

Item D. 5 **06/00645/TEL** **Prior App not reqd - Telecom Mast**

Case Officer **Miss Caron Taylor**

Ward **Chorley South West**

Proposal **Upgrade of existing 1 no. 15 metre flexicell 2 Column and equipment cabinet at Moor Road to include increasing of the size of the existing shroud and addition of a 2G outdoor cabinet**

Location **O2 Telecommunications Mast Tarn Hows Close Chorley**

Applicant **O2**

Background: The Town and Country Planning (General Permitted Development) Order 1995 grants deemed consent for a range of activities that fall within the legal definition of development. This includes the erection of telecommunications masts under 15m in height and is termed 'permitted development'.

These permitted development rights remove the need to submit a full planning application, but rather require what is termed a 'prior notification' application to be made. This means that the Local Planning Authority can only control the details of its design and where it is installed.

Proposal: The application relates to the Prior Notification for the upgrade of existing 15 metre Slimline Flexicell 2 column and equipment cabinet to include increasing the size of the existing shroud (in length) and reduce the width on the lower part of the column and the addition of a 2G outdoor cabinet at O2, Telecommunication Mast, Tarn Hows Close, for O2 (UK) Ltd.

The proposed development will be located on an area of adopted highway, replacing the current mast. It is a paved area forming an entrance to the pedestrian footpath that serves the properties on Tarn Hows Close and adjoins the pavement of Moor Road.

The existing 15m column would be replaced with another column and an additional 2G equipment cabinet will be positioned in the paved area. Originally it was proposed to place the additional cabinet on the pavement of Moor Road. However, Highways objected because it caused an unnecessary obstruction of the footway when a wide paved splay is available immediately adjacent. In response to this objection the cabinet has now been moved to the paved splay area.

Consent of the landowner is not required for statutory undertakers to carry out work on an adopted highway (which this is), they are only required to serve notice. Therefore no conflict of interest arises as a result of the Borough Council assessing the proposals. The Council will not receive any income from the operator.

Planning History: In August 2004 permission was first sought to erect on this site a 17.5m monopole mast, but this was later reduced in height to 15m

(application no. 04/00886/FUL). The Council refused permission on the grounds that it would be unduly prominent and intrusive in the street-scene and as viewed from nearby houses, and the Council was not satisfied the applicants operational need was being met in a manner minimising environmental and visual impact. O2 appealed against this refusal and Planning Inspectorate allowed the appeal on 8th June 2005, this is the existing mast that it is now proposed to upgrade.

A further application at the site was refused in April 2005, before the outcome of the above appeal.

In April this year a prior notification application to upgrade the mast, by increasing the width of the shroud and the column was refused (application no. 06/00237/TEL) because it would have resulted in the mast being unduly prominent and intrusive within the street and the Council were not satisfied that there were no operationally suitable alternative sites with less impact available. The Council did not accept that increasing the width of the existing mast was the best design for the site.

Planning Policy: PPG8: Telecommunications
PS12: Utility Services Development

Consultations: Highways objected to the positioning of the cabinet on the pavement of Moor Road, as it would cause an unnecessary obstruction of the footway when there is a wide splay available immediately adjacent. The applicant has now moved the position of the cabinet so it is positioned in the splay.

Representations: One objection has been received from a resident of Moor Road. Their objection can be summarised as:

- The present mast was only approved [by the Planning Inspectorate] after a larger mast was rejected.
- A previous application to increase the size [width] of the shroud and add an extra cabinet was rejected.
- The present application to increase the shroud size [in length] and add a 2G cabinet will still add to the adverse visual impact of the structure by making it less likely to be mistaken for a lamppost.
- It will add a further obstruction on/by the footpath.
- They have concerns about possible, as yet unknown effects of living so near to a telecommunications mast.

Assessment: As this is a prior notification application the issues in considering the application are the siting and design.

The general aim of Government policy is to facilitate the growth of new and existing telecommunications system subject to the environmental impact being minimised.

Planning Policy Guidance Note 8: Telecommunications

PPG8 suggests a number of factors to consider concerning the siting such as the height of the site in relation to surrounding land, the existence of topographical features and vegetation, the effect on the skyline, the site when observed from any side and the site in relation to residential property and others.

PS12: Utility Services Development

Policy PS12 of the Adopted Chorley Local Plan Review states that the Borough Council will permit utility services development where there are no overriding environmental objections to either the siting or appearance of the installation and when all of the following criteria are satisfied:

- a) Development is part of a planned expansion
- b) No operationally suitable alternative sites with less environmental impact are available
- c) No reasonable possibility of sharing existing facilities;
- d) No reasonable possibility of erecting antennae on an existing building or structure;
- e) The visual impact of the development on the landscape has been minimised, subject to technical limitation.

The applicants have provided technical justification for the site and I accept from the coverage plots that the development is part of a planned expansion in line with a). They have also set out the alternative sites that have been considered and discounted and the reasons for this.

The original application for the existing mast was refused under delegated powers, on the grounds that the Council was not satisfied that there were no suitable alternative sites/means of providing the antenna with less environmental and visual impact. In addition, the case officer took the view the development would detract to an unacceptable extent from the essentially residential character of the area to the north side of Moor Road (the nearby Co-op does not change that character as it occupies a single-storey building, set well back from the road). By reason of its height the development would be unduly prominent and intrusive in the streetscene and as viewed from residential properties in the vicinity.

The appeal inspector took the view that although the mast would be clearly visible on the approaches along Moor Road and from a number of nearby dwellings on Tarn Hows Close and the opposite side of the main road, any adverse impact on the street scene would be partly offset by existing features in the immediate locality. These include a bus shelter close to the proposed mast, street lighting columns on Moor Road, a tall metal pole sited close by at the Co-op Supermarket and a petrol filling station with a prominent illuminated canopy on the opposite side of the road. The inspector stated that given the proliferation of such structures in this locality, the new mast would not appear particularly conspicuous from nearby dwellings and consequently would not be out of character in the street scene. It was concluded that although the appeal site is in a predominantly residential area, the proposal would not have an unacceptable impact on the quality of the local townscape and is not inconsistent with the aims of the adopted policy PS12. The inspector was satisfied that the company had made a significant attempt to reduce the visual impact of the proposal, in the design of the column and by reducing the height of the proposed mast.

The main issues surrounding the current application are its siting, design and external appearance in relation to the character and appearance of the area. The proposal would result in the shroud of the antenna being increased in length from approximately 3.9m

to approximately 5.4m.

The existing column is 273mm wide below the shroud with the lower portion being 324mm. The proposed column would be 273mm wide all the way down from below the shroud so the column would actually be reduced in width at the bottom from what exists at the moment.

There has been significant pressure for masts in this area and the Council accept that any mast is going to be visually prominent in this location, however it needs to be acceptable in design terms.

Although the existing mast was allowed at appeal it remains the Councils view now it has been erected that it could be done much better, and the upgrading of this mast is an opportunity to improve its visual impact. The mast is very prominent in the street scene and overbearing in terms of its size when viewed in relation to the surrounding properties. This is exacerbated by the fact that the mast is approached from a lower level from the south along Moor Road making it appear even higher than the surrounding street features.

What must be considered is the impact of what is there now, weighed against what is proposed. Although the proposals will result in the existing shroud being increased in length, the lower part of the existing column will be reduced in width. In addition the current mast is green in colour, which exacerbates its prominence in the street scene. The proposed upgraded mast is to be grey in colour. It is therefore considered that although the shroud will be longer in length, the benefit of the lower part of the column being reduced in width and the mast being painted grey outweighs the harm done by the increase in the length of the shroud and therefore meets criteria e) of Policy PS12.

Health

A Declaration of Conformity with the ICNIRP Public Exposure Guidelines accompanies the application.

PPG8 states it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Governments responsibility to decide what measures are necessary to protect public health. In the Governments 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.

PPG8 goes onto state that the Governments acceptance of the precautionary approach recommended by the Stewart Groups report "*mobile phones and health*" is limited to the specific recommendations in the Groups report and the Governments response to them. The report does not provide any basis for precautionary actions beyond those already proposed. In the Governments view, local planning authorities should not implement their own precautionary policies e.g. by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.

Conclusion: To conclude, although the Council still consider the granting of the original mast at appeal was inappropriate, it is considered that the benefit of upgrading the mast to include it being painted grey and reducing the width of the lower part of the column, outweighs the harm done by making the existing shroud longer in length.

Recommendation: Prior App not reqd - Telecom Mast
