

Application Recommended for Delegation
Briercliffe Ward

NOT/2012/0105

Prior Approval - Telecommunications

Installation of a 15m high wooden telecommunication monopole supporting 6no. antennas for use by O2 and Vodafone networks, together with one outdoor equipment cabinet

Lanehead Services Reservoir Briercliffe Road Briercliffe

Background:

It is proposed to erect a 15 metre high wooden telecommunications monopole with 6 antennas and one outdoor equipment cabinet, within the site area of Lanehead Reservoir, to the rear of Nos 324 and 326 Briercliffe Road (the Colonel Slater Homes).

A previous application to site a telecommunications mast here was refused by Committee in August 2011. The operators have amended their proposal by reducing the mast in height by 0.8 metres and proposing a slimline wooden pole in place of the previously proposed galvanised steel pole. The size of the antenna headframe has also been reduced slightly but the applicant has agreed to investigate whether it can be further reduced. They have also agreed to produce a photomontage of the mast illustrating the impact on the setting of the Colonel Slater Homes which are locally listed buildings, which should be available to your meeting.

Approx position of mast looking from the reservoir



View from reservoir site looking towards rear of houses

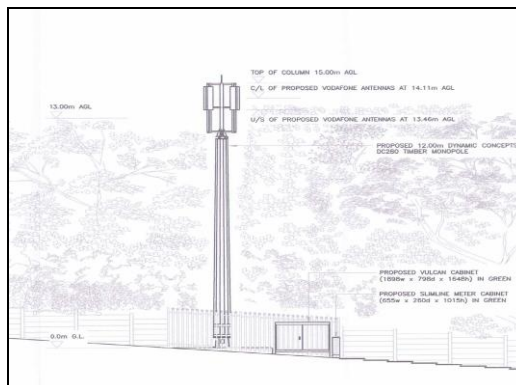
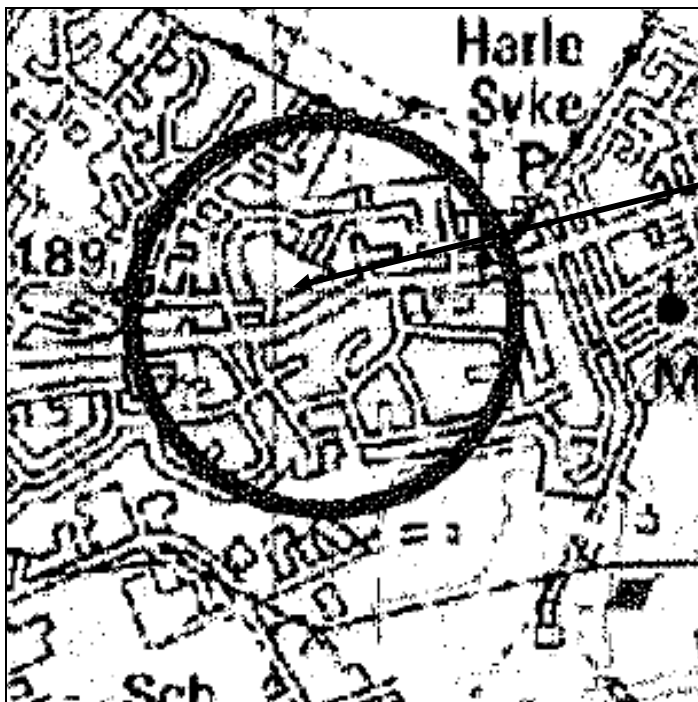


Illustration of proposed timber monopole

Planning permission has already been granted for the principle of a 15 metre mast in this area by virtue of the Town and Country Planning General Permitted Development Order and the applicant is entitled to have a mast to cover the identified target area. The Council have the opportunity to consider only the siting and appearance of the proposal. If a suitable alternative siting or a better designed mast are not available, permission must be granted. A decision must be received by the applicant before 6 May 2012, otherwise permission is automatically granted.

The equipment is to be shared by two operators and is required to provide coverage for the O2 and Vodafone telecommunications network in the Lanehead area. O2 and Vodafone are licenced Public Telecommunications Code Systems Operators with a legal obligation to provide an effective mobile phone network.

Both operators have identified a need for additional equipment to fill a gap in telecommunications coverage in the target area. At present the 3G coverage for the O2 and Vodafone networks in the area is only sufficient to provide outdoor and in car coverage.



Approx. location of mast

Target Coverage Area

They have identified a range of alternative options within their search area, as set out below, but wish to progress the current proposal on the basis that they have discounted the other options for the reasons as set out and have concluded that this is the best available option.

Street Works, Briercliffe Road: A possible streetworks has been considered adjacent to the bus stop on the opposite side of Briercliffe Road to St James School. This site has been discounted, because of the sensitivity of the site near to the school and its prominent location close to houses compared to the preferred option.

Briercliffe Road Medical Centre: A possible rooftop installation has been considered, but the structure of the building is not suitable for a flagpole style design. Additionally the NHS Primary Care Trust are not interested in hosting an installation.

Hillingdon Arms Public House: A possible installation has been considered in the grounds of the pub but the site provider is not interested in hosting an installation. The sale of the property means that they are not in a position to enter into a legal agreement and therefore the site is unavailable.

Streetworks, Islington Close: A streetworks option has been considered outside the Public House, but discounted on the grounds that it would be very exposed to the surrounding area with no established screening. The proposal would have a negative impact on the character of the area. The site has therefore been discounted in favour of the preferred option.

Other Options: There are no other known better sites which would serve the target area. Other streetworks options along Briercliffe Road would not be appropriate because of the lack of pavement width and prominence in front of residential properties. There are no other sites within the reservoir site itself which would have a lesser impact on residents. Heasandford Industrial Estate is at a much lower level and outside the search area.

Objections to the application have been received.

Summary of Reason for Recommendation:

The proposal represents the best siting option available and, providing the design of the mast is the best option, the development would be in accordance with the Development Plan, in particular the policies listed below, and there would be no other material considerations to indicate that Prior Approval should not be granted.

Site History

APP/2011/0343 – Installation of a 15.8m high telecommunication monopole supporting 6no. antennas for use by O2 and Vodafone network, together with one outdoor equipment cabinet – planning permission refused on the basis of the design, overbearing impact on nearby dwellings and impact on the setting of the Colonel Slater Homes.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

GP3 - Design and Quality

E15 – Locally Important Buildings, Features and Artefacts

E23 - Telecommunications

National Planning Policy Framework 2012: Advanced, high quality communications infrastructure is essential for sustainable economic growth.....Local Planning Authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the

telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

Consultation Responses:

1. Lancashire County Council (Highways) – the proposal has no highway implications and no objections are raised on highway grounds.
2. Three responses have been received from nearby residents expressing concern in respect of the proposal on the following grounds:
 - Impact on health - commenting that it is in the middle of a housing estate, close to schools and a medical centre, in an area densely populated with young families.
 - The mast will affect outlook and create an eyesore.
 - *Issues of property values and loss of views have also been raised but these are not material considerations.*

Planning and Environmental Considerations:

Policy E23 of the emerging Burnley Local Plan allows for telecommunications development where there is no adverse impact on ecology; Listed Buildings or Conservation Areas; the character and appearance of the surrounding area; and residential amenity. Applicants are expected to demonstrate that a mast or site share can be accommodated where possible and that the proposal meets the ICNIRP guidelines for public exposure.

The operators O2 and Vodafone are proposing a mast share to avoid the need for two masts in the area. There are no other existing masts or sites within the search area which could accommodate the necessary equipment on a shared basis. An ICNIRP certificate has been submitted to confirm that the proposal meets the public exposure guidelines.

There are unlikely to be ecological implications, as the equipment will be positioned on managed land within the site area of the reservoir where the grass is mown; there are no Statutory Listed Buildings close by and the site is outside the Conservation Area.

The main issues are whether or not there is a more suitable site which will serve the target area and whether or not the proposal is acceptable in terms of impact on the character and appearance of the surrounding area and residential amenity, including concern about the health aspects relating to emissions from the equipment. These considerations must be balanced with the needs and benefits of the proposal to the telecommunications network.

Siting and Appearance of the Proposal

The site is within the managed area of the covered reservoir, an area of around 0.7 hectares. It is proposed to be sited on the southern boundary of the reservoir land, where there are large trees which the applicant estimates to be in the region of 13 metres. These would help to minimise the impact of the equipment from wider views.

The closest properties to the mast and the most affected would be Nos 320 to 330 Briercliffe Road (the Colonel Slater Homes), which are Locally Listed Buildings.

There will be some impact on the rear of these properties as the mast would be approximately 20 metres from the rear elevation of No. 326. There is screening from the trees along the southern boundary but the antenna frame would protrude over the height of the trees by approximately 2 metres and the tree cover would not be as effective during the winter months.



View from rear garden of 326 Briercliffe Road

The properties are apartments where the main habitable room windows are at the front with kitchen and bedroom windows at the rear. The mast will also have some impact on the rear communal garden areas.

The amendment to change the pole from a galvanised steel one to a wooden pole will help to reduce its impact. The applicant is investigating whether it is possible to reduce the antenna headframe to reduce the impact further.

There are other residential properties surrounding the reservoir where residents would have a view of the mast but it would not be sited directly in front of any of the houses so as to be intrusive from main windows.

The Reservoir site represents a good siting option for the mast. Other sites which would serve the required target area would be very likely to affect many more residents and be more visually intrusive.

Impact on the Locally Listed Buildings

The mast would be sited immediately to the rear of the Colonel Slater Homes, Briercliffe Road which are locally listed buildings.



The houses are set back from Briercliffe Road and there is significant screening along the frontage with the main road, it is unlikely that the mast will affect the wider setting of the buildings.

Within the site, part of the mast would be visible from the front of the properties. The design of the mast will be important in this location to ensure that it does not unacceptably affect the setting of the buildings.

A photomontage, to be submitted by the applicant before Committee, should assist in making this assessment.

Health Issues

The equipment would be sited close to residential property and the proposal has given rise to concern for residents, given the controversy and conflicting information which is widely publicised regarding the health effects of such developments. However, government advice is based on substantial independent expert opinion which indicates that exposure levels from living close to mobile phone masts are not likely to be dangerous. Public fears in relation to health concerns can be a material consideration to be taken into account and it is up to the Council what weight to place on these considerations. However, a Court of Appeal case (*First Secretary of State v T-Mobile & others 2004*) indicated that where an ICNIRP certificate has been submitted to support the application, it is only legitimate for a local planning authority to take into account public health fears in exceptional circumstances. Exceptional circumstances are not defined, but there are no circumstances here to indicate that special consideration should be given. An ICNIRP Certificate to support the application indicates that the equipment is in full compliance with public exposure guidelines.

Needs and Benefits of the development

Local authorities are encouraged to respond positively to telecommunications development in line with the guidance available. The government's policy is to facilitate the growth of telecommunication systems and to ensure that people have a choice and access to the latest technologies as they become available.

If the siting and design of the mast are found to be the best available options, permission should be granted for the proposal.

Human Rights

Article 8 of the Human Rights Act 1998 sets out the right to respect for private and family life and Article 1 of the First Protocol refers to the peaceful enjoyment of property. Neither of these rights are absolute rights. There are exceptions in the Articles which allow what would otherwise be infringements in defined circumstances. As regards Article 8, it is not an infringement where the action taken is for the economic well-being of the country or to protect the rights and freedoms of others.

Similarly there is no infringement of Article 1 of the First Protocol where this is in the general interest. Therefore, whilst there might potentially be some infringement of Human Rights, this would not be the case if, having regard to all the material considerations, the need for the telecommunications equipment is both for the economic well-being of the country and in the public interest

Recommendation:

That the Head of Housing and Development be delegated to grant Prior Approval for the proposal, provided it is demonstrated that the design of the equipment is the best possible solution and that the impact on the setting of the Locally Listed Buildings is minimised.