

10/00133/NTEL: INSTALLATION OF A 15M HIGH STREETWORKS MONOPOLE WITH 6 NO. SHROUDED ANTENNAS AND 2 NO. EQUIPMENT CABINETS LOCATED ADJACENT TO THE MONOPOLE ON THE GRASS VERGE ADJACENT TO HYHOLMES, BRETTON WAY, BRETTON PETERBOROUGH

APPLICANT: TELEFONICA O2 UK LIMITED
AGENT: BABCOCK - NETWORKS DIVISION
REFERRED BY: CLLR FITZGERALD/PARISH COUNCIL
REASON: CONFLICT WITH POLICY U11, HARM TO LIVING CONDITIONS, CHARACTER AND APPEARANCE OF THE AREA, TOO CLOSE TO DWELLINGS, GRAFFITI, MORE SUITABLE SITES ARE AVAILABLE.

DEPARTURE: NO

CASE OFFICER: DALE BARKER
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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Appearance
- Siting
- Neighbour/Parish Council concerns

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

Relevant policies are listed below with the key policies highlighted.

Peterborough Local Plan 2005

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

Installation of a 15m high monopole with 6 no. shrouded antennas and 2 no. equipment cabinets located adjacent to the monopole on the grass verge adjacent to Hyholmes Bretton Way

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is part of the highway verge along Bretton Way. It is approximately 29 m wide at that point, comprising a grass verge of approximately 13 m and a belt of trees before the rear gardens of Hyholmes. To the opposite side of Bretton Way, there is a bus lay-by and a narrower verge before the rear gardens of houses in Essendyke. There is no footway at the proposed location.

5 PLANNING HISTORY

None

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – The proposed equipment is to be located in the public highway (verge). Given there is no footway and no visibility splays are affected, the LHA raises no objection to the proposal.

EXTERNAL

Bretton Parish Council - Object on the following grounds –

1. This proposed mast will be totally out of character to the surrounding area.
2. The mast will be very close to properties and indeed the busy Bretton Way.
3. At the intended position of the site the mast and equipment cabinets will become rapidly vandalised and covered with graffiti.
4. It is considered by the Parish Council that this mast could be built on the roundabout close to where it is now planned. In the middle of the roundabout is a very large street light and the mast could be built on top of that light and thus it would blend in with the area. Likewise it would be further away from properties and residents. The 2 equipment cabinets could be located close by and not on the roundabout.
5. The parish forwarded a petition bearing 97 signatures objecting to the mast on the following grounds – visual intrusion; it will prevent this area being turned into a footpath; target for vandalism; adverse effects of emissions; hazard to road users causing obstruction to view of pedestrians and less intrusive sites are available.

NEIGHBOURS

Letters of objection have been received from 45 local residents raising the following issues:

- Unattractive design, particularly for mourners
- Loss of open view
- Prone to vandalism
- Safety and health concerns – particularly for children
- Devaluation of properties – Council Tax reduction will be sought
- No need for this mast – service is adequate
- The Council should not allow its land to be used for this purpose
- Alternative preferable sites are available
- Inadequate publicity
- Inappropriate siting – Industrial land or open countryside should be used.
- The mast will prevent a footway from being provided in this location
- Obstruction of a pathway
- Obstruction of view
- Highway danger – particularly during construction and maintenance
- Mast could be disguised as a tree
- Other operators have had to remove masts as a result of health scares

- Located too close to the road
- Degradation of TV signals
- Telecom companies are required to share equipment which will result in more clutter on the site
- Vandalism will result in pressure for fencing which will be unattractive and a target for graffiti
- The submitted drawings play down the impact of the proposal.
- The range of this equipment is about 300m, so there will be further demand for similar poles which provide film and music downloads and do not improve phone coverage.
- On resident submitted a further page of the petition submitted by the Parish Council containing a further 33 signatures.

COUNCILLORS

Cllr Fitzgerald: Referred the item to Committee Under policy U11 of the local plan paragraph a) In that residents feel it would harm the living conditions and affect the character and appearance of the surrounding area. Particularly in relation to its size, design, prominence and location.

There is a general view amongst residents that other nearby locations should be considered first and that this is a "lazy application" to access nearby power and other utilities that would be needed to power the mast.

7 REASONING

Introduction

This is not a conventional planning application; it is a notification under Part 24 of the General Permitted Development Order. Under this section the proposed mast is 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 Council has 28 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. The Council has advised that it does wish to exercise control within the 28 day period. The Council has a further 28 days to decide whether the siting and appearance are acceptable.

The Council may only consider issues relating to siting or appearance.

Policy issues

The controlling policy here 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.

a) Harm to Living Conditions

The mast could be visible through the trees in winter or over the tops of trees in summer at a very small number of dwellings, but it is not considered that the appearance of the mast could be described as harmful to the living conditions of nearby residents.

The mast will be visible to users of Bretton Way. Bretton Way is primarily a distributor road, with no continuous footway and it is not intended to be used by pedestrians. It is lined with trees along either side for most of its length, set back from the road and with wide grassed verges. In the verges 10m high street lamps are set back approximately 2m from the edge of the road, in the position they would be in if there was a footway. The proposed mast will be on the same line as the street lamps. It will be 5 m taller and will have two cabinets, each approximately 1.5m high at the base. The mast will be similar in appearance to a large street lamp and the antenna array will be similar to a lamp unit. It will not have the sort of exposed antennae that are familiar elsewhere. This siting is considered to be acceptable.

Relocation within the tree belt would be less noticeable, but it would inevitably result in damage to and shortening of the life expectancy of the trees (due to root damage) and bring

the mast considerably closer to dwellings, thus the benefits of any move are outweighed by the consequences. Disguising the mast as a tree is therefore inappropriate and in practice is a feature of much larger masts.

b) Need

The application is a joint proposal from O2 and Vodafone. It is intended to meet a need in the North of Peterborough and the applicant comments *'the search area for this site was centred upon the Pyramid Centre in the North Bretton area. Due to this area being predominantly residential in character, it was decided to locate the proposed installation to the edge of the search area along Bretton Way'*. The applicant has provided evidence to show that other sites have been considered and rejected due to a variety of reasons including proximity to existing masts. See Appendix 1.

c) Alternative sites

Officers have discussed the alternative sites suggested by objectors with the applicants who consider them unsuitable from either a technical or operational perspective. O2 already have an installation upon the rooftop of Bretton House which means they have no requirement for a new site in that vicinity. The applicants have identified the area to be covered by the proposed mast to provide in-fill to the existing sites and the preferred location would be equidistant between 3 existing O2 sites, the proposed site will provide acceptable, although not ideal coverage. Sites such as the 'Oak Tree' site and the centre of the roundabout are unsuitable either because they are too far away or there is no suitable power supply.

d) Sharing

Sharing is not available as an option as there are no suitable locations in the search area.

e) Appearance

The proposed mast is similar in appearance to a street light. It is comparable in height with the street light in the centre of the nearby roundabout. Although appearance is always a subjective matter, the mast will not appear alien in this location because it will look similar to the existing street furniture and therefore it would be unreasonable to conclude that the design is so unattractive that a refusal on grounds of appearance could be sustained.

f) Siting

The proposed mast is sited in a line of street lights and will not appear as alien or out of place. The additional height will make it more noticeable than the street lights, but its siting is not so prominent or damaging as to justify refusal. The proposed cabinets will be more noticeable, but they are the size and design of cabinets that are found in many urban or sub-urban streets and are thus familiar items that will not appear as alien or out of place.

The applicants have considered commercial sites for the mast, but have been unable to secure the rights to use land. They are constrained by many factors including the ability to supply adequate power and thus sites which may appear physically suitable are often not technically suitable; the chosen site has been selected because it is not too close to dwellings and is not prominently visible from houses in order to minimise the potential for visual impact. The Highway Authority has raised no objection to the siting and is satisfied that it will not result in unacceptable implications for highway safety.

g) Neighbour objections

Loss of View

The mast will not cause any material loss of view.

Susceptibility to Vandalism

There is no evidence to suggest that the development would be any more prone to vandalism than existing street furniture in the locality, and it would be unreasonable to resist the development on these grounds. There is no footway in the vicinity of the proposed site and it is readily visible from the public highway.

Safety and Health Considerations

These are not normally material planning considerations. Government's PPG8 is very clear on the subject and states that:

'... it is the Government's firm view that the planning system is not the place 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 mobile phone base station 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.'

This proposal is certified as meeting the ICNIRP guidelines.

Devaluation of Property

This is not a material planning consideration.

Mast Not Needed

The need for the mast can only be assessed by the applicants who are clear that there is inadequate local coverage .

Ownership of the land

This is not a material planning consideration.

Lack of Publicity

The proposal was subject to additional consultation beyond the Council's normal practice and the legal requirements. A site notice was displayed and a replacement displayed when the original was removed. The level of public response to the application demonstrates that it was widely known in the vicinity.

Impact on Footway

There is no footway on Bretton Way at this point and it is not intended to provide one in future.

Impact on TV Reception

There is no reason to believe that the mast will cause any degradation of television signal.

8 CONCLUSIONS/REASONS FOR RECOMMENDATION

Although there is strong local opposition to the notification, Members should reach a decision based on the consideration of the appearance and siting of the mast. Other issues are not material considerations in this instance, given that this is a notification and not a planning application. The appearance of the proposed mast is comparable with a street light and is not unattractive. The siting is within a line of street lights on a road that provides a distributor function and is not directly overlooked by any residents or businesses; it will not cause highway danger, and is therefore considered acceptable.

9 RECOMMENDATION

The Head of Planning Services recommends that the application is APPROVED subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

Copies to Councillors Nash, Morley, Fitzgerald

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