

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 14 JUNE 2002

**01/0844/FL: PROPOSED INSTALLATION OF 15 NO. ANTENNAE AND
ANCILLARY DEVELOPMENT TO PROVIDE FOR H3G AND ORANGE PCS BT
EXCHANGE
AT 2 LANGLANDS BRAE, KILMARNOCK
BY CROWN CASTLE INTERNATIONAL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of 15 no. antennae and ancillary development to provide telecommunications apparatus for Orange PC S and Hutchison 3G. Six antennas and 3 dishes are proposed for Orange PCS and 3 antennae and 3 dishes for H 3G. Collectively the applicant's refer to these as being 15 antennae. Ancillary development will comprise 2 equipment cabinets for Orange and H3G and 1.8 metre high chainlink fence with 3 rows of barbed wire and combined meter and distribution cabinet. The initial proposal has been amended to include a further 9 no. antennae for Orange PCS.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. There are no applicable policies contained within the Adopted Kilmarnock Local Plan or the Ayrshire Joint Structure Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

3.2 Until such time as the EALP is adopted and in view of the more recent guidance issued by the Scottish Executive, the material considerations to which the greatest weight should currently be applied are NPPG 19 and PAN 62. It is considered that both NPPG 19 and PAN 62 are not supportive of the application.

3.3 Whilst both NPPG 19 and PAN 62 encourage site sharing, account should be taken of the cumulative visual effects of equipment on roof top sites. The installation of 15 further antennae on a flat roof building with existing antennae and roof top stub mast, would lead to further visual clutter on the building. The cumulative impact of 15 further antennae would be detrimental to the visual amenity and character of the adjacent John Finnie Street and Bank Street Outstanding Conservation Area. The proposed equipment is not sympathetic to the building's architectural form or location. NPPG 19 encourages applicants to introduce telecommunications equipment sensitively and imaginatively taking a series of options fully into account, of which PAN 62 provides numerous examples.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, 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 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 the 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 it is a telecommunications development and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the west of John Finnie Street and it comprises a 4-storey flat roofed BT exchange building. There is already telecommunications equipment on this building comprising a rooftop telecommunications stub-mast with 12 antennae and existing BT pole mounted dishes and antenna. These apparatus were installed under previous permitted development rights for telecommunications development. The application site is adjacent to John Finnie Street and Bank Street Outstanding Conservation Area and is in close proximity to a number of listed buildings – Kilmarnock Railway Station and buildings on John Finnie Street.

2.2 **Proposed Development:** Full planning consent is sought for the erection of 15 no. antennae and ancillary development to provide telecommunications apparatus for Orange PC S and Hutchison 3G. Six antennas and 3 dishes are proposed for Orange PCS and 3 antennae and 3 dishes for H 3G. Collectively the applicant's refer to these as being 15 antennae. Ancillary development will comprise 2 equipment cabinets for Orange and H3G and 1.8 metre high chainlink fence with 3 rows of barbed wire and combined meter and distribution cabinet. The initial proposal has been amended to include a further 9 no. antennae for Orange PCS.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Environmental Health and Waste Management Division have no objections providing emissions meet the current International Committee on Non-Ionising Radiation Protection guidelines.

Recent Government Guidance in NPPG 19 confirms that it is not necessary for the Planning Authority to treat radio frequency (RF) emissions as a material planning consideration. It does however state that to demonstrate that known health effects have been properly addressed, certification must accompany applications for planning permission affirming compliance with the standards of the International Commission on Non-Ionising Radiation Protection (ICNIRP). The applicant has submitted a signed Declaration confirming that the proposed development will be within the established international guidelines.

3.2 Bonnyton Community Council has not responded at the time of writing this report.

Noted.

3.3 The Architectural Heritage Society of Scotland “suggest that its visual impact is minimal as much as possible. Equipment should be positioned as far as possible from the street frontages and be in a dark colour”.

Refer to paragraphs 6.6 and 6.9 below.

4. REPRESENTATIONS

4.1 No representations have been received.

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 Adopted Kilmarnock Local Plan and the Approved Ayrshire Joint Structure Plan.

5.2 There are no specific policies within the Adopted Local Plan relevant to the determination of this application and the policies within the Structure Plan address issues at a more strategic level than that applicable in this instance.

Consequently, greater weight should be attached to the other material considerations referred to below.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan Finalised Version with Modifications 2001 (EALP), National Planning Policy Guideline 19: Radio Telecommunications (NPPG 19), Planning Advice Note 62: Radio Telecommunications (PAN 62) and the consultation replies.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP should be considered as a prime material consideration. The site is affected by Community and Service Infrastructure Policies.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 The EALP contains the following telecommunications policies which predate the recent Government guidance contained within NPPG 19 and PAN 62. It will eventually be necessary to review these policies following adoption of the Local Plan. Nevertheless, their content should be considered as follows.

6.4 Policy CS2 states that the Council will consider all telecommunication proposals in the light of their particular operational requirements. 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;

It is considered that the installation of 15 no. antennae on the building would be detrimental to the visual amenity and character of the adjacent John Finnie Street and Bank Street Outstanding Conservation Area. The proposed equipment is not sympathetic to the buildings architectural form or location. The proposed equipment would lead to further visual clutter on the building.

- (ii) The possibility of shared operational facilities.

There is existing telecommunications apparatus for BT on the roof of the building. The present proposal is for telecommunications

apparatus for both Orange and H3G. Therefore the proposal meets the terms of the above criteria for site sharing.

(iii) The availability of suitable alternative sites.

The applicant's agent has stated that they have undertaken a thorough analysis of this area and due to the nature of the project being installation of equipment on existing British Telecom sites, have opted to work alongside Crown Castle International. It was considered by the applicant that the property itself would be a suitable rooftop location for both operators.

6.5 Police CS3 states that, in formulating their development proposals, telecommunications operators will be requested:

(i) To locate installations, wherever possible, at least 100m from continuously occupied premises in education, health service or residential use; and

The nearest continuously occupied properties are within 100 metres from the site. There are a number of first and second floor flats on the east side of John Finnie Street. Health concerns are safeguarded by means other than through the planning system. The installation of further antennae will be visible from the surrounding flats and are considered to be detrimental to their residential amenity.

(ii) To indicate on their submitted plans, areas where there would be the greatest intensity of emissions.

The applicant has certified that the proposed equipment will comply with ICNIRP guidelines.

National Planning Policy Guideline 19: Radio Telecommunications

6.6 NPPG 19 outlines Scottish Executive Policy on telecommunications development. Paragraph 39 states that the siting and design of telecommunications development are key issues to be addressed through the planning system. 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.

Concealing and Disguising

A range of design and camouflage techniques is available to help disguise or conceal masts, antennae, equipment housing and cable runs. There may also be opportunities for antenna to be a positive design feature.

Site Sharing

In some instances a new base station adjacent to an existing one be it a ground based mast or on a roof top might be preferable to mast sharing. The Planning Authority should take account of the cumulative visual effects of equipment on roof top sites and on the wider roofscape in assessing new proposals.

Installations on Existing Buildings and Other Structures

The placing and design of equipment should be sympathetic to the building's architectural form, location and setting.

It is considered that the erection of a further 15 antennae on the existing building would lead to unacceptable visual clutter caused by equipment scattered across the roof top and would be detrimental to the visual amenity of the Outstanding Conservation Area. The applicant has been approached to amend the above proposal in order to reduce the impact of the telecommunications apparatus on the building and adjacent Outstanding Conservation Area. The applicant has been unwilling to conceal or disguise the proposed equipment as advocated by PAN 62 and NPPG 19 such as by developing a false roof or parapet for the flat roof property. They consider that developing a 'false roof' would be an innovative design solution in such a way that would appear as an integral part of the building, however they believe in this instance that the roof would be completely out of proportion with the Exchange building itself and attract attention to one of the least architecturally interesting properties with the area. Following the meeting with the applicants agent to discuss ways of reducing the impact of the telecommunications apparatus, the applicant actually increased the number of antennae by a further 9.

6.7 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.

Noted. 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.

6.8 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.

Noted, health concerns are thus safeguarded by means other than through the planning system. The application is accompanied by a ICNIRP declaration.

Planning Advice Note 62: Radio Telecommunications

6.9 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. It offers a series of options in this respect such as concealing and disguising, site sharing which are detailed in paragraph 6.6 above. The architectural style and materials used in a building or other structure will help to influence the siting and design of equipment. Buildings or other structures of historic or architectural value will usually only be capable of accepting the installation of equipment where it can be disguised or concealed. Placing equipment below a roofline or against existing roof top structures such as a plant room, and painting it a matching colour often minimises the visual impact and protects the building's silhouette. The concentration of installations on one site reduces proliferation but increases the contrast and the impact at that location. One mast of good design may go unnoticed but a number of masts could draw the eye and provide a prominent focus.

The proposed development fails to take full account of the advice in PAN 62 by virtue of the cumulative impact of 15 further antennae in such a prominent location which will be detrimental to the visual amenity of the surrounding area. The applicant has failed to put forward alternative ways of reducing the impact of the apparatus on the building and the Outstanding Conservation Area. They are unwilling to pursue any of the number of ways of disguising or concealing the further antennae. Whilst PAN 62 refers to site sharing in relation to masts similar principles can be applied to the installation of antennae. It is however considered that the disguising or concealing of the telecommunications apparatus would

reduce the impact of the development on the building and adjacent Outstanding Conservation Area.

Consultations

6.10 The consultations responses have been highlighted in Section 3 of this 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 at Section 5 of the report applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. There are no applicable policies contained within the Adopted Kilmarnock Local Plan or the Ayrshire Joint Structure Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated at Section 6 of the report, there are material considerations relevant to this application.

8.2 Until such time as the EALP is adopted and in view of the more recent guidance issued by the Scottish Executive, the material considerations to which the greatest weight should currently be applied are NPPG 19 and PAN 62. It is considered that both NPPG 19 and PAN 62 are not supportive of the application.

8.3 Whilst both NPPG 19 and PAN 62 encourage site sharing, account should be taken of the cumulative visual effects of equipment on roof top sites. The installation of 15 further antennae on a flat roof building with existing antennae and roof top stub mast, would lead to further visual clutter on the building. The cumulative impact of 15 further antennae would be detrimental to the visual amenity and character of the adjacent John Finnie Street and Bank Street Outstanding Conservation Area. The proposed equipment is not sympathetic to the building's architectural form or location. NPPG 19 encourages applicants to introduce telecommunications equipment sensitively and imaginatively taking a series of options fully into account, of which PAN 62 provides numerous examples.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, 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 and Building Control

05 June 2002
(PC/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultations Responses.
4. Adopted Kilmarnock Local Plan.
5. Approved Ayrshire Joint Structure Plan (1999).
6. East Ayrshire Local Plan Finalised Version with Modifications.
7. Approved Strathclyde Structure Plan.
8. National Planning Policy Guidelines 19: Radio Telecommunications.
9. Planning Advice Note 62: Radio Telecommunications.

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0844/FL

Site of Proposal:	BT Exchange 2 Langlands Brae KILMARNOCK
Nature of Proposal:	Proposed Installation of 15 No. Antennae and Ancillary Development to Provide for H3G and Orange PCS
Name & Address of Applicant:	Crown Castle International C/o Stappard Howes The Fountain Business Centre Ellis Street COATBRIDGE ML5 3AA
Name & Address of Agent:	Stappard Howes The Fountain Business Centre Ellis Street COATBRIDGE ML5 3AA

DPOs Reference: PC/MMM

The above FULL application should be refused on the following grounds:-

1. The cumulative visual impact of 15 further antennae on the existing building would have a detrimental impact on the visual amenity of the building and the adjacent John Finnie Street and Bank Street Outstanding Conservation Area and would accordingly be contrary to Policy CS2 of the East Ayrshire Local Plan Finalised Version with Modifications.
2. The installation of 15 further antennae is contrary to the guidance offered in NPPG 19 and PAN 62 in that the cumulative visual effect of the proposed equipment on the roof top would be detrimental to the visual amenity of the building and the adjacent John Finnie Street and Bank Street Outstanding Conservation Area and the amenity of the adjacent residential properties.

**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