

DEFERRED APPLICATION

5 DCSE2006/2789/F - PROPOSED TELECOMMUNICATIONS INSTALLATION CONSISTING OF A 22.5M LATTICE TOWER AND ANCILLARY DEVELOPMENT AT QUEENS TUNNEL, SWAGWATER LANE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SL.

For: T Mobile UK per AWA Ltd, Efford Park, Milford Road, Lymington, Hampshire, SO41 0JD.

Date Received: 29th August,2006 Ward: Old Gore Grid Ref: 67549, 27002

Expiry Date: 24th October,2006

Local Members: Councillor J.W. Edwards and Councillor H. Bramer

Introduction

This proposal was considered by the Committee on 29th November, 2006 when determination was deferred to request that a tree mast be used rather than a lattice mast. The applicant's agent has responded to the Committee request and his letter is included as an appendix to this report. Whilst not rejecting a tree mast, reasons are given why the current proposal would be less visually intrusive.

1. Site Description and Proposal

1.1 An application for a telecommunications installation on a site in Queens Wood, Gorsley which adjoins the M50 motorway comprising a 22.5 m lattice tower and ancillary development was refused by the Committee in July 2005 and the subsequent appeal was dismissed. Although satisfied that a clear technical need for the installation had been shown and that, with regard to health risks, the proposal would not be likely to cause material harm to people in the neighbourhood, the Inspector concluded that there would be appreciable cumulative harm to the character and appearance of the countryside. The decision letter is included as an appendix to this report.

1.2 The current application seeks to address the Inspector's concerns. The mast and compound would be sited within a narrow strip of woodland between the motorway and a clearing in the wood alongside a wide gravel track. The clearing appears to be an area used for turning vehicles. The compound was sited on the edge of the existing vegetation. The current proposal would site the compound further into the woodland and a wider area has been negotiated for landscaping. The fenced compound would be about 5.9 m x 6.4 m and positioned so that the north-western corner was nearest to the clearing. There would be a minimum of 2 m available for planting between fence and clearing.

2. Policies

2.1 Planning Policy Guidance

PPS7	-	Sustainable Development in Rural Areas
PPG8	-	Telecommunications

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Policy CF3 - Telecommunications

2.3 Hereford and Worcester County Structure Plan

Policy CTC1 - Area of Outstanding Natural Beauty
Policy CTC2 - Area of Great Landscape Value
Policy CTC6 - Development and Significant Landscape Features

2.4 South Herefordshire District Local Plan

Policy C1 - Development within Open Countryside
Policy C41 - Telecommunications Development
Policy C42 - Criteria to Guide Telecommunication Development

3. Planning History

- 3.1 DCSE2005/0920/F Proposed telecommunications installations - Refused
consisting of a 22.5m lattice tower and 6.7.05
ancillary development

4. Consultation SummaryStatutory Consultations

- 4.1 Highways Agency has reviewed the proposal and is content that there is unlikely to be detriment to the safe and free flow of traffic upon the nearby motorway. The Agency does not propose to give a direction restricting the grant of planning permission.

Internal Council Advice

- 4.2 The Traffic Manager has no objection to the grant of permission.

The proposed installation would not appear to affect public footpath LTR13 which runs to the north.

5. Representations

- 5.1 The applicant's agent has submitted a detailed planning statement which covers need, visual impact, alternative site search, publicity, policy and health issues. In addition a letter, reproduced in the appendix, discusses the consequences of amending the proposal to a tree mast. In summary the response to the Inspector's decision and visual impact is as follows:

1. The Planning Inspector's only concern was the view of the cabinets and the base of the tower from the nearby footpaths that cross this woodland.
2. He considered that alternative sites had been given proper consideration and that the overall visual impact and design of the mast would be acceptable in the context of this landscape.

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3. On the definitive plan, public footpaths still follow a route which is now near impossible to walk, since the construction of the motorway.
 4. The revised application now shows the location of the site marginally moved further east but still between the two defunct footpaths, thus not interfering with their route.
 5. Around the fenced compound there will be extra room for additional planting when matured, which will provide effective screening to the fenced compound and views from the defunct footpaths and the current footpath to the northwest and west, would not be demonstrably affected.
 6. The proposed installation will be sited within a group of mature trees of about 16 m to 20 m in height and therefore well screened from view from outside the woodland.
 7. These trees will afford some excellent screening of the mast when viewed from all directions including the land to the south. From this direction, any glimpse of the mast will have the backdrop of this woodland behind it.
 8. There will be fleeting glimpses by users of M50 motorway as the trees which border close to the motorway will mostly screen it from this perspective. The undulating land around means that the top of the mast will not unduly protrude on the skyline.
 9. It is appreciated that the woodland is recognised as a Site of Importance to Nature Conservation. In this instance the location is close to a gravel track which would be used for building and servicing the proposed installation.
 10. It is proposed to remove one thin Silver Birch and clear the scrub around it. The development would not affect the taller mature trees on this belt.
 11. The Forestry Commission wish to keep the 'turning area' clear to allow their 'logging vehicles' enough space to turn, so re-siting the mast onto the turning area, and further from the trees, is not possible.
- 5.2 7 letters have been received, including one from Gorsley and Linton Parish Council in Gloucestershire, objecting to the proposals for the following reasons:
- (1) there are 5 masts within 5 km. radius of this site; including one at Woodhouse Farm, only 100m or so away,
 - (2) there are 4 masts along a 1 mile stretch of M50 in Gorsley plus police CCTV mast at junction 3. This is an area of great natural beauty which is being spoiled by these structures,
 - (3) the mast could be much higher than surrounding trees and offensive antennae would show above skyline,
 - (4) a wide stretch of land south-east of Queens Tunnel is open and unforested and so the area near the tunnel would be visible from many parts of Gorsley village as far as B4221 at Christchurch - a real blot on very fine landscape and eyesore to local residents and walkers,
 - (5) foresters are cutting out mature conifers making it more visible in future, - no guarantee existing tall trees will remain to screen the mast,
 - (6) out of character with local area and screening will not stop the mast and compound spoiling the view and harming local residents' amenities,

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- (7) potential for individual litigation against any public body involved in approval of this type of application and Lloyds of London has advised its members not to cover risks from mast emissions,
- (8) caselaw is quoted regarding the need to consider alternative sites – this analysis should be carried out by local planning authority,
- (9) can Council guarantee no risks to human health? It is still debatable whether there are risks to people and livestock and in this case 4 masts are already emitting electro-magnetic radiation : would a further mast increase radiation to dangerous levels? Many houses would have a direct view of the mast,
- (10) a second mast (in Forest of Dean) is necessary for this proposal to work and cumulative impact needs to be considered – could be 18 properties with microwaves beamed through them night and day (second mast receives signals from other masts and tower loads them into the BT system). Will make 9 masts in 2.5 m radius of Jays Green motorway junction,
- (11) in US and other European countries there is an exclusion area of minimum 500m - precautionary principle should apply here as well,
- (12) Vodaphone contract expired 2 years ago yet refusing to remove Woodhouse Farm mast despite owners strong wishes,
- (13) 80% coverage is acceptable according to Government advice – surely this has already been met?
- (14) No pre-application consultation with local residents and inadequate planning notices - residents want to be involved in decision making process,
- (15) Why not share existing mast?
- (16) To apply again after appeal dismissed is real affront to original objectors and costly to Council – applicant clearly cares nothing for the beautiful environment

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The appeal Inspector accepted that from the south existing vegetation provided a fairly effective screen, even in November and did not consider the concentration of masts along the line of the motorway to be unusual, with the trees ameliorating any potential cumulative harm to the character of the area. However he found that footpath users would see the whole proposal in full view over a significant length of footpath. "The compound could not be screened efficiently from users of the adjacent footpath system with the current proposal".
- 6.2 The applicant has responded to this decision by reducing the size of the fenced compound, moving it further within the strip of woodland between the gravelled area and motorway and angling it so that the north western corner would be the closest part to the clearing rather than the whole of the north-western side. "Shaving" part of the rectangular compound would ensure that a space of at least 2 m between compound and clearing could be available for planting. In addition there would be a wider area for planting, extending 8 m or more on either side of the compound. A timber feather-boarded fence could be used for the front of the compound rather than chain link fencing. These changes to the scheme would facilitate a significant element of new planting. Whilst this would probably not fully screen the compound at all times of the year it would ensure that it would not be fully open to view but merge into the woodland. The mast itself could not be screened but no significant trees

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would need to be felled and it would not be unacceptably intrusive viewed from the woodland paths.

- 6.3 The applicant has not dismissed the Council’s request to erect a tree mast but has pointed out that there would be disadvantages. In particular a taller mast (by 2m) may not fit in well with the existing deciduous trees and may require additional tree felling with a larger compound and less room for screen planting.
- 6.4 The other issues raised in the representations, including effect on health, visual impact from the wider area, alternative sites and need for the installation have been considered by the Inspector. His conclusions that these were not grounds to dismiss the appeal are material consideration relevant to this revised proposal.
- 6.5 In conclusion, I consider that the response to the Committee’s request provides cogent reasons why a lattice mast would be less harmful to the area’s visual amenities and on the basis of the above appraisal recommend that permission be granted for the proposal as submitted.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 3 G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

Informatives:

- 1 N19 - Avoidance of doubt**

- 2 N15 - Reason(s) for the Grant of Planning Permission**

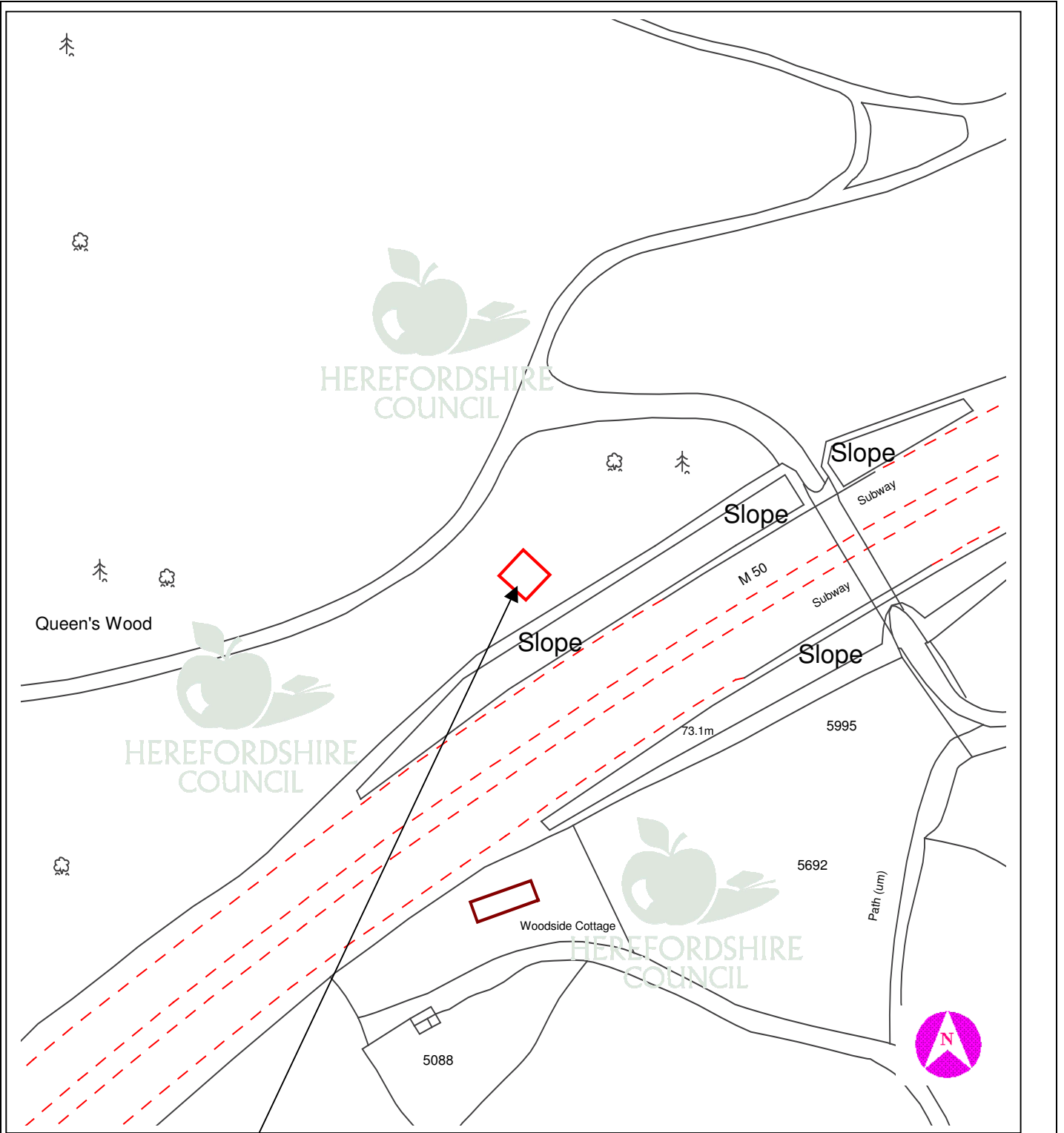
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2005/0920/F

SCALE : 1 : 1250

SITE ADDRESS : Queens Tunnel, Swagwater Lane, Gorsley, Ross-on-Wye, Herefordshire, HR9 7SL

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