

Application No: 12/0714C

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

Proposal: 18m high joint operator monopole type telecommunication tower incorporating 4No. 3G antennas and their associated head frame along with 2No. 600mm transmission dish (standard grey in colour), 1No. equipment cabinet (Vulcan type, 1898 x 798 x 1648mm, RAL 6009 – Fir Green), 1No. meter cabinet (655 x 255 x 1015mm, RAL 6009 – Fir Green), All ancillary development (foundations, fencing; fixtures, fittings, cabling, etc)

Applicant: Telefonica UK Limited

Expiry Date: 11-Apr-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 referred to the Southern Planning Committee due to the previous application on the site (reference number 11/4466C) being called into Committee and refused by Members.

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.

This application has been submitted to address the reason for refusal on the previous application 11/4466C.

DETAILS OF PROPOSAL

The proposal seeks full planning permission for the installation of a joint operator, (O2 and Vodafone) 18m High Monopole Telecommunications tower which incorporates 4no. 3G antennas, associated head frame and 2no. 600mm transmission dishes; 1no equipment cabinet, 1no. meter cabinet and ancillary development. The monopole mast will have a height of 15m, and a 3m antenna head. It is proposed to have a 2.1m palisade fence surrounding mast.

RELEVANT PLANNING HISTORY

11/4466C - Installation of 21m High Monopole Telecommunication Tower Incorporating 6No. 3G Antennas and Associated Headframe. 1No. Equipment Cabinet, 1No. Meter Cabinet and all Ancillary Development – Refused 31st January 2012

‘The proposed development by reason of its height and prominent location on the edge of the Green Belt would result in a visually incongruous addition which would be harmful to the character and appearance of the area. The proposed development is therefore contrary to Policies E19: Telecommunications and GR2: Design of the Congleton Borough Local Plan First Review 2005.’

The proposal site is put forward as an alternative site to the refused application below.

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

- 1. 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 First Review 2005 and PPG 8 (Telecommunications).*
- 2. The Local Planning Authority considers that there is a lack of evidence to clearly demonstrate that alternative sites have been fully explored. The proposal therefore falls short of the requirements set out in Policy E19 of the Congleton Borough Local Plan First Review 2005 and PPG 8 (Telecommunications).*

POLICIES

Local Plan policy

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

PS7: Green Belt

GR2: Design

GR6: Amenity

E19: Telecommunications

SPG9: Telecommunications.

Other Material Considerations

CONSIDERATIONS (External to Planning)

Environmental Health: No observations based on the following information;

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 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.

Further comments in response to noise disturbance; [received 02.04.12]

Regarding concerns “on the grounds that other masts make a droning noise in the wind”.

Environmental Health note that in general, phone masts seem to operate without any significant noise. In the past the department have had complaints about humming noises from fans in the equipment cabinets and in 2009 a complaint was received concerning wind noise through a fixed structure (mast fixed to a water tower) – this was resolved informally - the noise was not substantiated by Officers.

The proposed structure as detailed (in Proposed SW Elevation plan) is a single monopole tower. It is not an open lattice structure, but a solid pole / tower – therefore, unlikely to give rise to a droning noise.

VIEWS OF THE PARISH / TOWN COUNCIL

Congleton Town Council: Object on the grounds that the applications is in the green belt and is inappropriate in size, style and location – PPG8 Telecommunications refers.

OTHER REPRESENTATIONS

Letters of objection have been received from 119 households, the Governing Body and Staff of Mossley School, and Fiona Bruce MP. The main issues raised are as follows,

- A reduction of 3m in height will have no significant impact on the reasons for the previous refusal,
- Views over the countryside/green belt will be ruined by proposal,
- Proximity to residential properties, and primary school,
- Radiation impact on neighbours, school children and elderly people,

- Effects of radiation from masts have not yet been properly researched,
- A 18m mast will still 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,
- The local population do not want a mast in Mossley
- 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 18m high mast surely will have more impact than a 6ft fence,
- Perceived health risk cause anxiety and stress, and is planning consideration,
- Local School has funding for outside class room which will become redundant,
- Mast will deter parents from sending children to this primary school,
- Supporting literature states that the mast will be masked by trees however also notes that the need for 18m mast is to avoid the surrounding clutter – therefore contradicting itself,
- Within an Area of Significant Local Environmental Value (ASLEV)
- The proposed mast will be twice 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, (including a 15m mast adjacent Biddulph Road and Boundary Lane)
- 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, Mow Cop and Staffordshire Way,
- 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,
- If mast is 'not so close to Mossley School to pose a danger' what is an unsafe distance from a mast?
- The town council only accepted the previous application on the condition the mast would be camouflaged. This would not be possible.
- Site visit should be carried out by the Planning Committee for the local residents to discuss their concerns,
- The mast along with its appendages on top will reverberate in the wind creating a moaning, whining noise,
- If the mast had to be 21m in the last application why will it now be acceptable at 18m?
- The applicant may request to enlarge the height of the mast in the future, questions raised if the local population will be consulted on such a development,
- It was once thought that asbestos and tobacco was safe,
- WFS Telecoms stated that the dishes are required when fibre optic cables are not available, however BT have confirmed that there are fibre optic cables in the area,
- No real consultation by the developer has been had with the local residents,
- The farm will be unsellable if approved and constructed,
- A very similar mast has been erected at the garden centre on Boarded Barn Farm land, Newcastle Road, in windy conditions the mast emits a droning noise
- Contaminated land report should be carried out due to existing farm land use
- The original application only increased coverage slightly the reduction in height will mean the coverage improvements are negligible
- Placing this mast so close to the school is in direct contradiction to the findings of the Stewart report. This was produced by The Independent Expert Group on Mobile Phones

and in paragraph 6.64 states that because of the way in which emissions are beamed, a base station located near to a school may cause higher exposure to pupils than if it were placed on the roof of the school building. In conclusion it states in paragraph 6.68 that, we recommend, in relation to base stations sited within school grounds that the beam of greatest intensity should not fall on any part of the school grounds or buildings without agreement from the school and parents and that similar consideration should apply to base stations sited near to school grounds.

- Contrary to the new NPPF

APPLICANT'S SUPPORTING INFORMATION

- Design and Access and Supporting Statement
- ICNIRP Declaration
- Site Specific Supplementary Information
- General Background Information for Telecommunications Development document
- Health Summary (EMF Advisory Unit)
- How it works (EMF Advisory Unit -Fact Sheet)
- Third Generation – 3G document
- Discounted Site and Search Area Information
- Coverage Plots
- Dish Antennas (EMF Advisory Unit)

OFFICER APPRAISAL

Principle of Development

In principle telecommunication development is considered acceptable provided that it accords with the guidance set out in the National Planning Policy Framework 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.

NPPF states that Government policy for,,

‘Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local communities and services’ (para 42). ‘local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband’ (para 43)

The Policy then goes on further to state,

‘Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure. (para 46)’

Local Plan Policy E19: Telecommunications largely reflects the advice given by Central Government in the recently superseded PPG8, and the now National Planning Policy Framework, however it has a stronger emphasis on only permitting development which does not adversely impact on neighbouring amenity, that which 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, National Government Guidance is that 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 on that particular site.

The proposal site is situated within the Green Belt, where in principle there is a presumption against inappropriate development, this is stated both within the NPPF and Local Plan Policy PS7 (Green Belt). The proposal does not fall within the definition of appropriate development within Policy PS7 (Green Belt). However, the NPPF 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 potential harm to the Green Belt 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 shows 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 there is a requirement for improved 3G coverage in the area, and this is considered a special circumstance for development within the Green Belt it is therefore considered that the principle of development is considered acceptable.

The Design, Siting and External appearance

The NPPF states that, *'(LPA's) should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate'* (para 43)

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 previous application on this site was refused on the grounds that the proposed development would be of an unacceptable height and in a prominent location on the edge of the Green Belt, and this would result in a visually incongruous addition which would be harmful to the character and appearance of the area.

The resubmitted scheme is for a mast with an overall height of 18m, 15m to the top of the monopole tower, with a further 3m to the top of the head frame and antennas. This mast will therefore be 3m shorter than the previously refused mast.

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.

The proposed mast is to be of a standard grey colour. However it is considered that if the application is approved a condition requiring materials to be submitted should be attached as a green or brown coloured mast would sit more appropriately in this edge of settlement position.

It is acknowledged that the proposed mast is still fairly substantial in height at 18m, and it will be approximately 2 times higher than adjacent dwellings, and 2.3m taller than the adjacent tree coverage. However this is due to the operational requirement to reach the residential area further into the site, requiring a mast which exceeds the height of the adjacent trees. As noted in the coverage plot submitted with the application, this lower height will still allow for sufficient improvement to the 3G network within the Designated Search Area as denoted by the company. Given the evidence submitted with regards to alternative sites it is accepted that, as this site would be further away from residential properties, it is required for the mast to be fairly high to enable it to reach all elements of the designated search area.

The applicant has attempted to address the reason for refusal for the previous application by reducing the height by 3m. Whilst the proposed mast and associated development will still 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 such a significantly detrimental impact on the surrounding area to warrant refusing the application again.

As noted within the applicants supporting information the ancillary equipment and fencing will be limited in its impact, and will be of a fir green colour. Most of these works can be constructed under permitted development rights and therefore it is considered that the ancillary equipment is acceptable.

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.
- Being considered for an adjoining cell
- 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 alternant 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 the NPPF that '*Local planning authorities must determine applications on planning grounds.*' The paragraph then goes on to say, '*(LPA's) should not.... Determine (applications on) health safeguards if the proposal meets International Commission guidelines for public exposure*' (para.46). 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'.

It is noted that a significant number of objections have been submitted in relation to the perceived health risk to nearby residents and the local Primary School however, 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

Although no highways comments have been received on this application the Highways Authority raised no objections to the previous proposal given that the site is situated within a private area of land it is therefore unlikely that the amended proposal would have an adverse impact on highway safety either.

Other Matters Raised

Proximity to the Local School

The majority of the objections received raise particular issue with the proximity of the mast to Mossley Church of England Primary School. The proposed mast will be sited 160m away from the school, there are no distance requirements for masts to be sited a certain distance from schools or residential properties. The mast meets the ICNIRP guidelines and the application site has been chosen from several others as the most suitable in operational and suitability terms. The siting of this mast is removed from the large population of the designated search area and is therefore considered to be suitable in this instance.

Property Values

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 reason for refusal for this planning application.

Land Designation

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

Ecology

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.

Noise

Within several of the objections received the issue that the proposed mast will create a droning noise in the wind has been raised. The Councils Environmental Health department have been consulted on this matter and have noted they do not perceive that the proposed mast would cause any significant noise in the wind.

Contaminated Land

Within one of the objections it has been raised that the applicant has not carried out a contaminated land survey even though the land is on an agricultural farm. Such a report/analysis would only usually be required on a site when the proposed end use of the site would be for something with a more sensitive end use, such as residential. The proposed development would not have a user sensitive end use and therefore does not require a contaminated land survey to be carried out.

CONCLUSIONS

It is considered that the proposed 18m high monopole style mast with 4no antennas, 2 satellite dishes and associated head frame, addresses the recent reason for refusal. It is considered that the reduced height of the mast 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 to be submitted and approved in writing**
3. **Approved plans**

