

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 28 JUNE 2002

**02/0168/FL: PROPOSED EXTENSION TO EXISTING TOWER,
INSTALLATION OF 3 DUAL POLAR ANTENNAE, 3 DISHES AND
ASSOCIATED CABINETS FOR HUTCHISON 3G AT SOUTH GLASSOCK
FARM, FENWICK**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for a 7.5m high extension to the existing tower and the installation of 3 dual polar, antennae and 3 dishes on the tower and associated cabinets on the ground. The applicant also proposes to relocate 3 dual polar antennae from the existing tower to the proposed extension. The proposed extension will also comprise a lightning spike bringing the total height of the structure from ground level to 24.5 metres.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at paragraph 5.1 of the report, there are no policies contained within the Adopted Stewarton Local Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated in Section 6 of the report, there are material considerations relevant to this application, however, in this regard, the proposal is considered to be contrary to the provisions of Policy CS2 of the East Ayrshire Local Plan (Finalised Version with Modifications).

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

3.3 A number of applications have been refused on the site including 00/0702/FL which proposed a similar development to this current application.

3.4 One letter of objection has been received, the grounds of which are set out in Section 4 of the report.

3.5 No consultation responses have been received that would indicate that the application should be refused.

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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02/0168/FL: PROPOSED EXTENSION TO EXISTING TOWER, INSTALLATION OF 3 DUAL POLAR ANTENNAE, 3 DISHES AND ASSOCIATED CABINETS FOR HUTCHISON 3G AT SOUTH GLASSOCK FARM, FENWICK

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this 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 the proposal relates to telecommunications development and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies approximately 4km north of Fenwick, 800m east of the A77. The site which is exposed to general public view lies in proximity to the farm buildings at South Glassock Farm and is accessed via an unmade farm track. An existing 18.5m lattice tower is located on the site and accommodates a number of existing antennae. The existing mast was in part erected under the former terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

2.2 **Proposed Development:** Full planning permission is sought for a 7.5m high extension to the existing tower and the installation of 3 dual polar, antennae and 3 dishes on the tower and associated cabinets on the ground. The applicant also proposes to relocate 3 dual polar antennae from the existing tower to the proposed extension. The proposed extension will also comprise a lightning spike bringing the total height of the structure from ground level to 24.5 metres.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Environmental Health and Waste Management Service has no objection to the proposal provided the total emissions from the station are within current ICNIRP guidelines for public exposure.

The applicant has completed the relevant certificates to certify that the total emission from the station will fall within the ICNIRP guidelines.

3.2 Moscow and Waterside Community Council has responded to the consultation letter, requesting further information regarding the proposal. This

information has since been passed to the Community Council although no further response as yet been received.

Noted.

4. REPRESENTATIONS

One letter of objection has been received in respect of the application. The grounds of objection can be summarised as follows:

4.1 The mast will be more conspicuous if heightened and equipment added.

As noted in paragraph 2.2 above, the site with its existing mast occupies an exposed location in relative proximity to the A77. It is considered that this proposal to heighten the mast and provide additional antennae would exacerbate its impact on visual amenity as the apparatus would become more visible when viewed from the A77 and the network of surrounding rural roads.

4.2 It is adjacent to an accident black spot where drivers would do well not to make or receive calls.

It is not considered that the additions to this mast would result in a direct increase in the number of calls made to drivers on the A77 to an extent that would justify a refusal of the application on those grounds.

4.3 The waves emitted by the equipment on the mast may have health effects and may interfere with police and ambulance equipment.

The applicant has completed the ICNIRP Certificate, certifying that the emissions fall within the ICNIRP Guidelines and shall have no effect on human health. Any affect on police and ambulance equipment is not a planning consideration. The additions to the mast will require separate authority under the operators Wireless Telegraphy License.

4.4 The equipment will become redundant once the new M77 is constructed.

The application requires to be determined with regard to current circumstances. If the application was to be approved and the equipment subsequently became redundant, a condition attached to any consent could require removal of the equipment/mast.

5. DEVELOPMENT PLAN STATUS

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 Stewarton Local Plan, (1987). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 There are no policies within the adopted local plan relevant to the consideration of this application and therefore greater weight should be attached to the other material considerations.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, (Finalised Version with Modifications) (2001), NPPG19 and PAN 62 on Radio Telecommunications and the site's planning history.

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 East Ayrshire Local Plan, (Finalised Version with Modifications), (EALP), should be considered as a prime material consideration. The site lies within the Rural Protection Area defined by the EALP, and is affected by Community and Service Infrastructure Policies.

6.3 Community and Service Infrastructure Policy CS2 states that care will be taken to ensure that all telecommunications development 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;

As noted in paragraph 2.2 above, the site with its existing mast occupies an exposed location in relative proximity to the A77. It is considered that this proposal to heighten the mast and provide additional antennae would exacerbate its impact on visual amenity as the apparatus would become more visible when viewed from the A77 and the network of surrounding rural roads.

- (ii) The possibility of shared operational facilities;

The proposal involves the use of an existing mast, albeit by heightening it.

Planning History

6.4 The site has been the subject of several previous applications for planning permission. Planning application 97/0084/FL for the erection of a 28.5m high telecommunications mast and ancillary equipment was refused by the Local Planning Committee on 10 October 1997 on the grounds that “the proposed development would constitute an unduly prominent and conspicuous feature in the area by virtue of its height and its location in an area devoid of all other tall and prominent structures and its location in close proximity to the heavily trafficked A77 and the route of the proposed M77.”

Noted.

6.5 Planning application 99/0009/FL which proposed a 3.56m high extension to the existing 15 metre tower and associated radio equipment cabin and an extension to existing security fence was approved on 27 January 1999.

This planning permission has since been implemented.

6.6 Planning application 00/0702/FL which proposed a 7.5m high extension to the existing tower plus associated cabins and antennae was refused by the Local Planning Committee on 18 May 2001 on the grounds that “the proposed development would be contrary to Policy CS2 of the East Ayrshire Local Plan (Finalised Version with Modifications) by virtue of its detrimental visual impact on the surrounding environment and because no persuasive justification has been presented to support the contention that there are no suitable alternative sites.”

Noted.

6.7 Planning application 01/0257/FL which proposed the installation of a further antennae on the existing tower was withdrawn.

Noted.

Government Guidance and Advice

6.8 The application requires to be considered with regard to NPPG19 on Radio Telecommunications. Para 39 of NPPG 19 states that equipment should be sited and designed to minimise any visual impact.

As noted in 6.3 above, the existing mast is located in an exposed, visually prominent site. It is also noted in 6.3 above that the proposal to heighten the existing mast would exacerbate its impact on visual amenity. It is therefore considered that the proposal does not conform to the provisions of NPPG 19.

6.9 PAN 62 is also of relevance. Paragraphs 32 and 33 of PAN 62 provide that masts should be sited and designed to minimise visual impact.

See response to 6.8 above. The proposal is therefore considered not to comply with the advice set out in PAN 62.

Consultation Replies

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

Objections

6.11 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 at paragraph 5.1 of the report, there are no policies contained within the Adopted Stewarton Local Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated in Section 6 of the report, there are material considerations relevant to this application, however, in this regard, the proposal is considered to be contrary to the provisions of Policy CS2 of the East Ayrshire Local Plan (Finalised Version with Modifications).

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

8.3 A number of applications have been refused on the site including 00/0702/FL which proposed a similar development to this current application.

8.4 One letter of objection has been received, the grounds of which are set out in Section 4 of the report.

8.5 No consultation responses have been received that would indicate that the application should be refused.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed 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

17 June 2002 (DS/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Adopted Stewarton Local Plan (1987).
5. Approved Ayrshire Joint Structure Plan (1999).
6. East Ayrshire Local Plan, Finalised Version with Modifications (2001).
7. Approved Strathclyde Structure Plan.
8. NPPG 19 on Radio Telecommunications.
9. PAN 62 on Radio Telecommunications.
10. Planning Applications 01/0257/FL, 00/0702/FL, 99/0009/FL and 97/0084/FL.

Any person wishing to inspect the background papers listed above, should contact Mr Derek Scott on 01563 576769.

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0168/FL

Site of Proposal: NTL Waterside Transmitting Station
South Glassock Farm
FENWICK

Natural of Proposal: Proposed Extension to Existing
Tower, Installation of 3 Dual Polar
Antennae, 3 Dishes and Associated
Cabinets for Hutchison 3G

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

Name & Address of Agent: M Smith
B & R Property
NTL
Crawley Court
WINCHESTER
Hants SO21 2QA

DPOs Reference: DS/SA

The above FULL application should be refused for the following reasons:

(1) The proposed extension to the telecommunications mast on this prominent exposed site is contrary to the provisions of Policy CS2 of the East Ayrshire Local Plan (Finalised Version with Modifications) by virtue of its detrimental impact on visual amenity.

(2) The proposed extension to the telecommunications mast on this prominent and exposed site is contrary to the national planning policy guidelines and advice as contained within NPPG 19 and PAN 62 on Radio Telecommunications, by virtue of its detrimental impact on visual amenity.

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VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA