

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 08 DECEMBER 2000

00/0388/FL: PROPOSED 2 ADDITIONAL MICROWAVE DISHES OF 600MM MAKING 4 DISHES ON AN EXISTING TELECOMMUNICATIONS SITE AT THE CAR PARK, FOREGATE CENTRE, THE FOREGATE, KILMARNOCK BY ONE TO ONE PERSONAL COMMUNICATIONS LTD.

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to site an additional two microwave dishes on the building which will be affixed onto a galvanised steel frame play pen. There are other works planned as part of the overall scheme. These however comprise 'permitted development' under Part 20 Class 67 of The Town and Country Planning (General Permitted Development)(Scotland) Order 1992 and include:-

- (a) The siting of an equipment cabin of 9.99 square metres and height 3.0 metres.
- (b) The locating of 2 microwave dishes onto the steel play pen.
- (c) The re-location of 5 existing sector antennae onto the steel structure; and,
- (d) Associated external works such as removal of support poles and access ladders, etc.

1.2 Members are advised that under Section (2eii) of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, it is only the addition of a further 2 dishes making 4 in total which require planning permission. The first two dishes on any building can be installed without requiring planning permission in this instance.

1.3 The applicant has advised that the works are to be undertaken to enable One-2-One to boost Kilmarnock and the surrounding area under their licence to provide personal communications networks within the United Kingdom. These extra dishes are required to link with the surrounding sites and increase the capacity of coverage.

1.4 The applicant's agent has also advised that his clients would be more than happy to arrange for an emissions test to be carried out at this site in the future to monitor emissions. These would be carried out by an independent company and paid for by his client. Such tests have been suggested at a number of other locations throughout the United Kingdom to allay fears over this health aspect. Although other Councils did not deem it necessary for a report to be carried out immediately, they were comforted by the suggestion that these reports could be carried out in the future after the installation of the additional equipment.

1.5 The agent points out the application is for an additional two dishes. The first two dishes do not require planning consent. The galvanised steel playpen is to be erected around the existing area of where the equipment is located so that the antennae and dishes can be located onto that steel playpen and away from the existing parapets. This will tidy up the site and make it less of a visual impact and it is also required to keep up with the current Health & Safety legislation.

2. RECOMMENDATION

2.1 That this application be approved subject to conditions.

3. SUMMARY OF ANALYSIS

3.1 The proposal is not contrary to the East Ayrshire Local Plan (Finalised Version) nor to the Council's Interim Policy. The application site lies within Kilmarnock Town Centre and will not be within 100 metres of any continuously occupied properties in any educational, health service or residential use. The site is an existing operation and the proposals will not result in an unacceptable degree of visual intrusion. The site is not immediately visible to the public eye being in an elevated position and the works will result in a tidier aspect. None of the consultees have raised any objections and there have been no letters of representation. The additional considerations have been highlighted in Section 6 of this report and no negative issues raised.

Alan Neish
Head of Planning and Building Control

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 and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination, an application for consent which is to be considered by the Local Planning Committee under the scheme of delegation because it does not fall within the scope of the delegated powers.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is the multi-storey car park at The Foregate within Kilmarnock Town Centre. The application site is located at the roof of the car park. The site is bounded by the car park to the north and east, the Foregate Square to the south and the commercial retail units on The Foregate to the west.

2.2 **Proposed Development:** It is proposed to site an additional two microwave dishes on the building which will be affixed onto a galvanised steel frame play pen. There are other works planned as part of the overall scheme. These however comprise 'permitted development' under Part 20 Class 67 of The Town and Country Planning (General Permitted Development)(Scotland) Order 1992 and include:-

- (e) The siting of an equipment cabin of 9.99 square metres and height 3.0 metres.
- (f) The locating of 2 microwave dishes onto the steel play pen.
- (g) The re-location of 5 existing sector antennae onto the steel structure; and,
- (h) Associated external works such as removal of support poles and access ladders, etc.

2.3 Members are advised that under Section (2eii) of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, it is only the addition of a further 2 dishes making 4 in total which require planning permission. The first two dishes on any building can be installed without requiring planning permission in this instance.

2.4 The applicant has advised that the works are to be undertaken to enable One-2-One to boost Kilmarnock and the surrounding area under their licence to provide

personal communications networks within the United Kingdom. These extra dishes are required to link with the surrounding sites and increase the capacity of coverage.

2.5 The applicant's agent has also advised that his clients would be more than happy to arrange for an emissions test to be carried out at this site in the future to monitor emissions. These would be carried out by an independent company and paid for by his client. Such tests have been suggested at a number of other locations throughout the United Kingdom to allay fears over this health aspect. Although other Councils did not deem it necessary for a report to be carried out immediately, they were comforted by the suggestion that these reports could be carried out in the future after the installation of the additional equipment.

2.6 The agent points out the application is for an additional two dishes. The first two dishes do not require planning consent. The galvanised steel playpen is to be erected around the existing area of where the equipment is located so that the antennae and dishes can be located onto that steel playpen and away from the existing parapets. This will tidy up the site and make it less of a visual impact and it is also required to keep up with the current Health & Safety legislation.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Roads Division have no objections to make.

Noted.

3.2 Legal Services have advised that the car park is Council owned and given that the site already accommodates two dishes at the present time, no obstacles are foreseen relative to the siting of further dishes.

Noted.

3.3 Protective Services (Environmental Health) have advised that:

It is recalled that there was some correspondence between NTL Communications and EAC's Property Section of Support Services in 1997 regarding One-2-One's proposed equipment installation at the Foregate Centre. The company forwarded data researched from a similar installation in Edinburgh to support their claim that the proposed installation fell well within the NRPB Guidelines, and even with reference to the more stringent European CENELEC limits maximum exposures were no higher than 5% of the limit.

The installation site is at the SW corner of the top roof level and is accordingly at least one storey above the nearest building, namely the shops and offices block extending from 19 to 61 Foregate; the closest property to the installation will be the office complex on the first floor at 23 Foregate.

The highest reading from the above mentioned data was obtained at roof level, in close proximity and height to the antennae, rapidly falling off with distance and reduction in elevation to the signal source.

Although no specific data was enclosed with the current application in respect of the technical specification of the existing and proposed microwave dishes and antennae, it is presumed that the proposed total final installation will still be designed to satisfy all current standards and criteria (given the large margins of compliance from the original data provided).

It is assumed that the applicants will be able to offer satisfactory confirmation in this regard if required.

Noted. As detailed in Section 2.2 the applicant's agent has submitted additional information in support of their application. It is recommended that if Members choose to approve the application, this be conditioned to ensure an emissions test be carried out at the applicant's expense.

3.4 The Piersland Bentinck Community Council have not replied to their consultation at the time of writing this report.

Noted.

3.5 Property Services have not replied at the time of writing this report.

Noted.

4. REPRESENTATIONS RECEIVED

4.1 No letters of representation were received following the undertaking of neighbour notification.

5. DEVELOPMENT PLAN STATUS

5.1 In considering this application, the proposal can be assessed against The East Ayrshire Local Plan Finalised Version and in particular Policy CS2. This policy states that the Council will consider all telecommunications proposals in light of their operational requirements within the framework provided by Circular 25/1985. 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.

5.2 The East Ayrshire Local Plan (Finalised Version) is the document against which the Council has resolved to base its day-to-day decisions against. Both the Finalised Kilmarnock and Loudoun District Plan and Adopted Kilmarnock Plan are still relevant although are considered to be out-of-date.

This Policy was formulated to ensure that telecommunication developments have minimal environmental impact. In this instance, and in respect of point (i), it is noted that the site is existing and is located within Kilmarnock Town Centre in an elevated position not immediately prominent to the attention of the public. In respect of points (ii) and (iii), it is not considered that these are directly relevant in the consideration of this application. The site is an existing operation which is the subject of additional apparatus. The proposal is therefore considered to comply with this Policy.

6. OTHER PLANNING CONSIDERATIONS

6.1 The Council has approved an Interim Policy on Telecommunications in light of recent attention on such developments. The Council's Policy insofar as it relates to this application is:-

Interim Council Policy:

- Requesting operators to locate installations wherever possible at least 100 metres from continuously occupied properties as a precautionary principle until the current official research on potential health risks has been completed.
- Advising operators that Council properties would only be considered as potential locations if they conform to this precautionary principle and provide opportunities for installations which avoid excessive visual intrusion.

In this instance, there are no continuously occupied properties, ie in educational, health service or residential within 100 metres of the application site. Furthermore it is not considered that the installation will create an unacceptable level of visual intrusion. The site is an existing telecommunication base which is not located in a position which would be to the immediate attention of the general public. The site is elevated and the apparatus will be positioned against the southern elevation of the car park. None of the apparatus will be located above the highest part of the building. It is therefore considered that the proposal meets the requirements of the Interim Policy.

6.2 Circular 25/1985 provides the framework against which planning controls are exercised over telecommunications. This document is however rather out of date and the Scottish Executive is consulting on new guidance. The current guidance sets out the requirements for planning permission advising what works can be considered 'permitted development'. The Circular emphasises that Government Policy is to facilitate and encourage the growth of telecommunications in the interests of a functioning modern economy. The Circular continues to advise that the planning system should encourage and not place any unnecessary obstacles in the way of development. Where planning permission is necessary, protection from visual damage and the effects of proliferation will continue to be important considerations in addition to the normal presumption in favour of allowing all planning applications unless there are sound and clear cut reasons for refusal. In terms of health and safety, the Circular states that the radiated power output of radio installations, including those using microwave frequencies is subject to stringent health and safety limits and these are well within internationally accepted standards. Other than in the most exceptional circumstances, there is no reason for Planning Authorities to take such issues into account.

7. FINANCIAL OR LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 The proposal is not contrary to the East Ayrshire Local Plan (Finalised Version) nor to the Council's Interim Policy. The application site lies within Kilmarnock Town Centre and will not be within 100 metres of any continuously occupied properties in any educational, health service or residential use. The site is an existing operation and the proposals will not result in an unacceptable degree of visual intrusion. The site is not immediately visible to the public eye being in an elevated position and the works will result in a tidier aspect. None of the consultees have raised any objections and there have been no letters of representation. The additional considerations have been highlighted in Section 6 of this report and no negative issues raised.

9. RECOMMENDATION

9.1 That this application be approved subject to conditions.

Alan Neish
Head of Planning and Building Control

28 November 2000
FMF/MMM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Circular 25/1985.
5. Letter from Scottish Executive dated 06 July 2000.
6. WHO Report and Press Release June 2000.
7. Correspondence from the Applicant's Agent.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0388/FL

Site of Proposal: Kilmarnock Car Park
Foregate Centre
The Foregate
KILMARNOCK KA1 1LN

Natural of Proposal: Proposed 2 Additional Microwave Dishes of
600mm Making a Total of 4 Dishes On An Existing
Telecommunications Site

Name & Address of Applicant: One-2-One Personal Communications Ltd
Imperial Place
Maxwell Road
BOREHAMWOOD
Hertfordshire WD6 1EA

Name & Address of Agent: MK International Ltd
76/78 Chertsey Road
WOKING GU21 5BJ

DPOs Reference: FMF/MMM

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

1. Within one month of the works hereby approved being installed and brought into operation, the developer shall submit a scheme for the carrying out of an emissions test (at the applicants expense) to be agreed in advance by this Division in consultation with Environmental Health. The proposals shall include provision for the future monitoring of the site in respect of emissions levels. The results of the emissions test (and future monitoring exercises) shall be submitted to and approved in writing by the Planning Authority.

REASON In the interests of public safety.

2. Prior to any development commencing on site, details and colours of all external finishes shall be submitted to and approved in writing by the Planning Authority.

REASON In the interests of visual amenity.

**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.**

AGENDA