



Planning Committee Report

Planning Reference No:	10/0366N
Application Address:	GRASS VERGE ON SOUTHERN SIDE OF, PETER DE STAPLEIGH WAY, STAPELEY, NANTWICH
Proposal:	Install a 14.8 Metre High Street Pole Installation & 2 No. Equipment Cabinets
Applicant:	Vodafone
Application Type:	GPDO Determination Telecoms
Grid Reference:	
Ward:	Doddington
Earliest Determination Date:	17 March 2010
Expiry Dated:	28 March 2010
Date of Officer's Site Visit:	10 March 2010
Date Report Prepared:	10 March 2010
Constraints:	NE.10

SUMMARY RECOMMENDATION:

Prior approval is required for the siting and appearance of the installation and approval be GRANTED

MAIN ISSUES:

- The impact of the design, siting and external appearance on the character of the area
- The exploration of alternative sites
- Health & Safety considerations
- The impact on protected species
- The impact on neighbouring residential amenity
- The impact on protected species

REASON FOR REPORT

This application is included on the agenda of the Strategic Planning Committee as the application has been called in by Councillor Brickhill due to concerns regarding the impact on the amenities of nearby residential properties by reason of anxiety. As this is a GPDO determination, a decision has to be made within 56 days of the date the application received and therefore due to timescales, could not be determined at the Southern Planning Committee meeting.

11 DESCRIPTION OF SITE AND CONTEXT

The application site comprises the grass verge to the adopted section of highway at Peter Destapeley Way in Stapeley, Nantwich. This side of the road contains streetlights whilst the other side of the road does not. On the opposite side of the road lies a wildlife mitigation area for the Cronkinson Farm housing estate; the designated area of new woodland planting and landscaping.

The mast will be situated 13m from the existing streetlights lying adjacent to it and will be positioned slightly farther forward of their established line by approximately 0.4m. The mast will be seen in the context of both the existing street lighting columns and the mature planting and trees to the south.

Residential properties associated with the Cronkinson Farm development are located on the opposite side of the road the closest being 75m from the proposed location of the mast.

The site is designated under policy NE.10 and lies just on the settlement boundary of Nantwich.

DETAILS OF PROPOSAL

The proposals relate to a 12m high column, 3 antennas, 1 equipment cabinet and ancillary development the total height of the proposals will be 14.8m.

The equipment cabinets include; Ericsson 3107 cabinet 1580 x 380 x 1350mm (h), Cannon G Cabinet 1400 x 352 x 1500 mm (h) and meter cabinet 665 x 260 x 1125 (h) the cabinets are to be finished in green.

This application follows an earlier scheme submitted under P09/0136; this application was a GPDO determination for an identical mast proposed on the opposite side of the road. This was recommended for refusal due to concerns regarding the intrusiveness of the mast, the failure to demonstrate that alternative sites had been considered and on the grounds of insufficient information in respect of protected species.

A decision notice for the previous application (P09/0136) was generated; however the Decision Notice arrived with the developers outside the Statutory 56 days period determination period and whilst the recommendation was for refusal the application has by default been approved.

The developer has worked with the council to put forward a more acceptable solution – mindful of local concerns about the development. The case officer negotiated with the developer to move the mast to the opposite side of the road; this position was suggested during the pre-application discussions for P09/0136 and was incorrectly discounted due to land ownership issues. The developer agreed to the amended position the subject of this application and has verbally agreed not to implement the existing mast position.

11 RELEVANT HISTORY

P09/0136 GDO telecommunications mast refused 14/04/2009 deemed consent

POLICIES

Development Plan Policies

Regional Policy

None relevant

Local Plan Policy

The principal issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

NE.18 – Telecommunications Development

NE.9 – Protected Species

NE.10 – New Woodland Planting and Landscaping

BE.2 – Design Standards

Other Material Considerations

PPG8 – Telecommunications

PPS9 – Biodiversity and Geological Conservation

CONSULTATIONS (External to Planning)

Highways:

Please note that this verge is not yet adopted by the highways authority.

Condition:

The pole and equipment cabinets should be set back at least two meters from the kerb face to allow any future footway / cycleway to be constructed.

No development shall take place until detailed drawings outlining the site's layout arrangements have been submitted to and approved by the LPA.

VIEWS OF THE PARISH / TOWN COUNCIL: none received at time of writing report and will be reported at committee

OTHER REPRESENTATIONS:

Letters of objection received from the occupants of 22, 26, 32, 49 Talbot Way, 12 Houghton Court, 1 Garnett Close, 3 Mainwaring Close, 20 Chater Drive and 51 Hawksey Drive the main concerns relate to:

- visual impact
- impact on protected species
- health implications
- proximity to school
- lack of consideration for alternative sites
- accuracy of information
- doesn't accord with government policy/ code of conduct
- lack of consultation with residents
- impact on house prices

APPLICANT'S SUPPORTING INFORMATION:

In support of the proposal the applicant has submitted the following information:

Design and Access Statement (DAS) received which provides a brief history of the development of telecommunications and 2G/ 3G networks, details on the site selection process which includes a desktop search to identify need, discussions with the Local Planning Authority, local consultations and a site survey. The DAS then goes on to discuss planning policy requirements such as the need for development; siting and design and the implications of PPG8. Site/ mast sharing is discussed and Vodafone will be sharing this particular mast with O2. The DAS also mentions the requirements of Councils to make suitable owned properties available and keep a mast register, legal cases and consultation with schools.

The applicant has provided an ICNIRP certificate, confirmation of consultation with local ward councillors, parish council, neighbours and the local school.

Site specific supplementary information has also been submitted providing details of the pre-application discussions, which indicates that a deemed consent exists at a site on the opposite side of the road. However the location proposed under this application was considered sequentially preferable by the LPA (in terms of its visual impact and proximity to the nearby school and residential properties). The mast will be 0.5m higher than that proposed under P09/0136 because the mast will be used by two separate telecommunication operators and hence will prevent the proliferation of structures within the area. It also provides details of the technical justification, site selection process, reasons for siting and design and planning policies.

The applicant has included details of coverage plots which demonstrate a need for the proposed development.

1. OFFICER APPRAISAL

This is an application for prior-approval and under this regime the Local 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.

Siting and Design

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;

The Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Government also has responsibility for protecting public health.

The proposed installation has been designed as a pole to mimic a street light. The height of the pole would be 14.8 metres which would make it higher (and wider) than the existing 10 metre high lighting columns on this side of Peter Destapeley Way. Residential properties are located 75m from the proposed pole however the orientation of these in relation to the proposals coupled with the existence of the tall trees within the wildlife area will obscure visibility of the mast. Whilst it will be increasingly visible to pedestrians and vehicular traffic along Peter Destapeley Way, the monopole and cabinet reflect the utilitarian appearance of the existing streetlights and there is also a backdrop of vegetation to the south. The combination of the existing infrastructure and the vegetation in this locality ensures that the monopole would not stand out as being uncharacteristically tall or visually intrusive.

PPG8 states that

In seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimize the impact of development on the environment.

The proposed mast will be taller than the existing streetlights. It will also have a different profile due to the antennas at the top which makes the structure wider at the top. That said the slim line pole and finish and its positioning within the linear development of streetlights at this location minimises the impact of the mast upon the street scene and represents a sympathetic design.

The monopole will be evenly spaced between the street lighting column in this location and would be positioned only marginally in front of the line of the streetlights which in any event does not appear as a linear form due to the curvature of the road.

The equipment cabinets are grouped to reduce their visual impact and are proposed to be finished green to further camouflage their appearance.

Alternative Sites

Given the government guidance which aims to facilitate new telecommunications development, consideration needs to be given whether all suitable alternative locations have been explored.

Vodafone has indicated that this site is the furthest location south that Vodafone can locate their equipment. Should the equipment be located any further to the south then Vodafone would fail to provide the necessary coverage levels back to the residential area of Nantwich that lies to the north of the application site.

As part of this application the applicant's agent has identified 4 other alternative locations and of these 2 are located on Peter Destapeley Way and have been dismissed because they considered these sites to have a greater visual impact. Whilst the site opposite the Co-Op is actually preferable to this site there are still concerns regarding this location due to the proximity of the school and residential properties and the increasing visual prominence of the mast in this location. The Local Authority suggested the position proposed as did a resident in a letter of representation submitted under the previous application.

Of the 2 other sites considered, Vodafone could not obtain consent from the landowner.

Both policy NE.18 and PPG8 require that the operator justify consideration of alternative sites and site sharing. In this instance, there is no better, available alternative site.

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.

Moreover in *Trevett -v- The Secretary of State* (2002) the Judge held that the Inspector was entitled to give greater weight to the expertise of the organisations than the residents fears which appeared to be based in part on selective research and expert opinion.

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.

Nature Conservation

Ponds are suitable habitats for Great Crested Newts which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Whilst this planning consent cannot implement other legislation, protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, - in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NE.9 (Protected Species) seeks to prevent harm to protected species and their habitats.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where significant harm cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their

habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The location of the mast is located on the existing verge at Peter Destapeley Way directly opposite to a designated ‘wildlife area’ required to mitigate for the impact of the Cronkinson Farm estate on nature conservation. A pond is located within this wildlife area.

There is a known Great Crested Newt presence on the site. A site licence was required in connection with the redevelopment of the site for housing and the wildlife area in question included Great Crested Newt fencing to prevent Great Crested Newts crossing the road.

The Council’s ecologist has confirmed that the road is a barrier to prevent Great Crested Newts from crossing. Whilst there are ponds on this side of the road, the breeding ponds are over 100m away and in any event the proposed development is too minor to have an impact on newts so no survey is required.

Highways

The mast and the associated equipment cabinet measures 0.5m deep and is located upon the verge. It is not considered that the proposals will have a detrimental impact upon pedestrian safety given that the footpath is located on the opposite side of Peter Destapeley Way.

In light of the comments from the Highways Authority, it is considered necessary to condition that the cabinets are 2m back from the highway.

The slim line nature of the proposals and its setback from the highway will ensure it does not represent either an obstruction to visibility or a distraction.

Other Matters

PPG8 para 20 attaches considerable importance to mast sharing; it should be noted that the mast shall be shared between Vodafone and O2.

CONCLUSIONS AND REASONS FOR DECISION

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 land ownership issues, proximity to residential properties and visual impact. 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.

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

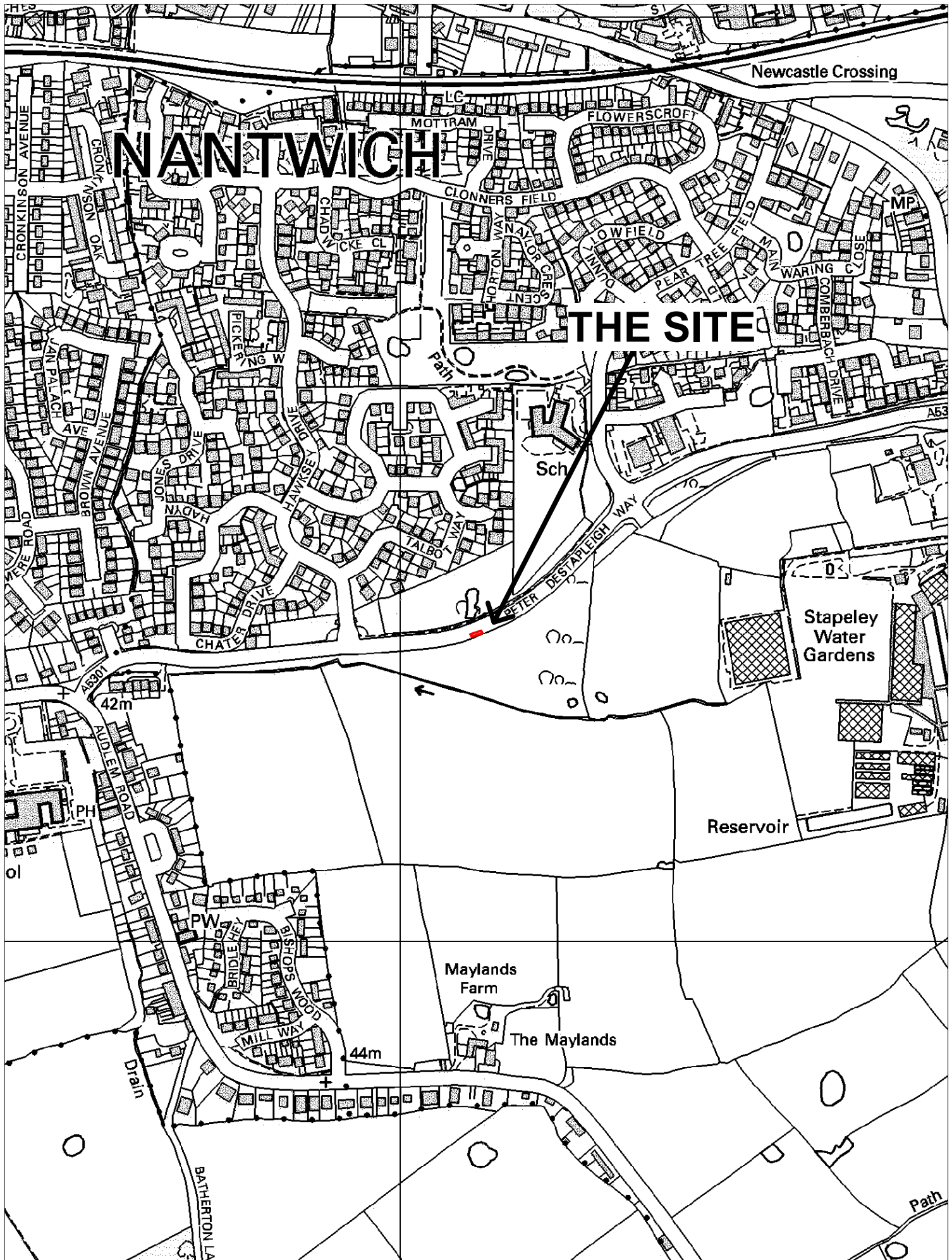
Conditions

Details of Materials and finishes to be in accordance with submitted details

Cabinets to be 2m back from the highway

Development in accordance with the approved plans

Removal of equipment when it ceases to be operational



10/0366N - GRASS VERGE ON SOUTHERN SIDE OF, PETER DE STAPLEIGH WAY, STAPELEY, NANTWICH
 N.G.R. - 366,080 - 351,330

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