

Application Number	11/2648C
Proposal	14.8m High Joint Operator Street Furniture Type Telecommunications Tower
Location	JUNCTION OF ROOD HILL & BERKSHIRE DRIVE, CONGLETON
LDFC	17-Aug-2011
Expiry Date	05-Sep-2011
Constraints	Agricultural Land URBAN Wind Turbine Dev Safeguarding Area Primary Surveillance Radar PSR 200m Air Quality Planning High priority military low flying area likely to raise considerable and signific Congleton Local Plan Local Plan Area Congleton Local Plan Inset no.1 Congleton Local Plan Congleton Settlement Zone Line

1. REASON FOR REFERRAL

This application has been called in to Southern Planning Committee by Cllr Baxendale on the grounds of street scene and highways safety:

“Regardless of the decision by the highways officer, I maintain that there will be a serious obstruction to visibility at the junction if the mast is placed there. I therefore would like this to be called in and decided by the planning committee”

2. DESCRIPTION OF SITE AND CONTEXT

The application site is an area of highway verge on the northern side of Rood Lane near to the junction with Berkshire Drive. It is wholly within the Congleton settlement zone. Rood Lane is one of the main approaches to Congleton from the north and the immediate surrounding area is predominantly residential.

3. DETAILS OF PROPOSAL

This is an application under Part 24 Schedule 2 of the General Permitted Development Order for prior approval of the siting and appearance of a 14.8 metre telecommunications tower and 1 associated equipment cabinet with attached meter pillar. The equipment cabinet would be 1898mm wide by 798mm deep and 1648mm high. The mast would be a street furniture type column finished in galvanised grey. The radio equipment cabinet would be green.

This application follows a previous refusal of full planning permission for a 19.8 metre high telecommunications tower and associated equipment on the same site. That application was refused for the following reason:

‘The proposed development by reasoning of its height in this prominent location within a largely residential area would represent a visually incongruous insertion that would adversely affect the visual amenity of the area. The proposal is therefore contrary to Policies E19 and GR2 of the Congleton Borough Local Plan 2011 First Review 2005.’

This application differs from the previous proposal in the following way:

- The overall height has been reduced to 14.8 metres.

- The proposal includes a non-standard reduced shroud size at 3.2 metre in height.
- Due to the reduction in height this application is submitted under Part 24 Schedule 2 of the General Permitted Development Order for the Council's determination concerning prior approval of the siting and appearance. The previous application was for full planning permission.

4. RELEVANT HISTORY

- 11/0431C 19.8M High Joint Operator Street Furniture Type Telecommunication Tower, 1no Equipment Cabinet, 1no Meter Cabinet and All Ancillary Development, refused 28th March 2011.

5. POLICIES

Adopted Congleton Borough Local Plan First Review 2005:

- PS4 Development within the 'Settlement Zone Line' of towns
- E19 Telecommunications
- GR1 General Criteria for New Development
- GR2 Design
- GR6 Amenity
- Supplementary Planning Guidance Note 9: Telecommunications Development.

Other Material Considerations

- PPG8: Telecommunications
- Code of Best Practice on Mobile Phone Network Development (ODPM 2002)

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager

The Strategic Highways and Transportation Manager has assessed this application and offers the following comments:

- The location of this apparatus will be outside the visibility splays and therefore will not comprise highways safety.
- In view of the above, there are no highways objections.

Environmental Health

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 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.

7. VIEWS OF THE TOWN COUNCIL:

Object on the following grounds:

Siting of communication box could cause a visual obstruction to drivers entering Rood Hill and was therefore a potential hazard

8. OTHER REPRESENTATIONS:

Letters of objection have been received in relation to the proposal from the occupiers of:

- 5 Kent Drive, Congleton
- 16 Daisybank Drive, Congleton
- 2 and 9 Wellington Close, Congleton
- 41 Rood Hill, Congleton
- 5 Hampshire Close, Congleton
- 4 and 7 Somerset Close, Congleton
- 3 and 54 Berkshire Drive, Congleton
- 6 Dorset Close, Congleton

In addition a petition to urge the Council to deny planning permission with 149 signatures has been received.

In summary the objections relate to:

- It will have an adverse impact on the local landscape character and visual amenity;
- The equipment will obstruct visibility of vehicles exiting Berkshire Drive and will increase danger at an already dangerous junction;
- The applicant should pay for traffic lights to be placed at the junction of Berkshire Drive and Rood Hill;
- Detrimental effect on health of local residents;
- It is close to residential properties and safety of telecommunications towers is unproven;
- A large number of properties will be in the main radial beam;
- Possible increase in size in the future;
- It will spoil views and look out of place;
- The mast is not necessary signal is excellent already;
- House prices in the area would be effected;

9. APPLICANT'S SUPPORTING INFORMATION:

- Declaration of Conformity with ICNIRP Public Exposure Guidelines;
- Discounted Site Information;
- O2 and Vodafone Response to Potential Community Concerns;
- General Background Information on Radio Network Development for Planning Applications;
- Health and Mobile Phone Base Stations document;
- Site-specific Supplementary Information;
- Operational Background document;
- Supporting Technical Information for O2 and Vodafone showing coverage plots;
- EMF Advisory Unit Fact Sheet Series: How it Works;

- Mobile Operators Association factsheet: Third Generation – 3G.

10. OFFICER APPRAISAL

Principle of Development

Telecommunications code system operators enjoy general planning permission under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order allowing them to carry out development subject to certain exclusions and conditions without the need to make a full planning application. Certain development under Part 24 is conditional on the operator making an application for the local planning authority's determination concerning prior approval of siting and appearance. 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 the siting and appearance and to notify the applicant of the decision to grant 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.

This is an application for prior-approval under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order. The proposal is considered to be permitted development as set out in Class A of Part 24 and therefore the prior approval procedure is correct.

Need & Siting

Government guidance aims to facilitate new telecommunications development, and consideration needs to be given as to whether all suitable alternative locations have been explored. PPG8 and Policy E19 of the Local Plan encourage mast and site sharing and encourage the use of existing buildings and structures. The search area contains mainly residential properties and it is likely that any location in this area will be in close proximity to residential properties.

As part of this application an exploration of alternative sites has looked into the options of siting the equipment on the following sites; Tesco Superstore, Congleton Retail Park, Congleton Business Park, NW Water Treatment Works, Congleton Park, Eaton Bank Trading Estate, Congleton Ambulance Station, The Grove Inn, Vauxhall Garage, various street furniture locations, agricultural land north west of target area and agricultural land south/west of Hillfields Close. These options were discounted for various reasons, although the topography of the area is a particular constraint in finding a suitable solution within the designated search area which could address the present coverage deficit.

Prior to this resubmission the applicant has re-surveyed the area however no further suitable sites were identified nor were existing sites previously discounted shown to now be available or appropriate.

Given that the site selection process has explored the suitability of alternative sites and the residential makeup of the area the erection of a new street works mast is not wholly objectionable in this case.

In addition it is recognised that this mast will offer site sharing as it will provide coverage for two operators negating the need to provide additional masts to cover the 3G network.

Design and Streetscene

The proposed telecommunications tower has been designed as a slim monopole solution to mimic other street furniture. This design is considered to be a sympathetic solution in a highway verge location such as this and reduces the visual impact of the equipment within the streetscene. It should however be noted that in the immediate vicinity the lampposts are older concrete type poles although there are the newer type galvanised street lamps within close proximity along Rood Lane.

The telecommunications tower would be higher than other street furniture in the locality however it would be seen against a backdrop of trees from some positions. It is considered that the reduction in height from the previously scheme and reduction in shroud size would significantly reduced the prominence of the telecommunications tower and at 14.8 metres high it would not have an unacceptable impact on the townscape or visual amenity of the area. Whilst it is accepted a telecommunications tower of this height would be visible in the streetscene it is not considered it would be a visually incongruous feature in the surroundings. Additionally PPG8 strongly encourages the sharing of masts and this proposal would accommodate two operators with a total of 6 no. antenna which would negate the need to provide additional masts elsewhere in the locality.

Health Considerations and Amenity

With regard to any perceived health risks, PPG8 states:

'...it is the Governments firm view that the planning system is not the place for determining health safeguards. It remains central Governments responsibility to decide what measures are necessary to protect public health.'

The advice offered by the Government's advisors, the National Radiological Protection Board is that "the balance of evidence indicates that there is no general risk to the health of people living near base stations". It is the Government's view that if a proposed development meets the ICNIRP guidelines as recommended by the Stewart Report, it should not be necessary for a local planning authority to consider health effects further. It is confirmed that the installation complies with the requirements of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure and that the Certificate produced by the operator takes into account the effect of the emissions from mobile phone network operators on the site. It is not considered therefore, that health considerations could form the basis of a sufficient reason for refusal.

Objections have been received relating to the impact of the proposal on property value. It is not for the planning system to protect the private interests of one person against the activities of another and PPG8 notes *'the material question is... whether the proposal would have a detrimental effect on the locality generally, and on amenities that ought, in the public interest, to be protected.'* The impact of the development on property value could not form the basis of a reason for refusal in this case.

Highway Safety

Objections have been received relating to the siting of the mast and associated equipment cabinet in relation to Berkshire Drive and its impact on visibility and therefore highway safety. Comments received have stated that this junction is already dangerous and this proposal would worsen the situation. Current injury accident records show only one injury-accident in the last five years in the vicinity of this junction but not related to its turning movements. The

current junction is therefore seen to be operating safely. Nonetheless concerns raised relating to a reduction in visibility due to the development must be carefully considered and where such development is considered to result in a detrimental impact on highway safety it should be refused. The mast would be sited approximately 2 metres back from the kerb and the equipment cabinet approximately 3 metres back. The Strategic Highways Manager has raised no objections to the proposed siting of the mast and has stated the proposal would be outside the visibility splays. In this position it is not considered that either the mast or the equipment cabinet would obstruct visibility for vehicles exiting Berkshire Drive to the detriment of highway safety. As a result it is considered the proposal would not raise significant highway safety implications that could justify a reason for refusal.

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, primarily the local topography. The significance of the proposed development as part of the national network is a material consideration. It is considered that the benefits of extending the telecommunications network in the area, in line with government policy stated in PPG8, outweigh the limited visual impact of the proposed development upon the character and appearance of the area. The telecommunications tower and associated equipment cabinet would sit outside the visibility splay at the Junction of Berkshire Drive and Rood Lane and therefore it is not considered a reason for refusal on highway safety grounds could be sustained.

12. RECOMMENDATIONS

That details of siting and design are required and such details are approved subject to conditions.

Conditions:

1. Standard Time – 3 years
2. Development to be completed in accordance with the approved plans

