

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2022/1353/PN15  
**Location:** Mosquito Way Salisbury Village Welwyn Hatfield Hertfordshire AL10 9AZ  
**Proposal:** Prior approval for the installation of a 15m height slim line phase 9 monopole with 3no. additional ancillary equipment cabinets and associated ancillary works  
**Officer:** Mrs Kerrie Charles

**Recommendation:** Prior Approval Required and Granted

6/2022/1353/PN15

<b>Context</b>			
<b>Site and Application description</b>	<p>The application site is located on a grassed area off Mosquito Way.</p> <p>This application seeks prior approval for the installation of a 15m height slim line phase 9 monopole with 3no. additional ancillary equipment cabinets and associated ancillary works.</p>		
<b>Constraints (as defined within WHDP 2005)</b>	<p>LBC - LISTED BUILDING Flight Hanger, Offices, Fire Station and - Distance: 48.7            PAR - PARISH (HATFIELD) - Distance: 0            Wards - Hatfield Villages - Distance: 0            A4HD - Article 4 HMO Direction - Distance: 0            HHAA - Hatfield Heritage Assessment Area(Hatfield Business Park) - Distance: 0</p>		
<b>Relevant planning history</b>	None		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 1	Object: 0	Other: 0
<b>Publicity</b>	<p>Site Notice Display Date: 22 June 2022            Site Notice Expiry Date: 13 July 2022</p>		
<b>Summary of neighbour responses</b>	<p>No.57 Aviation Avenue supports the application and would like this to be approved as soon as humanly possible to improve the awful Internet service and allow 5G to the area and increase the speeds.</p>		
<b>Consultees and responses</b>	<p>WHBC Public Health and Protection – recommend permission subject to conditions.            Place Services Conservation Officer – No objection.</p>		
<b>Main Issues</b>			
<p>The main planning issues with this application are:</p> <p>a) Is the development permitted under The Town and Country Planning</p>			

(General Permitted Development) (England) (Amendment) (No.2) Order 2016, with amendments 2022, Part 16, Schedule 2, Class A, communications or does it need Prior Approval or Planning Permission

b) Whether the prior approval is required for the siting and appearance of the development

**a) Is the development permitted under The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2016 with amendments 2022, Part 16, Class A, communications or does it need Prior Approval or Planning Permission**

Development is permitted by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—

(a) the installation, alteration or replacement of any electronic communications apparatus,

(b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or

(c) development ancillary to radio equipment housing.

**A.1 (1) Development not permitted: ground-based apparatus**

Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if—

(a) in the case of the installation of electronic communications apparatus (other than a mast) the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;

**- Would comply**

b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—

(i) 30 metres above ground level on unprotected land; or

(ii) 25 metres above ground level on article 2(3) land or land which is on a highway;

**- The proposed mast would not exceed 30 metres above ground level on unprotected land.**

(d) in the case of the alteration or replacement of a mast, the height of the mast, excluding

any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of—

- (i) 30 metres above ground level on unprotected land; or
- (ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or

**- not applicable**

(e) in the case of the alteration or replacement of a mast—

- (i) the mast is on any land which is, or is within, a site of special scientific interest; and
- (ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third.”.

**- not applicable**

A.1 (2) Development not permitted: building-based apparatus other than small antenna and small cell systems

**- not applicable**

A.1 (3) Development not permitted: apparatus on masts

**- not applicable**

A.1 (4) - Development not permitted: antennas and supporting structures installed, replaced or altered on article 2(3) land or land which is a site of special scientific interest

**-not applicable**

A.1 (5) Development not permitted: electronic communications apparatus installed, replaced or altered on a dwellinghouse

**- not applicable**

Part A.1 (6) Development not permitted: small antennas installed, replaced or altered on a building which is not a dwellinghouse

**- not applicable**

A.1 (7) Development not permitted: ground or base area

**Would comply**

A.1. (8) Development not permitted: driver information systems

**- not applicable**

A.1 (9) Development not permitted: radio equipment housing

**- not applicable.**

The proposed development is compliant with Class A.1 in Part 16 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2016 with amendments 2022.

However regardless of the above it should also be noted that the application also needs to meet the requirements under Class A.2 (conditions) and A.3 in Part 16 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2016 with amendments 2022.

A.2 (c) in Part 16 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2016 with amendments 2022 requires the siting and appearance of any development which is visible from a site which is—

- (i) article 2(3) land;
- (ii) a scheduled monument or a listed building;
- (iii) the curtilage of a schedule monument or a listed building;
- (iv) a World Heritage Site;
- (v) a site designated by the Secretary of State under section 1 of the Protection of Wrecks Act 1973(1); or
- (vi) land registered by Historic England in a register described in section 8C of the Historic Buildings and Ancient Monuments Act 1953(2),

are such that the visual impact of the development on the site is minimised so far as practicable, taking into account the nature and purposes of the site;

This assessment will take place below.

A.2 (d) in Part 16 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2016 with amendments 2022 requires the siting of any development is such that it—

- (i) does not prevent pedestrians from passing along a footway;
- (ii) does not prevent access to premises adjoining a footway; and
- (iii) is determined having regard to—
  - (aa) the needs of disabled people; and
  - (bb) the guidance document “Inclusive Mobility” issued by the Department for Transport in December 2021(3).”.

The County Highways Authority have been consulted and have provided no comments within the statutory timeframe. The monopole and associated equipment are not considered to have an impact on accessibility. Therefore the proposal is considered to apply to the above wording.

A.3 (2) in Part 16 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2016 with amendments 2022 requires the applicant to notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operation should the site be within 3 kilometres of the perimeter of an aerodrome. In this instance the site is not within 3 kilometres of the perimeter of an aerodrome.

A.3 (4) in Part 16 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2016 with amendments 2022 states that before beginning the development described in paragraph A.2(3), the developer must apply to the local

planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development. This is discussed in the following section.

### **Whether the prior approval is required for the siting and appearance of the development**

The principle of development is established by the General Permitted Development Order 2016, amended in 2022 and the provisions of Schedule 2, Part 16 Class A do not require regard to be had to the development plan. Therefore, the policies in the development plan and the NPPF have only been considered insofar as they are a material consideration relevant to matters of siting and appearance.

In determining a prior approval application for development by an electronic communications code operator the Local Planning Authority must consider the acceptability of the proposal in terms of its siting and appearance only.

Further guidance on siting and appearance is provided by District Plan Policy R21, Telecommunications Development, as well as the National Planning Policy Framework support a need for high quality communications infrastructure. District Plan Policies D1 and D2 seek a high standard of design for development which respects and relates to its context. Paragraph 114 of the NPPF states that 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.

Paragraph 115 of the NPPF states that the number of radio and electronic communications masts, and the sites for such installations, 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. The use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. 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.

Policy R21 of the District Plan also outlines that all new telecommunications development must not harm the appearance of the street scene nor appear visually intrusive.

Factors to be considered concerning the appearance of a mast/monopole and ancillary apparatus include materials, colour, design and the number of units required. The use of appropriate materials and colouration may allow a mast or equipment to blend more easily into its surroundings. Features of design which an authority may wish to consider include dimensions; overall shape; and whether the construction is solid or forms an open framework. They should also consider with the developer the availability of alternative designs which might be more suited to the local environment. In considering the siting and appearance of a mast together with any associated equipment, the scope for landscaping and screening to reduce the impact of the development on its surroundings is an important consideration.

There are nine requirements under Policy R21 and each will be considered in turn in respect of this proposal:

- i) For new free standing masts, the applicant must be able to demonstrate that there are technical reasons which prevent the installation of the apparatus on existing masts,*

*buildings or other structures.*

Paragraph 117(c) of the NPPF states that for a new mast or base station, evidence should be submitted that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. The supporting information provided with the application suggest the cell search areas for 5G are extremely constrained with a typical cell radius of approximately 100m and that all attempts to utilise any existing telecommunication structures where they represent the optimum environmental solution have been employed, as well as the use of existing buildings structures.

The site specific supplementary document also details the discounted sites and the reasons why they were discounted.

*(ii) New free standing masts must have sufficient spare capacity to allow mast sharing, subject to any technical or environmental constraints, which will be secured by the use of planning conditions or Section 106 Agreements.*

The application is for prior approval for the siting and appearance of the development, and this is not a consideration for this application. The supporting information from the applicant also notes that in this instance, there is no scope to upgrade existing infrastructure or site share with other operators.

*(iii) All applications and determinations must be accompanied by information on the level of emissions likely to be generated by the installation and the level of emissions must fall within the ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines and the advice contained in PPG8 in relation to emissions near college, school, nursery or pre-school playgroup grounds and buildings.*

An ICNIRP declaration has been provided in this instance to confirm that the installation will conform to all the guidelines set out by ICNIRP. In such cases government guidance states that it should not be necessary to consider further the health aspects and concerns about them when dealing with an application for prior approval.

*(iv) Clear public exclusion zones should be placed around all base station antennae together with appropriate warning signs.*

The application is for prior approval for the siting and appearance of the development, and this is not a consideration for this application.

*v) All applications and determinations received for mobile phone masts, base stations and transmitters proposed near college, school, nursery or pre-school playgroup locations must include details of consultation in line with PPG8 or its successor.*

The applicant submitted a "Site Specific Supplementary Document" in support of this site for the equipment stating that there are no schools in close proximity to the site. The siting of the proposal is within 300m of Howe dell School and University of Hertfordshire. A copy of pre-application site detail was issued by the applicant.

A declaration of conformity with ICNIRP Public Exposure Guidelines has been provided in this instance to confirm that the installation will conform to all the guidelines set out by ICNIRP. In such cases, government guidance states that it should not be necessary to consider further the health aspects and concerns about them when dealing with an application for prior approval.

*(vi) The development must not harm the appearance of the streetscene nor appear visually*

*intrusive*

Policies D1 and D2 of the District Plan 2005 apply which seek to provide a good standard of design in all new development and require that all new development respects and relates to the character and context of the area in which it is to be sited.

The application site is a grassed area along Mosquito Way. The surrounding area is characterised a range of commercial uses, including offices, warehouses, car dealerships and the west of Mosquito Ways consists of a residential development and the A1001 Comet Way passes to the east of the site.

The proposal includes the installation of a 15m height slim line phase 9 monopole with 3no. additional ancillary equipment cabinets and associated ancillary works.

The proposed works would be set close to existing vegetation and will be set back from the highway. The scale of the development in comparison and within the context of the wider business park, would not result in an incongruous or unduly dominant form of development. Furthermore, this form of equipment has been established on a neighbouring building within the wider site. It is not considered that the proposal would appear intrusive or harmful to the appearance of the streetscene.

*(vii) The development must not harm the character of a Conservation Area nor the character and setting of a Listed Building.*

The site of this application is located approximately 50m from the Former Flight Test Hangar which is a Grade 11\* Listed Building, although its original setting has been altered extensively and urban features are abundant. Taking into consideration the proposal and location, it would not harm the character nor the setting of the Listed Building.

*(viii) If erected on a building, it must not be out of keeping with the building, in terms of siting, scale, size, profile and colour, so as to harm the appearance of the building.*

The proposal is not on a building.

*(ix) If proposed in areas designated for their landscape, historic or nature conservation importance, including Conservation Areas and the Green Belt, applicants must be able to demonstrate why sites outside these areas cannot be used.*

The site is not located within any designated area mentioned above.

**Any other considerations:**

**Noise**

The Council's Public Health and Protection Team's has recommended a time construction condition and informatives. It is generally accepted that most forms of development will result in some noise, particularly during the construction phase. However, this is usually for a relatively short period of time which does not cause an unacceptable or long term impact on the living conditions of neighbouring occupiers. In this case, due to the relatively small scale of the development, together with the temporary nature of the noise impact, it is not considered to be appropriate or reasonable to restrict the hours of construction by imposing a planning condition. The Council's Public Health and Protection Team have advised that noise from construction works commencing on site between 08:00 – 18:00 Monday to Friday and between 08:00 – 13:00 on Saturdays are unlikely to be considered a statutory nuisance covered by the Environmental Protection Act 1990. It should be noted that noise disturbance is covered by other legislation and therefore can only be given very limited weight in the

consideration of this application. An informative would be added should prior approval be granted to advise the applicant.

### **Conclusion**

It is considered that the proposed equipment would be compliant with The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2022, Part 16, Schedule 2, Class A. It is therefore recommended that prior approval is required and granted.

### **Conditions:**

1. It is considered that the proposed equipment would be compliant with The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2022, Part 16, Schedule 2, Class A. It is therefore recommended that prior approval is required and granted.

### **DRAWING NUMBERS**

2. The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
WEH21079_ WEH139_86 024_AL0792 _GA		002 Site location plan	14 June 2022
WEH21079_ WEH139_86 024_AL0792 _GA_REV_A		215 Proposed site plan	14 June 2022
WEH21079_ WEH139_86 024_AL0792 _GA_REV_A		265 Proposed site elevation	14 June 2022

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

### **Informatives:**

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and->



pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

4. All cabinets/poles should be installed in accordance with the Department for Transport 'Design Manual for Roads & Bridges' (Cabinet Siting and Pole Siting Code of Practice, Section 4.1.2). Equipment where a request is made for a departure from the above standards should be submitted to the Highway Authority via the Local Planning Authority for prior approval.

The applicant is advised that they are not authorised to carry out any work within the Public Highway without a valid permit in accordance with the Permit Scheme. This consent is separate and additional to any planning permission that may be given. Details of the Permit scheme can be found via the County Councils website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx>

5. Noise Control

1. All noisy works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of:

8.00am and 6.00pm on Mondays to Fridays

8.00am and 1.00pm Saturdays

and at no time on Sundays and Bank Holidays

2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions

4. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
  5. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
  6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
  7. All pile driving shall be carried out by a recognised noise reducing system.
  8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
  9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
  10. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.
  11. Any emergency deviation from these conditions shall be notified to the Council without delay
  12. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
  13. Permissible noise levels are not specified at this stage.
6. Dust control
1. All efforts shall be made to reduce dust generation to a minimum.
  2. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
  3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

**Determined By:**

Mr Mark Peacock  
22 July 2022