

7a 3/11/0356/PT - Replacement of existing 10m lamppost (612) with new 12.14m lamppost type T2 telecommunication pole, 1no. new equipment cabinet and 1no. metre pillar at Junction of Great Hadham Road and Oriole Way, Bishop's Stortford for Vodafone Ltd

Date of Receipt: 08.03.2011

Type: Prior Notification

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S 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 as 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 installations shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with those approved details.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV28 of the East Herts Local Plan Second Review April 2007.

2. Within 2 months of the erection of the telecommunications pole hereby permitted, the existing lamppost No. 612 shall be removed from the site and the land restored to its previous undeveloped condition to the satisfaction of the Local Planning Authority.

Reason: To avoid unnecessary clutter in the interests of the appearance and character of the site, having regard to national guidance in PPG8 and in accordance with policy ENV28 of the East Herts Local Plan Second Review April 2007.

Directives:

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

_____ (035611PT.NB)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract.
- 1.2 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 an existing 10 metre high lamppost with a 12.14m lamppost type telecommunication pole, 1no. new equipment cabinet and 1no. metre pillar. The telecommunications equipment would be sited upon the highway verge, to the northwest of the Great Hadham Road/Oriole Way roundabout.
- 1.3 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 100 metres from the site of the proposed installation. The closest schools to the application site are Manor Fields Primary (approximately 520m distance) and Hillmead Primary (approximately 700 metres distance).
- 1.4 The proposed column would be sited 2 metres to the south west of the existing lamppost which it would replace. It would reach a height of 10 metres to the lamp with antennas, encased in a shroud, projecting a further 2.14 metres above the lamp. The cabinet would measure approximately 2 metres by 0.9 metre and would reach a height of 1.6 metres. The proposed meter pillar would be sited close to the eastern side of the proposed cabinet and would reach a height of 0.6 metre.
- 1.5 The applicant has stated that 12.14 metres is the minimum height that can achieve their radio requirement. Members will recall that an application for a replacement telecommunication column on the highway verge to the east of the current application site was submitted in February 2010 and would have allowed O2 and Vodafone to share the mast. The applicant stated within this earlier application that an increase in height to this neighbouring column from 13 metres to 15 metres was required in order to allow the dual use of the column by the two companies. However, this previous application (ref: 3/10/0326/PT) was refused in April 2010 as members felt that the additional height over the current installation would be visually intrusive in the area.
- 1.6 Following the refusal of that application for a dual operator column, the current application has been submitted which proposes a new column, such that Vodafone and O2 would occupy two separate structures in the area, instead of sharing a single taller column as was previously proposed.

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1.7 The mast and associated equipment falls within the criteria 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 2 May 2011 or the installation can proceed with deemed consent. It is for this reason that the report is brought to the committee as an urgent item.

2.0 Site History:

2.1 There have been no previous applications at this particular site. However, four previous applications have been submitted on land to the east; on the highway verge opposite this site. The details of these applications are summarised below.

2.2 As mentioned earlier, an application for a 15 metre telecommunications column to replace an existing 13 metre mast, with 1 equipment cabinet was refused planning permission under LPA reference 3/10/0326/PT in April 2010, for the following reasons:

1. The proposed installation by virtue of the additional height over the current installation would be visually intrusive and detrimental to the character and appearance of the street scene, contrary to policy ENV28 of the East Herts Local Plan Second Review April 2007.
2. The proposed installation would be sited in close proximity to an area of public open space used by local children. Given considerable public concern in relation to the impact of telecommunication installations on health, the Council is concerned that the proposed location fails to take into account the precautionary principle.

2.3 An earlier application, reference 3/07/0958/PT, was refused for a 12.5 metre 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.

2.4 A subsequent application to that, under LPA reference 3/07/1716/PT, was submitted with a re-siting of the proposed cabinets and for a 13 metre high telecommunication column. This second application was refused solely on the grounds that alternative sitings for this facility had not been fully explored.

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2.5 An application for a 13 metre high telecommunication column and 2 ground cabinets in the same area (LPA reference 3/08/0338/PT) was reported to the Development Control Committee in April 2008. Although Officer's recommended the grant of 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 off 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.

3.0 Consultation Responses:

3.1 Due to the restrictive timescales involved in this application, no consultation responses had been received at the time of writing this report. However, any representations made before the committee meeting will be reported within the committee's Additional Representation Sheet in the usual way.

3.2 Furthermore, any further representations made after the committee meeting and prior to 15th April 2011 will, with the committee's agreement, be considered by the Director in consultation with the Chairman prior to any decision being issued, as set out at the head of this report.

4.0 Town Council Representations:

4.1 At the time of writing this report no representations had been received from the Bishop's Stortford Town Council. Again, these will be reported to the committee meeting as above.

5.0 Other Representations:

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 At the time of writing this report 1 letter of representation had been received which questions the previous description of the proposal; the accuracy of the plans and the procedures that Officers have followed in dealing with the application.

5.3 Any additional representations made before the committee meeting will be reported within the committee's Additional Representation Sheet in the normal way.

5.4 Furthermore, any further representations made after the committee meeting and prior to 15th April 2011 will, with the committee's agreement, be considered by the Director in consultation with the Chairman prior to any decision being issued, as set out at the head of this report.

6.0 Policy:

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

GBC1 Appropriate Development in the Green Belt
ENV28 Telecommunications

6.2 In addition, the following National policy guidance is relevant:

Planning Policy Guidance 8 (PPG 8): Telecommunications
Planning Policy Guidance 2 (PPG 2): Green Belts

7.0 Considerations:

Principle of development

- 7.1 In accordance with the Inspector's finding at the 2008 appeal at the adjacent site, Officers consider that the mast would not be inappropriate development in the Green Belt and would maintain the openness of the Green Belt. Whilst this proposal seeks a replacement lamppost that would be slightly larger in its circumference to the lamppost that it would replace and the proposed antennas would increase the height of the lamppost by an additional 2.14 metres, Officers do not consider this increase in size and height would result in a development that would be unduly harmful to the openness of the Green Belt. Furthermore, the proposed cabinet and meter pillar are small in size and would not unduly impact upon the openness of the Green Belt. Accordingly, and having regard to para. 65 of PPG8, it is considered that the proposal would not be inappropriate development in the Green Belt.
- 7.2 As outlined earlier in this report, following the recent refusal of the application to increase the height of the existing mast at the adjacent site to facilitate a site share between O2 and Vodafone, the current application proposes a separate mast for Vodafone to operate. 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. 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 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.
- 7.4 The applicant has submitted details of the site selection process in this case, which outlines the alternative sites that 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. It should be noted that in the case of the recently refused replacement mast at the adjacent site for which the same assessment of alternative sites was submitted, Members did not refuse permission due to the failure to fully explore alternative sites.

- 7.5 Having regard to Member's recent decision to refuse permission at the adjacent site for a development that would have facilitated the needs of both operators (O2 and Vodafone) and the sharing of the site; the applicant considers that a further stand alone site is necessary in this particular location. Officers are satisfied that other sites where the operator could utilise existing masts and buildings have been fully explored and have been justifiably discounted. It is not considered therefore that a refusal on these grounds could be sustained.

Impact on visual and neighbour amenity

- 7.6 The proposed antenna would be 2.14 metres higher than the existing lamppost to be replaced. However, 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 on the adjacent site in 2008, albeit the current proposal would be 0.86 metres lower.
- 7.7 It is considered that the new installation would not appear out of character with the design or scale of the existing installations in the locality, nor do Officers consider that the development would result in unacceptable clutter around the site. In assessing the impacts that the proposed development would have upon the street scene, Officers have had regard to the existing 13 metre lamppost style column and a smaller mast which are both currently sited on the adjacent site on the highway verge to the east of Oriole Way. However, Officers consider that the cumulative impact of the existing masts and the proposed mast with its associated equipment would not result in a visual clutter that would be harmful to the street scene.
- 7.8 Furthermore, the proposed additional cabinet and meter pillar are considered to be of an appropriate size and siting, such that they would not appear dominant or out of keeping in the street scene. 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. However, once County Highways have assessed the proposal their comments will be

considered on this matter prior to the determination of the application.

- 7.9 With regards to 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.
- 7.10 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 view given in the Inspector's appeal decision in 2008 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.
- 7.11 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 30 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 established mature landscaping, it is considered that the height of the new structure would not result in any significant harm to the visual amenities of nearby residential properties such as to warrant refusal of the application.

8.0 Conclusion:

- 8.1 To conclude, whilst the proposed telecommunications mast would be higher than the existing lamp column by approximately 2.14 metres, Officers do not consider that it would appear visually intrusive in the surrounding area, nor be detrimental to the character or appearance of the street scene or to the openness of the Green Belt.
- 8.2 Whilst the concerns raised by local residents previously regarding health matters are noted, Officers are also mindful that a refusal on these grounds on a site in close proximity to this site was not upheld on appeal and it would therefore be inappropriate to refuse permission on similar grounds here.
- 8.3 Having regard to these considerations; the information received on the lack of suitable alternative sites, and the recent refusal of an application to increase the height of an existing adjacent column to meet the needs

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of the operator (3/10/0326/PT), it is therefore recommended that prior approval be granted subject to the conditions referred to at the head of this report.