

**9 DCSE2009/0388/F - 10M HIGH TELECOMMUNICATION POLE WITH ANTENNAS, ASSOCIATED RADIO EQUIPMENT CABINET AND LUCY AC PILLAR, JUNCTION OF FERNBANK ROAD / EASTFIELD ROAD, ASHFIELD, ROSS-ON-WYE, HR9 5PP.**

**For: Vodafone UK Ltd per Mono Consultants Ltd, 96 - 98 King Street, Hammersmith, London, W6 0QW.**

**Date Received: 27 February 2009**

**Ward: Ross-on-Wye  
East**

**Grid Ref: 59794, 23160**

**Expiry Date: 24 April 2009**

Local Members: Councillors PGH Cutter and AE Gray

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

- 1.1 The site lies to the south of Ross-on-Wye town centre at the junction of Fernbank Road and Eastfield Road to the east of the Walford Road. The site and surrounding area are within the Wye Valley Area of Outstanding Natural Beauty and the boundary of the Town Conservation Area lies some 64 metres to the north. Predominantly the surrounding land use is residential, with the Town and Country Trail to the south-east of the site and a children's play area to the south-west, separated by the highway.
- 1.2 It is proposed to erect a 10 metre high telecommunications pole, with antennas (some 1.8 metres), associated radio equipment cabinet and Lucy AC pillar on the grass verge at the junction of Fernbank Road and Eastfield Road. The pole would be wooden and the cabinet and Lucy AC pillar would be green. The ground equipment would range between 1.35 metres and 1.18 metres in height.
- 1.3 Levels are generally flat on the proposed site, with a vegetation covered power post and street lighting column in close proximity to the siting of the proposed pole. The grass verge is some 3.5 metres in depth, from the existing power post to the kerb. To the rear of the grass verge there are mature trees and bushes.

## **2. Policies**

### **2.1 Government Guidance**

The Planning System: General Principles (Office of the Deputy Prime Minister)  
PPG8 – Telecommunications

### **2.2 Herefordshire Unitary Development Plan**

Part 1

- |            |   |                                   |
|------------|---|-----------------------------------|
| Policy S2  | - | Development Requirements          |
| Policy S7  | - | Natural and Historic Heritage     |
| Policy S11 | - | Community Facilities and Services |

Part 2

Policy DR1	-	Design
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy CF3	-	Telecommunications

### 3. Planning History

3.1 None.

### 4. Consultation Summary

#### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

#### Internal Council Advice

4.2 The Traffic Manager advises that the mast, as shown on drawing number 73864/A/005, is in the visibility splay for exiting Fernbank Road and the forward visibility for Eastfield Road. The mast should be moved to the rear of the highway land. Provided that amended plans are submitted showing this, there is no objection subject to highway notes attached to the planning permission. Permission will also be needed from the Highway Authority as owners of the land.

4.3 Environmental Health & Trading Standards Manager comments:

"I have examined the proposed development and have no objections, provided the development meets the ICNIRP guidelines for public exposure to non-ionizing radiation and the main Antenna Beam is pointed away from the Play Area."

### 5. Representations

5.1 The applicant has submitted a Design and Access Statement and additional information in support of the application. These state, in summary:

- Had regard to the need for good design, in relation to the context of the site.
- Due to the increased data transfer, the location of 3G base station sites is critical. Base stations must be located where the local demand exists in order to provide the required levels of service, otherwise the network will not function.
- Street scene is characterised by concrete street lighting columns, telegraph poles, mature trees, bushes and shrubbery.
- Proposed timber effect telegraph pole would assimilate well with surrounding vegetation and vertical structures. Proposed radio equipment, due to its colour would assimilate well with existing vegetation.
- Proposal would have a minimal impact on the character of the local amenities and Area of Outstanding Natural Beauty.
- Proposal was given a red rating a part of the Traffic Light Rating Model for telecommunications development - consultation.
- Consultations were undertaken with Ward Members, Ross-on-Wye Town Council and residents within 50 metres of the proposal.
- Other sites have been considered, however the Welsh Water site would not provide the required level of coverage for the target area and the other sites are all in residential areas where the visual impact would be greater than the proposal. The mast at Chase Woods (650 metres away) would not provide the required coverage to the target area.

- Visual impact has been minimised as far as is practicable for a mast, most sympathetic design solution.
  - The height has been carefully selected so that it is the minimum needed to clear the surrounding trees and to provide the technical coverage required.
  - The proposal meets the International Commission on Non-Ionising Radiation Protection guidelines for public exposure.
- 5.2 Ross-on-Wye Town Council - The applicant says there is existing telecommunications equipment on the site - please could the planning officer check there is maximum sharing of structure as per PPG8.
- 5.3 Seventy one letters of objection have been received. The main issues raised are:

Need:

- 3G is not required in Ashfield, as it is a residential area where occupants can use broadband or land lines.
- 'Phone and SMS communications do not require 3G masts so any user would be car users, who cannot, by law, use 3G therefore cell boundary requirements should be relaxed.
- No independent corroboration of applicant's site option appraised.
- Mobile phones are not life or death, looking after our environment is.
- Mast on Chase Hill should be shared.
- Mast should be sited elsewhere, on local industrial estate.
- This is only pampering to a private company and not to do with the safety and wishes of the general public.

Visual Impact:

- Site is at the entrance to the Conservation Area, within the Wye Valley Area of Outstanding Natural Beauty and adjacent to the entrance to the County Trail/cycleway and access to Chase Woods. The proposed mast is inappropriate and would be harmful to the character of the area.
- This is a residential area and the mast would not be in keeping with the established character of the area.
- Birmingham City Council are refusing masts in residential areas and have a SPG which advises that applications can be refused due to impact on area.
- The mast would not blend in with the existing 'street furniture' which is not as tall.
- The mast would be more obvious and have a greater visual impact in the winter as the trees are deciduous.
- Planning permission has recently been refused for two bungalows nearby and there should be consistency in the decisions made in this area.

Health and Safety:

- Mast should not be sited in a residential area or near to the children's play area.
- There is conflicting literature regarding the health risks from masts. Naila study (Germany) 18.11.2004, shows that cancer risks treble within 400 metres of phone masts.
- Fear of health risks to residents, visitors, children using the play area and living locally and local schools.
- Unwise to add to existing health risks from electrical equipment, televisions etc.
- Precautionary approach should be adopted, no mast in a residential area.
- Welfare of residents should be put ahead of the revenues for the Council from the developer.

Relevant Papers:

Wolf R, Wolf D (April 2004)

Eger H et al (Nov 2004)

Versailles Court of Appeal reference (Feb 2009) re: Bouygues Telecom – sets legal precedent.

Highway safety/use of footpath:

- Walkers and horse riders use the grass verge, mast would restrict this.
- Vehicles for installation and maintenance of the mast would restrict visibility on the blind bend, resulting in highway danger.
- Equipment would restrict view for vehicles exiting Fernbank Road, this would be dangerous.
- Maintenance vehicles would use the car park in Fernbank Road, which gets very busy at times, so this would be unsuitable.

Devaluation of Property:

- The mast would reduce property values and not aid sales, in the current economic climate this would make the selling of properties more difficult.
- Already pay high Council Tax.

Other Observations

- Poorly made application, inaccuracies regarding directions to the site.
- Extensive pre-application consultation was not carried out, as stated by the applicant.
- Minimal publicity of the application has been carried out by the Council, due to its contentious nature the consultation period should have been extended and widened.
- No acknowledgement of biodiversity/geological areas of interest.
- Proposal does not conform with the Council's Mission Statement 'Putting People first, Providing for our Communities, Preserving our Heritage, Promoting our County, Protecting our future.
- This application should be refused.

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

## **6. Officer's Appraisal**

- 6.1 The main considerations in the determination of this application are the impact of the proposal on the character and appearance of the area, which is within the Wye Valley Area of Outstanding Natural Beauty, and the amenity of neighbouring properties, the fear and perception of health risks and highway safety.
- 6.2 National Planning Guidance, as set out in PPG8 – Telecommunications, 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 Government's advice clearly states that authorities should not question the need for telecommunication systems, which proposed development is to support. It is Government policy to ensure that there is a choice of providers, range of services and equitable access to the latest technologies, as they become available. Local Planning Authorities are encouraged to respond positively, whilst considering the advice of protection of urban and rural areas in other guidance.
- 6.3 In terms of site selection the applicant has demonstrated that the search area is limited. Within the area there are no existing masts. It is considered that in light of this

the proposed site is the best option, other sites within the search area would be closer to more densely concentrated residential properties and/or would be visually prominent.

- 6.4 Policy CF3 of the Herefordshire Unitary Development Plan sets out the criteria for the consideration of telecommunications development. In particular it should be demonstrated that there is no opportunity for mast/site sharing or use of existing buildings or structures, the siting and external appearance of the apparatus have been designed to minimise the impact on the surrounding area and residential amenity and where appropriate provide a scheme for landscaping. In addition proposals in the Wye Valley Area of Outstanding Natural Beauty, and other areas, should be sensitively designed and sited and it must be demonstrated that there are no suitable alternative sites. The special siting and technical needs and operational constraints of the operation should be taken into account. The applicant has demonstrated that alternative sites have been considered, but would not provide the coverage required or would be nearer to residential properties.
- 6.5 The Wye Valley Area of Outstanding Natural Beauty designation covers part of the built up area of Ross-on-Wye, including the site subject to this proposal. Policy LA1 of the Unitary Development Plan states the criteria for the consideration of applications in the Areas of Outstanding Natural Beauty. The policy seeks to protect and enhance the natural scenic beauty and amenity of the area. The site is within a primarily residential, suburban area of Ross-on-Wye, where the natural beauty of the landscape is not overtly evident. Rather it is the built development and associated landscaping that defines the character of the locality. By virtue of the natural topography of the area, existing development and mature vegetation in the area distant views of the mast would be limited. It is therefore considered that in this context the proposal would not have a harmful impact upon the scenic qualities of the natural landscape. As such the proposal accords with the requirements of policy LA1 of the Unitary Development Plan.
- 6.6 By reason of its siting on the highway verge the proposal would be an obvious addition to the street scene. The pole would be the tallest structure, but it would, however, be seen in conjunction with existing street furniture. It is considered that careful attention has been given to the design of the pole, a slender monopole of a timber telegraph pole appearance and the ground equipment would be unobtrusive due to its siting at the rear of the verge and its minimal height. It is therefore considered that the pole would not be unduly intrusive in the street scene by virtue of the context within which it would be sited and the proposed design and colour. It is noted that the existing trees and vegetation would not provide the same screening and backdrop all year round. Thus, the visual impact of the pole would vary during the seasons. However, it is not necessary, in this suburban location, for the mast to be screened. The street furniture, which is of a more permanent nature, would ensure that the pole would not be a stand-alone structure, alien to the existing character of this part of Eastfield Road. Therefore, it is considered that the visual impact of the proposal, by virtue of its siting and design, would be satisfactorily minimised and accord with the requirements of policy CF3 of the Unitary Development Plan and PPG8 – Telecommunications.
- 6.7 It is recognised that the mast could be seen from some neighbouring properties, however views of it would be partially screened by existing, mature landscaping. In terms of the design (a slender monopole) and colour, the structure would not be a stark feature such that its presence would be overwhelming or harmful to the general residential amenities of the area.

- 6.8 PPG 8 encourages the dual or multiple use of masts. It is proposed to erect a pole mast on the site, which would not be capable of being shared. It is considered that to satisfactorily minimise the visual impact of the mast this design is preferred and outweighs the preference for a mast that is capable of being shared.
- 6.9 The majority of the objections to the application specify health risks as a major concern. It has been established, through case law, that both health risks and the perception of health risks are material planning considerations to be taken into account in the determination of planning applications. The boundary of the curtilage of the nearest property to the north, Ballard Lodge, 39, Eastfield Road, would be 13 metres from the site, to the south 31 metres and some 12 metres from the nearest boundary of the children's play area. Objections raised relate to the unknown effects of the proximity of masts to residential properties and on the health of occupants and visitors, including children.
- 6.10 Both mobile 'phones and masts use electromagnetic fields (EMF's) to transmit and receive signals. EMF's also occur naturally and are found in other manmade sources, where there is an electrical circuit, such as domestic wiring and appliances. The government's statutory advisor, the National Radiological Protection Board (NRPB) provide advice regarding EMF's and health issues, to local planning authorities and the general public. At the request of the government, the NRPB set up an independent expert group, chaired by Sir William Stewart, and following a rigorous and comprehensive assessment the report was published in May 2000. With regards to base stations the report found that the *'balance of evidence indicates that there is no general risk to the health of people living near to base stations...'*. Cases and levels of exposure from EMF's generally reduce with increasing distance from the source (The Stewart Report 2000, section 1.6). For base station emissions, exposures to the general population will be to the whole body, but normally at levels of intensity many times less than those from handsets (The Stewart Report 2000, section 1.7). Use of mobile 'phones can expose tissues adjacent to the antenna to levels of EMF radiation more than a thousand times higher than people would normally encounter from base stations (The Stewart Report 2000, section 6.71 – emphasis added).
- 6.11 It is accepted that there are additional factors that need to be taken into account in assessing the possible health effects and the people can vary in their susceptibility to environmental hazards. In light of this The Stewart Report found sufficient justification to recommend a precautionary approach be adopted, but concluded that it is not realistic to prevent any development until it is proven that there is no risk at all. The recommended precautions do not include a moratorium on the provision of telecommunications masts in residential areas, rather they set out precautions to the Government, Local Planning Authorities, the telecommunications operators and the consumers. It is recommended that emissions from mobile 'phones base stations must meet the guidelines for the International Commission on Non-Ionising Radiation Protection (ICNRP) for public exposure. The proposal complies with this requirement. Another recommendation is that in respect of schools the beam of greatest radio frequency intensity should not fall on any part of the school's grounds, unless the school and parents agree to it (section 6.65). This precautionary recommendation has been applied to this proposal in respect of the nearby children's play area, and the beam of greatest radio frequency intensity would not fall upon or cross the play area. Another recommendation is that individuals may wish to minimise their risk, in line with the precautionary approach, by making fewer and shorter calls and reducing their exposure, due to proximity, by using an approved hands-free set.

- 6.12 In assessing the weight to be attached to the raised health issues PPG8, paragraph 98 states that it is *'the government's firm view that the planning system is not the place for determining health safeguard. 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'* [emphasis added]. In addition, as stated at paragraph 101 *'In the Government's view, local planning authorities should not implement their own precautionary policies.'* In light of the submission of the certificate of compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP), which confirms that the whole of the coverage area would meet the ICNIRP requirements, the confirmation that the beam of greatest radio frequency intensity would not fall or cross the children's play area and government advice it is considered that the health risks raised are not sufficient to outweigh technical evidence and government advice.
- 6.13 With regards the perception of health risks, whilst the mast could be seen from some neighbouring properties and the children's play area, it would be partially screened by existing trees. Furthermore the limited height and slender design of the mast would further reduce its prominence. Therefore it is considered that having restricted views of the mast from within residential properties or their curtilages or from the children's play area, would not reasonably give rise to a significant or justified heightened sensitivity about health risks.
- 6.14 Amended plans have been received, which have re-sited the ground equipment further back into the site with the exception of the mast. Provided that satisfactorily amended plans are received in this respect the Traffic Manager has no objection because the proposal would not impinge upon visibility for vehicles existing Fernbank Road. The use of the verge for walkers and horse riders would not be prevented by the proposed installation. Furthermore, there is a footpath on the opposite side of Eastfield Road from the proposed site.
- 6.15 Some of the objectors state that if the mast is erected it would reduce local house values. The Planning System: General Principles notes that it is not for the planning system to protect private interests of one person against the activities of another. In differentiating between a private and public interest it states that *'The basis question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protect in the public interest.'* Furthermore, no evidence has been submitted to support this view.
- 6.16 In conclusion it is considered that the mast would not have a harmful impact upon the landscape or street scene, the health of local residents or highway safety.

## RECOMMENDATION

**Subject to receipt of satisfactorily amended plans regarding the siting of the mast, 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 B03 (Amended plans)**

**Reason:** To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

**3 Prior to the commencement of development samples/trade descriptions of the external colour and finish of the mast pole and base equipment shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason:** To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

**4 All of the telecommunications equipment hereby granted shall be permanently removed from the site as soon as reasonably practicable when no longer required for its designed use.**

**Reason:** In order to protect the visual amenities of the area in accordance with Policy DR1 of the Herefordshire Unitary Development Plan.

**Informatives:**

- 1 HN01 - Mud on highway**
- 2 HN04 - Private apparatus within highway**
- 3 HN05 - Works within the highway**
- 4 N19 - Avoidance of doubt - Approved Plans**
- 5 N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

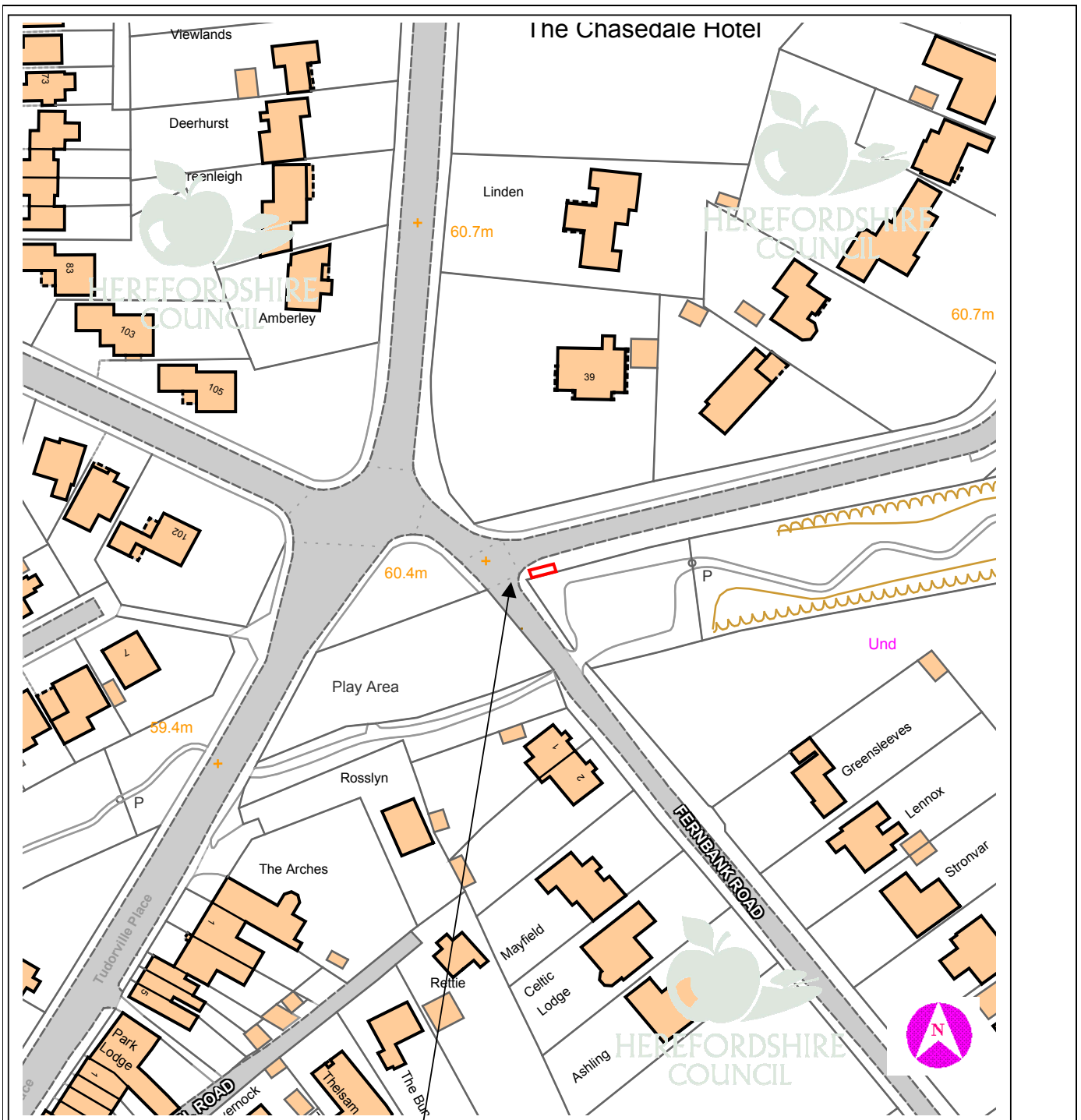
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCSE2009/0388/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Junction of Fernbank Road / Eastfield Road, Ashfield, Ross-on-Wye, Herefordshire, HR9 5PP

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