

# CHESHIRE EAST COUNCIL

## REPORT TO: STRATEGIC PLANNING BOARD

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<b>Date of Meeting:</b>	24 <sup>th</sup> July 2009
<b>Report of:</b>	Borough Solicitor
<b>Subject/Title:</b>	Reference of a Decision of the Planning Committee (South) to the Strategic Planning Board

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### **1.0 Report Summary**

- 1.1 To refer a decision of the Planning Committee (South) to the Strategic Planning Board under Council Procedure Rule 36.

### **2.0 Recommendations**

- 2.1 That the Board reconsider the decision of the Planning Committee (South) relating to the following proposal:

The Installation of a Radio Base Station Consisting of a 10m Replica Telegraph Pole, Cannon Type D and G Cabinets and Development Ancillary Thereto

### **3.0 Reasons for Recommendations**

- 3.1 In order to comply with Council Procedure Rule 36.

### **4.0 Wards Affected**

- 4.1 Crewe West

### **5.0 Local Ward Members**

- 5.1 Crewe West Ward Members

### **6.0 Policy Implications including**

- 6.1 Please refer to appended report to the Committee.

### **7.0 Financial Implications for Transition Costs**

- 7.1 None identified.

## **8.0 Financial Implications 2009/10 and beyond**

8.1 None identified.

## **9.0 Legal Implications**

9.1 Council Procedure Rule 36 provides a means by which decisions of Committees or Sub-Committees can be referred up to a parent committee or to Council for reconsideration.

9.2 As the “reference-up” procedure has been triggered by the requisite number of Members, the Board must reconsider the decision of the Planning Committee.

9.3 The Chairman of the Board has agreed that, due to special circumstances in respect of the imminent deadline date for a response to be made to this proposal, this matter should be considered as a matter of urgency, pursuant to the provisions of Section 100B(4)(b) of the Local Government Act 1972.

## **10.0 Risk Management**

10.1 As a special meeting of the Board has been convened at short notice to reconsider the decision of the Planning Committee, risks to the Council are minimised. Reconsideration can take place before the deadline date of 26<sup>th</sup> July.

## **11.0 Background and Options**

11.1 The appended report to the Planning Committee (South) sets out the details of the proposal and all other relevant and material considerations.

11.2 Council Procedure Rule 36.1 enables any 8 Members to refer to a parent committee for reconsideration a decision made by a Committee.

11.3 The requirements of Rule 36.1 have been met and the decision of the Planning Committee (South) is now referred to the Board for reconsideration.

11.4 The draft minute of the decision of the Planning Committee (South) is set out below:

“41 **09/1515N THE INSTALLATION OF A RADIO BASE STATION CONSISTING OF A 10M REPLICA TELEGRAPH POLE, CANNON TYPE D AND G CABINETS AND DEVELOPMENT ANCILLARY THERETO, LAND AT THE JUNCTION OF VALLEY ROAD, READESDALE AVENUE, CREWE, CHESHIRE FOR O2 UK LTD**

Note: Mr E Jones (an objector) and Mr S Short (the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That PRIOR APPROVAL is REQUIRED, but the details be APPROVED subject to the following conditions:

1. Standard – 3 years
2. Monopole and antenna to be brown in colour, equipment cabinet to be green
3. Development to be completed in accordance with the approved plans”

## **12.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Brian Reed  
Designation: Democratic Services Manager  
Tel No: 01270 686670  
Email: [brian.reed@cheshireeast.gov.uk](mailto:brian.reed@cheshireeast.gov.uk)



## Appendix

<b>Planning Reference No:</b>	09/1515N
<b>Application Address:</b>	Land at the junction of Valley Road, Readesdale Avenue, Crewe, Cheshire
<b>Proposal:</b>	The Installation of a Radio Base Station Consisting of a 10m Replica Telegraph Pole, Cannon Type D and G Cabinets and Development Ancillary Thereto
<b>Applicant:</b>	O2 UK Ltd
<b>Application Type:</b>	GDO Telecom 56 days
<b>Grid Reference:</b>	368991 354748
<b>Ward:</b>	Crewe West
<b>Earliest Determination Date:</b>	9 <sup>th</sup> July 2009
<b>Expiry Dated:</b>	26 <sup>th</sup> July 2009
<b>Date of Officer's Site Visit:</b>	23 <sup>rd</sup> June 2009
<b>Date Report Prepared:</b>	23 <sup>rd</sup> June 2009
<b>Constraints:</b>	None

### SUMMARY RECOMMENDATION

#### MAIN ISSUES

- The design, siting and external appearance
- The exploration of alternative sites
- Health & Safety considerations

#### SUMMARY RECOMMENDATION:

**That details of siting design are approved subject to the colour and finish of the proposed pole and equipment cabinets being agreed**

### 1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Weatherill has requested it be referred to Committee due to concerns over the impact of the proposal upon the character and appearance of the area and street scene and potential health implications.

### 2. DESCRIPTION OF SITE AND CONTEXT

The site is located at the junction of Readesdale Avenue and Valley Road within the Crewe Settlement Boundary. The site is currently a grassed corner with a footpath and grass verges onto Readesdale Avenue and Valley Road. This corner includes 3 small trees and a number of items of street furniture including a telegraph pole, bin, street sign and 2 road name signs. To the north of the site are a small car-park and a parade of shops which includes a hairdressers, a chemist, a co-op store, a take-away and a fish and chip shop. The rest of the surrounding area is predominantly residential and includes a

mix of house types including both single and two storey detached and semi-detached properties. The nearest residential property would be 95 Valley Road which stands a distance of 21 metres away from the proposed installation

### **3. DETAILS OF PROPOSAL**

This is an application for prior approval for the siting and appearance of a 10 metre telecommunications installation with 3 integrated antennas and 2 associated equipment cabinets. The first equipment cabinet would be 0.4 metres in width, 1.2 metres in length and 1.5 metres in height, the second equipment cabinet would be 0.3 metres in width, 1.5 metres in length and 1.5 metres in height.

### **4. RELEVANT HISTORY**

P08/0405 - Erection of 12.5m High Telecommunications Installation (GDO Determination)  
– Details of siting, design and external appearance required and refused – Appeal Lodged  
– Appeal Dismissed 7<sup>th</sup> January 2009

### **5. POLICIES**

The relevant development plan policies are:

#### **Policies in the Local Plan**

NE.18 – Telecommunications Development

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

#### **Government Guidance**

PPG8 – Telecommunications

### **6. CONSULTATIONS (External to Planning)**

**Highways:** No comments received at the time of writing this report

### **7. VIEWS OF THE PARISH COUNCIL**

No comments received at the time of writing this report

### **8. OTHER REPRESENTATIONS:**

Letters of objection have been received from the occupiers of the following properties:

99 Valley Road, Crewe; 101 Valley Road, Crewe; 107 Valley Road, Crewe; 29 Arderne Avenue, Crewe; 1 Readesdale Avenue, Crewe; 97 Dane Bank Avenue, Crewe; Headteacher of St Thomas More Catholic High.

Main areas of concern relate to:

- Potential safety implications and proximity to local schools
- Impact of radiation upon local residents and young children
- Precautionary approach should be adopted
- Site is close to local schools and college and children frequently walk past the site
- Adverse visual impact

- Proposal would be viewed against the backdrop of single storey development
- Mobile phone masts are now banned from schools
- Applicant's statement that only one property looks onto the site is incorrect
- Previous applications in the area have been turned down
- There are plenty of fields approximately ½ mile from this site that could accommodate the proposal
- Similar proposal on this site has already been refused
- Clutter of pavement with equipment cabinets
- Maintenance of the equipment will cause unsafe conditions on the highway/pavement
- Insufficient information to demonstrate alternative sites have been considered and applicant should re-negotiate with college to site the equipment in their grounds
- Mast and equipment cabinets are likely to be vandalised

## **9. APPLICANT'S SUPPORTING INFORMATION**

### **Supporting Planning Statement and Design and Access Statement**

- The proposed installation is needed to provide 2 and 3G coverage to the residential and commercial properties in Wistaston due to the re-development of the South Cheshire College Site
- The removal of the masts on South Cheshire College will result in a hole in the coverage for this area of Crewe
- The height of the installation has been reduced by 2.5m following the previous appeal and concerns by the Inspector over the height of the proposal
- Alternative sites considered and not chosen are;
  - Crewe Road/Brookland Road – Would not provide suitable coverage
  - Willaston BT Exchange – Would not provide suitable coverage
  - Huntsbank Business Park – Would not provide suitable coverage
  - Wistaston Memorial Hall – The owner will not allow an installation on this site
  - Tesco Garage, Crewe Road - Would not provide suitable coverage
  - Crewe Road/Lynton Way - Would not provide suitable coverage
  - South Cheshire College – The existing masts are being removed from this site which is no longer available
  - St Marys Church, Church Lane - Would not provide suitable coverage
  - Woodside Public House – More visually intrusive and close to residential properties
  - Orange Mast off Wistaston Green Road - Would not provide suitable coverage
  - St Mark's Methodist Church – The Church is too small to accommodate the necessary equipment
- Every attempt has been made to minimise the visual impact of the proposal
- Given the orientation of the surrounding properties the proposal would not significantly affect the outlook of these properties
- It is considered that the pole and equipment cabinets will soon be seen as a utilitarian feature not uncommon in such a street scene and will be accepted as part of the urban fabric
- It is believed that the scheme takes the form which is sympathetic within the context of the immediate street scene which includes telegraph poles and lighting columns
- The proposed height and design represents the best compromise between the visual impact of the proposal on the surrounding area and meeting the technical coverage requirement for the site

## **ICNIRP Declaration**

This is a signed declaration that the equipment and installation has been designed to be in full accordance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

This is an application for prior-approval under Part 24 of the General Permitted Development Order. The Local Planning Authority has 56 days beginning with the date on which it receives a valid application, in which to make and notify its determination on whether prior approval is required to siting and appearance and to notify the applicant of the decision to give or refuse such approval. There is no power to extend the 56 day period. If no decision is made, or the Local Authority fails to notify the developer of its decision within the 56 days, permission is deemed to have been granted.

### **Alternative Sites**

Government guidance aims to facilitate new telecommunications development, and consideration needs to be given as to whether all suitable alternative locations have been explored.

A previous application for prior approval was submitted by O2 on this site (Planning application ref; P08/0405). This was refused partly due to a lack of consideration of alternative sites. However as part of the appeal the applicant carried out a more comprehensive consideration of alternative sites including those suggested by the Case Officer. This assessment was accepted by the Inspector and this reason for refusal was not accepted at the appeal. The sites listed in the supporting information section of this report have already been considered and discounted, and on this basis it is accepted that the operator has complied with guidance and explored suitable alternative sites.

### **Siting, Design and Street Scene**

The proposed installation has been designed as a slim line pole designed to mimic a telegraph pole. The height of the pole would be stepped back from the pavement by 3 metres and would be 10 metres in height which would make it taller than the surrounding lighting columns which are 8 metres in height.

Policy NE.18 (Telecommunications Development) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and PPG8 will be used to assess this proposed development.

In terms of the policy guidance in relation to telecommunications development, PPG8 states that the 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'*



The proposed installation at 10 metres in height would be taller than the existing street lighting columns in the area which are approximately 8 metres in height. The mast would mainly be viewed by vehicles and pedestrians travelling along Readesdale Avenue, Valley Road and when visiting the precinct of shops to the north of the site.

In dismissing the previous appeal for a 12.5m mast the Inspectors main concerns related to the height of the proposed mast. The Inspectors decision states that the height of the mast would *'stand out as being uncharacteristically tall and would appear out of scale, incongruous and an alien feature in this suburban and domestically scaled environment. Its height would, in my view, also prevent its camouflage from being successful'*.

The applicant has reduced the height of the proposal from the earlier submission by 2.5 metres. The proposed mast would still sit taller than the existing telegraph poles and lighting columns in the vicinity by approximately 2 metres. However, this is not considered to be significant and the proposal would now successfully assimilate with existing street furniture. Accordingly unlike the earlier scheme the proposal would not appear as an alien or incongruous feature or out of scale within the locality.

Furthermore it is considered that the benefits of extending the telecommunications network in the area outweigh the limited visual impact of the proposed development upon the character and appearance of the area.

## **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 perceived risk is acknowledged and consideration should be given to any long-term effect to the quality of life and well-being of local residents. Due to the design of the proposal mimicking a telegraph pole, its siting and the surrounding vegetation the proposal would not register as an enduring reminder of a source of radio frequency radiation and would therefore have little effect on the well-being and amenity of local residents.

Paragraph 98 of PPG8 states that *'In the Governments, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure 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'*. In this instance an ICNIRP certificate has been provided.

## **Highways**

The Highway Engineers comments had not been received at the time of writing this report. However there were no objections as part of the last application on the site. As a result it is not envisaged that the proposal would raise any highway safety implications.

## **Other matters**

Representations have been received which express concern in regard to potential for vandalism of the equipment cabinets and mast and also potential safety implications for the highway and pavement when the operator is maintaining the equipment. However, maintenance of telecommunications installations is likely to be infrequent and as with the maintenance of other utilities can be maintained without threat to highway safety. Equally the potential for vandalism is not considered to be a significant consideration in this proposal.

## **11. CONCLUSIONS**

The siting of base stations is a highly emotive area of planning and is dictated largely by the need to provide coverage to populated areas. It is rare for such development to be sufficiently remote that no objections are raised from residents. Alternative sites have been considered as part of the selection process and have been rejected for a number of reasons including technical coverage requirements, the proximity to residential properties and also the unwillingness of site owners to allow development on their land. The applicant has reduced the height of the proposed mast from the earlier refused scheme by 2 metres and this is considered to be sufficient to overcome the earlier reason for refusal. Accordingly the proposal is not considered to appear as an alien or incongruous feature within the locality. It is considered that in this instance the proposed development is compliant with local and national policy.

## **12. RECOMMENDATIONS**

**RECOMMENDATION:** That details of siting and design are required and that these details are approved subject to the colour and finish of the proposed pole and equipment cabinets being agreed

4. Standard – 3 years
5. Monopole and antenna to be brown in colour, equipment cabinet to be green
6. Development to be completed in accordance with the approved plans

## LOCATION PLAN:

