that the purpose of the code of practice relates to *"cabinets and poles utilised by fixed line Code Operators, **not including masts utilised by mobile Code Operators.**"* [paragraph 1.1]. The guidance relating to fixed telecommunications is therefore not considered relevant to this type of "wireless" infrastructure.

32 As this is a voluntary code of practice between interested parties and not protocols that have been formally adopted or subjected to consultation by this Council they can only carry limited weight in determining this application. However where relevant to the role of the Local Planning Authority, those parts of the National Planning Policy Framework relating to telecommunications appear to have been used to inform that Code and in turn both have been used as a policy and evidence base and appear consistent with those relevant policies of the Local Plan.

Appearance

33 The proposal will primarily comprise the erection of a 15 metre high monopole with a

minimum diameter of 300mm and a maximum diameter of 500mm at its highest point. The monopoles and their associated cabinets have a utilitarian function as part of delivering communication services, in this case the provision of superfast wireless broadband, which will be of benefit to the local community. However despite their relative height, monopoles are generally tolerated as part of urban street furniture as other infrastructure such as street lighting columns, the nearest comparable tall structure within an urban environment which are approximately 6 metres high but much more frequent in number particularly in relation to Eastbury Way.

34 Although the installation of new mobile communication sites (again it is emphasised that this monopole is not intended for mobile phone communications but for wireless broadband provision) do inevitably cause anxieties, it could be argued that once such equipment is in place, particularly where attempts have been made to balance the design against the technical need, they do like other similar structures become a familiar part of the urban environment. This can be aided as with this application by ensuring that the structure attempts to be as inconspicuous as possible through its colour (grey) and finish (matt). However, unlike mobile phone mono poles which this structure replicates, these cannot be confined to just principal roads such as Thamesdown Drive, be more limited in numbers or share sites because of the technical need to be close to the receivers of the customers that they will serve. Nevertheless on this occasion, it is how this tall and functional structure will be viewed in context that generates concerns in planning terms.

Siting

35 Eastbury Way is a long linear tree lined route which has a formal character defined by the two and three storey dwellings which are positioned close to the edge of the two footways that run parallel with the road and equal width wide grass verges with the trees planted at regular intervals on each side. These properties are set behind railings and more formal planting. Eastbury Way is framed at the far north western and south eastern ends by two large “crescent” style developments and what could be described as a “boulevard” is formally intersected by two roundabout junctions, the closest of these to the proposed monopole and cabinet site being with Britten Road and Elgar Close. The local area is of a high density and comprises a substantial number of houses and apartment buildings with no areas of open space other than two linear landscape corridors which connect with Eastbury Way and project away from it in north easterly and south westerly directions.

36 It is this well framed and formally arranged streetscene and lack of any discernible areas of wider open space in front of an area of established trees and shrubs, albeit the mast will be sited in a gap in the built frontage but this is not a significant break in the built form; that suggests that the structure will not on this occasion be acceptable in terms of its immediate context.

37 The structure noticeably exceeds the height of surrounding built forms, the nearest dwellings; 104, 106, 75 and 77 Eastbury Way being no further than 20 metres from the pole albeit not being sited directly opposite any of those properties, although it will be more significantly in the line of site of number 77. It is the close proximity to those properties that will give the structure a much more significant and quite domineering presence in the street scene which your officers consider will result in the structure being significantly more noticeable, arguably long after it the initial alarm of it first being installed. This will be to the direct detriment of those properties that will have it even indirectly in the line of site from their

properties. Furthermore, in the context of the formal boulevard, the structure will significantly tower over the tree line and buildings and would become a dominant feature that will be difficult to ignore, thereby detracting from the appearance of the area.

38 Although the trees are of medium height and there are a significant number of lamp columns along the whole length of Eastbury Way, that are half the size of the proposed monopole, it is considered that the pole will still appear as the most prominent feature within the streetscene and will not be visually diluted by its surroundings as may be the case in other locations where there is perhaps a greater degree of openness and gaps in the built form. It will also dominate approaches to Eastbury Way from the linear open spaces and footpaths that connect from Dowland Close and the rear of Hebden Close.

39 Despite the visual concerns of the structure in its context the Highways Officer does not raise any objection in highway safety terms, although some concern has been raised over whether the monopole could prevent maintenance being undertaken of the nearest street tree once it had matured.

40 The cabinets however are at low level and modest in size and will only be seen from certain positions or close up and are likely to have no more of an overall visual impact than any other conventional street cabinet associated with traffic signals or telephone systems for example.

Conclusion

41 The proposed monopole and associated cabinets are intended to provide the residents of this part of North Swindon with increasingly essential broadband communication infrastructure, something that Local Plan policy IN3 and the National Planning Policy Framework strongly encourage. Although the weight of public opposition cannot in its own right justify refusal of an application in planning terms, this taken wholly in context with the appearance of the monopole structure and its close relationship to residential properties in what is a high density built up area, it is considered that those affected properties are likely feel more visually threatened by the presence of structure to the detriment of their amenity.

42 It is not considered in this particular regard that the wider public benefit of providing superfast wireless based broadband to the area can outweigh those immediate concerns over the siting of the structure in the proposed location, and it is in that public interest that in its context the proposed monopole will be unacceptably harmful in visual terms and have a detriment impact upon the character and appearance and wider enjoyment and appreciation of the streetscene.

Recommendation:

That Prior Approval is **REQUIRED** and **REFUSED**

Reason

1. The proposed telecommunications installation by reason of its height and appearance as

viewed in context to its siting within a high density and formally laid out residential area will have an adverse impact upon the character, appearance and wider enjoyment of the area by forming a prominent and intrusive addition to the streetscene. Furthermore, the amenities of nearby neighbouring dwellings would be unacceptably harmed by the proximity of the development which cannot be outweighed by the public benefit the infrastructure could otherwise bring to the wider community. As such the proposal is an unacceptable form of development in terms of its siting and appearance contrary to the material considerations of National Planning Policy Framework (2012) and policies INF3 and DE1 of the Swindon Borough Local Plan 2026 (2015).

Informative

This decision shall be in respect of drawings SW12003A-01C, 02C and 03C and the following supporting documents:

- Design, Access and Supporting Statement
- Statement of ICNIRP compliance
- Supplementary information

All documents were received by the Local Planning Authority on 5th January 2016.

End of Report

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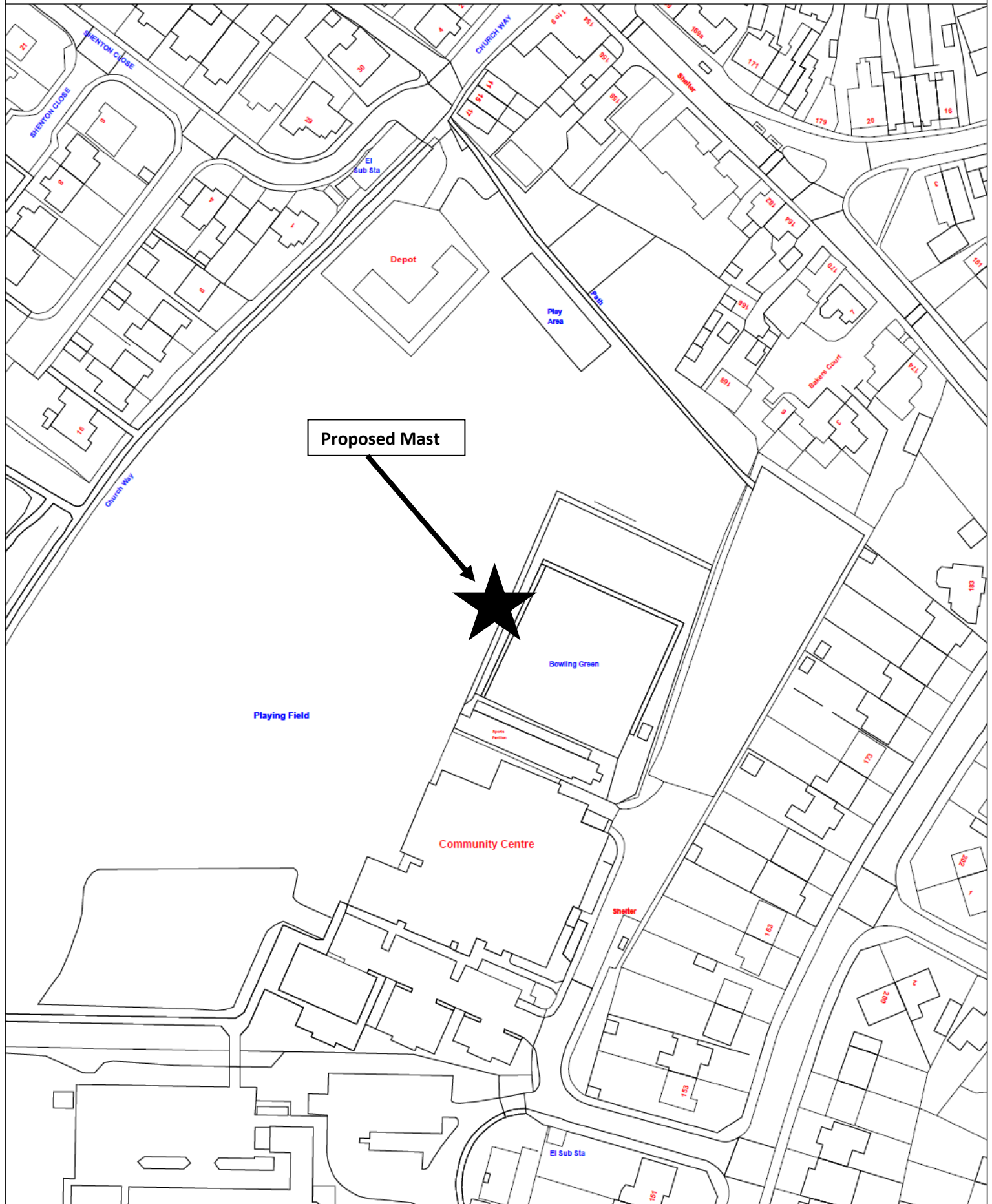
This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.

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S/TC/15/2005

The installation of a 17.5 metre lattice tower to supply high speed broadband, supporting 3 no. antennas and a 0.6m transmission dish, 2no. equipment cabinets and a 2.4 metre high palisade fence and associated works.

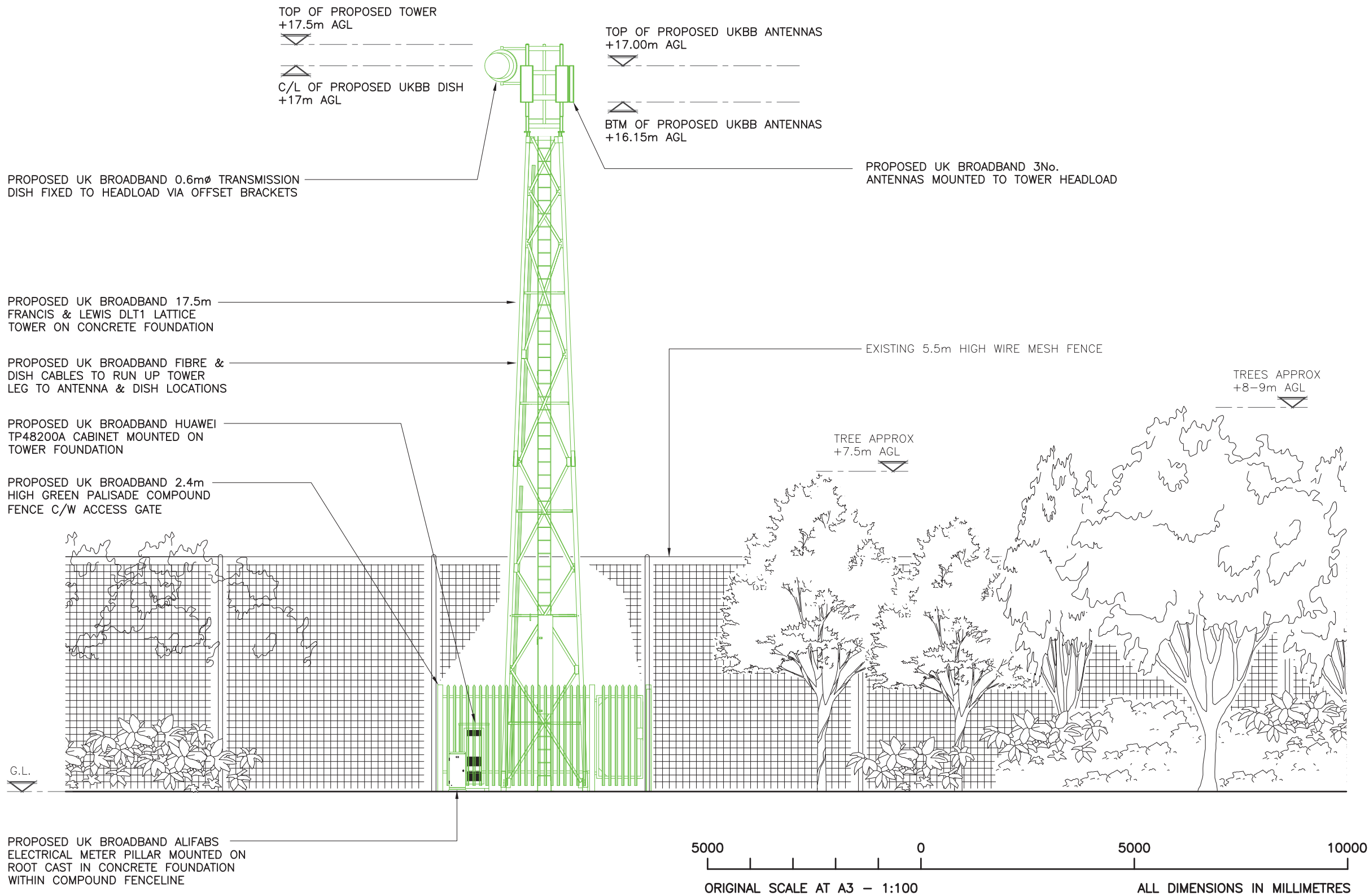
Land At Stratton Community Leisure Centre Grange Drive Stratton St Margaret Swindon SN3 4JY



This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.

In all cases references should be made to the submitted plans.

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ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R | E:417674 N:186882

C	Scale Bar added	PL	AK	01.12.15
B	Antenna Bearing & Height change	PL	AK	21.09.15
A	Issued for Approval	PL	AK	18.09.15

REV	MODIFICATION	BY	CH	DATE
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Site Name	Opt.
GRANGE LEISURE	A

Site ID No
SWI2013

Site Address / Contact Details
GRANGE DRIVE SWINDON WILTSHIRE SN3 4JY

Drawing Title:
PROPOSED ELEVATION 'A'

Purpose of issue:
PLANNING

Drawing Number:
102

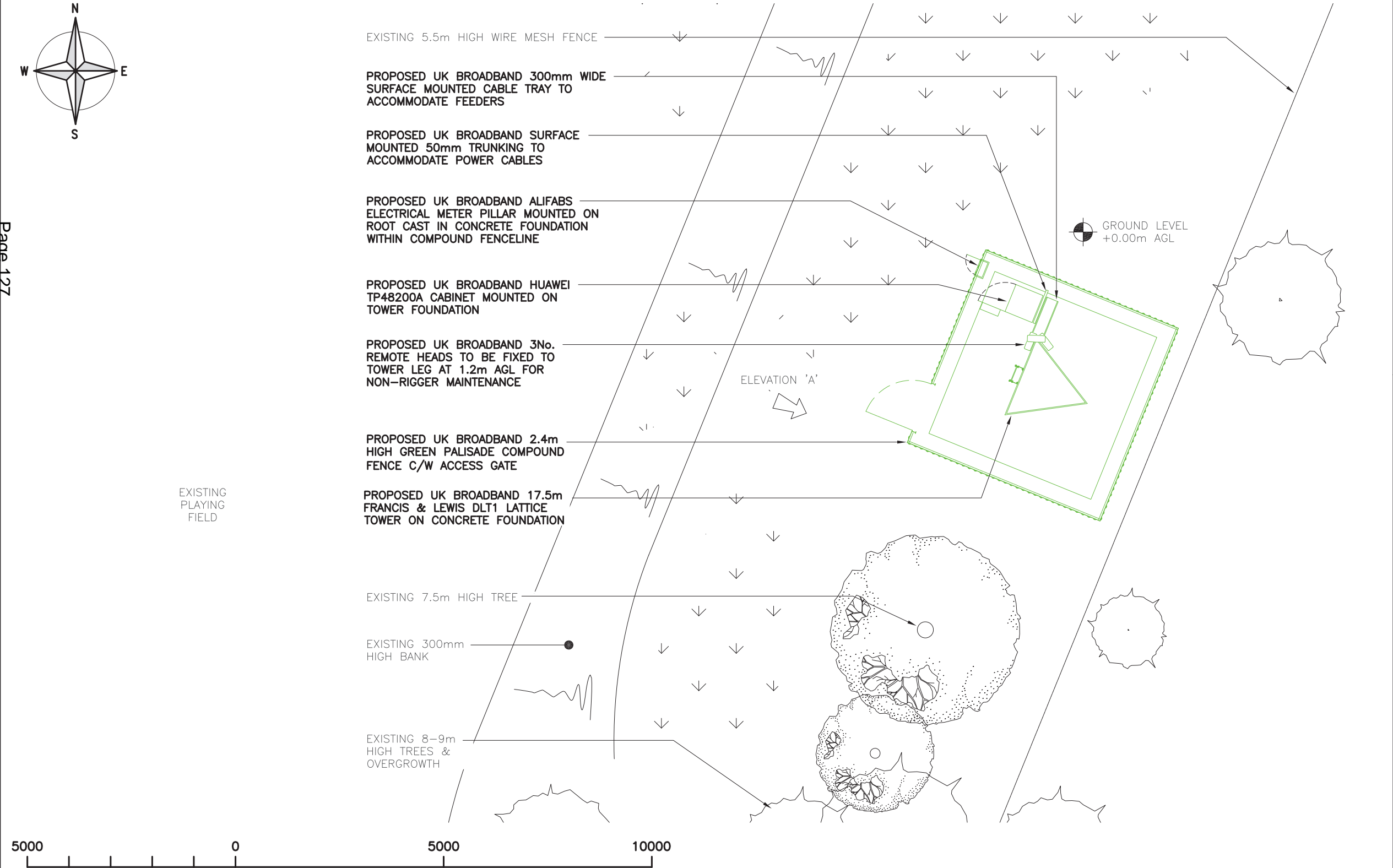
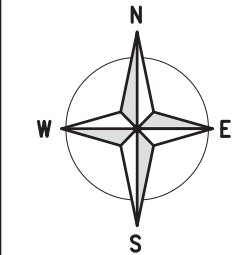
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Date:	18.09.15	Date:	18.09.15	

The drawings comply with Standard ICNIRP guidelines.

Designed in accordance with UK Broadband document: UKB_4GD_DEL_DES_MISC_001

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PROPOSED ANTENNA KEY					FEEDER KEY				REMOTE HEAD SCHEDULE						
ANT. REF.	FUNCTION	ANTENNA TYPE	BEARING	HEIGHT TO TOP	TYPE	SIZE	LENGTH	No. OF FEEDERS	RH REF	ANTENNA REF	MANUFACTURER	TYPE	SIZE	FIXING METHOD	FIBRE/DC CABLE LENGTH
S1A/S1B	4G	SL12436A	90°	17.00m	COAX	1/2"	16m	4	RH1	S1A/S1B	HUAWEI	TBC	TBC	TOWER LEG	5m
S2A/S2B	4G	SL12436A	210°	17.00m	COAX	1/2"	16m	4	RH2	S2A/S2B	HUAWEI	TBC	TBC	TOWER LEG	5m
S3A/S3B	4G	SL12436A	330°	17.00m	COAX	1/2"	16m	4	RH3	S3A/S3B	HUAWEI	TBC	TBC	TOWER LEG	5m



5000 0 5000 10000
ORIGINAL SCALE AT A3 – 1:100 ALL DIMENSIONS IN MILLIMETRES

EQUIPMENT SCHEDULE				
MANUFACTURER	TYPE	SIZE	COLOUR	NOTES
HUAWEI	TP48200A CABINET	700x700x1600mm	GREEN	INSTALLED ON TOWER FOUNDATION
FRANCIS & LEWIS	DLT1 LATTICE TOWER	17.5m HIGH	GALV.	SPECIAL HEIGHT LATTICE
ALIFABS	SMP METER PILLAR	378x182x872mm	GREEN	INSTALLED IN FENCELINE

PROPOSED SITE PLAN
(1:100)

The drawings comply with Standard ICNIRP guidelines.
Designed in accordance with UK Broadband document: UKB_4GD_DEL_DES_MISC_001

DISH KEY				
DISH REF	DISH DIA	BEARING	HEIGHT TO CENTRE (AGL)	LINK No.
D1	0.6ø	296°	17.00m	–
–	–	–	–	–

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E:417674 N:186882

NOTE:
PROPOSED UK BROADBAND POWER SUPPLY
DERIVED FROM REC SUPPLY.

C	Scale Bar added	PL	AK	01.12.15
B	Antenna Bearing & Height change	PL	AK	21.09.15
A	Issued for Approval	PL	AK	18.09.15

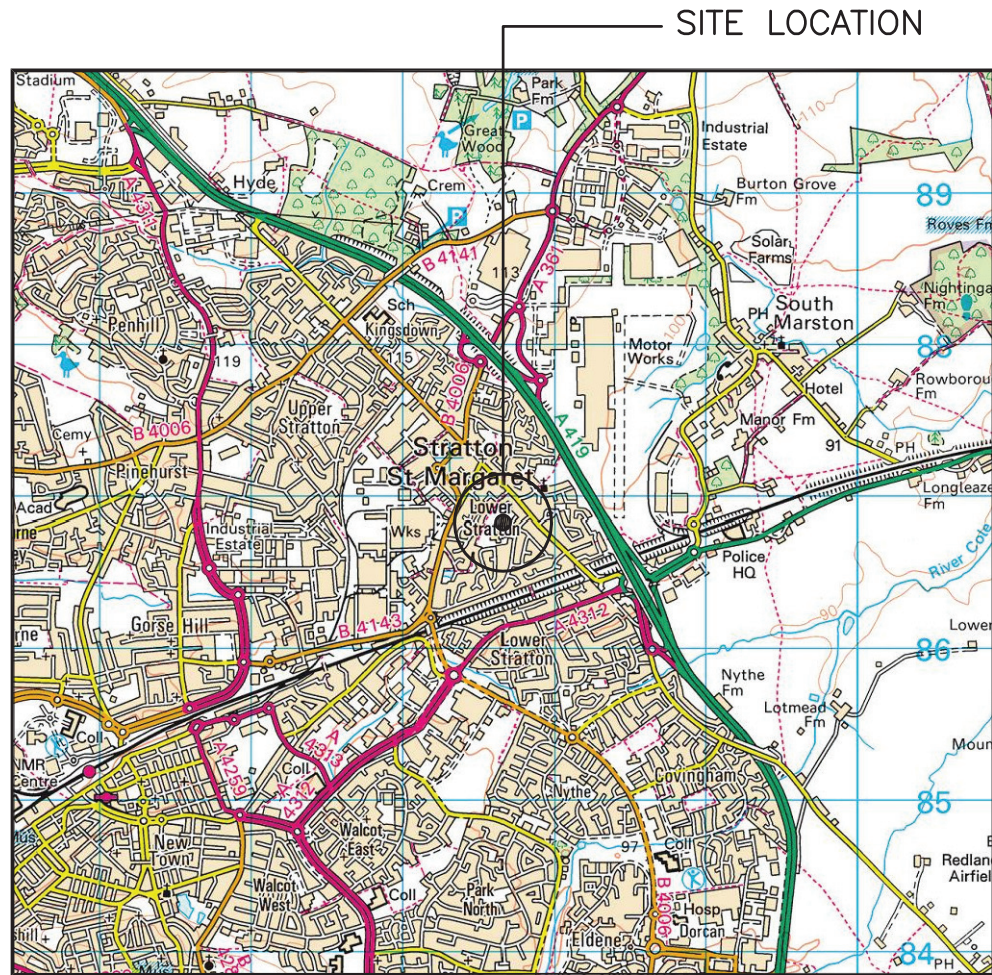
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Site Name	Opt.
GRANGE LEISURE	A
Site ID No	
SWI2013	
Site Address / Contact Details	
GRANGE DRIVE SWINDON WILTSHIRE SN3 4JY	

Drawing Title:	PROPOSED SITE PLAN							
Purpose of issue:	PLANNING							
Drawing Number:	101							
Surveyed By:	AKSESS	Original Sheet Size:	A3	Issue:				
Drawn:	PL	Date:	18.09.15	Checked:	AK	Date:	18.09.15	C

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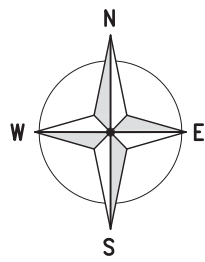


SITE LOCATION
(Scale 1:50000)

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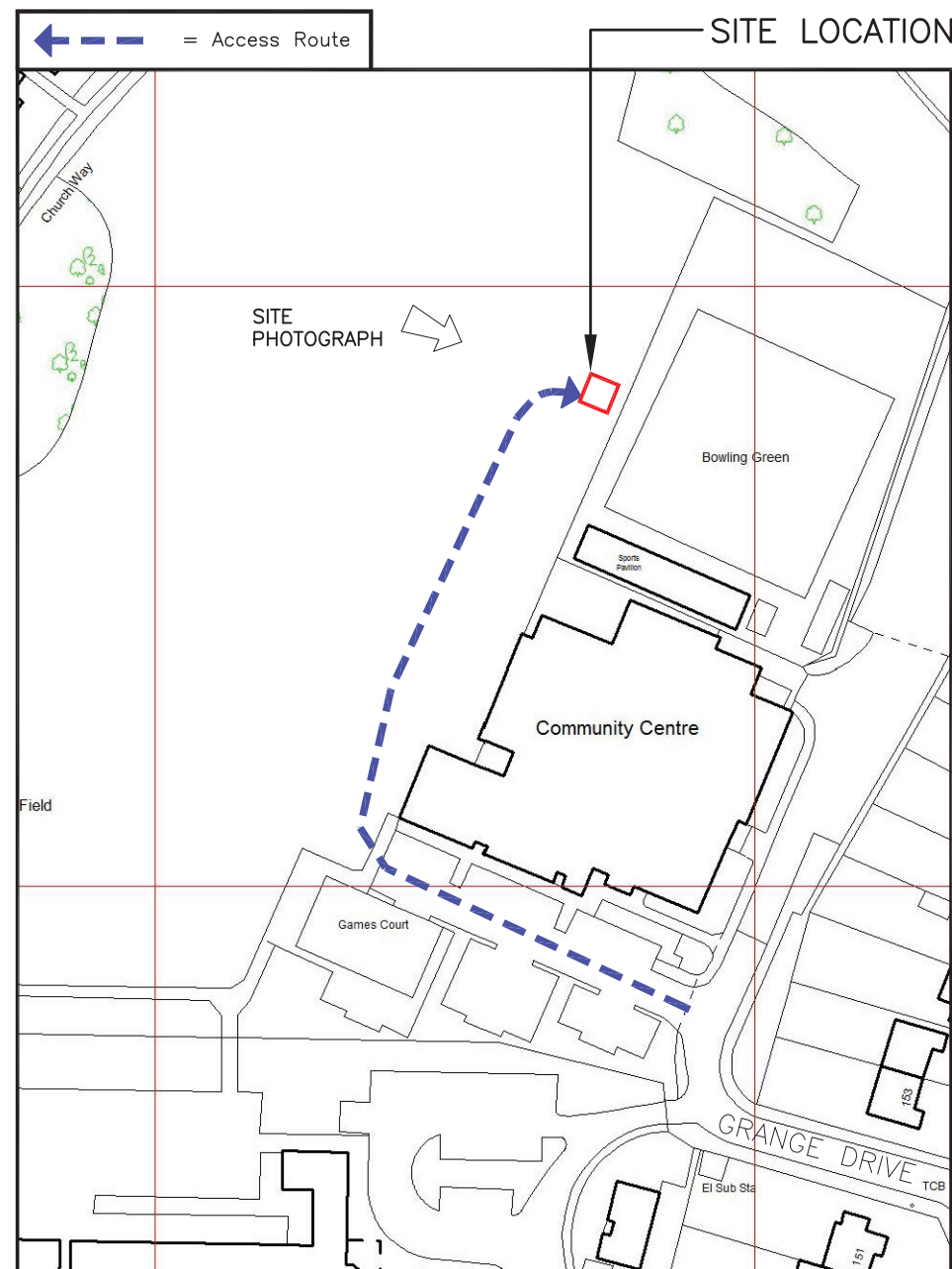


SITE PHOTOGRAPH



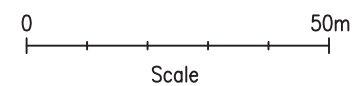
1869 00

1868 00



DETAILED SITE LOCATION
(Scale 1:1250)

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NOTES:

B	Scale Bar added	PL	AK	01.12.15
A	Issued for Approval	PL	AK	18.09.15
REV	MODIFICATION	BY	CH	DATE



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UK Broadband
Fast • Secure • Wireless

Site Name	Opt.
GRANGE LEISURE	A
Site ID No	
SWI2013	
Site Address / Contact Details	
GRANGE DRIVE SWINDON WILTSHIRE SN3 4JY	

Drawing Title:					SITE LOCATION MAPS												
Purpose of issue:					PLANNING												
Drawing Number:					100												
Surveyed By:			AKSESS			Original Sheet Size:			A3			Issue:					
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COMMITTEE REPORT

Item Number: 11

Application Number:
S/TC/15/2005/RA

Ward: St Margaret And South Marston

Parish:
Stratton St Margaret

Proposal: The installation of a 17.5 metre lattice tower to supply high speed broadband, supporting 3 no. antennas and a 0.6m transmission dish, 2no. equipment cabinets and a 2.4 metre high palisade fence and associated works.

Site Location: Land At Stratton Community Leisure Centre, Grange Drive, Stratton St Margaret

Case Officer: Miss Rachael Adams

Agent:

Mr Chris Andrews
Waldon Telecom Ltd
Phoenix House
Pyrford Road
West Byfleet
Surrey
KT14 6RA

Applicant

UKB Networks Ltd
C/o Agent

Officers Report

Background:

- i. This application has been brought before Planning Committee at the request of Councillor Haines and Councillor Holland.
- ii. The Committee should note that this and five other applications for prior approval on this agenda, are all proposed as part of securing the delivery of fourth generation superfast wireless broadband to communities across the Borough based on a network of radio base stations.
- iii. Consultation has been carried in accord with the procedure agreed by the planning committee which is wider than required by legislation. This includes notifying all properties within a 100 M radius of the equipment.
- iv. The development would assist Delivery of the Government standard Superfast Broadband coverage to all commercial and domestic premises in the Borough by 2017, which is a Priority Pledge within the Vision for Swindon .

Summary of Recommendation:

1 That planning permission be granted subject to conditions.

The Proposal:

2 This application for planning permission is one of a number of proposals for development submitted to the Council by the applicant relating to various sites in Swindon. It is required to provide 4G broadband coverage in the Stratton area as part of proposals to provide 4G coverage within the Borough.

3 This application seeks planning permission for the installation of a 17.5 metre high lattice tower, an equipment cabinet, electricity meter cabinet and 2.4 metre high green palisade security fence. The development is to provide superfast wireless broadband services to properties within a radius of approximately 500 metres.

The Site and Surroundings:

4 The site is located on land at the Stratton Community Leisure Centre at Grange Drive in Stratton St Margaret. The site forms part of the Grange Drive Recreation Ground playing fields located immediately behind the Community Centre and the Stratton Churchway Bowls Club. To the north lies a playground and to the south is Grange Junior School.

5 The installation is proposed immediately to the west of the Bowls Club. An existing 5.5 metre high wire fence separates the Bowls Club from the playing fields.

6 The surrounding area is predominantly residential in character. The closest residential properties to the site are located on Grange Drive to the east, Ermin Street to the north and Shenton Close and Chamberlain Road to the west across the playing fields.

Representations:

7 Parish Council:

Stratton St Margaret Parish Council have yet to make comments as they are not meeting until 2nd February. Their comments will be reported at the meeting.

8 Neighbours:

Letter of objection from resident of 179 Grange Drive, who made the following comments:

- It is well known that this type of construction can, and has caused severe interference to individual television screens, in some cases the individuals have had to renew their TV aerial, at their own expense.
- Also the fact that there seems to be no consideration to the residents who have to look at this construction for the rest of their lives, There are several areas in the Stratton St Margaret area, where this could be erected and not cause the problems, we are possible going to experience. i.e. the industrial parks around Stratton St Margaret, and we have more than a fair share of these.

9 Ward Councillors:

Cllr Haines and Cllr Holland have requested the application be dealt with by the planning committee.

Planning Considerations:

National Planning Policy Framework

10 Paragraph 21 of the National Planning Policy Framework (NPPF), 2012 advises that local plan policies should plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries whilst Paragraph 42 emphasises that high quality communications infrastructure is essential for sustainable economic growth and that the development of high speed broadband technology and other communications also play a vital role in enhancing the provision of local community facilities and services. Paragraph 43 notes that local planning authorities are encouraged to support the expansion of electronic communication networks including telecommunications and high speed broadband. The numbers of masts and the sites for such installations should be kept to a minimum, whilst sites need to be justified and sympathetically design and camouflaged where appropriate.

11 Paragraph 45 states that applications for telecommunication development (including those for prior approval) should be supported by the necessary evidence to justify the proposed development. This should include the following:

- The outcome of consultation with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college.
- A statement that self certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection (ICNIRP) guidelines.
- Evidence that the applicant has explored the possibility of erecting equipment on existing buildings, masts or other structure before selecting the proposed site.

12 The application before Members has included details to address the above three bullet points.

13 Paragraph 46 emphasises that local planning authorities must determine application on planning grounds and should not seek to prevent competition between different operators, question the need for the system or determine health safeguards if the proposal meets the aforementioned International Commission guidelines for public exposure.

The Swindon Borough Local Plan (2026)

14 Policy IN3 (ICT and Telecommunications) states that proposals for telecommunications development should be sited and designed in a way that has considered the appearance of the surrounding area and proposals should only be supported if the siting and any other additional equipment does not unduly detract from the appearance of the surrounding area or form an adversely intrusive addition to the streetscene. Secondly, the policy states that the amenity of any neighbouring sites should not be unacceptably harmed by the proximity of the proposal. Thirdly, the policy states that the colour and profile of the equipment should be sympathetic to the site's surroundings and the size of the development should be kept to

a technical minimum to ensure any adverse impact on the environment is minimised. The policy further notes that the Local Plan is supportive of proposals that make provision to incorporate super-fast broadband.

15 Policy DE1 (High Quality Design) requires proposals to be assessed in respect of their context and character, particularly with regards to existing built characteristics and acknowledged features of importance such as trees. Consideration should also be given to the siting, orientation, scale amongst other criteria when considering the layout form and function of the development. Furthermore and again relevant to this proposal consideration should be given to the amenity implications of the proposal in terms of outlook.

16 Policy EN3 (Open Space) states that public open space assets defined on the Policies Map will be protected from development unless the proposed development is ancillary to the main use of the site and protects its public open space function.

Applicant's pre-application consultation

17 The application submission refers to pre-application consultation with the Ward Councillor (representing the St Margaret and South Marston Ward), Stratton St Margaret Parish Council, Grange Junior School, Stratton Churchway Bowls Club and the Council's Planning Department. The applicant's consultation letters were dated 15th October 2015. The application submission reports the following responses to the applicants pre-application exercise:

- Councillor Holland responded on 15 October acknowledging the information confirming he would not express a view as he wanted to keep an open mind so he can articulate the views of local residents when they are received;
- St Margaret's Parish Council also responded on 15 October. They had queries regarding the level of consultation and also confirmed they would post details on their website;
- A response was received from Stratton Churchway Bowls Club on 1 November. This response raised a number of concerns regarding the development including visual impact and subsequent impact on its membership, whether this was the most appropriate site and the level of consultation. A response has been sent to the club, in particular in relation to alternative sites;
- A parent of a child at Grange Junior School wrote on 9 November expressing Health and Safety concerns. A response was sent with information regarding health and safety;
- On 25 November the Member of Parliament for the area, Justin Tomlinson, commented: "There is absolutely no demand for this and residents will expect to be heard on this".

Compliance with Public Exposure Guidelines

18 The application is accompanied by a self-certified declaration of conformity with the public exposure guidelines. Government guidance is explicit that Local Planning Authorities must determine applications on planning grounds only and should not determine health safeguards if the proposal meets with public exposure guidelines. This declaration states that the proposed equipment:

'is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in an EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0Hz to 300 GHz).'

19 As a declaration of compliance with the international guidelines has been submitted, no weight can be attributed to an objection on health grounds.

Applicant's justification for site selection

20 The application submission refers to various other sites that were considered as an alternative to the application proposal. The application submission includes the following analysis:

- St Margaret's Church, Church Street

The church is located at the northeast edge of the target area and might provide good radio coverage to the area from such a position. However, the church which dates from the 13th Century stands within the Lower Stratton Conservation Area and is a grade 1 Listed Building. It is considered a proposal would have an unacceptable impact on the character and appearance of the church, In addition, there are also tall trees that surround the church and this would attenuate the signal from this site, therefore reducing its effectiveness.

- Open land at the end of Kenwin Close

The green open space is immediately east of a modern housing estate and abuts the A419 dual carriageway. There are mature trees that separate this area from the nearby housing and from the dual carriageway and it may be possible to develop a mast site here. However, the location is relatively far from the target area and this would reduce coverage capabilities. This is a valued open space popular with dog walkers and additional trees planting in the area has recently been completed. The site at the Leisure Centre is considered a more suitable option.

- Grange Junior School, Grange Drive

This is a low level building unsuitable for a rooftop installation and with no space available for a mast.

- CTIL Street Work Site, Swindon Road

This is the closest existing radio mast site but it is not possible to share since the slimline pole is not a sharable structure. The location is also distant from the target area as it would not provide the required level of coverage to the target area. It has therefore been discounted.

- Grassed area to the south of the 'Mr Clutch Autocentre' Unit at the Equity Trade Centre, Swindon Road

There is sufficient space in this location for an installation at the edge of an industrial area. An approach was made to the agents for the Equity Trade Centre estate, however they confirmed they were not interested in accommodating an installation on the site or anywhere on the estate.

- Industrial Units south of Hobley Drive

This is an industrial area where a mast installation might seem appropriate. However, the units here are closely set together and what space is available is used for car parking. No space exists for a mast site and this area has therefore been discounted.

21 It is accepted that the other sites discussed in the application submission are unsuitable for the installation in terms of their practical suitability, siting and visual appearance.

Siting, appearance and visual impact

22 It is considered that the siting of the lattice tower will be visible but the impact arising from this is not considered to be harmful in terms of the visual impact given its location behind the community centre and bowling green, the significant distance away from residential properties and the benefit of some screening provided by existing trees. Being sited away from the road frontage it will not adversely impact upon the streetscene but it will be apparent in more distant views.

23 It is acknowledged that it will be prominent to users of the Bowls Club and playing fields but these are not residential properties where people live.

24 It is considered that any minimal harm in terms of visual impact on the surrounding area is outweighed by the public benefits of the proposed development to provide fast speed broadband to the locality.

25 It is considered the proposal will not result in any material loss of open space as the installation of the mast and equipment cabinets only take up a very small area (25sqm) of playing field. It is therefore considered that the proposed installation is ancillary to the main use of the site and protects its public open space function and therefore does not conflict with policy EN3.

26 It is considered that the proposed installation and the ancillary development will not unduly detract from the appearance of the surrounding area and neither will it significantly harm the amenity of neighbouring properties. Therefore for these reasons it is considered that the proposal accords with policy DE1 of the Local Plan and will enable fast broadband to be provided in accordance with policy IN3 of the Local Plan.

Conclusion:

27 It is recommended that the permission be granted subject to conditions to ensure that further details are provided of the external facing materials of the equipment cabinet, the colour treatment of the lattice mast and details of the fencing proposed to be installed around the perimeter of the site to ensure that the visual appearance of these elements is acceptable.

Recommendation:

28 That planning permission be granted subject to conditions;

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town & Country Planning Act 1990.

2. This decision shall be in respect of drawings SW12013 - 100B, 101C and 102C, Declaration of ICNIRP compliance, Design, Access and Supporting Statement and Supplementary information all received by the Local Planning Authority on 7th January 2016.

End of Report

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Local Plan Principle of High Quality Design.

Planning Committee

9th February 2016

Author: Head of Planning, Regulatory Services and Heritage

Parish / Wards Affected: All

Purpose

- To draw attention to the need to give due regard to the Local Plan high quality design principle.
- To ensure that the scale of development is managed in a positive way through the planning system to deliver new neighbourhoods that promote healthy, safe, inclusive and attractive communities that respect, conserve and/or enhance the natural, built and historic environment.
- To ensure that developments on individual sites do not result in separate, insular residential neighbourhoods, but that they achieve a high degree of connectivity to each other and to the existing development in the local area.

Recommendation

That the Planning Committee notes the contents of this report for the purpose of highlighting the need for consistency in decision-making at Planning Committee and at Officer level concerning the principle of high quality design which is enshrined in the Local Plan.

1. Reasons

- 1.1 Issues have arisen over recent years where development pressure on various land parcels in different ownerships and in close proximity to each other have intensified and most have come forward for development through the planning department.
- 1.2 A case in point is the land surrounding the Blunsdon Parish area over the A419 and stretching over to the development sites within the Abbey Stadium area. The applications in this case are at different stages of the planning process, with many having gained either outline or detailed planning consents.
- 1.2 Below is an up-to-date list of the various applications currently proposed / or approved within this particular area and a map follows the report to provide some further context to the specific planning applications listed below:

1 Abbey Stadium

Further information on the subject of this report can be obtained from Peter Garitsis on 466744 or Email pgaritsis@swindon.gov.uk.

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S/07/1365 granted Outline application for the demolition of existing stadium and construction of new stadium, with youth training facilities, 16,745 sq.m. of business (B1) floor space, a care home and 450 no. residential dwellings - Access not reserved. Granted 17th Aug 2011 subject to S106

S/12/1826 (Section 73 application to modify conditions of original outline) outline application for the demolition of existing stadium and construction of new stadium, with youth training facilities, 16,745 sq.m. of business (B1) floor space, a care home and 450 residential dwellings - Access not reserved 8th Aug 2013.

S/RES/13/0344 construction of roads and strategic drainage (part of site) granted RM 25th April 2014

S/RES/13/0951 reserved matters for Persimmon Homes phase (Charles Church) for 66 dwellings 20th Dec 2013

S/RES/13/1188 reserved matters for Persimmon Homes phase (120 dwellings) granted 4th July 2014

S/RES/14/1539 reserved matters for Barratt Developments phase (121 dwellings) granted 19th Dec 2014

S/RES/16/0036 Reserved matters application pending consideration for the erection of a new Stadium and associated development.

2 **Abbey Farm**

S/OUT/14/0080 - Outline application for up to 350 dwellings, a two form entry primary school, a local convenience shop, green infrastructure including open space and associated highways, infrastructure, utilities, demolition and other engineering works - Access not reserved. Granted planning permission 2nd April 2015 subject to S106.

3 **Land at Lady Lane**

S/OUT/15/1025 – Outline application for 52 dwellings – recommendation at November Planning Committee for the Head of Planning, Regulatory Services, Heritage and Libraries be authorised to GRANT planning permission, in consultation with the Ward Councillors and the Cabinet Member - Strategic Planning & Communities and subject to securing footpath and transport links from the site, the completion of a planning obligation to secure the housing tenure and type that is material to the decision required to support the development, and the necessary highway works to mitigate the impact of the development and subject to conditions with authority to vary the content and / or wording of both as appropriate.

4 **Land to rear 99 Ermin Street, Blunsdon**

S/RES/15/0255 – Reserved matters application - Erection of 61 dwellings with provision for open space, allotments and associated works. Reserved Matters from previous permission S/13/1233.

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- 5 **Land to rear 93 Ermin Street, Blunsdon**
S/OUT/14/1121 – Outline application for the demolition of the existing house and outbuildings and erection of up to 14 dwellings (Means of access not reserved).
- 6 **Land to rear 83 Ermin Street, Blunsdon**
S/13/0364 - Erection of 57 dwellings, provision of allotments and associated works (Means of Access not reserves).
S/ RES/15/1702 - Erection of 57 dwellings, provision of allotments and associated works (Reserved Matters from outline planning permission S/13/0364).
- 1.3 The LPA is taking a positive approach to reflect the presumption in favour of sustainable development, by working proactively with applicants to find solutions to complex sites.
- 1.4 In order to satisfy Policy SD3 of the Swindon Borough Local Plan the Local Planning Authority has to ensure that the scale of development is managed positively to deliver the quality of housing and facilities in a way that promotes healthy, safe, inclusive and attractive neighbourhoods.
- 1.5 While in many respects it is too late within the planning process to develop a masterplan to control the more recent major development proposals that have come forward in this area, this report seeks to draw attention to the Planning Committee of the need to establish a strong sense of connectivity across the various land parcels, and overall good urban design principles for the detailed development layouts in line with Swindon Borough Local Plan Policies DE1, SD3, CM2, the NPPF and NPPG.
- 1.6 Failure to ensure good connectivity across the entire area in a comprehensive way would serve to only weaken the linkages between future and existing communities, creating more isolated development that is unsustainable by generating more car-based trips than a more physically-connected layout would.
2. **Detail**
- 2.1 This report is going to emphasise the need to achieve a high degree of connectivity across development parcels in order to address the main criteria for providing pedestrian and cycling routes in an integrated way as set out in Local Plan Policy DE1, in particular: Accessibility, Connectivity, Permeability, Legibility and Inclusivity; and in doing so also supporting other policies of the local plan such as Policy CM2a: Active, Healthy and Safe Lifestyles.

The reason for each of these is outlined below:

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- 2.2 ***“Accessibility of the development to facilities such as public transport, open space, schools, shops and employment by all modes of transport giving priority to pedestrians and cyclists;”*** (SBLP 2026 para 4.13 bullet point 1).

It is essential that new communities are designed to locate housing with local facilities and amenities within walkable distances. This enables better social cohesion between adjacent neighbourhoods, reduces the need to travel by car and in doing so encourages healthier communities.

Sites adjacent to each other that fail to achieve good linkages to provide for walkability between housing and essential local facilities and amenities will be contrary to policy DE1.

- 2.3 ***“Connectivity of the new development with the existing surrounding area, including strong, direct, safe and desirable linkages as well as visual connection, between housing, green infrastructure and public realm;”*** SBLP 2026, para 4,13 bullet 2.

Developments that fail to connect sufficiently to neighbouring housing, facilities and open space lead to insular development and an over-reliance on vehicular movement, by compromising walkable distances. Strong connectivity promotes walking and cycling and enables healthy lifestyles by encouraging people to walk, run and cycle.

Development proposals must provide good connectivity for pedestrians and cyclists between adjacent development areas in a way that is direct, safe and attractive. Direct in order to ensure good accessibility distances; safe through careful planning, overlooking routes; and attractive in order to encourage their use, such as walking and cycling routes between neighbourhoods to nearby schools and open spaces.

“Legibility – through a clear and logical structure that is easy to navigate and understand. This should be achieved through a well-ordered and defined public realm, with clear relationships between uses, buildings, routes and spaces;” SBLP 2026, para 4.1 bullet 3.

A clear and logical layout structure is fundamental to achieving good legibility. A good permeable, legible scheme with strong connectivity, and well-executed access points makes it easy for people to know where they are, to see where they want to get to and how to get there. The opposite occurs in development layouts adjacent to each other that are insular, rely on single points of access and are unrelated and detached from each other through their layout structure.

“Inclusivity across all user groups through the principles of inclusive design. Inclusive access to places, spaces, buildings and public transport is a crucial part of achieving social equality and the prevention of economic, social and physical barriers;” SBLP 2026, para 4.1 bullet 4

“Permeability - ensuring a high degree of ease of movement within and across the development, by adopting a strong layout that avoids closed streets and blocked movements;” SBLP 2026, para 4.1 bullet 7

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New neighbourhoods must provide a layout structure that will deliver good connectivity within the proposed development itself, avoiding blockages that could easily be designed out.

“Policy CM2(a) Active, Healthy and Safe Lifestyles – are enabled by increasing opportunities to walk and cycle and encouraging more sustainable travel choices;”
SBLP 2026

The SBLP 2026 has an important role to play in creating environments that promote activity through high quality design, access to play areas, playing pitches and green space and creating opportunities to walk and cycle safely, thereby promoting social cohesion and healthy, walkable neighbourhoods.

4.0 Alternative Options

4.1 There is no alternative option to applying the requirement of the policy in this regard.

Risk Management

Financial and Procurement Implications

- The costs of necessary infrastructure work will be mitigated through a combination of CIL and s106 contributions from developers.

Legal and Human Rights Implications

- Legal and Human rights implications have been considered in preparing this report. The report is considered to be compatible with convention rights.

Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- It is envisaged that the report would enable a high-level steer to be exercised by planning officers when considering and determining applications for development in this area.

Links to the Council's Vision

- This report supports the Council's Vision by ensuring that new development in the Borough be a model of well managed housing growth which supports and improves new and existing communities.

Diversity Impact Assessment

- A Diversity Impact Assessment (DIA) has previously been completed in respect of the Swindon Borough Local Plan 2026 and for the Swindon Residential Design Guide Draft Consultation Document (August 2015). We do not believe that the implementation of this proposal will create an adverse impact on the basis of age, disability, race, gender, sex, sexual orientation, religion or belief. A copy of the DIA is available from the report author on request.

Risk Management

This report seeks to implement the policy requirements of the Swindon Borough

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Local Plan 2026. The Local Plan has been subject to a risk assessment.
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Background Papers

- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Swindon Borough Local Plan 2026
- Swindon Residential Design Guide (Draft) 2015
- **Appendix** – Map of area relating to planning applications referred to in Paragraph 1.2(1 - 6).

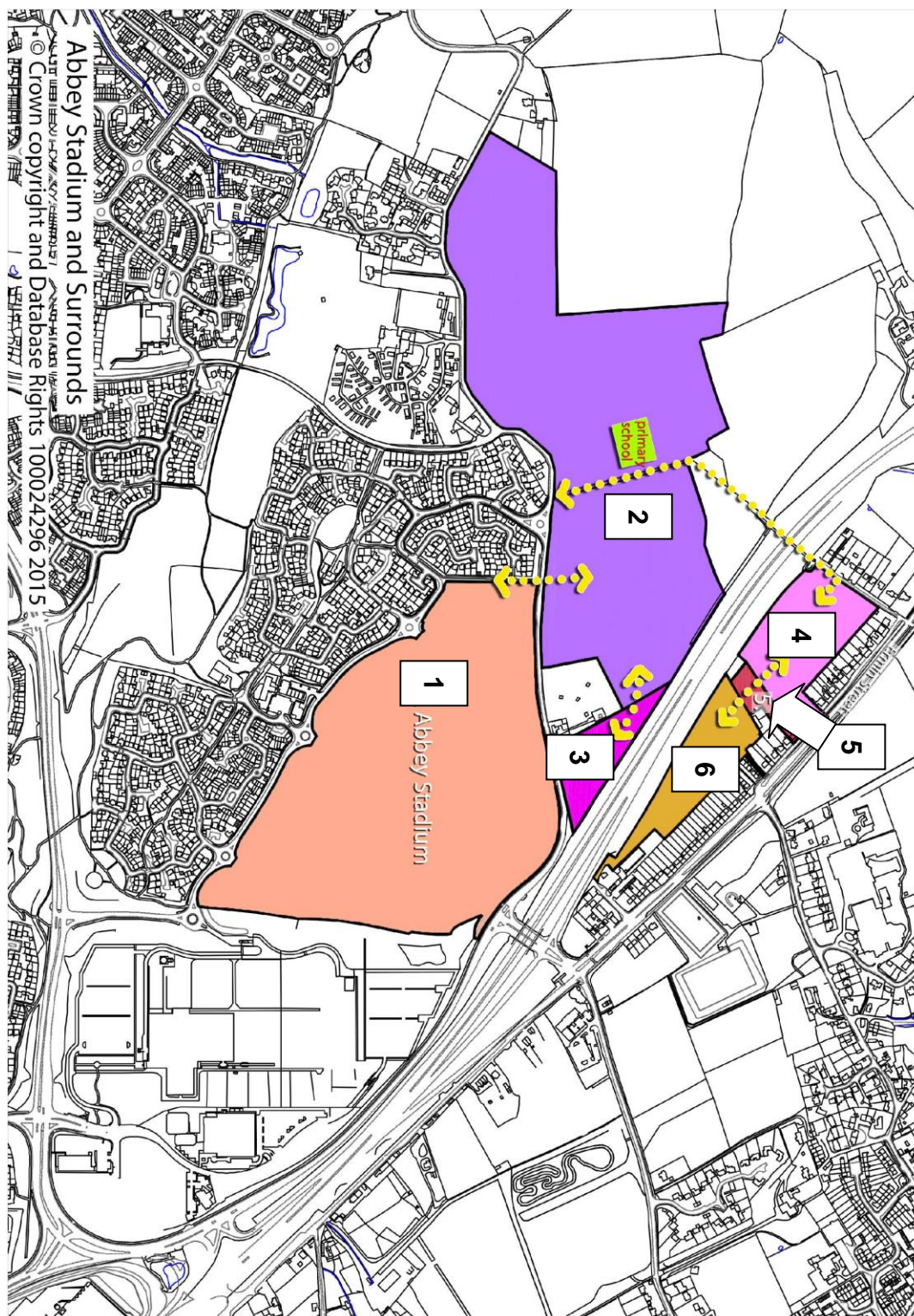
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Appendix

Map below illustrating current planning applications highlighted in Paragraphs 1.2, (1-6)



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