

13 DCSE2004/0561/T - ERECTION OF 15 METRE TELECOMMUNICATIONS MONOPOLE INCORPORATING THREE TELECOMMUNICATIONS ANTENNA, ONE 30CM TRANSMISSION DISH, TWO 60CM TRANSMISSION DISHES AND ASSOCIATED CABINET EQUIPMENT AND COMPOUND. SECURITY COMPOUND 2, BROAD MEADOWS INDUSTRIAL ESTATE, STATION APPROACH, ROSS-ON-WYE, HEREFORDSHIRE

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

**Date Received: 2nd March 2004 Ward: Ross-on-Wye East Grid Ref: 60273, 24520
Expiry Date: 26th April 2004**

Local Members: Councillor Mrs C J Davies and Councillor Mrs A E Gray

1. Site Description and Proposal

- 1.1 The site lies within Ross-on-Wye, and to the northwestern section of the Broadmeadows Industrial Estate. The Rudhall Brook lies to the northwest, between the site and The Plough Inn, Renault garage and residential properties to the north and northwest. The site is within the Rudhall Brook flood plain. The site is not within the Wye Valley Area of Outstanding Natural Beauty, the boundary of which is defined by Overross Street and Ledbury Road, with the Area of Outstanding Natural Beauty lying to the west of the road and the site to the east.
- 1.2 Currently the site subject to this proposal comprises a chain link fenced compound with a number of vehicles and a storage tank within. The levels are flat both within the site and the immediate surroundings. Land levels within the wider area rise from south to the north.
- 1.3 It is proposed to erect a 15 metre high telecommunications mast incorporating 3 antenna, 3 dishes (1 of 30 centimetre diameter and 2 of 60 centimetre diameters), of a monopole design. The ground equipment would comprise an electric meter cabinet of 1 metre by 0.6 metres and a 2 metre by 0.8 metre service unit both which would be mounted on a 0.45 metres concrete plinth. The associated ground equipment would be contained within the 6.4 metre by 6.4 metre compound, with a palisade perimeter fence.
- 1.4 The proposal comprises 'permitted development', although under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) an application to the local planning authority for a determination as to whether their prior approval is required, in respect of the siting and appearance of the proposal. Under this procedure the local planning authority is required to issue its determination and decision within 56 days of the date of receipt of the application, in

this case by 26th April 2004. If after the expiration of the 56 day period the applicant has not received the local planning authority's determination and decision the development is authorised by default.

2. Policies

2.1 Planning Policy Guidance

PPG 1	General Policy and Principles
PPG 8	Telecommunications
PPG 25	Development and Flood Risk

2.2 Hereford and Worcester County Structure Plan

Policy CTC9	Development Criteria
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2.3 South Herefordshire District Local Plan

Policy GD1	General development criteria
Policy C41	Telecommunications Development
Policy C42	Criteria to Guide Telecommunication Development
Policy C44	Flooding

2.4 Herefordshire Unitary Development Plan – First Deposit Draft

Part 1	
Policy S2	Sustainable Development

Part 2	
Policy DR7	Flood risk
Policy CF3	Telecommunications

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency advise:

The Agency maintains its objection at this time as no sequential test has been undertaken in accordance with PPG25. The site is in the 1% apf floodplain and historical floodplain. It would appear that floor risk has NOT been considered and PPG25 advises that lower risk locations outside of the floodplain should be looked at.

If the LPA are happy that the applicant has undertaken an exhaustive sequential test, in terms of looking for alternative sites outside of zone 3 of the Indicative Floodplain, then the proposed site in question would appear to have minimal implications in terms of floor flow and storage, following confirmation of site layout and proposals in the letter dated 25 March 2004 (from the Agent) which involves proposals to remove the tank on the site and the existing cars etc.

In line with zone 3a of PPG25, it is also recommended that any electrical equipment is raised above the 1 in 100 year flood level (+20% for climate change) to protect the equipment.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objections to the proposal.
- 4.3 Environmental Health Officer - It is presumed that ICNIRP guidelines on maximum exposure levels for electromagnetic fields have been followed, as implied in the application. No doubt the close proximity of the residential properties has been taken into account when determining the site's compliance with the ICNIRP guidelines.

5. Representations

- 5.1 Ross-on-Wye Town Council comment as follows:

It is considered that there are currently sufficient masts in the town to meet current needs. This is an AONB and a proliferation of masts is not in keeping with the area. Also the impact on health has not been fully explored and this proposal is sited in a residential area.

- 5.2 A letter containing supplementary information was submitted with the application by the applicant's agent. Further correspondence has been received from the applicants regarding the flooding issue. The main points are:

- Site has been carefully selected because of surrounding commercial context and as it is outside of the Area of Outstanding Natural Beauty.
- The compound is backed by several mature trees of approximately 10 metres in height, that would provide screening from surrounding land uses, as demonstrated by the photographs taken from various locations with a cherry picker raised to 15 metres in height. This demonstrates the benefits of tree screening and the minimal impact the 15 metre mast would have.
- Height has been kept to a minimum and a monopole design selected to minimise visual impact.
- A thorough search, within the cell area, was carried out prior to selecting this site. Sites were considered in terms of their technical suitability to provide the required level of service, effect on visual amenity, Development Plan designations, topography, natural screening and operational consideration, i.e. vehicular access, power supply, security.
- Alternative sites considered were Hanson Ready Mix, Newent Windows and an existing mast at the Larruperz Community Centre. The first two sites were discounted as the site providers were unwilling to accommodate the development, with regards the third option, in order to share the mast it would be necessary to increase it to 20 metres in height and it was considered that this would be more visually intrusive than the proposal.
- No suitable sites for H3G to utilise that would be a less intrusive option or would give the levels of radio frequency coverage in the area to meet the H3G licence requirements.
- Application has been carefully formulated in light of Development Plan policies, national policy guidance and established good land use planning practice.

- Any site within the industrial context of the Broadmeadows Industrial Estate is encompassed within the floodplain so would face the same 'in principle' objection from the Environment Agency.
- Only areas that are not in the floodplain and not within the designated AONB or Conservation Area would be to the north of the site, which would be more prominent and closer to residential properties. Selecting a site to the north of that proposed would have serious implications for radio coverage and could leave gaps in coverage to the south, any coverage gaps would ultimately need to be filled by another mast to the south.
- Selected site is most appropriate for Hutchinson 3G to meet their licence requirements and there are no more appropriate sites for telecommunications development which are within the cell area and outside of the floodplain. As such the Environment Agency comments in paragraph 2 should apply.
- The electrical equipment would not need to be raised because due to its height as proposed it would not be damaged by flooding. If however the Environment Agency considers that the plinth needs to be raised this could be conditioned.

5.3 Twenty five letters of representation have been received from 1, 4, 5, 6, 7, 8, 9, 11, 13, 14 and 16 Brookmead, 1, 5, 7, 8, 9 and 10 Rudhall Meadow, Brookfield House, The Plough Inn, 7, 9 and 23 Overross Street, Cedar Cottage and Springbank Brookfield Road and 3 Green Court, Wilton. The main points raised are:

- Health risks would have harmful impact upon business (The Plough Inn beer garden) and residential properties
- Well known and strong evidence that radiation emitted from masts is a serious health hazard
- Lack of evidence to disprove concerns regarding health hazard
- Siting of mast in close proximity to a residential area, including properties occupied by families with children, would result in anxiety. Better to be safe than sorry and there is enough evidence to justify installing away from residential properties
- Council should be aware of vicarious liability issues
- Is it in the public interest to encourage increased use of mobile phone, which cause nuisance in public places?
- Proposal will devalue properties
- No planning permission for compounds, how can an application for a mast therefore be made on the site?
- For 9 months the use of the security compounds has been deeply disturbing
- Site is unsightly enough already, with buses, lorries, palletts etc
- Believe site is in Area of Outstanding Natural Beauty
- Mast would be an eyesore in local vicinity and wider area, clearly seen from town centre, supermarket and approach into Ross-on-Wye
- Ross-on-Wye is promoted for tourism, it would be ludicrous to even consider a mast virtually in the middle of the town's shopping area/heart of ancient market town
- Mast would spoil views from properties and would dominate the landscape
- Proposal is of no benefit to residents of this part of Ross-on-Wye
- Suggest a site visit for Committee Members can see the proximity to residential properties for themselves
- Mast would detract from attractive tree screen
- Need to keep up with modern technology, but proposed site is not appropriate
- Other sites should be used for the mast, such as open farmland, industrial areas, the MOD shooting range at Hildersley or Penyard Woods.

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. Officers Appraisal

- 6.1 The main considerations in the determination of this application for prior approval are the siting and appearance of the mast, together with associated material planning considerations including health risks and flooding.
- 6.2 As set out in PPG8 – Telecommunications, the government’s policy is to facilitate the growth of new and existing telecommunications systems, whilst keeping the environmental impact to a minimum. Moreover policy C41 of the Local Plan supports the long term economic, social and environmental benefits of developing telecommunications and states that proposals for its development will be considered in the context of current government advice. Policy C42 sets out the criteria to guide telecommunications development. In particular the specific requirements of the development including its location, the siting and external appearance of the apparatus, the availability of alternative sites and the dual use of existing installations where possible should be taking into account. Proposals, which would have a detrimental impact on the Wye Valley Area of Outstanding Natural Beauty, Conservation Areas, Listed Buildings, sites of Scheduled Ancient Monuments and other designated sites, will be resisted. The site does not lie within any area of special landscape, ecological, geological or nature conservation designation.
- 6.3 The site is within an area used for industrial purposes, but in relatively close proximity to a residential area. The compound would be clearly read in conjunction with the industrial development and due to its minimal size and height (1.8 metres) and the existence of soft landscaping to the north of the site it would not be unduly prominent in its immediate context or the wider surrounding area. The proposed mast would be 15 metres in height and a slender monopole design. The three transmission dishes would be at a maximum of 13 metres in height. Whilst the land to the south of the site is predominantly open the land to the north and northwest comprises close knit, mainly two storey buildings. By virtue of the existing density and scale of development in the area views of the mast would be limited. On this basis and taking into account the natural topography of the area and the height and design of the mast it is considered that it would not be prominent in the wider landscape nor loom above surrounding buildings. It is recognised that the mast could be seen from some neighbouring properties, however the fact that it can be seen does not mean that it would be prominent or have an overbearing impact.
- 6.4 PPG 8 and policy C42 of the Local Plan encourage the dual or multiple use of masts. It is proposed to erect a monopole 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.
- 6.5 It is considered that the applicant has carefully and adequately assessed other potential sites for the mast, however within the cell area there were limited sites available. The Larruperz Community Centre site would have enabled mast sharing, in line with the government’s preference. However the increase in height of the mast, which is of a lattice design, to provide the required distance separation between the existing and proposed equipment would have resulted in a mast of 20 metres, which

would be unduly prominent in the wider area and the Wye Valley Area of Outstanding Natural Beauty.

- 6.6 Many of the objections to the application specify health risks as a major concern. It has been established, through caselaw, 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 and applications for prior approval. The boundary of the curtilage of the nearest property would be 31 metres from the site, whilst the southeastern part of The Plough Inn's beer garden would be 10 metres from the site, albeit separated by the brook and existing vegetation.
- 6.7 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...'*. The cautionary approach recommended is limited to specific recommendations in the report. With regards emissions from mobile 'phone base stations they must meet the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure.
- 6.8 A certificate of compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) was submitted with the application. 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 and government advice it is considered that the health risks raised are not sufficient to outweigh technical evidence and government advice. With regards the perception of health risks, whilst the mast could be seen from some neighbouring properties, it would be partially screened by existing trees and read against the industrial development beyond. Furthermore the limited height and slender design of the mast would further reduce its prominence. Therefore it is considered that simply having limited views of the mast, in this context, would not give rise to a significant or justified heightened sensitivity about health risks.
- 6.9 The objections state that if the mast is erected it would reduce local house values. PPG 1 notes that it is not for the planning system to protect private interests of one person against the activities of another. Furthermore no evidence has been submitted to support this view.

- 6.10 The site lies within land identified as within the historic floodplain of the Rudhall Brook and the indicative floodplain which shows a 1% annual probability of flooding. In accordance with PPG25 and C44 of the Local Plan, development is discouraged within the floodplain wherever possible. Of particular concern is the impact of the proposal on flood storage and flood flow conveyance. The compound is presently surfaced with gravel and has a number of vehicles and a tank stored within. The proposal would also have a gravelled surface, with two plinths, one for the mast and the other for the cabinet. The Environment Agency issued a request for deferral pending the receipt of additional information in respect of whether the sequential test for identifying the site took into account the flood plain, as required by PPG25 and details of the existing site layout. On receipt of further information from the applicants the Environment Agency has advised that their objection is maintained. The Environment Agency considers that an exhaustive sequential test in respect of flooding has not been undertaken in line with PPG25. The Environment Agency consultation response then states if the Local Planning Authority considers that an exhaustive sequential test for alternative sites out of the flood plain has taken place without success then subject to conditions in respect of the height of electrical equipment they would not object. It is considered that it has not been demonstrated that an exhaustive sequential search has been carried out in respect of alternative sites outside of zone 3 of the Indicative floodplain. Whilst other possible alternative sites that would be outside of the floodplain and within the cell area would be likely to be within the Conservation Area, Area of Outstanding Natural Beauty or nearer to residential properties it is considered that not all sites within the Area of Outstanding Natural Beauty, within the urban context, would automatically be unacceptable in visual amenity terms. The Local Planning Authority does not actively encourage proposals for masts within the Area of Outstanding Natural Beauty, however it is opined that each site should be considered on its own merits, in relation to landscape impact and the existing character and appearance of the area. For example there may be alternative sites, within the cell area to the southeast of the application sites that could be acceptable in respect of its visual impact and would fall outside of the floodplain. With the exception of the existing mast at the Larrupers Community Centre the applicants have submitted no evidence that they have considered any specific sites that are outside of the floodplain. It is considered that on the basis of the information provided it cannot be held that an exhaustive sequential test has been undertaken.
- 6.11 In conclusion it is considered that the mast would not have a harmful impact upon the landscape, visual amenity or the health of local residents. Until it has been demonstrated that an exhaustive sequential test has been carried out in respect of flooding, in accordance with PPG25, it is considered that the siting of the mast is unacceptable.

RECOMMENDATION

That prior approval is required and be refused for the following reason:

In the absence of evidence of an exhaustive sequential test in relation to the suitability of alternative sites outside of the Indicative Floodplain, the Local Planning Authority is not satisfied that the proposed siting of the mast is acceptable in respect of the impact on the floodplain. The proposal is therefore contrary to policy C44 of the South Herefordshire District Local Plan and the principles of PPG25 - Development and Flood Risk.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.