

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 27 APRIL 2001

**01/0023/FL: ERECTION OF REPLACEMENT TELECOMMUNICATIONS TOWER
AND ASSOCIATED EQUIPMENT CABIN AND ANTENNA
AT NTL TRANSMITTING STATION, BORLAND BANK COTTAGE,
GLASGOW ROAD, KILMARNOCK
BY NTL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to dismantle the existing 15m high tower, extend the compound and erect a 24.0m high tower (tapered square sectional design) two new headframes topped by a 2m high lighting spike. The total main structure height will be 25.0m. Three network operators will occupy the facility, two of which will have equipment cabins on site with gantry attachment to the tower.

The submitted details confirm that the existing tower is of a basic square sectional construction 2.4m each side, originally the new tower proposed was 4.0m square at its base tapering to approximately 1.4m square at its top. This has now been amended to a slimmer tower arrangement but the headframe positions have not altered. The existing vehicular access will be utilised for the new arrangement.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 Given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 and the absence of any specifically relevant policies in the Development Plan, it is considered appropriate to determine the application having regard to other material considerations.

3.2 As indicated in Section 6 of the report there are other material considerations relevant to this application.

3.3 It is considered that the proposal would by reason of its scale and height have a significant detrimental visual impact on the amenity of the area, including the adjacent Dean Castle Country Park.

3.4 Should the Committee be persuaded that the application should be approved, it will not require to be referred to the Development Services Committee.

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 as it is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is adjacent to an existing telecommunication installation at the above site. Currently there is a 15m high tower on site within an established compound in the corner of a field. This facility was erected approx 3 years ago under permitted development rights and consequently did not require the benefit of planning consent. Currently there are two operators on site, operating from the existing tower. Adjacent land uses are an agricultural field immediately abutting the existing compound and across the Glasgow Road. To the south lies Rowallan Creamery, to the north lies Burns Nursery, and new housing developments.

2.2 **Proposed Development:** It is proposed to dismantle the existing 15m high tower, extend the compound and erect a 24.0m high tower (tapered square sectional design) two new headframes topped by a 2m high lighting spike. The total main structure height will be 25.0m. Three network operators will occupy the facility, two of which will have equipment cabins on site with gantry attachment to the tower.

The submitted details confirm that the existing tower is of a basic square sectional construction 2.4m each side, originally the new tower proposed was 4.0m square at its base tapering to approximately 1.4m square at its top. This has now been amended to a slimmer tower arrangement and the headframe postings have not altered. The existing vehicular access will be utilised for the new arrangement.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division have advised that they have no objection to the proposal.

Noted.

3.2 Transco have confirmed that the proposal it may be necessary to protect or divert their plant.

Noted.

3.3 Fenwick Community Council and Environmental Health & Waste Management have not responded at the time of writing this report.

Noted.

4. REPRESENTATION

4.1 No letters of objection have been submitted in respect of this application. The applicants have provided a letter supporting the application. The letter confirms the advantages of the proposal and cites elements of the development which accord with National Policy and indeed East Ayrshire Council policy i.e. mast sharing and there being only a few houses within 100 metres of the site.

4.2 They additionally advise that the height of the mast is necessary due to the presence of the Howard Park Hotel. The owners of the hotel were contacted with a view to siting equipment on their roof but rejected that option. The applicants also confirm that this proposal, the intensification of use of the existing site, will also reduce the likelihood of a further proliferation of masts that could be erected without the benefit of planning consent.

Noted. It has to be acknowledged that much of the supporting statement is correct. However the height of the tower is of concern and there are houses within the 100m radius.

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 Ayrshire Joint Structure Plan and the Adopted Stewarton Local Plan which was prepared within the context of the then emerging Strathclyde Structure Plan.

On assessing this application against the terms of the above plan it is concluded that there are no specifically relevant policies against which to test the proposal. Accordingly, greater weight should be attached to the other material considerations.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

East Ayrshire Local Plan (Finalised Version with Modifications), Government Advice, the report of the Independent Expert Group on Mobile Phones (the Stewart Report) May 2000, Planning History, Interim Council Policy and Impact on amenity of area.

6.1 East Ayrshire Local Plan Finalised Version with Modifications

The Adopted Local Plan as stated above is considerably out of date and therefore it is considered appropriate that greater weight be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version, with modifications (EALP) should be considered a prime material consideration.

Policy CS2 of the EALP provides the following:

“The Council will consider all telecommunications proposals in the light of their particular 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”.

On assessing the proposal against the terms of this policy it is considered that the development does accord with item (ii). The applicants have also clarified in their submission that the location proposed is necessary for the implementation of the operators service in the area. Apart from the option of siting apparatus on the Howard Park Hotel other sites have not been mentioned. This is perhaps due to the fact that there is an existing facility on site, and applicants consider the issue of sharing to be a very positive proposal.

The proposal by its nature is in accordance with the principles of mast sharing but consequent to this sharing is the increase in the scale and height of the structure which, combined with the sites position adjacent to Glasgow Road, is considered to be of significance. Even with the presence of the Rowallan Creamery to the south the existing facility on site is extremely prominent and visually intrusive. The proposal to erect a 25m high tower with significant works in the extension to the support compound, would have an additional detrimental impact on the amenity of the area that could not be supported. This would be contrary to CS2(i).

Policy CS3

“In formulating their development proposals, telecommunications operators will be requested:-

- (i) to locate installations, wherever possible, at least 100m from continuously occupied premises in educational, health service or residential use; and
- (ii) to indicate on their submitted plans, areas where there would be the greatest intensity of emissions.

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

Assessment against this policy requires account to be taken of the existing facility on site. There are three residential properties within the 100m threshold.

In addition to the above the applicants have confirmed that, in relation to the intensity of emissions, the emissions are approximately 0.33% of the exposure levels adopted in the ICNIRP Guidelines (International Commission on Non-Ionising Radiation Protection).

Policy ENV10 (iii)

The site lies within the Dean Estate Country Park Listed Wildlife Site. Policy ENV10 (iii) resists development adversely affecting such sites but it is recognised that there is an existing facility on site.

Notwithstanding the existing facility, the additional size of the proposed mast is detrimental to the amenity of the Dean Castle Country Park.

6.2 Government Advice

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.

Noted.

6.3 The Stewart Report

The Stewart Report investigated the relationship between Mobile Phones and Health, considering expert advice of a more up-to-date nature than that upon which the 1985 Circular was based. As well as making various recommendations concerning future planning controls it concluded that "the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines". It nevertheless recommended a precautionary approach to the assessment of health risk; one embraced by this Council's Interim Policy.

Noted.

6.4 Planning History

In 1998 the same applicant made 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, that 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.

This new proposal is actually 2.5m taller than that previously refused and is a more substantial structure. Accordingly it is considered that despite the existing tower on site, the new application should be determined in a similar fashion.

6.5 Interim Council Policy

The Interim Council Policy includes the following:

Requesting operators to locate installations where possible at least 100 metres from continuously occupied properties in educational health service or residential use as a precautionary principle until the current official research on potential health risk has been completed.

There are currently three residential properties within 100m from the site.

6.6 Impact on the Amenity of the Area

As stated above, (para 6.1 and 6.4) it is considered that the visual impact in this instance is sufficient in itself to render the proposal unsupportable. The tower would be an unduly prominent and conspicuous feature by virtue of its height and location.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSION

8.1 Given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 and the absence of any specifically relevant policies in the Development Plan, it is considered appropriate to determine the application having regard to other material considerations.

8.2 As indicated in Section 6 above there are other material considerations relevant to this application.

8.3 It is considered that the proposal would by reason of its scale and height have a significant detrimental visual impact on the amenity of the area, including the adjacent Dean Castle Country Park.

8.4 Should the Committee be persuaded that the application should be approved, it will not require to be referred to the Development Services Committee.

9. RECOMMENDATION

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

**Alan Neish
Head of Planning and Building Control**

18 April 2001

(IW/MS)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Correspondence from/to the applicant.
5. Adopted Stewarton Local Plan.
6. East Ayrshire Council Local Plan (Finalised Version) with Modifications.
7. Circular 25/1985: Telecommunication Development.
8. EAC Application No: 98/0065/FL.
9. The Stewart Report "Mobile Phones and Health".

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

Implementation Officer: Dave Morris

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 01/0023/FL

Location	NTL Stn Borland Bank Cottage Glasgow Road KILMARNOCK
Nature of Proposal	Proposed Erection of Replacement Telecommunications Tower with Associated Equipment Cabin and Antennas
Name and Address of Applicant	NTL Crawley Court WINCHESTER SO1 2QA
Name and Address of Agent	FPD Savills Wessex House Wimborne DORSET BH21 1PB

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

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.

**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

