

3/10/0326/PT – Installation of a 15 metre street furniture telecommunication column replacing existing 13 metre mast and 1 additional ground based equipment cabinet at 02 Cell 37551, Great Hadham Road/Oriole Way, Bishop’s Stortford for Telefonica 02 UK Ltd

Date of Receipt: 24.02.2010

Type: Prior Notification

Parish: BISHOPS STORTFORD

Ward: BISHOPS STORTFORD - SILVERLEYS

RECOMMENDATION

That subject to no new substantive issues being raised during the consultation period, authority be delegated to the Director of Neighbourhood Services that prior approval is required and **GRANTED** subject to the following conditions:-

1. Prior to the commencement of the development hereby approved, details of the colour of the installation shall be submitted to and approved in writing by the Local Planning Authority,

Reason: In the interests of the appearance of the development.

Directives

1. Other legislation (01OL)
2. Highway Works (05FC)

_____ (032610PT.FM)

1.0 Background

1.1 The site is located on the western edge of the settlement of Bishop’s Stortford, within the Metropolitan Green Belt. This proposal seeks approval to replace the existing 13 metre high mast with a 15 metre high mast, located on the front-edge of the footpath alongside the highway verge, to the northeast of the Great Hadham Road/Oriole Way roundabout.

1.2 To the north of the site lie residential properties in Marguerite Way, Meadowsweet Close and Mayflower Gardens. To the south is an open public space containing a children’s play area, which is about 100metres from the site of the proposed installation. The closest schools to the application site are Manor Fields Primary (approximately 500m distance)

and Hillmead Primary (approximately 700m distance).

- 1.3 As already outlined, this application is for the erection of telecommunications infrastructure, comprising a 15 metre high street furniture column and antenna with one ground equipment cabinet. The column would replace the existing 13 metre column on the site and the proposed cabinet would be sited 1 metre from the existing cabinet. The applicant has commented in their submission that the proposed column would allow a dual operator shared column to be provided to support both 02 and Vodafone antennas. It is stated that an increase in height of the mast is necessary due to the type of antennas required to support both operators and the requirements of the lantern mounting height of 10 metres as specified by Herts Highways.
- 1.4 The mast and associated equipment falls within the limits of permitted development, and as such does not require planning permission. However, the prior approval of the Local Planning Authority is required for the siting and appearance of the development proposed. A determination on prior approval applications must be made within 8 weeks of submission, in this case by 20 April 2010, or the installation can proceed by default.

2.0 Site History

- 2.1 There have been 3 previous applications at the site. LPA reference 3/07/0958/PT was refused for a 12.5metre column and 2 cabinets on the grounds that alternative sites for the facility had not being fully explored, and that the siting of the cabinets would appear unduly prominent and an obstruction to visibility.
- 2.2 A second application under LPA reference 3/07/1716/PT was submitted with a re-siting of the cabinets and for a 13metre high telecommunication column. This second application was refused solely on the grounds that alternative sitings for this facility had not been fully explored.
- 2.3 Most recently an application for a 13 metre high telecommunication column and 2 ground cabinets, LPA reference 3/08/0338/PT was reported to the Development Control Committee in April 2008. Despite the Officer's recommendation to grant approval, Members resolved that the application be refused on the basis of its visual impact and perceived health risks. The Applicant appealed the decision of the Council and the appeal was allowed on the 14th November 2008 by the Planning Inspectorate. A copy of the Inspector's decision letter is attached as an appendix to this report, but in summary, the Inspector concluded that:

1. Whilst the new column would be taller than the existing lamppost, the additional height would not be significant, would not appear obtrusive within the street scene and would not appear out of character with the design, scale and amount of existing installations along the road;
2. The proposed column would be seen against the existing substantial and tall bank of landscaping along Oriole Way and Great Hadham Road which would partly obscure views of the post from the surrounding residential areas and would further provide a discreet setting that is not unduly obtrusive to the area;
3. The design of the proposed column and its increase in height over the existing lamppost, along with the ancillary equipment, would maintain the openness of the Green Belt and would accord with advice in paragraph 65 of PPG8: Telecommunications (2001) and would therefore not be inappropriate development in the Green Belt;
4. Whilst the local residents' objections to the column on health grounds due to the location of the pole in relation to homes and open spaces, were noted by the Inspector, he concluded that there was little to support local fears and that the emissions from the mast would be well within the ICNIRP guidelines. It was therefore not considered that local residents' health concerns were sufficient to justify refusing planning permission on this ground.

2.4 This decision to allow the appeal for a 13 metre high telecommunications mast and associated equipment on the site, as outlined above, is a material planning consideration that has to be taken into account when considering the proposed telecommunications column and associated cabinet within this application.

3.0 Consultation Responses

3.1 County Highways comment that the replacement lighting column and additional cabinet is acceptable in a highway context and that they do not wish to restrict the grant of permission subject to a condition relating to the submission of a Health and Safety Plan to illustrate how the applicant intends to install and maintain the column and to ensure that the highway is not obstructed by parked maintenance vehicles.

4.0 Town Council Representations

4.1 Bishop's Stortford Town Council raised no objections to the application.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. At the time of writing 13 letters of representation have been received, the contents of which can be summarised as follows:

- Permission has been refused previously;
- The increase in height of the existing 13 metre high column is not necessary or justified and there is already adequate mobile coverage;
- There are other more suitable sites, away from residential properties;
- Health concerns – close to playing fields and houses;
- Column and cabinets will be out of keeping/an eyesore;
- Existing cabinet encroaches onto the pavement and an additional cabinet will exacerbate this and may obscure highway visibility;
- It is questioned whether the findings of the Stewart report have been confirmed.

5.2 Councillor Hollebbon has commented on the application stating that if 02 need a higher mast to provide a signal, the siting of the mast must be incorrect and the mast should be moved to another location, away from residential accommodation. Councillor Hollebbon also comments that the mast would be detrimental to the streetscene by being 2 metres higher than the existing mast.

6.0 Policy

6.1 The relevant Local Plan policies in this application include the following:-

- GBC1 Appropriate Development in the Green Belt
- ENV28 Telecommunications

7.0 Considerations

Principle of development

7.1 The principle of a mast in this location has been established by the allowed appeal on the 2008 application. In the appeal decision the Inspector commented that the mast would maintain the openness of the Green Belt and that the development would not be inappropriate development in the Green Belt. Whilst this proposal seeks to increase the height of the mast by 2 metres, it is considered that the additional height would not be unduly harmful to the openness of the Green Belt.

Accordingly, and having regard to para. 65 of PPG8 Telecommunications, it is considered that the proposal would not be inappropriate development in the Green Belt.

- 7.2 As outlined earlier in this report, this application seeks approval to increase the height of the mast to facilitate a site share with Vodafone. The application is supported by technical evidence to demonstrate the existing Vodafone 3G coverage in the search area and this identifies that there is limited indoor coverage in the area. PPG8 states that the Government's policy is to facilitate the growth of new and existing telecommunication systems, and it goes on to state that authorities should not seek to prevent competition between different operators and should not question the need for the telecommunications system which the proposed development is to support. It is noted that representations have been received from local residents which query the need and justification for the mast, commenting that there is already adequate mobile coverage. As outlined previously in this report, the increase in height of the mast is required to facilitate a site share for O2 and Vodafone, to provide 3G coverage for Vodafone. The application has been supported by evidence to demonstrate the need for the required coverage, and having regard also to the wording of PPG8 it is the opinion of Officers that there should be no objection in principle to the proposed installation.

Alternative Sites

- 7.3 The applicant has submitted with the application details of the site selection process which outlines the alternative sites which have been considered, and why these have not been chosen. The alternative sites were not considered to be appropriate for a variety of reasons including visual impact, technical unsuitability and availability of the site. Officers are therefore satisfied that other sites have been fully explored and justifiably discounted. In considering the appeal on the 2008 application, the Inspector commented that details of alternative sites had been provided, and the Inspector agreed with the appellant's statement that many of the possible alternative locations within the area of search would be more visually intrusive than the site under consideration in the appeal; were genuinely not available due to the unwillingness of landowners to accept installations and that there were technical limitations on certain other locations. The Inspector concluded that the appeal site is the most likely to meet the needs of the Appellants and so their obligations regarding network coverage.
- 7.4 In considering alternative sites it should also be noted that PPG8 states

that the sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case. As outlined above, the applicant has investigated alternative sites, and Officers are satisfied that in this instance a mast share option at the application site is the most appropriate solution to provide for the identified operator coverage need.

Impact on visual and neighbour amenity

- 7.5 The objections with respect to the visual impact of the proposed mast have been noted. The proposed mast would be 2 metres higher than the existing mast, but this additional height would not, in Officers' opinion, appear unacceptably intrusive in the street scene or skyline. The mast has been designed to appear as a lamppost, and reflects the design of the mast that was allowed at appeal, and it is considered that the new installation would not appear out of character with the design, scale and amount of the existing installations in the locality. These comments concur with the opinion of the Inspector in determining the appeal against the refusal of the 2008 application.
- 7.6 Furthermore, the proposed additional cabinet is considered to be of an appropriate size and siting, such that it would not appear dominant or out of keeping in the streetscene. Concern has been expressed by local residents in relation to the position of the cabinet and its impact on highway visibility and its encroachment on the pavement. The cabinet is proposed to be sited in line with the existing 02 cabinet. No objections were raised by the Planning Inspector in respect of this cabinet, and neither have County Highways raised any objection. In Officers opinion, the proposed cabinet is sited a sufficient distance away from the highway such that visibility for vehicles approaching the roundabout would not be unacceptably impinged upon. Furthermore, it is considered that the cabinet would also not unacceptably restrict the width of the footway and its usability. It is noted that County Highways have commented that a condition should be attached to any approval to require a Health and Safety Plan to be submitted, to outline how the mast is to be installed and maintained. Having regard to the tests set out in Circular 11/95, Officers do not consider that it would be necessary for such a condition to be attached to any approval. Separate approval will be required from the Highway Authority for any works which are to occur on the highway, and if it is considered to be necessary for such a plan to be submitted, the Highway Authority could request it outside of the planning process.
- 7.7 It is also noted that there have been objections from local residents on

the grounds of potential hazards to health due to the location of the mast in relation to homes and open spaces. The applicants have submitted the relevant required certificate to confirm that the installation complies with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines in this case.

- 7.8 Whilst the concerns raised by local residents are noted, advice in PPG8: Telecommunications advises that if the proposed mobile phone base station meets the ICNIRP guidelines for public exposure to radio waves, it is not necessary for a Planning Authority to consider further the health aspects of the proposal. Having regard to this and the wording in the Inspector's appeal decision that there is little evidence to support local fears and that the emissions from the mast would be well within the ICNIRP guidelines, it is considered that it would be unreasonable to refuse approval on this ground.
- 7.9 Furthermore, it is considered that the mast is located a satisfactory distance from nearby properties so as not to appear intrusive when viewed from these properties. The mast is proposed to be located approximately 25 metres away from the boundary with the nearest property, and will be partially obscured from view by the existing landscaping along Oriole Way and Great Hadham Road. Having regard to this distance and the existence of landscaping, it is considered that the increase in height of the mast would not result in any significant harm to the visual amenities of nearby residential properties to warrant refusal of the application.

8.0 Conclusion

- 8.1 To conclude, whilst the proposed telecommunications mast would increase the height of the existing mast by 2 metres, it is the opinion of Officers that there is no objection in principle to the siting of a mast in this location or its appearance. The increase in height of the column would not result in a significant detrimental impact upon the character and appearance of the locality, the openness of the Green Belt or local residents' amenity. Having regard to these considerations and the appeal decision on application ref. 3/08/0338/PT, it is therefore recommended that prior approval be granted subject to the condition referred to at the head of this report.