

Application No: 11/4466C

Location: LITTLE MOSS FARM, PRIORY CLOSE, CONGLETON, CW12 3JL

Proposal: Installation of 21m High Monopole Telecommunication Tower Incorporating 6No. 3G Antennas and Associated Headframe. 1No. Equipment Cabinet, 1No. Meter Cabinet and all Ancillary Development

Applicant: O2

Expiry Date: 08-Feb-2012

SUMMARY RECOMMENDATION: Approve with Conditions

MAIN ISSUES

- Principle of development
- The design, siting and external appearance
- Impact on the Green Belt
- Detailed exploration of alternative sites
- Health & Safety considerations
- Other Matters

REFERRAL

This type of application is usually dealt with under delegated powers however this application has been called into planning committee by Councillor David Brown for the following reasons,

'The proposed development by reasoning of its height in this prominent location within a green belt area of outstanding natural beauty and adjacent to a large residential area and large primary school 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. The company should demonstrate social responsibility to the adjacent community and seek further and appropriate position for the mast.'

DESCRIPTION OF SITE AND CONTEXT

The proposal site is to the rear of the property known as Little Moss Farm, Priory Close, Congleton. The site is situated within the Green Belt, on the edge of Congleton settlement boundary. The proposal site has permission for storage of caravans and the hard surfacing to the rear of the site is primarily used for storage purposes. There are several buildings on the site and tree coverage to the rear of the site.

DETAILS OF PROPOSAL

The proposal seeks full planning permission for the installation of a Joint operator, (O2 and Vodafone), 21m High Monopole Telecommunications tower which incorporates 6no. 3G antennas, associated head frame, 1no Equipment Cabinet, 1no. meter cabinet. The monopole mast will have a height of 18m, and a 3m antenna head. At 16.8m there are also 2no. dishes for O2/Vodafone. It is proposed to have a 2.1m palisade fence surrounding mast.

RELEVANT HISTORY

No relevant site history, however this site is proposed as an alternative site to the refused application below. This application was refused on Visual Amenity and Lack of evidence for alternative sites.

11/0750C – 15m High Joint Operator Street type telecommunications Tower, 1no equipment cabinet, 1no meter cabinet and all ancillary development; Land adjacent to Biddulph Road and Boundary Lane Junction, Congleton – Refused 12th April 2011

POLICIES

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

Local Plan policy

PS7: Green Belt
GR2: Design
GR6: Amenity
E19: Telecommunications
SPG9: Telecommunications.

Other Material Considerations

PPG 2 - Green Belts
PPG8 – Telecommunications
Code of Best Practice on Mobile Phone Network Development (ODPM 2002)

CONSIDERATIONS (External to Planning)

Highways Authority: No 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

Congleton Town Council: No Objection - Subject to conditions that the tower be disguised and in keeping with the surrounding area.

OTHER REPRESENTATIONS

Letters of objection have been received from 96 residents and a letter of objection from the Governing Body and Staff of Mossley School has also been submitted;

The main issues raised are as follows,

- Views over the countryside/green belt will be ruined by proposal,
- Proximity to residential properties, and primary school,
- Radiation impact on neighbours and school children,
- Effects of radiation from masts have not yet been properly researched,
- A 21m mast will totally dominate the area,
- The mast will be an eyesore/visually obtrusive
- Will have a negative impact on property values in the area,
- Mobile phone reception in the area is good,
- In May 2011 The International Agency for Research on Cancer classified radio waves as 'possibly carcinogenic'. Caution should thus be applied. On top of the risk of cancers there is also the problem of radiation causing sleep disturbances, headaches and reduced concentration.
- Emissions from the mast would be harmful to bats, and other wildlife,

- Occupiers of Priory Close have in the past been forced by the LPA to take down fences which were erected on greenbelt land and asked to remove vegetable plots. A 21m high mast surely will have more impact than a 6ft fence,
- Will set a precedent to build in the green belt,
- Perceived health risk cause anxiety and stress, and is planning consideration,
- Local School has funding for outside class room,
- Mast will deter parents from sending children to this primary school,
- Insufficient time was given for consultation responses,
- Site Notice at the gates of the farm not sufficient,
- Notice should also be erected at the school,
- Neighbours have not been consulted,
- Given Amber rating therefore shows the proposal will have significant impact on the green belt area,
- Supporting literature states that the mast will be masked by trees however also notes that the need for 21m mast is to avoid the surrounding clutter – therefore contradicting itself,
- Purely a commercial decision,
- Long term studies have been carried on 2G networks which broadcast a fraction of the wave level of 3G,
- French Government have decided to site transmitters at least 100m away from places such as schools,
- Within an Area of Significant Local Environmental Value (ASLEV)
- The proposed mast will be three times the height of the existing residential development,
- Previous applications have been refused by the Council for shorter poles which do not have the addition of antennas,
- There is also another application running at the site for holiday accommodation (11/3788C)
- Masts are responsible for disturbed sleeping patterns, which affect daily activities,
- It would increase unwanted maintenance traffic in an already heavily congested road that has had to have sleeping policeman installed to cut down this nuisance already.
- The mast will be visible from the Gritstone Trail and Staffordshire Way,
- 3G not necessary in residential area,
- Not tall enough to benefit those in Staffordshire,
- PPG 8 “Telecommunications”, PPS7 “Sustainable Development in Rural Areas”, PPS9 “Biodiversity and Geological Conservation” and PPG2 “Green Belts”, are all relevant HM Government publications and consistently refer to ill considered positioning of Telecommunication Masts
- Construction/Maintenance traffic in the area will cause extensive disruption around school times,
- Timing of the application over the Christmas period was planned to achieve minimum objection from local residents/school,
- Cheshire East’s SPG 9 states that the installation of telecommunications equipment should seek to ensure the optimum siting and to ensure the minimum visual impact especially in sensitive areas,

- This application has been approved subject to the tower being disguised and in keeping with the surrounding area.

APPLICANT'S SUPPORTING INFORMATION

- Design and Access and Supporting Statement
- ICNIRP Declaration
- Site Specific Supplementary Information
- Document on potential community concerns
- General Background Information for Telecommunications Development document
- Health and mobile phone base stations document, dated March 2010
- EMF Advisory Unit (Fact Sheet)
- Third Generation – 3G document

OFFICER APPRAISAL

Procedural Matter

Within several of the objections the consultation process by the LPA has been raised as insufficient for this development. The LPA is required only to consult adjoining neighbours to the proposal site, given that applications of this nature can be fairly controversial in this instance LPA consulted all neighbours within 100m of the proposal site, consulted Mossley Church of England Primary School, erected a site notice at the proposal site and an advertisement was placed in the local press. Therefore the Council has carried out the consultation for this application in line with the Publicity and Neighbour Notification procedure.

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, 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 proposal site is situated within the Green Belt, where in principle there is a presumption against inappropriate development, this stated both within PPG 2 (Green Belts) and Local Plan Policy PS7 (Green Belt). The proposal does not fall within the definition of appropriate development within Policy PS7 (Green Belt). However, PPG 2 states that inappropriate development, by definition, is that which is harmful to the Green Belt. In very special circumstances inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

In this instance the applicant has noted that the area requires an upgraded mast for 3G coverage in the area, and this mast is one of several coverage plots in the area. The coverage plot shown for existing and proposed coverage for both Vodafone and O2 show a substantial increase due to the mast insertion. It is therefore considered that in this instance the applicant has submitted both coverage information, and alternative site considerations which show that the requirement for 3G coverage in the area, and this considered a special circumstance for development within the Green belt and therefore the principle of development is considered acceptable.

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'*.

Furthermore, 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 proposed mast will have an overall height of 21m, 18m to the top of the monopole tower, with a further 3m to the top of the head frame and antennas. The proposed mast is to be of a standard colour. The LPA has requested that the applicant submit plans showing different colour masts within a photomontages to determine if a green or brown mast (or mix of the two colours) would sit more comfortably within the Green Belt setting than a standard galvanised steel mast.

However at the time of writing this information had not been submitted with the application and therefore details will be included within the update report and any plans shown in the presentation/on the website.

The surrounding area to the north of the site is largely residential properties, with Mossley Church of England Primary School to the northwest. To the south of the site is the area designated as Green Belt and is largely compromised by open fields, with pockets of tree coverage and hedges.

It is acknowledged that the proposed mast is substantial height at 21m, it will be approximately 3 times higher than adjacent dwellings, and 5m taller than the adjacent tree coverage. However this is due to the operational requirement to reach the residential area further into the site, that a taller mast which exceeds the height of the trees is required. Given the evidence submitted with regards to alternative sites it is accepted that this site would be further away from residential properties and therefore the requirement for the extra height is to reach all elements of the designated search area.

Whilst the proposed mast and associated development will have some impact on the visual views of the area, the openness of the Green Belt will still be retained due to the relatively slim nature of the monopole mast, and with some camouflaged colouring to the external treatment of the mast it is considered that the proposed mast will not have a significantly detrimental impact on the surrounding area to warrant refusing the application.

Alternative sites

The Council's adopted Supplementary Planning Guidance Note 9 (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 into whether all suitable alternative locations have been explored.

As part of this application the applicant's agent has identified 15 alternative sites which have previously been discounted as unacceptable which lie either within or just outside the Designated Search Area (DAS). The following is a brief summary of each site,

1. H.J Lea Oakes Ltd, Biddulph Road

- Too close to existing Vodafone site on large industrial building roof top to rear of Railway Inn, Park Lane.
- Discounted on operational merit

2. Any Development west of Henshall Hall Drive
 - Too close to existing Vodafone site as above.
 - Discounted on operational merit
3. Congleton Golf Club, Biddulph Road
 - Occupies significant position within DSA, although there are several mature trees which may pose coverage issues, the Club have withdrawn from further negotiations on the site.
 - Therefore discounted as land is not available for development.
4. Mossley Church of England Primary School, Boundary Lane
 - Large educational property which could accommodate a mast,
 - Development on schools tend to progress as a last resort, due to community opposition which can result in disruption to the property,
 - This site could be looked into further if requested by LPA.
5. Mossley Village Hall, Corner of Bida Lane, Leek Road
 - Potential site for mast as centrally located within DSA,
 - Mature trees would place serious limitation on coverage
 - Discounted on operational merits
6. Mossley Old School Community Centre, Leek Road
 - Potential site for mast as centrally located within DSA,
 - Mature trees would place serious limitation on coverage
 - Discounted on operational merits
7. Holy Trinity Church, Biddulph Road
 - Discounted as not available for use
8. Street Furniture development along Leek Road
 - Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,
 - Limited Coverage potential
 - Discounted on operational merits
9. Street Furniture development along Biddulph Road (N)/ Bida Lane/Henshall Hall Drive/Brierly Road/Blackshaw Close
 - Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,
 - Limited Coverage potential
 - Discounted on operational merits
10. Street Furniture development within Woburn Drive/Marshall Grove/Ryedale Drive
 - Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,

- Limited Coverage potential
- Discounted on operational merits

11. Street Furniture development along Biddulph Road (between Leek Road and Boundary Lane junction)

- Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,
- Limited Coverage potential
- Discounted on operational merits

12. Street Furniture development along Boundary Lane and associated residential area

- Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,
- Located directly outside of residential properties
- Discounted as less appropriate on planning merits

13. Castle Inn Pub, Castle Inn Road

- Significant distance outside the DSA
- Area in lower topography than most of coverage area and mature trees
- Discounted on operational merit

14. Land at Mossleyvale Farm, Wards Lane

- Significant distance outside the DSA
- Area in lower topography than most of coverage area and mature trees
- Discounted on operational merit

15. Boundary Lane/Biddulph Road Junction

- Previously refused site for 15m mast (11/0750C)

Most of the sites proposed have been discounted due to their positions within residential areas where there is little room for street furniture within the public highway, and on operation merit, furthermore two sites have been discounted as they would involve development directly in front of residential properties and within the school boundaries. The Council agrees that these sites would not be suitable for a development such as that proposed.

It is noted that one of the reasons for refusal of the nearby 11/0750C application was lack of detailed consideration of alternative sites. The applicant has considered many options both within the search area and outside, and it is clear that substantial consideration of alternative sites has been carried out and therefore in this instance the information submitted is considered acceptable.

Health and Safety

In 1999, the Independent Expert Group on Mobile Phones (IEGMP) was set up to look at the potential health risks from mobile phone technology. The chairman was Sir William Stewart and the group reported back in May 2000 with what is now commonly referred to as the 'Stewart Report'. The report concluded that "The balance of evidence to date suggests that exposures to RF radiation below NRPB and ICNRP guidelines do not cause adverse health risk to the general population, and that" The balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. The findings of the 'Stewart Report' were not conclusive but did advocate the 'precautionary principle' being adopted in the consideration of applications.

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.

Furthermore, the most recent guidance from the Government regarding mobile phone technology and health issues is outlined in PPG8, which states 'it is the Government's firm view that the planning system is not the appropriate mechanism for determining health safeguards. It remains central government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed development 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'.

However, this guidance note does go on to enunciate that: "Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval." (PPG8 'Telecommunications' (paragraph 29)

It is very clear that the weight to be attached to this issue as a material consideration is a matter for the decision maker - in this case the local planning authority. Given that the proposed installation clearly complies with the ICNIRP guidelines for public exposure it is considered that a reason for refusal on the grounds of perceived health risk alone would be extremely difficult to sustain at an appeal.

Highways

The Highways Authority has raised no objections to the proposal and given that the site is situated within a private area of land it is unlikely that the proposal would have an adverse impact on highway safety.

Other Matters Raised

Within the letters 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.

Within the objections received it is stated that the proposal site is situated within the Area of Significant Local Environmental Value (ASLEV), the only designation the site has within the Congleton Local Plan is Green Belt.

Within the letters received the impact of the proposal on bats and natural wildlife has been raised. The Councils ecologist has been consulted on this matter and does not anticipate there being any significant ecological issues associated with the proposed development.

CONCLUSIONS

It is considered that the proposed 21m high monopole style mast with 6no antennas and associated head frame in this location is acceptable and will not have a significantly detrimental impact on the surrounding Green Belt area, and is necessary for the proposed use in the area. It is considered that substantial consideration has been given to alternative sites in the area, and the proposal will not have a detrimental impact on highway safety or health and safety of the neighbouring population. It is therefore considered that the proposed mast is acceptable and in accordance with Local and National plan policy.

RECOMMENDATIONS – Approve with conditions

1. **Standard Time**
2. **Materials as per amended scheme**
3. **Approved plans**

