

10/00501/NTEL: INSTALLATION OF A 12M HIGH MK3 STREET FURNITURE COLUMN SUPPORTING 3 X VODAFONE ANTENNAS, 3 X O2 ANTENNAS, 3 X EQUIPMENT CABINETS AND ANCILLARY EQUIPMENT AT WHITTLESEY ROAD STANGROUND

VALID: 19 APRIL 2010
APPLICANT: VODAFONE / O2
AGENT: MONO CONSULTANTS LTD
REFERRED BY: CLLR RUSH
REASON: DETRIMENTAL TO VISUAL AMENITY. PERCEIVED HEALTH CONCERNS. WILL PREVENT USE OF OPEN SPACE.
DEPARTURE: NO

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The siting and design of the mast

The Head of Planning Services recommends that the application is APPROVED.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Key policies highlighted below.

- U11 Where planning permission for telecommunications development is required it will be granted where:
- a) it would not unacceptably harm the living conditions of residents or the character and appearance of the surrounding area, particularly in terms of size, design, prominence, or relationship to surrounding buildings, spaces or landscape; or
 - b) any such harm is outweighed by the need for the proposal as part of a telecommunications network; and
 - c) there is no alternative site available that would be satisfactory in technical and operational terms, and where the environmental impact would be less; and
 - d) there is no reasonable possibility of sharing existing telecommunications installations or sites, or of erecting antennae on an existing building or structure, with acceptable environmental impact.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

- PPG8 'Telecommunications' gives general advice on dealing with proposals for telecommunications masts.

3 DESCRIPTION OF PROPOSAL

The proposal is to erect a column 12m high, with the antennas cloaked in a shroud towards the top of the column. The lower part of the column is similar to a street light column. There would also be three cabinets placed close to the column, similar in appearance to BT junction boxes.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is on the south side of Whittlesey Road, near the junction with Coneygree Road. On the south side of the street is an open green area, with a fence between this and an area of highway verge running alongside the footway. There is a row of trees running in line with the fence, and nearby is a bus stop, and street lighting columns.

Across the road are a petrol filling station and a pub serving the local area, which is mainly residential.

5 PLANNING HISTORY

There is no relevant planning history.

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – Having reviewed the submitted plans and information, the Local Highway Authority (LHA) raises objections to the proposed location of the maintenance vehicle parking bay on Coneygree Road as vehicles parked in this location would, together with vehicles queuing at the traffic signal controlled junction of Coneygree Road with Whittlesey Road, completely obstruct Coneygree Road to through traffic. As a result, the LHA could only support this application if the maintenance vehicle parking bay were to be located elsewhere. It is recommended, as discussed, that this bay be located in the spur of Allan Avenue.

EXTERNAL

There were no external consultees.

NEIGHBOURS

Letters of objection have been received from eighteen local households raising the following issues:

- The area is a designated children's playing field maintained by the Council
- [The agent] states that the site is away from the outlook of residential properties but it is close to houses in Allan Avenue
- Harmful radiation emitted by these radio stations
- Health hazard from radio frequency fields or electromagnetic fields has not been proved or disproved
- [Many] residents have cancer and [are] worried about the health grounds
- Phone masts in France have been taken down due to concerns about health impact
- Parents and grandparents will not allow their children to play round such a hazardous installation
- Health and safety concerns regarding petrol station – clearly states at petrol station to turn off mobiles – possible source of ignition – is this putting the residents of Stanground at higher risk of blowing up?
- Why has the comment in the Stuart report (which concluded that the erection of masts in residential areas without a planning application was unacceptable) been completely ignored
- Property prices may be affected, people will not want to buy property looking at a phone mast
- It will be the first thing we see when we look out of our front windows
- Application has been "rushed through" prior to the election
- [The agent] did not consult properly with neighbours
- The City Council has not consulted properly

- How can this application be approved when the November 2006 application was refused
- The mast will be an eyesore, people may be tempted to build walls or fences to block out the view
- There is a covenant to prevent building on the grassed area
- Green areas must be kept unspoilt
- Mast would be higher than the trees and lamp posts
- Cabinets may attract graffiti
- Cabinets appear to be higher than the fence
- Whittlesey Road is still very busy, a car accident down this road near the proposed siting is a great possibility
- Why can't it be put in the new development / on bypass / on new warehouse development near Park Farm
- Residents should have more say over where masts go
- No proven need for mast
- No evidence as to whether mast sharing has been considered
- What will happen when mast is no longer needed, residents do not want to be left with a white elephant
- Apparent lack of follow up re alternative sites e.g. Fenman pub
- Obviously Vodafone / O2 have paid the Council, what are the financial arrangements and where will the money be allocated.

A petition of about 340 signatures was received raising the following issues:

- Potential risk to health
- Siting of the mast would be a constant reminder to people of the potential and actual adverse health effects of base station emissions
- Siting of the mast would cause an unacceptable dominating and oppressing intrusion on the normal conduct of our lives and will have a detrimental effect not only on the visual appearance of the area but also on the use of local amenities

COUNCILLORS

Clr Rush: [Concerned about the] proximity of nearby houses, open space play area and a petrol station [to the proposed mast]. The mast and accompanying equipment will create an eyesore that will be visible from all sides and will be obtrusive to the eye. The ugly large metal structures will dwarf lampposts and other street furniture and will clash and contribute to the visual deterioration of the area. The perceived health concerns related to masts will stop parents letting their children using the very well used public open space for recreational use. Visual degeneration of the area and perceived issues of health risks connected to phone masts could devalue property within the area.

7 REASONING

a) Introduction

This is not a conventional planning application; it is a notification under Part 24 of the Town and Country Planning (General Permitted Development) Order (GPDO). Under this section the proposed mast is classed as Permitted Development. The operator is required to '*apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of the development*'. The Local Planning Authority (LPA) has 56 days from receipt of the notification in which to advise the applicant whether it wishes to exercise control over the siting or appearance of the mast, and whether the siting and appearance are acceptable or not. If it is concluded that the siting and design are not acceptable then the applicant has to submit a full planning application.

The LPA may only consider issues relating to siting or appearance. When considering these matters the LPA should "take account of the obligations on code system operators to provide a service, and of technical constraints upon network development" (PPG8).

b) Policy Issues

The controlling policy when deciding an application for planning permission is U11 which sets out four tests for telecommunications applications. Although this is a notification under the GPDO, it is still appropriate to consider the proposal against those headings; namely, harm to the living conditions of residents or the character and appearance of the surrounding area; the need for the proposal as part of a telecommunications network; alternative site availability and the possibility of sharing existing telecommunications installations.

i) *Harm to Living Conditions*

It is accepted that the monopole would be visible from some of the nearby houses, but it would not block light or cast shadow or otherwise have any material impact on the living conditions of nearby residents. The nearest house is just over 40 metres from the site of the proposed monopole.

ii) *Need*

The applicant has stated that there is a need for additional coverage in the area. Supporting maps showing coverage levels have been submitted and show that the coverage level for much of the area around the search area is classed as low. The increasing use of mobile phones for services beyond voice communication (mobile internet and so on) is possible due to the "third generation" system. Due to the increased data transfer the location of base stations is more critical than with earlier systems. It is also likely that additional base stations will be necessary in order to provide contiguous service. The range of the signal can be affected by topography, landscaping and intervening buildings, and the capacity of the network can be affected by the number of users. It is considered that the maps showing coverage levels are adequate evidence.

iii) *Alternative sites*

The applicant has listed some alternative sites that have been considered. The search area includes Whittlesey Road from just east of the Park Farm roundabout to just east of Wright Avenue, Coneygree Road as far up as, and most of Park Farm. It does not include the bypass, the area of the South Stanground urban extension, or any of the open countryside land around the edge of Stanground. There are various reasons given by the applicant to support the proposed location. Masts must be sited, when on Highway land, so as to avoid underground services and existing driveways, and also must not reduce the width of the footway unacceptably. Existing visibility splays should be kept clear. The applicant has submitted the following information regarding alternative sites:

Site Name and address	NGR	Reason for not choosing¹
The Fenman PH, Whittlesey Road, Peterborough, PE2 8RR	NGR 521427, 296191	Despite numerous approaches, no response has been forthcoming from the site owner. We therefore have to assume they are not interested in accommodating Vodafone and O2's proposal.
Horseway Services Station, Whittlesey Road, Peterborough, PE2 8RR.	NGR 521357, 296212	Despite numerous approaches, no response has been forthcoming from the site owner. We therefore have to assume they are not interested in accommodating Vodafone and O2's proposal.
London Tower Crane,	NGR 522359, 296348	This option would provide a more

¹ SP – Site Provider, RD – Redevelopment Not Possible, T – Technical Difficulties, P – Planning, O - Other

Chapelbridge Farm, Whittlesey Road, Peterborough, PE2 8RR.		inferior level of coverage than the preferred option given its siting at the edge of the search area.
Electricity substation, land adj Whittlesey Road, Peterborough, PE2 8TN.	NGR 521275, 296195	An installation at this location would have a greater impact on local amenities than the preferred option.
Gas substation, land adjacent to Whittlesey Road, Peterborough, PE2 8RR.	NGR 522181, 296220	This option is located outside the search area and would not provide the required coverage to the target area
Existing mast Horsey Toll Farm, Peterborough, PE3.	NGR 522177, 296670	This option is located outside the search area and would not provide the required coverage to the target area.

iv) *Sharing*

No information on the possible sharing of masts has been submitted. However this notification is itself for a shared mast, carrying the antennas of two operators. Examination of the Ofcom "Sitefinder" website and the Council's own records suggests that there are no masts within the search area, so no sharing of an existing mast can take place.

v) *Appearance*

The mast appearance is of a standard 12m monopole. It is similar to the diameter of a street light column for most of its height, but wider at the top, as this is where the antennas are housed. They are set within a shroud so that the upper 4 metres or so has a diameter of about 0.5m. Although usually white or grey, the masts can be produced in other colours to suit the local environment. The applicant is proposing a galvanised (silvery grey) pole in this location, which is considered acceptable as masts are normally seen against the sky and this is a similar colour to other street furniture.

vi) *Siting*

In deciding on this site the applicant has taken account of the Code of Best Practice issued by the Department for Communities and Local Government. This document sets out that when a ground-based mast is required (i.e. it cannot be placed on an existing building or structure) it should be sited to minimise its visual impact. The Guidance suggests that masts could be placed near to similar structures (lamp posts, road signs) or within a group of trees; simple designs should be chosen, and appropriate colouring used.

vii) *Highway issues*

The Local Highway Authority has raised a concern regarding the site shown on the application plan for the parking of maintenance vehicles. The application indicates that maintenance vehicles, in the absence of a dedicated service vehicle bay, would park on Coneygree Road. Parking on this road is uncontrolled, however the concern is that parked maintenance vehicles would block traffic at busy periods. On the basis that maintenance visits will be infrequent (the applicant has advised once or twice a year) and parking is allowed on the road there is no reason to refuse the application.

c) **Neighbour objections**

i) **The area is a designated children's playing field maintained by the Council**

No building should take place on the grassed area – there is a covenant

The application site is highway verge. The open space is to the south of the fence behind the verge. Any covenant, licence agreement or similar is not a matter for the planning system.

ii) [The agent] states that the site is away from the outlook of residential properties but it is close to houses in Allan Avenue

[Allan Avenue] has to remain open plan, the mast would be an eyesore, people may be tempted to build walls or fences to block out the view

The mast would be unacceptably dominating, an oppressing intrusion and have a detrimental impact not only on the visual appearance of the area but also on the use of local amenities

Green areas must be kept unspoilt

Mast would be higher than the trees and lamp posts

Mast would dwarf lamp posts and other street furniture

Cabinets may attract graffiti

Cabinets appear to be higher than the fence

Mobile phone operators should site masts sensitively

The mast would be 12m high, adjacent to a 12m tree and an 8m lighting column. Although it would be visible from nearby houses and vantage points but it is not considered that it would unduly dominate the visual amenity of the area. There is no reason to suppose that the equipment cabinets would attract any more graffiti than other similar installations in the area, or surfaces such as shelters at bus stops. The mast and cabinets would not impact on the use of the green space.

Any planning restrictions on the existing dwellings are not relevant to the consideration of this application.

iii) Harmful radiation is emitted by these radio stations

Health hazard from radio frequency fields or electromagnetic fields has not been proved or disproved

Lots of residents have cancer and are worried about the health grounds

Phone masts in France have been taken down due to concerns about health impact

Parents and grandparents will not allow their children to play round such a hazardous installation

Siting of the mast would be a constant reminder to people of the potential and actual adverse health effects of base station emissions

ICNIRP (International Commission on Non-Ionizing Radiation Protection) is the international body that issues guidelines for exposure limits for this type of radiation, which includes the radiofrequency fields emitted by mobile phones. While PPG8 states that "Health considerations and public concern can in principle be ... considerations in determining applications ...", it is also very clear that the planning system is not the place to consider the alleged health impacts of mobile phone masts. If a proposed mast meets the ICNIRP guidelines it should not be necessary for the Council to consider the health aspects further. The applicant has submitted a statement confirming that their equipment would be in accordance with the guidelines and therefore it is not considered that the application could be resisted on this basis.

iv) Health and safety concerns regarding petrol station – clearly states at petrol station to turn off mobiles – possible source of ignition – is this putting the residents of Stanground at higher risk of blowing up?

This is a matter for the Health and Safety Executive, not the planning system.

v) Why has the comment in the Stuart (sic) report (which concluded that the erection of masts in residential areas without a planning application was unacceptable) been completely ignored

This is not a matter on which the Planning Authority can comment. The Stewart report was carried out in 2000 and is referenced in Planning Policy Guidance Note 8. Some recommendations of the report were carried forward, others were not. Any further changes to the law in this regard are a matter for Government.

vi) Property prices may be affected people will not want to buy property looking at a phone mast

This is not a material planning consideration.

vii) Application has been "rushed through" prior to the election

The LPA has no control over when applications are submitted. It must deal with them in accordance with published policy and timescales, notwithstanding any local 'circumstances'. Of the local Ward Councillors, only Cllr Rush was up for re-election.

viii) [The agent] did not consult properly with neighbours

The Council has no control over this.

ix) City Council has not consulted properly

The Council has carried out a wider consultation than the law requires. The law requires that a planning application is advertised in either of the following ways:

- display of a site notice in at least one place on or near the land to which the application relates;
- service of notice on any adjoining residential or business premises

As well as a site notice, neighbour notification letters were sent out to 25 neighbours, none of whom directly adjoins the site.

x) How can this application be approved when the November 2006 application was refused

This comment refers to an application for a 12.5 metre mast at the entrance to Havelock Farm, near the Park Farm Roundabout. That application was refused on the grounds of siting and design. The plans for that application show that the surrounding tree and street furniture were significantly lower than the proposed mast. The application was also refused on the grounds that insufficient justification had been provided. It is considered that the circumstances around that proposal were materially different and every application must be decided on its own merits.

xi) Whittlesey Road is still very busy, a car accident down this road near the proposed siting is a great possibility

The Local Highway Authority has raised no concerns in this regard.

xii) Why can't it be put in the new development / on bypass / on new warehouse development near Park Farm

We should have more say over where they go we would not want one in the middle of Cathedral Square and we do not want one here.

The suggested sites are outside the search area.

The Local Planning Authority has the power to refuse the siting and appearance of the mast but this must be done responsibly, taking into account the need for a consistent mobile phone service, and the relevant legislation and guidance.

xiii) No proven need for mast

No evidence as to whether mast sharing has been considered

What will happen when mast is no longer needed, residents do not want to be left with a white elephant

The applicant has stated that there is a need, and has submitted maps showing the various levels of coverage in the Stanground area. Much of Stanground is shown as having poor coverage.

This application is for a shared mast.

Under the requirements of the Permitted Development Order, equipment must be removed once it is no longer required for telecommunications purposes.

xiv) Apparent lack of follow up re alternative sites e.g. Fenman pub

The applicant states that they have contacted the land owner of the Fenman pub, and the petrol filling station, on numerous occasions. Land owners are under no obligation to accommodate a mast.

xv) Obviously Vodafone / O2 have paid the Council, what are the financial arrangements and where will the money be allocated.

The arrangements between the land owner and the applicant are not a planning matter.

Telecommunications operators are classed as "statutory undertakers" and have a right to place equipment on Highway land.

8 **CONCLUSIONS**

The proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

The applicant has shown that there is a need for the proposed telecommunications antennas. The mast has been sited taking into account the Guidance issued by the Department for Communities and Local Government. Impact on residential and local amenity would be within the acceptable limits.

Members should note that there is no requirement to issue the application with a reason for approval, a reason is only required for refusal. The Local Planning Authority has only to issue the applicant with a confirmation that it does not wish to exercise any control over siting and design.

9 **RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED.

Copy to Councillors Cereste, Rush and Walsh