

8 DCSE2004/2716/T - TELECOMMUNICATIONS DEVELOPMENT COMPRISING 15M HIGH MONOPOLE, INCORPORATING 3 NO. ANTENNAE, 1 NO. 30CM TRANSMISSION DISH, 2 NO. 60CM TRANSMISSION DISHES AND ASSOCIATED CABINET EQUIPMENT AND COMPOUND SECURITY AT COMPOUND 2, BROAD MEADOWS INDUSTRIAL ESTATE, STATION APPROACH, ROSS-ON-WYE, HEREFORDSHIRE

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

**Date Received: 10th August, 2004 Ward: Ross-on-Wye East Grid Ref: 60273, 24520
Expiry Date: 4th October, 2004**

Local Members: Councillor Mrs A.E. Gray and Councillor Mrs C.J. Davis

1. Site Description and Proposal

- 1.1 The site lies within Ross-on-Wye, and in the northwestern part of the Broadmeadows Industrial Estate. The Rudhall Brook lies to the northwest, between the site and the properties fronting Overross Street. The Plough Inn and the Renault garage are directly on the opposite side of the brook to the site. There are also residential properties to the north and northwest and these include two housing estates, Brookmead and Rudhall Meadow. 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. This is one of a number of similar compounds at this location. 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 of monopole design and incorporating 3 antenna, 3 dishes (1 of 30 centimetre diameter and 2 of 60 centimetre diameters). In addition there would be an equipment cabin which would be mounted on a platform 1.2 metres above ground. The associated ground equipment would be contained within the existing compound and its existing boundary chain link 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 4th October, 2004. If after the expiration of this 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 – Revised Deposit Draft

Part 1	
Policy S2	Sustainable Development

Part 2	
Policy DR7	Flood risk
Policy CF3	Telecommunications

3. Planning History

- 3.1 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. - Refusal of Prior Approval 16.04.04

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency request a deferral pending the receipt of additional information

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection.
4.3 Head of Environmental Health has no adverse comments.

5. Representations

- 5.1 Ross-on-Wye Town Council's views are awaited.
- 5.2 In a supporting letter the agent states that the previous reason for refusal has been addressed and included with the application is a flood risk assessment and the required ICNIRP Certificate.
- 5.3 Letters of objection have been received from 1, 4, 5, 6, 8, 9 and 16 Brookmead and 7, 9 and 10 Rudhall Meadows. The points raised are:
- What has changed since April?
 - The mast will be visible from residential property and will be an eyesore
 - Why has a site near housing been chosen
 - There will be a risk of damage to health
 - The value and saleability of property will be affected
 - It is as close to as many children as it would be if sited close to a school
 - It will be visible from the town and have an unacceptable visual impact
 - It will be on a flood plain
 - There will be noise disturbance
 - Other sites would be less harmful

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 This application is almost identical to a proposal that was submitted in April 2004. That application was refused prior approval on 16th April 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.”**
- 6.2 This application is submitted on the basis that the reason for refusal has been overcome. The reason for refusal was solely with regard to flooding. Notwithstanding that the refusal was on one issue 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.
- 6.3 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. 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. This policy approach is repeated in UDP Policy CF3.

- 6.4 The site is within an area used for industrial purposes, but in relatively close proximity to a residential area. The compound, for which the existing boundary fencing will remain, clearly reads visually in conjunction with the industrial development and due to the 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.
- 6.5 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.
- 6.6 The applicant has assessed other potential sites for the mast, however within the search (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 an increase in height of the mast to 20 metres, which would be unduly prominent in the wider area and the Wye Valley Area of Outstanding Natural Beauty.
- 6.7 Many of the objections to the application specify health risks as a major concern. It has been established that both health risks and the perception of health risks can be material planning considerations. 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.
- 6.8 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, whose report was published in May 2000. With regard 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.

- 6.9 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.
- 6.10 The issue of noise generated by the development has been raised. This has been investigated further and details of noise levels submitted. The Head of Environmental Health advises that the noise generated should not cause a problem at the nearby properties.
- 6.11 The objections state that if the mast is erected it would reduce local house values and saleability. 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.
- 6.12 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. The mast would be sited at ground level with the equipment cabin raised above ground by 1.2 metres. For the previous application the Environment Agency requested additional information in respect of whether the sequential test for identifying the site took into account the flood plain, as required by PPG25. The applicants have submitted a Flood Risk Assessment but the Environment Agency have requested deferral as they seek further information.
- 6.13 If a decision is not made on this application by 4th October 2004 the development is authorized by default. The applicants have been advised of the response of the Environment Agency and are seeking to provide the information required.
- 6.14 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. With respect to flooding it is anticipated that the issue will be resolved by the meeting

RECOMMENDATION

A verbal report will be made

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.