

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 3 SEPTEMBER 2004**

**04/0393/FL: PROPOSED INSTALLATION OF 2 NO DIPOLE ANTENNAE AT  
6.8 TO 9.4M, 2 NO. 0.6 METRE DISHES AT 15.8M AND ONE CABIN  
AT NTL TRANSMITTING STATION, BORLAND BANK COTTAGE,  
GLASGOW ROAD, KILMARNOCK  
BY NTL**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 It is proposed to install on behalf of Airwave mm02 (formerly Public Safety Radio Communication Project); a boom at mid height on the tower below the existing lower headframe. This boom will extend 1m beyond the width of the tower and accommodate two dipole antennae. Two dishes are also proposed at the top of the highest main headframe. It is also proposed to erect a ground based equipment cabin to support the works. The proposal is to assist the police service in their coverage of the area for the purposes of the provision of emergency services.

1.2 A temporary arrangement of antennae is currently in operation to the north of the application site pending the determination of this application.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report, the application is considered to accord with the terms of the Development Plan. Consequently the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application.

3.2 The proposal is also considered to accord with the provisions of NPPG 19 and PAN 62.

3.3 Previous applications have been refused on or adjacent to the site confirming the Council's view on the visual significance of the site. However, the contents of the Reporters findings on the earlier appeal give support to the more restrained proposal currently before the Committee.

3.4 The submitted letter of objection is noted but is not considered in itself to be of sufficient weight to justify a recommendation of refusal.

3.5 No consultation responses have been received that would indicate that the application should be refused and on balance the material considerations are regarded as adding weight to the presumption in favour of the Development Plan.

#### **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, the application would not require to be referred to the Development Services Committee as it would not be a significant departure from 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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**04/0393/FL: PROPOSED INSTALLATION OF 2 NO DIPOLE ANTENNAE AT 6.8 TO 9.4M, 2 NO. 0.6 METRE DISHES AT 15.8M AND ONE CABIN AT NTL TRANSMITTING STATION, BORLAND BANK COTTAGE, GLASGOW ROAD, KILMARNOCK BY NTL**

### 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 an application which is to be considered by the Local Planning Committee under the scheme of delegation as it is a telecommunication development and is subject to an objection.

#### 2. APPLICATION DETAILS

2.1 **Site Description** An existing 15m high tower with two main large head frames is situated within an established compound in the corner of an agricultural field. The original facility was erected approximately 5 years ago under permitted development rights and consequently did not require the benefit of planning consent. There are three operators on site, utilising the existing tower. Adjacent land uses to the east and west include an agricultural field immediately abutting the existing compound and across the Glasgow Road, to the south lies the site of the former Rowallan Creamery which is now demolished. A new residential development is about to commence on that site. To the north/west lie new housing developments.

2.2 **Proposed Development:** It is proposed to install on behalf of Airwave mm02 (formerly Public Safety Radio Communication Project); a boom at mid height on the tower below the existing lower headframe. This boom will extend 1m beyond the width of the tower and accommodate two dipole antennae. Two dishes are also proposed at the top of the highest main headframe. It is also proposed to erect a ground based equipment cabin to support the works. The proposal is to assist the police service in their coverage of the area for the purposes of the provision of emergency services.

2.3 A temporary arrangement of antennae is currently in operation to the north of the application site pending the determination of this application.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Environmental Health Division have advised that they have no objection to the proposal provided the emissions from the installation remain within the guidelines established by (ICNIRP).

***Noted. A certificate confirming compliance with the ICNIRP guidelines has been submitted with the application.***

3.2 Southcraig Community Council have not responded at the time of writing this report.

***Noted.***

### 4. REPRESENTATIONS

4.1 One letter of objection has been submitted in response to this application on behalf of the developer of the adjacent housing site, David Wilson Homes. The grounds of objection are as follows:-

4.2 The proposal will result in an increasing visual impact on the local area.

***The length the boom extends beyond the width of the tower has been reduced by 50% during the assessment of the application. This combined with the relatively thin antennae results in a scale of works which whilst adding to the impact of the existing installation does so in a relatively discrete manner and will only be viewed in its full width from certain angles. On that basis it is considered that the impact can be accommodated on site.***

4.3 The proposal results in a further intensification of use of the apparatus in close proximity to residential properties. The history of the site demonstrates how sensitive the site is.

***The history of the site is detailed in Section 6 below. The intensification of the use of the site is noted. Indeed there is a strong measure of support for intensification of the use of such installations. Note Section 5 and the Development Plan considerations, in respect of mast sharing. Additionally the scale of the existing mast arrangement is such that it is considered that the current proposal could be accommodated with no perceptible increase in terms of perceived harm for residents both existing or anticipated in the area.***

## 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 2003

***Given the nature of the application it is considered appropriate to assess the application against the terms of the Local Plan.***

5.2 Policy CS2 of the EALP provides the following:

*“The Council will consider all telecommunication proposals in the light of their particular operational requirements within the framework provided by NPPG19. In all cases, care will be taken to ensure that all telecommunications developments are sensitively sited and the Council will assess each application against the following criteria:*

- (i) the visual impact of the proposal on townscape and environment;*
- (ii) the possibility of shared operational facilities; and*
- (iii) the availability of suitable alternative sites.*

*The Council will require the immediate removal of all telecommunications installations which are operationally redundant and the restoration of sites to their original condition”.*

***The proposal, by its nature, is in accordance with the principles of mast sharing. In addition the proposal is supported by a submission from the applicants confirming their consideration of alternative sites. With regard to visual impact, it is the view of this Division that the additional structure can be accommodated with no significant additional impact given the current appearance of the existing structure.***

5.3 Policy CS3 confirms that telecommunications operators will be requested to:

*“Locate installations wherever possible at least 100m from continuously occupied premises in educational, health service or residential use and to indicate on their plans the area of greatest intensity of emissions.*

*Telecommunications operators will be encouraged to share masts and other facilities with other operators.*

*The reason for this policy is to ensure that telecommunications development have minimal environmental impact.”*

***The proposal is strictly contrary to the terms of this policy, there being residential properties within 100 metres. However, the planning history of the site is such that it is considered appropriate to recommend this proposal due to its modest nature, low impact and the presence over a number of years of such a facility.***

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

The principal material considerations in the assessment of this application are as follows:

Government Advice, Planning History, representations, consultation responses and impact on amenity of area.

### **6.1 National Planning Policy Guideline 19: Radio Telecommunications**

NPPG 19 advises of the Scottish Executive’s Policy on telecommunications development. Para 39 of NPPG 19 states that equipment should be sited and designed to minimise any visual impact.

***It is considered that the existing mast is already prominent and the proposals will add only fractionally to its impact. It is therefore not the case that the proposals will have a significant adverse impact on the amenity of the area. Consequently they are consistent with the terms of NPPG19.***

The NPPG does advocate mast sharing as a positive environmental solution.

***As noted above in para 2.1 the mast sharing option has already been utilised on site. The application now before the Committee also involves mast sharing and does so with minimum additional impact.***

## Planning Advice Note 62: Radio Telecommunications

6.2 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. Paragraphs 32 and 33 of PAN 62 provide that masts should be sited and designed to minimise visual impact.

***The proposal is considered to comply with this basic advice set out in PAN 62 due to its low additional impact on an already intrusive structure and its mast sharing attributes. The anticipated consequent reduction in any proliferation of new installations in the area should also be noted.***

### Planning History

6.3 In 1998 the applicant submitted an application for planning permission on the site of the existing compound for the erection of a 22.5m high telecommunication installation (EAC Ref: 98/0065/FL). After consideration, the application was refused at Committee for the following reason:

*“That the proposed development would constitute an unduly prominent and conspicuous feature by virtue of its height and its location in an area with only a limited number of other tall and prominent structures, its location in close proximity to predominantly residential surroundings and its being adjacent to a busy road which acts as an arterial route into Kilmarnock”.*

Following that decision the operators erected the existing tower and apparatus which did not require planning consent.

6.4 More recently an application (EAC Ref: 01/0023/FL) was submitted for an entirely new tower to the immediate north of the existing tower. The new tower was 25m high and would support apparatus for a number of operators. It was proposed that the existing tower would be removed following the approval and implementation of the new tower.

6.5 That application was refused at the Northern Area Local Planning Committee in April 2001 for the following reasons:-

1. *“The proposed development would constitute an unduly prominent and conspicuous feature by virtue of its height and its location in an area with only a limited number of other tall and prominent structures, its location in close proximity to predominantly residential surroundings and its being adjacent to a busy road which acts as an arterial route into Kilmarnock.*

2. *The proposed development would have a detrimental impact on the visual amenity of the surrounding area, including the Dean Castle Country Park”.*

6.6 Subsequent to that decision the applicant appealed to the Scottish Executive. That Appeal process ended in the Appeal being dismissed. The Reporter stated that he found the amenity of the area to be improving and that the proposal would significantly increase visual impact over that of the existing installation. He did confirm however that there was, in his view, scope for a more sensitive approach to minimise the additional adverse visual impact. It is considered that this new proposal offers a solution which strikes a balance for the applicants in providing additional equipment and coverage but does not add significantly to the adverse impact of the existing structure. The Reporter did not find the criteria of Policy CS3 to be significantly affected by the proposal which was larger and more intrusive than the current application.

6.7 Last year an application for a further addition to the mast was considered by the Northern Area Local Planning Committee in April. That application EAC Ref 03/0015/FL was recommended for approval and subsequently approved as it involved no increase in overall height of the tower and had additional Development Plan benefits similar to this current application ie mast sharing and an anticipated reduction of proliferation of such facilities.

6.8 It is noted that this new application again increases the impact of the tower but it is already a considerable locally known facility. Additionally the current proposal does not add to the impact in any significant manner that would increase its intrusiveness from distance, or any perception of harm or detriment to public safety.

#### Consultation Replies

6.9 No consultations have been received that would indicate that the proposal should be refused.

#### Objections

6.10 One letter of objection has been received, the grounds of which are discussed in Section 4 of the report.

## **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 the report, the application is considered to accord with the terms of the Development Plan. Consequently the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to this application.

8.2 The proposal is also considered to accord with the provisions of NPPG 19 and PAN 62.

8.3 Previous applications have been refused on or adjacent to the site confirming the Council's view on the visual significance of the site. However, the contents of the Reporters findings on the earlier appeal give support to the more restrained proposal currently before the Committee.

8.4 The submitted letter of objection is noted but is not considered in itself to be of sufficient weight to justify a recommendation of refusal.

8.5 No consultation responses have been received that would indicate that the application should be refused and on balance the material considerations are regarded as adding weight to the presumption in favour of the Development Plan.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the condition indicated 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, the application would not require to be referred to the Development Services Committee as it would not be a significant departure from Council policy.

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

24 August 2004 (IW/SA)  
FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses and representations.
4. Approved Ayrshire Joint Structure Plan (1999).
5. Adopted East Ayrshire Local Plan 2003
6. NPPG 19 on Radio Telecommunications.
7. PAN 62 on Radio Telecommunications.
8. Planning Applications 98/0065/FL, 01/0023/FL, 02/0699/FL and 03/0015/FL

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0393/FL

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Location: Borland Bank Cottage  
Glasgow Road  
KILMARNOCK

Nature of Proposal: Install 3.0m high antennae support pole at 15.2m, 3no. dual polar antenna at 16.2-18.0m, 2 no. 0.6m dishes at 15.8m and 1 no. equipment cabin for NTL on behalf of Orange

Name & Address of Applicant: NTL  
Crawley Court  
WINCHESTER  
Hampshire  
SO21 2QA

Name & Address of Agent: Mr N Tutton  
Crawley Court  
WINCHESTER  
Hants  
SO21 2QA

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DPOs Reference: IW/SA

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

1. Within one month of the telecommunications apparatus becoming operationally redundant in terms of the applicant's commercial requirements, all the apparatus shall be removed and the site restored to a scheme approved by the Planning Authority.

REASON In the interests of the visual and environmental quality of the surrounding 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.**