

Date: 06 April 2021

Our Ref: 61149/WEH010/ATAP/MP

Chief Planning Officer  
Welwyn Hatfield Borough Council  
Council Offices, The Campus  
Welwyn Garden City  
Hertfordshire  
AL8 6AE



**Submitted via Planning Portal**

Dear Sir or Madam,

**PRIOR APPROVAL APPLICATION FOR TELECOMMUNICATIONS UPGRADE AT THE GALLERIA, COMET WAY, HATFIELD, HERTFORDSHIRE, AL10 0XR**

**(NGR: E 521492 / N 208442) (SITE REF: 61149/WEH010)**

Avison Young are planning consultants acting on behalf of Mobile Broadband Network Limited (MBNL), which is a joint venture co-owned by EE Limited and H3G UK Limited, to submit the application contained herein for the upgrade of an existing telecommunications base station as proposed below.

Description of Development:

*Removal and replacement of 6no antennas, internal upgrade of existing equipment room and associated ancillary works thereto.*

Enclosed you will find an application prepared on behalf of EE Limited and H3G UK Limited who are licensed operators that provide Cellular Network based upon the Global System for Mobile (GSM) standard and Universal Mobile Telecommunications System (UMTS) within the United Kingdom.

The supporting documents submitted with this application are as follows:

- Application Form (as generated through Planning Portal)
- Drawings 61149\_THE GALLERIA\_002, 100, 150, 215, 265\_C
- Planning Statement (Design and Access Statement)
- Site Specific Supplementary Information
- ICNIRP Certificate
- 5G and Future Technology
- Connected Growth Manual – Digital Infrastructure
- IET Guide to 5G

The application fee of £462 will be paid via the Planning Portal.

We trust you will find the enclosed information sufficient to register and validate the application. Should you require any further information, please contact me on the below details.

Yours sincerely,



Mandy Poon  
Assistant Planner  
Telecoms  
[Mandy.Poon@avisonyoung.com](mailto:Mandy.Poon@avisonyoung.com)

**Avison Young**  
**For and on behalf of Mobile Broadband Network Limited**

## **DESIGN AND ACCESS STATEMENT**

---

The following design and access statement is enclosed in support of this proposal and demonstrates the general development principles that have been adopted in the final detailed design of this proposal.

### **1. HISTORY & BACKGROUND**

Everything Everywhere Limited is a 50-50 joint venture between Deutsche Telekom and France Télécom and was formed in 2010 through the merger of their respective T-Mobile (UK) and Orange U.K. businesses. On 3 September 2010, Everything Everywhere announced that Orange would join Mobile Broadband Network Ltd (MBNL), the joint venture management company formed in December 2007 between T-Mobile UK Ltd and Hutchison 3G UK Ltd (H3G UK). In 2016, Everything Everywhere was chosen to work in conjunction with the Home Office to deliver the Emergency Services Network (ESN), which will deliver a smarter, better and cheaper communications capability.

The proposed upgrade subject to this application is part of the operators' continuous efforts to improve the existing 3G and 4G network across the country, in addition to introducing 5G technology to cater for current and future customer demands. It is evident that mobile phone usage has grown exponentially over recent years as more than 90% of the population now own a mobile phone. Customers expect to be able to use their mobile phones and tablets in all locations as these devices have become intrinsic to our personal and professional lives. UK operators are continuously trying to improve their network infrastructure in order to adapt to the changing environment and keep up with customer demands. With constant advancements in radio technology, it is therefore a natural consequence for base stations to be upgraded to accommodate newer versions of radio equipment.

As part of EE and H3G's ongoing network programme, there is a requirement for infrastructure improvements in this area of Hatfield and the surrounding local community. The proposed upgrade works will allow for better coverage and increased capacity to satisfy the traffic demands set by mobile users passing through this region, and will also help towards futureproofing the network to reduce the frequency of works required at the site.

#### **Site Selection**

The applicant has adopted a sequential approach to site selection which is encouraged in the Code of Best Practice for Mobile Operators and the NPPF. Efforts have been made to utilise existing telecommunications sites wherever possible to prevent the proliferation of base stations. In this instance there was a suitable existing base station in the search area that could be upgraded to accommodate the required technologies for the operator's needs. As a result, it was not required to identify alternative site options.

### **2. CONSULTATION**

Pre-application consultation letters were issued on 16<sup>th</sup> March 2021 to the Local Planning Authority as well as local Ward Councillors and local MP. The applicant was informed that there would be a fee for the pre-application advice service. Upon reflection it was considered that the proposal would be formally submitted due to the works being of minimal development and the site being an accepted and established telecommunications base station. To date no responses have been received by other consulted parties.

### **3. DESIGN**

#### **3.1 THE PROPOSAL**

The application site is located at The Galleria shopping outlet on the southern side of Comet Way and adjacent to Comet Roundabout. The surrounding area comprises a mixture of land uses including a

large business industrial estate to the north, residential properties to the south and a number of other commercially used units including food establishments. University campus buildings can also be found nearby which contribute to the high footfall around the application site.

The host building is an existing base station which is an established feature of this streetscape that serves as an important cell within the wider mobile network due to the high density of users in this urban environment. The site is not on a listed building or within designated Article 2(3) land.

The description of development seeks to upgrade the existing site which comprises the removal of 6no existing antennas to be replaced with 6no new antennas with associated ancillary works thereto. All equipment cabinets will be upgraded internally within the existing equipment cabin.

The scheme falls within the parameters of General Permitted Development Order (England) 2016 (as amended) and therefore an application to determine whether Prior Approval is required is submitted herein.

### **3.2 DESIGN CONSIDERATIONS - SITING AND APPEARANCE**

The applicant has sought to cause as little impact on the visual amenity of the area as possible whilst also ensuring that sufficient coverage requirements are achieved. A further explanation of the application's technical justification is explained in a later section of this statement however, it should be acknowledged from the offset that the proposed 6no antennas is technically necessary in order to create the power and capacity that the 5G frequency demands. Moreover, the proposed height of the antennas is the lowest possible height to ensure correct signal conveyance whereby a reduction in height may impact on the site's functionality as well as health and safety in relation to ICNIRP compliance. The operator's general practice will always endeavour to propose the minimum height and least amount of equipment necessary to sufficiently achieve the desired coverage levels and it should be recognised that any reduction in height or equipment would compromise the site's effectiveness within the network. There are no alternative design solutions available with the required technologies meaning the proposed scheme is the least visually intrusive design for the site's upgrade.

Whilst it is not necessary to outline alternative locations as the proposal seeks to utilise an existing base station, it should be noted that if an upgrade cannot be progressed at this location, a new base station within proximity to this site would be required to satisfy coverage objectives. The existing base station was deemed acceptable in its inception meaning that no concerns were raised in relation to its proximity to the surrounding character and associated sensitive assets. Though it is recognised that changes to a telecommunications site will to a degree be recognisable in any given environment, the visibility of equipment does not automatically lead to detrimental harm as each site must be assessed on its own merits and balanced against the public benefits to be provided in accordance with Paragraph 196 (NPPF). In this respect significant weight should be given to improving existing 4G coverage and introducing 5G technologies in recognition of the government's support for this form of development. The application site is an established feature of this urban street scene where telecommunications equipment is commonly found which sets precedence at this location.

To minimise the change in visual appearance the existing apparatus has been utilised as much as possible and in this instance new support structures were required to accommodate the new technologies. This design layout strikes a balance between the site's technical requirements and visual amenity aspects as existing antenna locations atop the central plantroom can be retained. This allows the equipment to be grouped together in a similar fashion to the existing context which will limit the extent of visual change in the site's overall appearance. As the scheme seeks to replace the same number of antennas and will not introduce additional equipment in this regard, the overall change in appearance is thought to be minimal given the existing layout. The applicant considers this change to be barely noticeable to residents and visitors in the local community when taking into account the existing situation at present which is a recognised feature of this landscape.

The overall height of the apparatus will have a minor increase of approximately 4.3 metres which is necessary to ensure ICNIRP compliance and optimal signal propagation towards the wider target area. It is important to reiterate that this is the lowest height technically possible in which a reduction would detrimentally impact the site's functionality and performance. Taken as a whole, the antennas will be read within the same air space across the skyline and compared to the existing site at present the cumulative effects of the proposed equipment is minimal. Consequently, it is thought that visual amenity is not detrimentally impacted by this upgrade scheme but would in fact be maintained as a result of the minor development works. Although the base station is more discernible at a localised level, the simplistic design of the upgrade scheme will mimic a similar visual appearance to the current situation. As a result the applicant considers the proposal to be acceptable in regards to its siting and appearance.



Following on from this, it is recognised that the equipment can be read at height from wider vantage points however the setting of this application site upon a modern building within an area that is urban in character should be taken into consideration in the assessment of this application. Additional regard should also be given to the natural eye line of local residents and passers-by as the equipment is located on a rooftop in which visibility would necessitate a bystander to purposefully look upwards. The applicant believes such views would be uncommon and irregular which in turn reduces the risk of visual prominence. As mentioned previously the proposed works will offer a minor visual change to the existing base station which is not thought to be noticeable from a greater distance. Given that The Galleria is approximately 23.93 metres high when taken by itself, the visibility of the base station at ground level is heavily restricted to oblique views for local residents and passing traffic. This is further enhanced when considering the central location of the plantroom in relation to the rest of The Galleria which is a large shopping outlet which accommodates a large area of land. This is illustrated in the above aerial view of The Galleria.

In addition to this, there are several screening elements along the neighbouring road networks which will further reduce these views including buildings and street items such as trees and lighting columns that offer a similar vertical emphasis against the skyline. For passing traffic, these built features will block the site's visibility resulting in momentary and infrequent viewpoints only. These points are evidenced in the below images taken from the immediate locality where the existing equipment is largely screened from view due to the central rooftop location, distance to the highway, the building's height above ground level and the size comparison of the equipment with The Galleria itself.

These images illustrate the existing equipment's congruous nature across the skyline from these distant viewpoints meaning its overall prominence is negligible to the local community and passing traffic. This is especially prevalent when considering the average speed of travelling motorists which heavily restricts potential views towards the site. The inconspicuous nature of the current base station

is a transferable point that should be applied to the assessment of this application given the minor alterations proposed. Despite the necessary height increase of the proposal, the applicant does not anticipate the site to be substantially different in terms of visibility as a result of the above context. Within the setting of a large shopping outlet the proposed equipment will take a small profile which will not present a dominating feature from distant views. These arguments should therefore be materially considered in the determination of this submission.



Following on from this, the proposal is not considered to adversely impact residential amenity despite the proximity of dwellings in the local area. The closest of dwellings are located more than 100 metres away from the antennas and given the angle of properties towards the site and intervening trees/buildings, the likelihood of visibility is minimal. In any event, views would also be read in conjunction with The Galleria itself in which the site is located upon an appropriate setting. The equipment is situated on the rooftop away from residential windows and other public and private spaces meaning there is no direct influence on the natural enjoyment of daylight or free movement for the local community. Additionally, it should also be reiterated that that the application site accommodates an existing base station which sets precedence for telecommunications equipment at this location and is also befitting of the surrounding urban environment. As well as this, the applicant's decision to upgrade an existing site as opposed to identifying a new location is in accordance with planning guidance so as to prevent undue harm to visual amenity and proliferation.

Furthermore, in relation to sensitive heritage assets there are no statutory listed buildings or conservation areas within direct proximity of the application site. Given that the nearest assets are some distance away from the site the applicant does not consider the proposal to have a detrimental impact on these designations as the proposed development would not be seen within the same context as these areas of historical importance. Subsequently there is little demonstrable evidence of potential adverse harm in this regard.

In summary the proposed design is considered to be respectful of the surrounding elements and does not cause detrimental harm to the visual amenity of the immediate environment. The siting and appearance of this proposal is therefore within the boundaries of acceptability as it will cause minimal

interruption to the current landscape and is in line with the NPPF of utilising existing sites and buildings. When taking into account the existing precedence for telecommunications equipment, the proposed upgrade displays a level of consistency with the current site which results in a similar extent of visual impact as the equipment presently in situ. Therefore, the applicant strongly believes the scheme demonstrates a sympathetic design that would not detract from the setting and character of the surrounding area and the proposed works are capable of being absorbed into the wider landscape.

Overall it is considered that the scheme does not demonstrate substantial harm to the local area, and in any event, it is argued that the public benefits of the proposal would outweigh any perceived harm. As the scheme seeks to introduce 5G technologies during a climate where economic recovery is paramount, the public benefits associated with this upgrade cannot be undervalued.

## **4. PLANNING POLICY CONSIDERATIONS**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that Local Planning Authorities should determine proposals in accordance with development plan policies, unless material considerations indicate otherwise. Material considerations may include, inter alia, central government guidance, High Court and Inspector's decisions etc.

### **4.1 LOCAL PLANNING POLICY**

The following local planning policies are relative and have been considered in the submission of this application. It is argued that the proposal is in accordance with the below policies which promote high-quality connectivity and supports new telecommunications infrastructure when it can be demonstrated that the design and siting of the base station is respectful to its surroundings.

#### **Welwyn Hatfield District Plan 2005**

##### **Policy R21 Telecommunications Development**

##### **Policy D1 Quality of Design**

##### **Policy D2 Character and Context**

In accordance with these policies the applicant has demonstrated a sequential approach to site selection as existing base station and structures have been assessed prior to the identification of a new site location to satisfy required coverage objectives. The proposed works are of a high quality design which has kept overall height, scale and bulk to a technical minimum which remains respectful to surrounding visual amenity. The siting and design of the application site is sympathetic to nearby residential properties as well as any notable heritage assets to preserve the setting and character of these spaces whilst providing high quality mobile coverage. An ICNIRP certificate has been provided with this application which confirms compliance with health and safety regulations.

In addition to this, the application supports the overarching district-wide policies which encourage developments that can contribute to growth and development. The proposed works seek to improve existing mobile network infrastructure which will benefit local residents, business and visitors who will have faster and stronger access to digital connectivity. Such improvements will cater for current and future demands and the improved robustness of the network will strengthen coverage provision to its customers. Digital connectivity plays an important role in personal and professional capacities which has a positive influence on the continued development of local communities. As such, the extent of public benefits to be provided cannot be undervalued on balance with planning considerations for this proposal.

### **4.2 NATIONAL PLANNING POLICY**

This legislation was formally adopted in July 2018 and replaces the previous version which was introduced in 2012.

In relation to this policy the following sections are relevant in determining this application:

### **Section 2 – Achieving Sustainable Development**

Paragraph 7 – *“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”*

The NPPF also encourages the achievement of sustainable development which can provide public benefits to building stronger and more competitive economic areas, as well as enhancing social communities through increased communication and connectivity.

### **Section 4 – Decision-Making**

Paragraph 38 – *“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

### **Section 6 – Building a strong, competitive economy**

Paragraph 80 – *“significant weight should be placed on the need to support economic growth and productivity... this is particularly important where Britain can be a global leader in driving innovation.”*

### **Section 10 – Supporting high quality communications**

Paragraph 112 – *“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.”*

In relation to these paragraphs, the Government’s Industrial Strategy sets out a vision to drive productivity improvements across the UK, and sets out a delivery programme to make the UK a leader in *“artificial intelligence and big data”*. The improvement of telecommunications capacity and provision of 5G is imperative to allow for areas to be connected, and is essential for economic growth.

Paragraph 113 – *“The number of radio and electronic communications masts, and the sites for such installation, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion... Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.”*

In relation to this paragraph, it is demonstrated that a sequential approach to site selection has been adopted to ensure that existing telecommunications installations have been explored in the first instance to prevent the proliferation of masts. A suitable existing base station was identified in this instance.

Paragraph 114 – *“Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:*

- a) *They have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and*
- b) *They have considered the possibility of the construction of new buildings or other structure interfering with broadcast and electronic communications services.”*



Paragraph 115 – *“Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:*

- a) The outcome of consultations 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, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and*
- b) For an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or*
- c) For a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.”*

In relation to this paragraph, the site is not located within 3km of a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area, or within close proximity of any schools or colleges. The local planning authority was consulted with regards to the proposed upgrade scheme. An ICNIRP certificate is provided with this application to confirm that the proposal will not exceed International Commission guidelines. As the scheme is utilising an existing base station, it was not necessary to identify alternative site options.

## **Section 12 – Achieving well-designed places**

Paragraph 124 – *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

In relation to this paragraph, the application seeks to upgrade an existing telecommunications site located on The Galleria and the proposed equipment is the least amount possible to allow the site to transmit sufficiently; we therefore consider this design to be respectful to the character of the area. Although the site’s change in appearance will to an extent be recognisable features of this street scene, efforts have been made to limit the visual impact on the surrounding amenity.

To conclude, the applicant therefore considers the proposal to be in accordance with local and national planning policies.

## **5. TECHNICAL JUSTIFICATION**

In the assessment of this application, material weight should be given to the public benefits that will be provided to local residents and visitors in this area. The site will form part of an improved coverage network which will also introduce 5G technology to allow for faster download speeds and better signal. More information on 5G can be found in the accompanying documents: *5G and Future Technology, Connected Growth Manual Digital Infrastructure* and *The Institution of Engineering and Technology’s Guide for Local Planning Authorities Regarding 5G Masts and Small Cells*.

The demand and focus on delivering the 5<sup>th</sup> generation of mobile phone technology is the primary objective of licensed operators in the UK. In today’s climate the existing 4G network has allowed users to video stream at much faster data speeds allowing the integration of smart phones into wider uses than previous generations. The inevitable consequence of technological advancements means that customers expect tasks to become even quicker and simpler.

To quote the *5G and Future Technology* document, *“It is estimated that 5G will directly contribute to an additional £7 Billion a year to the UK economy in just six years from roll-out. Although 5G will undoubtedly bring new opportunities and huge benefits to society, we cannot escape from the requirement that new structures, antennas and ancillary equipment will be needed. But to do so the network needs to be surveyed, designed and planning approval obtained. It has been acknowledged by Government that we must ensure that we have the infrastructure in place to deliver 5G across our major centres and transport networks.”*

The introduction of 5G technology will improve the country's digital connectivity and appeal to visitors and businesses alike through the creation of smarter technology which will benefit the British economy.

*"Examples of this new world that will emerge from ubiquitous 5G coverage involves such things as connected and autonomous vehicles, traffic management, smart manufacturing with heterogenous autonomous machines, direct machine to machine communication, advanced medical devices, automated agriculture, far greater security provision, more stable and reliable connectivity and advances in further application development with uses not yet identified. All of the above provides an insight into the future development of connectivity in our modern world and also provides a further insight into the expected minimum eight-fold increase in data usage by each mobile operator over the next 5-6 years."*

The national government recognises the importance of the 5G rollout which is a stance taken by government minister Margot James, the NPPF and The National Infrastructure Commission.

*"5G has the potential to dramatically transform the way we go about our daily lives, and we want the citizens of the UK to be amongst the first to experience all the opportunities and benefits this new technology will bring..."* – Margot James, the government minister for digital).

*"Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections."* – NPPF (July 2018)

*"Getting 5G deployment right will be critical in a future where connectivity is becoming integral to almost all parts of the economy, and the UK will put its future growth and competitiveness at risk if it falls behind."* – 'Connected Future' National Infrastructure Commission 2016

Although Central Government understands that this may present concerns with the various design solutions proposed, it is important that all Local Planning Authorities understand the technical needs of 5G and better understands the wider advantages of such new technology. The government have also expressed support for new telecoms installations and the deployment of new technology. It is seen as essential for the country to develop and exploit the advantages of such new technology to the direct benefit of the public and the economy.

### **Coverage**

The licence granted to EE and H3G demands that strict coverage qualities are met nationwide. It is essential that the benefits of mobile phones are available across the population. Mobile networks are constantly reviewed to ensure that there is adequate coverage and capacity to meet customer demands. In the current environment there is an expectation for signal coverage to be available at home, in the workplace, while shopping, enjoying leisure activities or in transit.

### **Quality**

In order to ensure there is sufficient coverage within buildings such as homes, shops, offices etc. the radio signal has to be of adequate strength to penetrate walls. In urban and suburban areas a dense network of base stations is therefore required, which are sometimes less than 1 km apart. The improvement of 3G and 4G signal and introduction of 5G in this area will encourage economic advancement in accordance with the NPPF which seeks to develop connected environments.

### **Capacity**

The upgrade of telecommunications masts across the country is an inevitable consequence of the continued growth of mobile phone usage. More sites are required to address the increasing traffic demands of each mobile user for tasks such as video or music streaming. Each cell or base station is limited to handling a finite number of calls meaning that areas of high usage will require additional cells to meet network demands and avoid congestion.

### **The Radio Implication of the Site**

Radio signals are transmitted through the network by using fixed links at such frequencies that necessitate an uninterrupted line of sight. To achieve this, the installation must reach a sufficient height above surrounding buildings and trees. The installation must also be in a position to provide strong radio coverage to the target area that can also be received inside buildings.

The radio planning tool identifies deficiencies in the network and predicts the location from which the optimum coverage will be provided. Within these areas existing base stations are selected for an upgrade. The proposed installation subject to this application stems from this process where it is imperative for mobile operators to provide high quality coverage to its customers. This is achieved through the improvement of existing network infrastructure and introduction of new base stations to fill in blank spots.

## **6. HEALTH AND SAFETY**

The proposal for this site has been designed within International Commission on Non-Ionising Radiation Protection (ICNIRP) public exposure guidelines and therefore Health and Safety concerns should not be a planning consideration. An ICNIRP certificate is submitted with this application.

In addition to this, The Institution of Engineering and Technology's *Guide for Local Planning Authorities regarding 5G Masts and Small Cells*, provides a brief overview of 5G technology and the health issues that are often misunderstood. It concludes by saying, *"Small 5G base stations in our towns and cities will allow improved network coverage. They will reduce radio wave exposure to individual smartphone users and improve local 5G capacity for all manner of useful bandwidth-hungry applications. And a good 5G fibre base local broadband infrastructure will be important to local communities over the coming decades in view of the ever-increasing amounts of data being consumed by the general public."*

## **7. CONCLUSION**

A requirement for improved network coverage has been identified in this area. This is an upgrade of an existing site which will provide essential services for residents and businesses within the immediate vicinity. The proposed works have been designed sensitively in consideration for the character and appearance of the surrounding area in which the least amount of works has been proposed to minimise the visual impact of the proposal.

The applicant considers the proposal to be an acceptable development which should be viewed favourably by the local planning authority.