

Application No: **11/0415C**

Location: **Congleton Cricket Club, Booth Street, Congleton, CW12 4DG**

Proposal: **Joint Operator Monopole Type Tower Supporting 6no. Antennas and Associated Head Frame (Total Height 17.6m), 1no. Equipment Cabinet, 1no. Meter Cabinet and All Ancillary Development**

Applicant: **O2 and Vodafone c/o WFS Telecom**

Expiry Date: **28th March 2011**

Ward: **Congleton Town West**

Date Report Prepared: 4th March 2011

SUMMARY RECOMMENDATION: Refuse

MAIN ISSUES

- Principle of development
- The design, siting and external appearance
- Impact on the Congleton Conservation Area
- The lack of detailed exploration of alternative sites
- Health & Safety considerations
- Highways Safety
- Other Matters

REFERRAL

This application would usually be dealt with under the Council's delegation scheme. However, the application has been called into the Southern Planning Committee by Councillor David Topping for the following reasons,

'My reason for call-in is that the response indicates only the concern with the cricket club premises. There is no mention of blending with the properties adjacent to the cricket club. The company therefore expresses the need and duty to blend locally; I believe that they should demonstrate social responsibility to the adjacent community and seek further an appropriate position for the mast, the need for which no-one disputes. There is a nearby church and a fire station tower, for instance, both of which seem suitable'.

DESCRIPTION OF SITE AND CONTEXT

The proposal site is situated within the Congleton Town settlement boundary and within the Congleton - West Street Conservation Area (as extended in 2010). The proposal site is within the Congleton Cricket Club ground and the site location is to the south west corner of the cricket pitch, adjacent to the existing cricket score board. The site is surrounded by residential properties on three sides and the north of the site adjoins St.

James Church (which is on the local list of historic buildings), as well as the bowling green.

DETAILS OF PROPOSAL

The proposal is for a joint operator monopole tower for Telefonica O2 and Vodafone, which has a height of 15m and a width of 0.6m. The monopole tower has 6no. antennas and an associated head frame reaching a maximum total height of 17.6m. The mast will be sited on a 3m by 3m concrete foundation. The proposal also includes 1no. Vulcan equipment cabinet which is proposed to be of a width of 0.8m, a length of 1.9m, and a height of 1.2m, and 1no. electrical meter cabinet with a width of 0.25m, a length of 0.7m and a maximum height of 1m.

RELEVANT HISTORY

No relevant planning history

POLICIES

The relevant policies from the Congleton Borough Local Plan First Review 2005 are;

Local Plan policy

PS4: Towns

GR2: Design

GR6: Amenity

BH9: Conservation Areas

E19: Telecommunications

SPG9: Telecommunications.

Other Material Considerations

PPG8 – Telecommunications

PPS5 – Planning and the Historic Environment

Code of Best Practice on Mobile Phone Network Development (ODPM 2002)

CONSIDERATIONS (External to Planning)

Highways Authority: No highways objections

Environmental Health: This department believes that it is the role of national agencies such as the Independent Expert Group on Mobile Phones (IEGMP) and the Health Protection Agency (HPA) that incorporates National Radiation Protection Board (NRPB) to assess the pro's and con's of relevant research and provide, to Central Government, an expert balanced view relating to the legislative framework of the UK as a whole.

We then at a local level take our lead from guidance provided, typically regarding this topic, :- PPG 8 (Telecommunications) which states that local planning authorities (this includes Cheshire East Borough Council) should not implement their own precautionary policies with respect to these installations. Determining what measures are necessary for protecting public health rests with the Government. “

Given the above and providing the applicant can demonstrate that the installation meets the ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines for public exposure limits, there would be no health grounds for refusing the application.

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received at the time of writing this report

OTHER REPRESENTATIONS

Letters of objection have been received from the occupiers of, 18 Booth Street; 8 Heywood Street; 49 & 67 Crescent Road; 45 Astbury Street; 36 Davenport Street, Congleton

The main issues raised in the letters are;

- Health and safety impact caused to neighbours in very close proximity to the proposal site,
- Health and safety impact on young children who use the cricket field,
- The proposal will devalue surrounding properties,
- Visually inappropriate adjacent to conservation area,
- Will create a blot on the landscape which will never be removed once built,
- Suggests the WFS Telecom could plant a boulevard of trees down Booth Street, Astbury Street, and Crescent Road to distract away from eyesore,
- Other sites could be utilised such as Congleton Football Ground which has similarly tall floodlight towers, or West Street car park which is in a commercial area over 50m away from residential properties,
- The proposal site is designated as recreation land,
- Commercial activity such as this is totally inappropriate,
- The mast is so overpowering that even with an appropriate colour it could not be disguised,
- Amenity impact on neighbouring properties, e.g. cricket ground score board had to be kept to low level as to not have an impact on daylight to the adjacent bungalows.

Letter received from Fiona Bruce MP on behalf of the occupants of 11 The Green, Astbury. The letter related to an objection received from the occupiers, the main reasons for objection were;

- Close proximity to neighbouring properties for elderly people,
- Health and Safety impact on neighbouring school – Marfields Primary School.
- Obtrusive height
- Degeneration of the area

A petition of 135 signatures has also been received objecting to the proposal on the grounds of its close proximity to private dwellings and its obtrusive height which will degenerate the local landscape.

APPLICANT'S SUPPORTING INFORMATION

- Design and Access and Supporting Statement
- ICNIRP Declaration

- Cornerstone: Supporting Technical Information for O2 and Vodafone
- Site Specific Supplementary Information

OFFICER APPRAISAL

Principle of Development

In principle telecommunication development is considered acceptable provided that it accords with the guidance set out in PPG8 (Telecommunications) and any relevant Development Plan policy for the area. In this instance Local Plan policies GR2: Design, BH9: Conservation Areas and E19: Telecommunications are most relevant for the proposed development.

PPG8 states that Government policy is to,

'facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum The Government also has a responsibility for protecting public health. The aim of telecommunications policy is to ensure that people have a choice as to who provides their telecommunications service, a wider range of services from which to choose and equitable access to the latest technologies as they become available'

Local Plan Policy E19: Telecommunications largely reflects the advice given by Central Government in PPG8, however it has a stronger emphasis on only permitting development which does not adversely impact on neighbouring amenity, should not have an unacceptable impact upon important areas or features of landscape or architectural and historic value and preference should be given to proposals which avoid the need to erect large new masts by using existing buildings and structures or sharing existing facilities.

Essentially Local Planning Authorities should aim to encourage telecommunications systems where possible but should have regard for other planning policy which might outweigh the need for the service in that particular site.

The Design, Siting and External appearance

Within the Design section of PPG8, the Government states that *'in seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimise the impact of the development on the environment. Particularly in designated areas, the aim should be for the apparatus to blend into the landscape.'* Furthermore the paragraph then goes on to state that *'operators are encouraged to provide to the local planning authority examples of different design solutions'*.

The proposed mast will have an overall height of 17.6m, 15m to the top of the monopole tower, with a further 2.6m to the top of the head frame and antennas. The proposed mast is to be of a standard colour (grey) and of a design which is usually seen within an industrial/commercial area. The adjacent cricket nets are 6m in height and most of the surrounding street lamps reach a maximum height of 8m. The adjacent bungalows which directly overlook the cricket pitch to the west of the site are approximately 5.5m in height.

The surrounding area is largely residential properties of two storey and single storey dwellings and the St James Church appears as a focal point within views. The proposal site is within the Congleton Conservation Area and therefore the lack of sympathetic design or camouflage clearly creates an element within the streetscene which is inappropriate by means of its height, design and would not easily blend into the landscape. It is understood that it is not always possible for the design of such masts to completely camouflage into the environment given the technical needs of the operator. However, there appears to have been no consideration of the impact the proposal will have on the Conservation Area and it is considered that the overall impact of the siting, design and external appearance of the mast is unacceptable, and the overall height difference of the mast to the surrounding street furniture and cricket nets would appear as a prominent addition having a detrimental impact upon the streetscene and is therefore contrary to National Policy Guidance PPG 8 or Local Plan policies GR2 and BH9 of the Congleton Borough Local Plan First Review 2005.

Impact on the Congleton Conservation Area

The Council's adopted Supplementary Planning Guidance Note 9 (July 2004) states that where it is not possible to use an existing mast or structure, any proposed new installation should be designed and sited so as to minimise the visual impact on the environment. The guidance note goes on to state that, *'new mast installations will not be permitted where they are considered to impinge directly upon the character, appearance or setting of a listed building, scheduled ancient monument or Conservation Area'*.

Policy BH9 seeks to only permit development within conservation areas which will not have a detrimental effect upon the existing special architectural and historic character or appearance of a conservation area; and in particular notes that development should be resisted which will have an intrusive impact within the setting of a conservation area or in relation to existing views into, out of, within or across the area.

The west end of West Street has only fairly recently been added into the appraisal for the Congleton Conservation Area (Adopted in July 2010), and it is highlighted within the appraisal that the main aims of the extension are to capture views of the St James Church, which is viewable from outside the conservation area through the cricket ground. The proposed mast would create an interruption to these views to the church and would therefore have an obtrusive impact on the setting of the conservation area.

Policy GR2 states that planning permission will only be granted for development which is sympathetic to the character, appearance and form of the site and the surrounding area, noting that, where appropriate, the proposal should respect existing features and areas of nature conservation, historic, architectural and archaeological value and importance within the site.

The proposed mast and additional head frame will have a maximum height of 17.6m which will be seen in views and vistas throughout the nearby conservation area. Within most views of the Congleton - West Street Conservation Area, St James Church is the tallest building with a small bell tower. The proposed mast will be seen in views of the conservation area behind the church having a detrimental impact on the visual amenity of the area. The applicants have made no efforts to disguise or camouflage the mast within the conservation area, and in particular the height and inclusion of the 6no. antennas together make an unacceptable design solution in this locality. The applicant has not met

the relevant design criteria set out in PPG8 by providing alternative design solutions or detailed design information to outline the reasoning for the industrial in appearance of the proposed mast. The overall impact of the mast will have an unacceptable impact on the character and appearance of the conservation area by means of its height, design and materials, and is therefore considered to be contrary to local plan policies GR2: Design and BH19: Conservation Area of the Congleton Borough Local Plan First Review 2005.

The lack of detailed exploration of alternative sites

The Council's adopted Supplementary Planning Guidance Note (July 2004) requires that to minimise visual impact, it will be preferable normally to site a new antenna onto an existing mast, building or other structure before considering a new mast. Operators will therefore be expected to provide evidence that they have explored all reasonable possibilities for siting the proposed equipment on an existing mast or structure.

Given the Government guidance which aims to facilitate new telecommunications development, consideration needs to be given whether all suitable alternative locations have been explored. As part of this application the applicant's agent has identified 16 other alternative locations which the applicant has discounted as being unacceptable. Two sites noted are schools, seven sites have been discounted on operation merits and there are several options which would be undesirable due to their positions within conservation areas and lack of suitable space within highway verges.

It is noted that the area of the applicant's coverage requirement is predominantly residential with few larger buildings, and an undulating topography. However it is considered that there are other alternative sites which have not been explored or explored fully by the applicant within the coverage area which could achieve the required coverage and have a lesser impact on the visual amenity of the conservation area. These would include a development within the existing Congleton Football Ground which has several large floodlights and is on higher ground than the cricket ground, the grass verge to the front of the fire station opposite the West Road/West Street/Clayton Bypass/Obseisk Way roundabout which has a large grass verge and is outside of the conservation area, roof development on the fire station and there may be other options within the conservation area for discretely designed and positioned street furniture. It is essential that all alternative sites are explored and that this has not been done as part of this planning application.

Health and Safety

Concern has been expressed nationally with regard to the effect of mobile phone base stations to human health. The Stewart Report (2001) concluded that there are gaps in the knowledge to justify a '*precautionary approach*' in regard to the siting of base stations. There have been various High Court judgements which have ruled either way on the issue of whether health considerations can be material in determining an application for planning permission or prior approval. The precautionary approach advocated by the Stewart Report and also the All Party Parliamentary Group on Mobile Phones Report (2004) is seen as the adoption of ICNIRP standards for exposure levels and also greater levels of consultation. It is acknowledged that this approach can reduce the risk perception of this type of development.

Whilst the proposed mast will be sited very close to residential properties, and in particular those of elderly people, it is the Government's view that if a proposed phone base station

meets the ICNIRP guidelines it should not be necessary for a local planning authority in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them. It is therefore considered in this case that the proposed development will not have an unduly negative impact on the health and safety of the neighbouring properties given the applicant's compliance with the ICNIRP guidelines.

Highways

As it is proposed to site the mast within the grounds of the Congleton Cricket Club it is considered unlikely that the proposal would have an adverse impact on highway safety. The Highway Authority have also noted that they perceive no negative highway implications to be created due to the proposed development.

Other Matters Raised

Within the letters of objections received several objectors raised concerns that the proposed development would have a negative impact on the value of their property. Property values are not a material planning consideration and therefore any perceived loss in value could not be considered as a further reason for refusal for this planning application.

CONCLUSIONS

It is considered that the proposed 17.6m high monopole style mast with 6no antennas and associated head frame in this location would be significantly higher than the surrounding properties, cricket nets and street furniture, and would be an alien and intrusive feature that would have a detrimental impact on the visual amenities of the area and the Congleton Conservation Area. Furthermore it is felt that alternative locations and height of the mast have not been explored fully. The proposed development is therefore not acceptable on the application site.

RECOMMENDATIONS - Refuse

1. The Local Planning Authority considers that the proposed development by reason of its height, siting, design and appearance would create an alien and intrusive feature within the Congleton Conservation Area and would create an intrusive element within the views and vistas of the conservation area. The mast would be in a prominent location within a predominantly residential area and would represent a visually incongruous insertion that would harm the character and appearance of the area. The proposal is therefore contrary to Policies GR2, Design and BH9, Conservation Areas of the Congleton Borough Local Plan First Review 2005.

2. The Local Planning Authority considers that there is a lack of evidence to demonstrate beyond doubt that alternative sites have been fully explored. The proposal therefore falls short of the requirements set out in Policy E19: Telecommunications and Supplementary Planning Guidance Note 9: Telecommunications of the Congleton Borough Local Plan First Review 2005 and the National Planning Policy Guidance 8 (Telecommunications).

Location Plan: Cheshire East Council Licence
No.00049045

