

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 04 MARCH 2005**

**05/0016/FL: PROPOSED ERECTION OF A 12.5 M FLEXICELL  
2 COLUMN WITH ASSOCIATED EQUIPMENT CABINETS  
AT AREA OF PAVEMENT, WESTERN ROAD, KILMARNOCK  
BY MMO2 LTD**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for the erection of an 12.5 metre high telecommunications column together with associated street-side cabinet measuring 1.5 metres in height and an electrical meter cabinet measuring 1.35 metres in height.

#### **2. RECOMMENDATION**

2.1 **It is recommended that the application be approved subject to the conditions on the attached sheet.**

#### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of this report, the application is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application. The consultation responses received have no adverse comments to make in relation to the application. The development is supported by government guidance NPPG 19 and PAN 62 which advocate that telecommunications apparatus must be undertaken in a manner that keep environmental impact to a minimum.

3.3 The proposed telecommunications equipment is of a similar height, design and size to the adjacent lampposts and as a result it is considered that the proposals will be appropriate to the streetscape. The proposed apparatus and

associated equipment would be sited so as to minimise their impact on the amenity of the surrounding area, and will be screened to the south as a result of the mature tree belt, which separates Western Road from Western Place.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of Council Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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### Report by Head of Planning, Development and Building Standards

#### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as agreed by the Head of Planning, Development and Building Standards in consultation with the Chair of the Local Planning Committee.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises an area of land adjacent to the landscaped area which separates Western Road from Western Place. To the north of the application site is the North West Kilmarnock Bowling Club and open space associated with the Onthank Housing Estate. To the south of the application site are mature trees and hedging and beyond that flatted dwellings on Western Place while to the west of the application site there is an area of landscaping with an electrical sub-station and dwelling houses to Knockinlaw Road. To the east of the application site is a pathway and open space situated between Arran Avenue and Castle Drive.

2.2 **Proposed Development:** Full planning consent is sought for the erection of an 12.5 metre high telecommunications column together with associated street-side cabinet measuring 1.5 metres in height and an electrical meter cabinet measuring 1.35 metres in height.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division, Transco and East Ayrshire Council's Environmental Health and Waste Management Division have no adverse comments to make regarding the proposed development.

***Noted. The Roads Division do, however, seek assurances that during any future maintenance procedures, no vehicles will park on Western Road or on the public footway verge. This can be addressed by a note to the applicant. No adverse comment from Environmental Health assumes that the installation is in accordance with National Radiological Protection Board Guidelines.***

3.2 Southcraigs/Dean Community Council have not responded to their consultation letter at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 There are no objectors to the proposed development.

#### **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

##### Adopted Ayrshire Joint Structure Plan

5.2 There are no policies within the Structure Plan relevant to the determination of this planning application.

##### Adopted East Ayrshire Local Plan

5.3 Policy CS2 of the Adopted EALP is relevant and sets out criteria against which applications for telecommunications developments should be assessed including their visual impact, the possibility of shared operational facilities and available alternative sites.

***It is considered that the proposed development will not have a detrimental impact on the visual amenity of the area as it is of a similar height and size to the adjacent lamp posts on Western Road. The mature tree belt immediately to the south of the application site will also help to screen the proposed development from Western Place. The applicant has also provided sufficient justification explaining why site-sharing and alternative locations were not feasible options in this case.***

5.4 Policy CS3 of the Adopted EALP is also relevant and refers to the need for telecommunications operators to take account of radiation emissions in their planning submissions and to be at least 100 metres from continually occupied premises in educational or residential use.

***It should be noted that the content of Policy CS3 has been superseded by the provisions of NPPG 19: Radio Telecommunications. Under Paragraph 53 of this guidance, which took effect after Policy CS3 had been agreed by the Council, the planning system, it is stated, should not be used to secure objectives that are more properly achieved under other legislation, including those referring specifically to the potential effects of radiation emissions on public health.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received that are addressed in Section 3 of this report, NPPG 19: Radio Telecommunications and PAN 62 Radio Telecommunications.

### Consultation Responses

6.2 It is not considered that any aspects of the consultation responses have raised any issues that would warrant the refusal of this application. The applicant has taken into account NPPG 19 and PAN 62 in terms of the siting and design of the equipment, whilst the applicant has also submitted the declaration of ICNIRP certification.

### National Planning Policy Guideline 19: Radio Telecommunications

6.3 NPPG 19 outlines Scottish Executive Policy on telecommunications development. With regard to new ground based masts the guideline states that the siting and design of ground based masts must have regard to the landscape or townscape and make use of existing features to minimise any adverse visual affects. Locating a mast within an existing group of trees can help integrate it into the landscape slim line monopoles appear as simple well proportioned installations and are often a good solution. More environmentally sensitive solutions can be achieved through greater use of smaller and less visually intrusive equipment with less conspicuous fittings. All the components of the proposed development should be considered together, and sited and designed to minimise visual impact. This should include the antennae, any supporting structure, equipment housing, cable runs, fencing, planting, landscaping, access power supply and land lines. Sensitive siting and design can play a part in allaying public concerns.

***The proposed telecommunication equipment is to be sited in a built-up area, adjacent to existing street lamp-posts and is screened to the south by existing mature trees and a mature hedge. It is not considered that it would lead to visual clutter or be detrimental to the visual amenity of the area.***

6.4 Paragraph 53 of the NPPG 19 states that the planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radio frequency (RF) radiation are controlled and regulated under the appropriate legislation by the DTI and the Radiocommunications Agency. The Health and Safety Executive also have responsibilities. With these mechanisms in place, the Scottish Executive concludes that it is not necessary for planning authorities to treat RF emissions as a material consideration.

***The NPPG confirms that this approach and policy will be applied in the determination of any appeals arising from the refusal of telecommunications apparatus on the basis of RF emissions.***

6.5 NPPG 19 requires that all applications for planning permission involving antennae must be accompanied by a declaration that the equipment is designed in compliance with the appropriate ICNIRP guidelines. The NPPG further states that reassurance should be drawn from the fact that the RF outputs from mobile phone base stations are set at the minimum levels commensurate with effective service provision. The technical conditions under which base stations operate are also specified in the operator's Wireless Telegraphy licence.

***Health concerns are thus safeguarded by means other than through the planning process.***

#### Planning Advice Note 62: Radio Telecommunications

6.6 PAN 62 offers advice on good practice when dealing with Radio Telecommunications development. It emphasises that development must be undertaken in a manner that keeps environmental impact to a minimum. It states that siting and design can reduce visual intrusion and help allay public concerns. Equipment housing can be painted to blend in with its background disguised as street furniture that complements the urban landscape. The contrast of ground based masts is likely to be minimised in locations that already contain engineered forms and structure.

***The proposed telecommunications column and associated equipment housing have been designed and sited to minimise its impact on the adjacent streetscape and thereby allay public concerns. The proposed street works pole is of a similar height and***

***design to the surrounding lamp posts on Western Road, whilst the existing mature tree belt and hedging to the south of the application site will assist in reducing its visual prominence and screen it from residential properties in Western Place.***

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in the determination of this application.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of this report, the application is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application. The consultation responses received have no adverse comments to make in relation to the application. The development is supported by government guidance NPPG 19 and PAN 62 which advocate that telecommunications apparatus must be undertaken in a manner that keep environmental impact to a minimum.

8.3 The proposed telecommunications equipment is of a similar height, design and size to the adjacent lampposts and as a result it is considered that the proposals will be appropriate to the streetscape. The proposed apparatus and associated equipment would be sited so as to minimise their impact on the amenity of the surrounding area, and will be screened to the south as a result of the mature tree belt which separates Western Road from Western Place.

## **9. RECOMMENDATION**

9.1 **It is recommended that the application be approved subject to the conditions on the attached sheet.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee as there would be no significant breach of Council Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

24 February 2005  
(BD/MMM)

**FV/DVM**

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Planning Advice Note PAN 62 – Radio Telecommunications.
7. National Planning Policy Guideline (NPPG) 19 – Radio Telecommunications.

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576770.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0016/FL

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Site of Proposal:	Area of Pavement Western Road KILMARNOCK KA3 1SD
Nature of Proposal:	Proposed Erection of a 12.5 metre Flexicell 2 Column with Associated Equipment Cabinets
Name & Address of Applicant:	MM02 Ltd Mason Street MOTHERWELL ML1 1YE
Name & Address of Agent:	Pentland Ltd. Canal Court 40 Craiglockhart Avenue EDINBURGH EH14 1LT

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DPOs Reference: BD/MMM

The above FULL application should be granted subject to the following conditions:-

1. The proposed development shall be carried out in accordance with the application form received on 06 January 2005 and the amended plans received by the Planning Authority on 03 February 2005.

REASON To ensure that development is carried out in accordance with the approved details.

2. In the event that equipment becomes obsolete or redundant it must be removed and the site reinstated to the satisfaction of the Planning Authority within 6 months of the date that the equipment became obsolete or redundant.

REASON To minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard.

3. No symbols, signs, logos, or other lettering shall be displayed on any part of the structure, antennae, equipment housing or fencing without the prior written approval of the Planning Authority, except small signage necessary for operational reasons.

REASON To minimise the level of visual intrusion and protect the quality and character of the site as far as practicable.

4. Notwithstanding the submitted plans hereby approved the streetworks pole, cabinets and associated equipment shall be painted in a colour to be agreed with the Planning Authority in writing prior to the commencement of development on-site and implemented as approved prior to the use of the equipment.

REASON In the interests of visual amenity.

NOTES:-

1. The applicant should make early contact with East Ayrshire Council's Roads and Transportation Division prior to the commencement of development on site to provide written confirmation to the Roads Division that any future maintenance procedures will not result in vehicles parking on Western Road or on the public footway verge.
2. The applicant should make early contact with Transco (0141 418 4093) as the development may affect Transco apparatus in the area.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**