

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 30 MAY 2003

**03/0174/FL: PROPOSED INSTALLATION OF 3 COLINEAR ANTENNA AND 2
MICROWAVE DISHES ONTO EXISTING 24M HIGH LATTICE TOWER,
GROUND BASED EQUIPMENT TO BE LOCATED INTERNALLY WITHIN
BUILDING
AT 10 ST MARNOCK STREET, KILMARNOCK
FOR AIRWAVE MMO2 LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal includes siting of 2 new 0.6 metre dishes on the existing tower and 3 colinear antennae of 3 metres in height. Existing Police antenna would be re-located at a lower level on the tower. The existing overall height is some 24 metres, and will not be altered by the current proposal. The total height of the tower is 29 metres above ground level as it is sited on a building of 5 metres in height.

1.2 Supporting equipment will be sited internally within the building. This will comprise additional storage racks and/or cabinets within the existing equipment room. The applicants propose to erect equipment which is part of the new digital radio communication network designed to meet the needs of the Police and other public safety organisations in the 21st century. The aim is the delivery of a more effective service to the community from the Police and other public safety organisations.

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 at Section 5 of the 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 is indicated at Section 6 of the report there are material considerations relevant to this application and these are supportive of the proposal. Until such time as the telecommunications policies of the EALP are reviewed and in view of the more recent guidance issued by the Scottish Executive greater weight should be attached to material considerations than the Adopted EALP. The material considerations to which greatest weight should currently be applied are NPPG 19 and PAN 62. It is considered that both NPPG 19 and PAN 62 are supportive of the application.

3.3 The proposed apparatus and associated equipment would be sited so as to minimise their impact on the amenity of the area utilising an existing site.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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 breach of 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 this report is to present for determination, an application which is to be considered by the Local Planning Committee under the scheme of delegation because it is an application for telecommunications development.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the Kilmarnock Police Station at 10 St Marnock Street, Kilmarnock. The site utilises an existing 24 metre lattice tower located within Kilmarnock town centre. The site is bound to the south by residential properties, to the north by St Marnock Street and residential/commercial premises to the west by St Marnock Parish Church and to the east by Waterside Street beyond which is the Kilmarnock Water.

2.2 **Proposed Development:** The proposal includes siting of 2 new 0.6 metre dishes on the existing tower and 3 colinear antennae of 3 metres in height. Existing Police antenna would be re-located at a lower level on the tower. The existing overall height is some 24 metres, and will not be altered by the current proposal. The total height of the tower is 29 metres above ground level as it is sited on a building of 5 metres in height.

2.3 Supporting equipment will be sited internally within the building. This will comprise additional storage racks and/or cabinets within the existing equipment room. The applicants propose to erect equipment which is part of the new digital radio communication network designed to meet the needs of the Police and other public safety organisations in the 21st century. The aim is the delivery of a more effective service to the community from the Police and other public safety organisations.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Piersland Bentinck, Bonnyton and Grange Howard Community Councils have not replied to their consultation letters at the time of writing this report.

Noted.

3.2 East Ayrshire Council Roads and Transportation Division has no objections to make regarding the proposed development.

Noted.

3.3 The Council's Environmental Health and Waste Management Division has no objections in principle subject to emissions from the mast being within current ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines for public exposure.

Noted. The applicant has submitted an ICNIRP declaration which confirms that the equipment meets these guidelines.

4. REPRESENTATIONS

4.1 No letters of representation have been received in respect of this application.

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 East Ayrshire Local Plan (EALP) and the Approved Ayrshire Joint Structure Plan.

5.2 The EALP contains the following telecommunications policies which pre-date the recent Government guidance contained within NPPG 19 and PAN 62. It will eventually be necessary to review these policies now the EALP has been adopted. Nevertheless, their content should be considered as follows:-

5.3 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.

The proposed development would take place on an existing structure and it is not considered that the additional works are of an extent that will be detrimental to the surrounding environment.

- (ii) the possibility of shared operational facilities.

The existing apparatus on the tower is utilised by the applicants. The scheme is part of a wider operation to provide Strathclyde Police with geographical coverage for that telecommunications system. The existing mast has been identified as being the preferred location for the apparatus and in effect comprises mast sharing.

- (iii) the availability of suitable alternative sites.

The identified site utilises an existing structure and therefore is facilitating mast sharing. Given the relatively minor nature of the proposal, it is not considered necessary to require the applicant to identify suitable alternatives.

5.4 Policy 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 continually occupied property is approximately 55 metres from the installation site. Whilst this is lower than the Council's general requirement, it should be noted that the site is existing and the current proposal is adding to the existing equipment and representing fairly limited development. Furthermore, the proposals are compliant with the ICNIRP guidelines for public exposure to radio frequency radiation.

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

The applicant's agents have not at the time of writing provided this information. Given the distance of the proposed site from occupied premises and the quite separate controls exercised with regard to emissions by other agencies, it is considered that the proposal is acceptable in this regard.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the National Planning Policy Guideline 19: Radio Telecommunications (NPPG 19), Planning Advice Note 62: Radio Telecommunications (PAN 62) and the consultation replies.

National Planning Policy Guideline 19: Radio Telecommunications

6.2 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. 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 land surrounding the site is built up in nature although the existing mast is of significant height and there are no real opportunities to introduce screening. It is however considered that the proposals are acceptable owing to their limited nature and their introduction onto an existing structure. It is not considered that they will lead to visual clutter and are not detrimental to the visual amenity of the area.

6.3 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.

6.4 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 process.

Planning Advice Note 62: Radio Telecommunications

6.5 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 and site sharing. The concentration of installations on one site reduces proliferation but increases the contrast and the impact at that location.

The proposed works comprise an addition to an existing structure. The addition is three colinear antennae of height 3 metres and two 0.6m dishes. It is not considered that the additional antenna will have a detrimental impact to the visual amenity of the surrounding area and they are considered acceptable additions to the mast.

Consultation Replies

6.6 The consultation replies are not such as to indicate that the application should be refused.

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, 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 is indicated at Section 6 of the report there are material considerations relevant to this application and these are supportive of the proposal. Until such time as the telecommunications policies of the EALP are reviewed and in view of

the more recent guidance issued by the Scottish Executive greater weight should be attached to material considerations than the Adopted EALP. The material considerations to which greatest weight should currently be applied are NPPG 19 and PAN 62. It is considered that both NPPG 19 and PAN 62 are supportive of the application.

8.3 The proposed apparatus and associated equipment would be sited so as to minimise their impact on the amenity of the area utilising an existing site.

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 and Building Control, the application would not require to be referred to the Development Services Committee as it would not be a significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

21 May 2003
(FMF/MMM)

FV/DMV

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. National Planning Policy Guideline 19: Radio Telecommunications.
7. Planning Advice Note 62: Radio Telecommunications.

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

Implementation Officer: Dave Morris

030174FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0174/FL

Site of Proposal:	10 St Marnock Street KILMARNOCK
Nature of Proposal:	Proposed Installation of 3 Colinear Antenna and 2 Microwave Dishes onto Existing 24m High Lattice Tower, ground Based Equipment to be Located Internally within Building.
Name & Address of Applicant:	Airwave MM02 Ltd Craig House Mason Street MOTHERWELL ML1 1YE
Name & Address of Agent:	Alison MacIntyre Patrick Farfan Associates Ltd Unit 7 Adelphi Centre 12 Commercial Road GLASGOW G5 0PQ

DPOs Reference: FMF/MMM

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

1. Within one month of the equipment hereby approved being declared surplus to the requirements of the user, it shall be removed and the land restored to its former condition to the satisfaction of the Planning Authority.

REASON In the interests of the amenity of 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.**