

Application Recommended for Delegation
Briercliffe Ward

NOT/2012/0133

Prior Approval - Telecommunications

Installation of 12m telecommunications mast with 3 antennas, a dish and ground based equipment cabinet

BRIERCLIFFE SOCIAL CLUB HOLGATE STREET BRIERCLIFFE

Background:

The application is for a 12 metres high telecommunications mast within the site of Briercliffe Social Club off Holgate Street Briercliffe.



View from Briercliffe Social Club car park

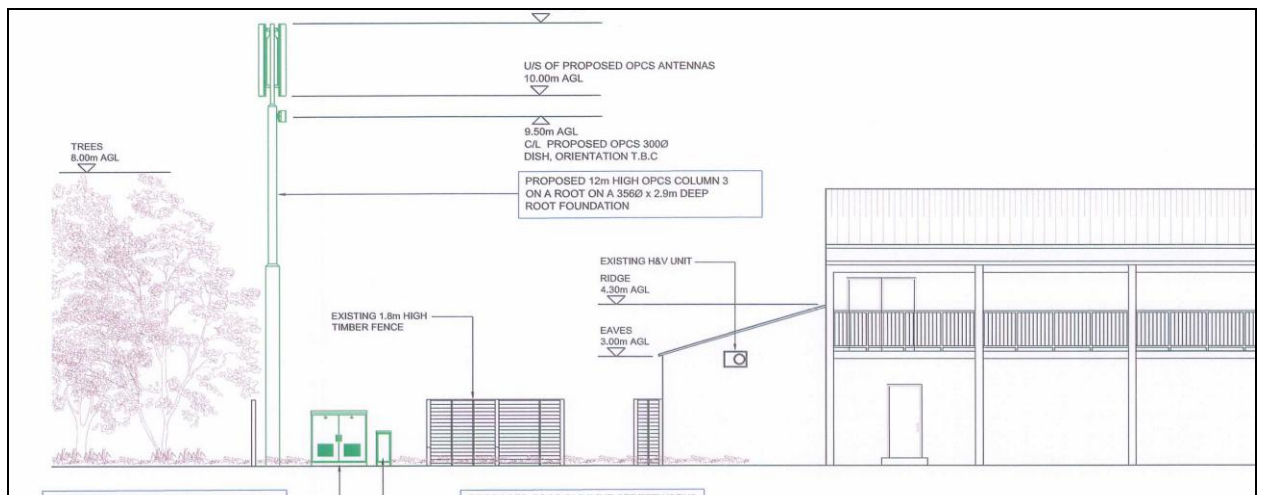
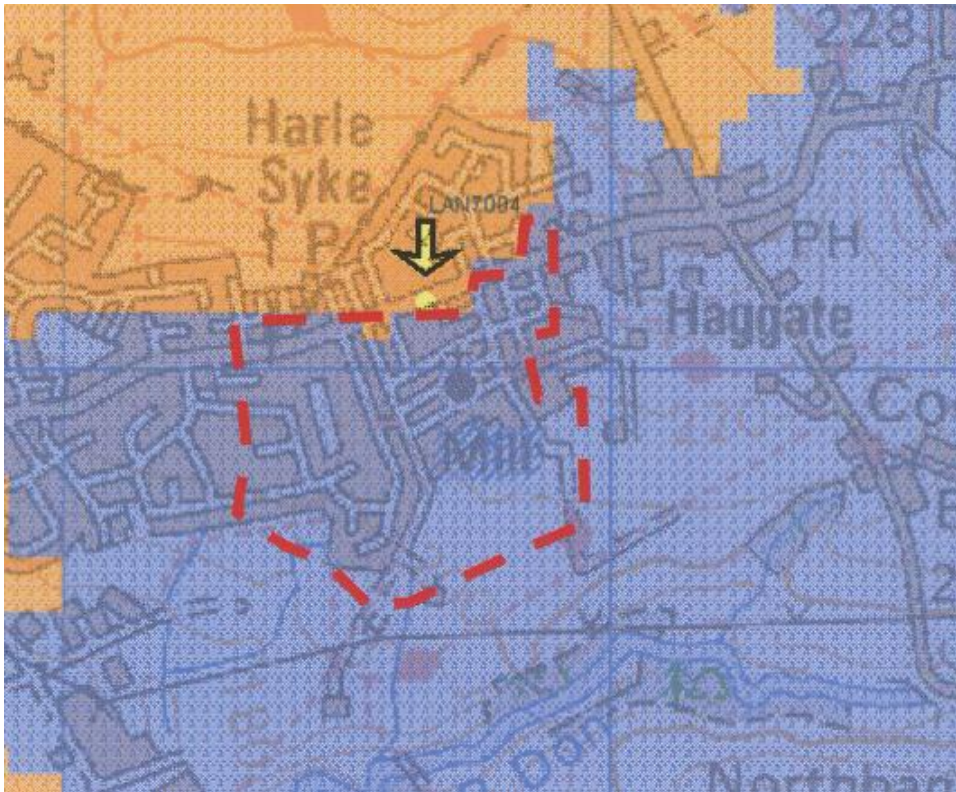


Illustration of proposed mast

Planning permission has already been granted for the principle of a mast of this height by virtue of the Town and Country Planning General Permitted Development Order and the applicant is entitled to have a mast to provide the required coverage. 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 20 May 2012, otherwise permission is automatically granted.

The equipment is to provide coverage for the Orange telecommunications network in the Briercliffe area, as part of Everything and Everywhere, which incorporates Orange and T-Mobile and is a licensed Public Telecommunications Code Systems Operators with a legal obligation to provide an effective mobile phone network.

A need for additional equipment to fill a gap in telecommunications coverage has arisen because the existing equipment which was until recently situated on Oxford Mill Briercliffe, had to be removed because the mill has fallen into disrepair and is not structurally safe to accommodate the equipment.



Reduction in coverage caused by the removal of the mast on Oxford Mill

Alternative options within the area, as set out below, have been identified and the applicant wishes to progress the current proposal on the basis the other options have been discounted and the proposed site is the best available option to provide the necessary coverage.

Oxford Mill Holgate Street: A rooftop installation is not possible here as the owners have informed the operator that the equipment must be removed as the building is in a state of disrepair.

Little Toms Farm Underley Street: A ground based mast was considered here but the owners did not accept the offer.

Streetworks, Burnley Road: A streetworks option has been considered but discounted. The reasons for this will be clarified before the date of Committee.

Other Options: The applicant has not identified other sites which would provide the necessary coverage. Further discussions on alternatives will take place with the applicant before the date of Committee.

No objections to the application have been received to date, but the consultation date does not expire until 25 April. The site is on the boundary with Pendle Borough Council who has been consulted.

Summary of Reason for Recommendation:

Providing 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.

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:

No responses have been received to date. The consultation period expires on 25 April and any responses received will be reported to Committee.

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.

There are no other existing masts or sites within the 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 sited within the car park area of the Club: 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 required coverage 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 at the southern end of the car parking area of the Social Club which has some shrub and tree cover to a height of approximately 8 metres.

The site has residential properties close by but will not be in direct main views from habitable room windows and in the main it is the gables of the nearby houses which face the proposed mast.

No. 4 May Tree Close faces the site and whilst a 12 metres high mast will be visible from the front windows, it will not be overly prominent having regard to the proposed height of the trees at 8 metres, the distance of approximately 45 metres from the windows to the mast at an angle of approximately 35 degrees.

The rear windows of No. 10 May Tree Close would be within 25 metres but the mast would only be viewed at an oblique angle and would not be obtrusive.



View from the side of No.4 May Tree Close looking towards the site.

The front windows of No. 25 Parker Street face the site, but the mast would be more than 20 metres away at an angle of approximately 40 degrees. Having regard to the distance, oblique angle and backdrop of trees and shrubs the mast should not be overly obtrusive for the property.

The site is quite a good siting option for the mast, but some clarification is required about other potential sites within the area. Also, consideration as to whether a 10 metre mast would be sufficient and whether there is the option to reduce the impact of the antennas, possibly by providing a street works option are being investigated. Results of the discussions with the applicant will be reported to the meeting.

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 by the applicant that the siting and design of the equipment is the best possible solution.