**Item:** **12**

**Reference:** **11/00794/GDOT**

**Applicant:** **Vodaphone UK Ltd And Telefonica UK Ltd**

**Location:** **Rugby Road Burbage**

**Proposal:** **PRIOR NOTIFICATION OF PROPOSED DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS FOR TELECOMMUNICATIONS INSTALLATION**

**Target Date:** **27 November 2011**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a proposed development involving telecommunications.

Application Proposal

This is a prior approval application for the erection of a telecommunications installation opposite 322 and 324 Rugby Road, Burbage. The installation comprises a 15 metre high cornerstone pole dual user telegraph pole with associated equipment cabinet measuring 1.8m by 0.7m and 1.6m high.

The application is made under Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Oder 1995, as amended by the Town and Country Planning (General Permitted Development (Amendment) (England) Order 2001 and in accordance with the Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003. There is a statutory period of 56 days in which to determine the application, otherwise the applicant has the right to carry out the development. When dealing with these notifications the Local Planning Authority can consider the siting and appearance of the installation but not the principle of the development or any other related issues as this has already been agreed by national legislation.

The Site and Surrounding Area

The site comprises a grassed strip of land where the service road and main Rugby Road run parallel, within the settlement boundary of Burbage. This part of Rugby Road is straight and has a gentle slope down towards Hinckley; it is a main route into Burbage and Hinckley from the A5 and M69. There are a number of semi-mature trees on the grassed verge which the applicant has surveyed at being between 8m and 10m high. Residential properties flank the road; on the east side set back behind lawns and driveways and to the west behind a dense screen of mature trees.

Technical documents submitted with the application

The application has been submitted with a range of supporting information. This includes details of existing and proposed coverage areas; technical information

including, description of the site, description of the mast and equipment housing, reason why the site is required; and a list of five discounted alternative sites which are:-

a) Sketchley Lane/Rugby Road, roundabout
b) Rugby Road (between lampposts 52 and 53)
c) Rugby Road, west end of Cowper Road
d) Former industrial units of Rugby Road
e) Sketchley House Hotel.

Information submitted on behalf of the applicant confirms that all Vodafone and Telefonia O2 UK installations are designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Certificates of ICNIRP compliance have been included with the submission.

**History:-**

| | | | |
|---|---|---|---|
| 11/00095/GDOT | Prior notification of proposed development by Telecommunications code systems operators for telecommunications installation | Refused | 31.03.11 |

The above application was refused for the following reasons:-

a) The proposal would, by reason of its height, insufficient screening and poor design, result in the proposed installation being unacceptably prominent within the streetscene and, on the skyline resulting in an unsatisfactory visual impact, detrimental to the character and appearance of the area and neighbours amenity, contrary to the requirements of policy BE1 of the adopted Hinckley and Bosworth Local Plan.

b) Due to the lack of detail relating alternative sites and site sharing options, the applicant has failed to adequately demonstrate that he has undertaken a satisfactory investigation of other sites, which may be technically suitable and would have less impact on the surrounding area and streetscene, in accordance with the Code of Best Practice on Mobile Phone Network Development 2002.

The following relate to other locations on Rugby Road

| | | | |
|---|---|---|---|
| 05/00489/GDOT | Erection of telecommunications Mast | Refused | 17.06.05 |
| 04/01253/GDOT | (Land Adj. Cowper Road and Rugby Road Erection of Telecommunications Monopole) | Withdrawn | 09.11.04 |




© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA00018489 Published 2006

**Consultations:-**

No objection has been received from:-

Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage).

Burbage Parish Council has objected on the following grounds:-

a) siting of the mast would have a significant adverse impact on the streetscene
b) siting of the mast would be detrimental to the visual amenities enjoyed by the occupiers of nearby properties. The mast would be seen as a prominent and intrusive feature, which would fail to integrate with its surroundings
c) applicant has not demonstrated to the Parish Council's satisfaction that mast sharing has been fully investigated
d) applicant should demonstrate that a more suitable alternative site has been investigated
e) parish council recommends that the applicant investigates a more suitable alternative site away from residential properties
f) more information is needed in regard to the potential risk to the trees.

Site notice displayed and neighbours notified.

Nine letters of objection have been received raising the following concerns:-

a) plans are inaccurate as they show different lamp post and speed limits shown are inaccurate

b) changing the mast design makes no difference. The impact remains detrimental on streetscene
c) no evidence that alternative locations have been considered
d) the application is incomplete- does not show diameter of the proposed mast
e) there is no demand for the service within the target area
f) the applicant has failed to notify the local school
g) height of the mast is overbearing and visually prominent
h) cabinet would crowd a prominent open space
i) failed to consider other sites i.e. on Sketchley Meadows Industrial Estate
j) detrimental impact on health especially given proximity to local school and location within residential area
k) eyesore for local residents
l) contrary to the principles laid out in the Burbage Village Design statement.
m) no evidence of potential demand
n) unnecessary visual distraction for traffic
o) no information has been provided on the impact on the trees
p) detrimental impact on property value
q) detrimental effect on the root system of nearby established trees
r) no local consultation has been undertaken.

The consultation period remains open at the time of writing and closes on 7 November 2011. Any further consultation response received before the closing date will be reported and appraised as a late item.

At the time of writing the report comments have not been received from The Police Architectural Liaison Officer.

**Policy:-**

Central Government Guidance

Planning Policy Guidance Note 8- 'Telecommunications' states that it is the Governments aim to facilitate the growth of existing telecommunications systems whilst keeping the environmental impact to a minimum. This document gives guidance on how this can be achieved through the planning system.

Local Policy

Local Development Framework Core Strategy 2009

No relevant.

Hinckley and Bosworth Local Plan 2001

The site is within the Burbage settlement boundary as defined in the Hinckley and Bosworth Local Plan.

Policy BE1 considered the siting of development with regard to the character and features of the area and amenities of local residents.
Supplementary Planning Documents

Burbage Village Design Statement- defines the different characteristics of Burbage and provides guidance for new development. The statement describes the Rugby Road area as one of the main arteries into Burbage and Hinckley and is extremely busy It describes the part of Rugby Road close to the proposal as follows 'Further in

towards Brookside traffic lights, there are mature trees and hedges to the executive properties on the left hand side with a narrow pavement. All have large front and rear gardens. On the right hand side is a large grassed verge with maturing trees planted at regular intervals and access to the service road running parallel to Rugby Road to a small number of 1970s detached bungalows and houses'. Guidance Note 3 the Street Scene (3.13) states that 'Wherever possible, an improvement in the quality and a reduction in the quantity of the street furniture e.g. telecommunications terminal boxes, is encouraged throughout the village.'

Other Material Planning Guidance

Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (England) Order 2001 (GPDO)

Code of Best Practice on Mobile Phone Network Development 2002 gives guidance to both Local Authorities and Code Systems Operators.

Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003.

**Appraisal:-**

The main considerations with regards to this application area whether it meets the criteria contained within Part 24 of the GPDO, and whether the proposal is acceptable in terms of appearance and siting.

Criteria

Ground based apparatus such as a mast up to 15 metres in height above ground level (excluding any antenna) is dealt with by A.1. (a) Part 24, Schedule 2 of the GPDO. The legislation states that the radio equipment housing and ancillary works may be installed provided that it is ancillary to the telecommunications installation, not within a conservation area and the volume does not exceed 90 cubic metres (A.1.(l) ii of Part 24 of the Order)

In this case the proposal consists of a 15 metre high telegraph pole with the antennas contained within the shroud. The equipment housing cabinet would have a volume of 2.3 cubic metres and it is therefore considered that both the proposed monopole and equipment cabinet meet the criteria within Part 24.

As the application complies with the GPDO the Local Planning Authority is restricted to expressing opinion on matters of siting and appearance only.

Appearance

The matters to consider concerning the appearance of the mast and ancillary equipment include materials, colour and design. An application for a 10.3 metre high galvanised steel monopole with antennas resulting in a maximum height of 14.8 metres with an associated equipment cabin was refused in March. The first reason for refusal found the proposal unacceptable in terms of the height, insufficient screening and design resulting in unacceptable prominent scheme within the streetscene. The design of the proposal has been amended to look like a telegraph pole, with the antennas enclosed within the diameter of the pole.

It is considered that the proposed changes have resulted in a less utilitarian and functional appearance designed to integrate more into the streetscene.

Siting

The location of the proposal has not been revised under this application. The site is located to the south western edge of a strip of grass which is located between the service road and the main Rugby Road. Rugby Road is a main route into Hinckley and is therefore a busy thoroughfare. The area at this point is predominantly residential, with the dwellings typically having ridge heights of 7 metres. These are set back from the highway with the result that this section of the Rugby Road has an open feel. The strip of grass contains a line of semi-mature trees that would provide some screening particularly during the summer months. However this is only partial and there would be a clear view of the mast from neighbouring properties, and several points along the Rugby Road.

It is considered that whilst the design and appearance has been amended to assimilate the monopole into the streetscene the proposal due to its height and siting would still result in an incongruous feature within the streetscene.

Consideration of other sites

The second reason for refusal on application 11/00095/GDOT refused the scheme on the basis that the applicant has failed to demonstrate that alternative sites have been satisfactorily investigated. The applicant has included a list of five alternative sites they have considered each having a brief sentence explaining the reason why the site was discounted. The list expands the sites considered and discounted under the previous application by two, these being the site at Former Industrial Units off Rugby Road, and Sketchley House Hotel discounted for being at a lower ground level than target area and too far from target area respectively. No further information is provided to clarify why the previous sites were discounted to address this reason for refusal.

The applicant has confirmed that the small search areas are to provide a robust level of coverage not only for existing technologies but also looking towards the future and the fourth generation which will be introduced over the next few years. These technologies operate at higher frequencies and the higher the frequency the shorter the reach of the signals.

The Code of Best Practice on mobile Phone Network Development (the code) was jointly developed by representatives of Central and National Government and seeks to provide clear guidance and advice on the delivery of significantly better and more effective communication. Paragraph 27 of the code states that all potential sites within a search area have been considered 'The operator should produce a report detailing all viable site options with recommendations on the relative merits of each'…This should include a rating of each of these sites in line with the operators 'Traffic Light Model for Public Consultation'.

Whilst the traffic light model guides the scale of public consultation undertaken prior to an application being submitted, it provides a useful guide on the sensitivity of the location.

The applicant has considered 5 sites in total however the information submitted does not contain information on the relative merits of each nor any rating in line with the

Traffic light model. This information has been requested and will be reported to committee as a late item.

Health

Local residents have raised concerns regarding health matters. PPG8 refers to this issue and states that 'health consideration and public concern can in principle be a material consideration in determining applications for planning permission and prior approval. 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'. 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.

The applicant has confirmed the development is in full compliance with the requirements of the radio frequency public exposure guidelines for public exposure guidelines of ICNIRP (The International Commission on Non-Ionising Radiation Protection).

Whilst it has to be accepted that the health considerations are a material consideration, the proposal, as shown by the ICNIRP compliance certificate submitted with the application meets the required guidelines for public exposure and should not need to be considered further unless special justification had been made in an exceptional case.

Following the Independent Expert group on Mobile Phones (Stewart Report) published in April 2000, which advocated a precautionary approach to mobile phone masts an independent Advisory Group on non-ionising Radiation (AGNIR) reported on 15th January 2004 and concluded that "There is no biological evidence for mutation or tumour causation by RF exposure and epidemiological studies overall do not support any associations between exposures to RF and the risk of cancer, in particular from mobile phone use". Most recently, the independent Mobile Telecommunications and Health Research Programme (MTHR), established in 2001 following the Stewart Report, published a report in 2007 describing research undertaken as part of its programme into widespread use of mobile phone technology.

The weight of evidence now available does not suggest that there are health effects from exposure to RF fields below guideline levels, but the published research on RF exposure and health has limitations, and mobile phones have only been in widespread use for a relatively short time. The possibility therefore remains open that there could be health effects from exposure to RF fields below guideline levels; hence continued research is needed".

Members will need to consider carefully the weight given to public concerns on the health issues. However, bearing in mind the recent emergent case law the planning system is not considered to be the appropriate forum for determining health safeguards.

Other issues

Objections have been received referring to the proposal causing a distraction and resulting in a hazard to users of the highway. No objection has been received by the

Director of Environment and Transport (Highways) and it is not considered that an additional pole and equipment cabin would distract drivers to the extent that the proposal would result in a danger to users of the highway.

Conclusion

Whilst the design and appearance of the mast has been altered in an attempt to assimilate the mast and antenna into the streetscene, it is still considered that this change does not overcome the reasons for refusal on the previous application. It is still considered that the siting and height of the mast would result in a prominent location within the streetscene within a predominantly residential area contrary to the objectives of adopted Policy BE1.

Although further alternative sites have been considered the depth of information submitted is not considered sufficient to overcome the previous reasons for refusal.

**RECOMMENDATION:- REFUSE, for the following reasons:-**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

**Reasons:-**

1 The proposal would, by reason of its height, insufficient screening and poor design result in the proposed installation being unacceptably prominent within the streetscene and on the skyline resulting in an unacceptable visual impact, detrimental to the character and appearance of the area and neighbours amenity, contrary to the requirements of Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

2 Due to the lack of detail regarding alternative sites and site sharing options, the applicant has failed to adequately demonstrate that he has undertaken a satisfactory investigation of other sites, which may be technically suitable and would have less impact on the surrounding area and streetscene, in accordance with the Code of Best Practice on Mobile Phone Network Development 2002.

**Contact Officer:-** Sarah Fryer Ext 5682