

**4 CE2003/2466/T - 15M DYNAMIC CONCEPTS  
TAMPERED TIMBER MONOPOLE SOLUTION,  
INCORPORATING 3 ANTENNAE AND TWO  
TRANSMISSION DISHES AND ASSOCIATED CABINET  
EQUIPMENT. TUPSLEY COURT, HAMPTON DENE  
ROAD, HEREFORD, HEREFORDSHIRE, HR1 1UX**

**For: Hutchison 3G UK, White Young Green,  
Ropemaker Court, 12 Lower Park Row, Bristol, BS1  
5BN**

**Date Received: 13th August 2003**

**Ward: Backbury**

**Grid Ref: 53519, 40064**

**Expiry Date: 7th October 2003**

Local Member: Councillor Mrs. J.E. Pemberton

## **1. Site Description and Proposal**

- 1.1 The site being considered under the provisions of the Town and Country (General Permitted Development) Order is positioned on slightly raised ground within a paddock to the east of Hampton Dene, Hampton Dene Road and to the south of Tupsley Court, Hampton Dene Road. The boundaries of the paddock in the vicinity of the site are defined by gappy hedging and existing trees ranging from approximately 5m to 7m in height. Distant glimpsed views of the site are possible primarily from land to the east and south. The site itself is defined as Open Countryside in the South Herefordshire District Local Plan, and is 130m to the east of the Hereford City Established Residential Area.
- 1.2 The proposal is to erect a 12.5m high timber monopole mast with three antennas and two dishes attached (overall height: 15m) and associated equipment cabins, all contained within a fenced compound. Siting would be to the side of the paddock, adjacent to the existing trees and a pond.
- 1.3 The proposal comprises 'permitted development', although under the provisions of the Town and Country Planning (General Permitted Development) Order the applicant is required to apply to the local planning authority for a determination as to whether the prior approval of the authority is required to the siting and appearance of the proposal. The authority is required to issue its determination and ultimate decision within 56 days from the date of receipt of the application for determination. If after the 56 days the local planning authority has not notified the applicant of its determination and decision then the development may in any event begin. In this case prior approval of siting and appearance is required.

## **2. Policies**

### **2.1 Hereford and Worcester County Structure Plan:**

- |      |   |                          |
|------|---|--------------------------|
| CTC6 | - | Landscape Features       |
| CTC9 | - | Development Requirements |

## 2.2 South Herefordshire District Local Plan:

GD1	-	General Development Criteria
C1	-	Development Within Open Countryside
C9	-	Landscape Features
C16	-	Protection of Species
C41	-	Telecommunications Development
C42	-	Criteria to Guide Telecommunications Development

## 2.3 Herefordshire UDP (Deposit Draft):

S2	-	Development Requirements
LA2	-	Landscape Character and Areas Least Resilient to Change
NC1	-	Nature Conservation and Development
NC5	-	European and Nationally Protected Species
CF3	-	Telecommunications

## 2.4 Planning Policy Guidance:

PPG8	-	Telecommunication
PPG9	-	Nature Conservation

## 3. Planning History

3.1 There is no relevant planning history.

## 4. Consultation Summary

4.1 There are no statutory or non-statutory consultations required.

4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

## 5. Representations

5.1 Hereford City Council: No response received.

5.2 Six objection letters have been received from 10, 16, 47 and 63 Hampton Dene Road, Meadow Cottage, Hampton Dene Road and 6 Aylestone Drive, Hereford; and a petition of 16 signatures has also been received on behalf of the residents of Hampton Dene Road summarised as follows:

- visually intrusive and detrimental to skyline views;
- harmful to health and welfare of nearby residents and children at three nearby schools;
- interference to TV reception;
- insufficient demand for telecommunication services to justify development;
- detrimental to nearby badger setts and badgers;
- reduce property values.

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

## 6. Officers Appraisal

6.1 Under the Town and Country Planning (General Permitted Development) Order procedures a determination has been made that prior approval of the siting and appearance of the proposed development is required in this case.

6.2 The main issues to be considered are the principle of the development, and if acceptable, the impact on visual and residential amenity, wildlife interests and the health and well-being of nearby residents and children.

### 6.3 The Principle of Telecommunications Development

Central Government planning guidance set out in PPG8 states that it is the Government's policy to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The guidance encourages local planning authorities to respond positively to telecommunications development proposals whilst having regard to other policies and guidances for the protection of urban and rural areas.

6.4 Policy C41 of the South Herefordshire District Local Plan states that support will be given to the long term economic, social and environmental benefits of developing telecommunications and that decisions will be made in the context of current Central Government advice. Similar supporting text is contained within the Hereford Local Plan.

6.5 Having regard to the positive emphasis set out in both central and local planning policy it is considered that an objection in principle to the proposal could not be sustained. With specific regard to the question of need PPG8 advises that authorities should not question this, nor prevent competition between different operators.

### 6.6 Impact on Visual and Residential Amenity

PPG8 advises that Central Government places great emphasis on its well established policies for the protection of the countryside and urban areas. Protection from visual intrusion and the implication for subsequent network development are important considerations in determining applications.

6.7 Policy C42 of the Local Plan sets out criteria to be taken into account including consideration of the specific requirements of the development, the siting and external appearance of the apparatus (including landscaping), the availability of other sites, and the dual use of existing installations where operationally possible.

6.8 Having regard to the criteria the applicant has supplied technical evidence, including coverage simulation, which demonstrates the need for the apparatus and the 'gap' in the operators coverage in this area. In pure technical terms this amounts to evidence of need for apparatus in this location. The applicant has also provided details of alternative sites considered during pre-application surveys. These are the Bishop of Hereford Bluecoat School (ruled out due to unwilling landowner), The Cock of Tupsley Public House (insufficient screening), Herefordshire Council Offices, Brockington (unwilling landowner) and Quarry Playing Fields (unduly prominent). The site forming the application was chosen by the applicant in view of its technical suitability, availability and, according to the applicant, its limited impact on amenity.

- 6.9 In terms of its visual impact the site is positioned on rising land, although adjacent to a group of tall trees. The mast itself is a slender, monopole design, and this, taken with the tree setting, would ensure limited visual impact and minimal intrusion on the skyline. Views from public vantage points are at considerable distances which would, again, minimise intrusion.
- 6.10 The nearest dwellings are Hampton Dene, Appleyards and Watership Down which are approximately 75m away from the site (although Hampton Dene's garden ends approximately 20m from the site), and these distances, together with intervening trees and plants, are considered sufficient to ensure no loss of privacy or undue intrusion. Meadow Cottage is some 130m away and other properties in Hampton Dene Road approximately 140m away with intervening screen planting.
- 6.11 Having regard to the limited impact on amenity resulting from this site and the demonstrated constraints affecting the applicant, the proposal for a monopole is considered acceptable and in accordance with Policy C42.

6.12 Impact on Wildlife

The site is located within 30m of a badger sett. It is also in an area potentially occupied by bats and newts – both European and protected species. Policy C16 of the Local Plan requires due regard to be paid to the specific requirements of statutorily protected species and their habitats.

- 6.13 With regard to the badgers, the sett is positioned on adjoining land approximately 20m from the actual site. The site itself is not on a sett and consequently the sett and the badgers are not likely to be adversely affected by its operation. A license (covering matters including times of work and methods of construction) is required from English Nature to carry out operations within 30m of a badgers sett, and the applicant's attention would be drawn to this in the event of no objection being raised.
- 6.14 Regarding bats and newts, it is not known whether these species are at the site although conditions indicate that they may be. There are three 'tests' set out in the Habitat's Directive to be taken into account as follows:
- (i) There should be no satisfactory alternatives – the question of alternative sites has been addressed at paragraph 6.8 above. This site is considered to be the most appropriate having regard to amenity, technical and land availability considerations.
  - (ii) The impact of the proposal should not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status within their natural range – with regard to bats, the development would not adversely affect this species being limited in size, and not resulting in the loss of potential roosts. There is no evidence to suggest that bats are adversely affected by radio signals from telecommunications apparatus. With regard to newts, the site is adjacent to a pond which may contain newts. Newts may also use the site to hibernate. However, in view of the limited size of the site and the general openness of the surroundings (where there are, in any event, preferable hibernation places), it is not considered that the development would adversely affect this species or its habitat.
  - (iii) The proposal should be in the interest of public health and safety, or for the imperative reasons of overriding public interest, including those of social or

economic nature and beneficial consequences of primary importance for the environment – the importance of good telecommunications has already been emphasised. PPG8 states “modern telecommunications are an essential and beneficial element in the life of the local community and in the national economy....New communications technology has spread rapidly to meet the growing demand for better communications at work and at home, in business, in public services and in support of electronic commerce”. Having regard to these acknowledged benefits it is considered that this test is satisfied.

For these reasons it is considered that the tests in relation to the Habitats Directive are met and that no adverse harm would be caused to the protected species that may occupy the site and surroundings. A license would be required from DEFRA to carry out operations in the vicinity of European Protected Species, if present, covering matters such as times of working and methods.

#### 6.15 Health Considerations

PPG8 states that Central Government has the responsibility for protecting public health. More specifically the PPG states the following:

“Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case.

However, 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 the health aspects and concerns about them.

All new mobile phone base stations are expected to meet the ICNIRP guidelines. However, all applicants should include with the applications, a statement that self-certifies to the effect that the mobile phone base station when operational will meet the guidelines. In line with the Group’s recommendations the mobile phone network operator should also provide to the local authority a statement for each site indicating its location, the height of the antenna, the frequency and modulation characteristics, and details of power output. Where a mobile phone base station is added to an existing mast or site, the operator should confirm that the cumulative exposure will not exceed the ICNIRP guidelines.”

6.16 In accordance with the PPG, the applicant has submitted a ‘Declaration of Conformity with ICNIRP Public Exposure Guidelines’, which confirms conformity with the safety guidelines. This is attached as an annex to this item. In accordance with other guidance in PPG8 the applicant has also consulted local schools.

#### 6.17 Radio Interference

With regard to radio interference, PPG8 states that all users of radio equipment are required by the terms of the wireless telegraphy legislation to avoid creating undue radio interference with other radio users, including domestic television sets, and their

equipment must be designed to minimise it. The PPG concludes, "in most situations, therefore, questions of potential interference are of no relevance to the determination of planning applications for the masts or antennas needed to operate a transmitter. Other controls will generally be available to deal with radio interference problems".

**RECOMMENDATION**

**That approval be given subject to the further conditions set out in Part 24 of the Town and Country Planning (General Permitted Development) Order and the following informative notes:**

**Notes to Applicant:**

- 1 The applicant's attention is drawn to a badger sett located within 30m of the site. Prior to commencement of any works the applicant is advised to contact English Nature regarding potential license requirements under the terms of the Protection of Badgers Act 1992.**
- 2 The applicant is also advised that the site may be used by great crested newts for hibernation purposes. Prior to commencement of any works the applicant is advised to contact DEFRA regarding potential license requirements under the terms of the European Habitats Directive 1992 and Habitats Regulations 1994.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.