

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 4 APRIL 2003

**03/0015/FL: PROPOSED INSTALLATION OF 3 METRES HIGH ANTENNAE
SUPPORT POLE AT 15.2M, 3 NO. DUAL POLAR ANTENNAE AT 16.2-18.0M,
2 NO. 0.6 METRE DISHES AT 15.8M AND ONE EQUIPMENT CABIN
AT NTL TRANSMITTING STATION, BORLAND BANK COTTAGE,
GLASGOW ROAD, KILMARNOCK
BY NTL ON BEHALF OF ORANGE PCS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to increase the height of the existing tower by approximately 3m to 18m. This extension will accommodate the antennae and dishes. The main antennae will be fitted to a narrow rocket headframe arrangement which is approximately 1.2m in width. It is also proposed to erect a ground based equipment cabin.

1.2 It should be noted that the existing tower has recently been altered by the addition of equipment below the existing headframe for another operator. These works did not require the benefit of planning permission but are detailed on the elevations.

1.3 This current application is the latest submission to extend the scope of operations at this site following the withdrawal of an earlier application East Ayrshire Ref: 02/0699/FL. That application involved the extension of the existing tower by the introduction of a heavier/larger headframe. That application was withdrawn following the assessment of the application and related negotiations by the Planning and Building Control Division with the applicants. This current application involves a significantly reduced arrangement from that previously withdrawn.

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 in Section 5 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. In this regard, the proposal is considered to accord with the provisions of Policy CS2 of the East Ayrshire Local Plan (Finalised Version with Modifications).

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

3.3 Previous applications have been refused on or adjacent to the site confirming the Council's view on the visual significance of the site. However, the contents of the Reporters findings on the earlier appeal support to the more restrained proposal currently before the Committee.

3.4 The submitted letter of objection is noted but is not considered in itself to be of sufficient weight to justify a recommendation of refusal.

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 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 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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 4 APRIL 2003

**03/0015/FL: PROPOSED INSTALLATION OF 3 METRES HIGH ANTENNAE
SUPPORT POLE AT 15.2M, 3 NO. DUAL POLAR ANTENNAE AT 16.2-18.0M,
2 NO. 0.6 METRE DISHES AT 15.8M AND ONE EQUIPMENT CABIN
AT NTL TRANSMITTING STATION, BORLAND BANK COTTAGE,
GLASGOW ROAD, KILMARNOCK
BY NTL ON BEHALF OF ORANGE PCS LTD**

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 a telecommunication development and is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** There is an existing 15m high tower with one main headframe on site within an established compound in the corner of a field. This facility was erected approximately 3 years ago under permitted development rights and consequently did not require the benefit of planning consent. There are two operators on site, utilising the existing tower. Adjacent land uses to the east and west include an agricultural field immediately abutting the existing compound and across the Glasgow Road, to the south lies Rowallan Creamery and to the north lie new housing developments.

2.2 **Proposed Development:** It is proposed to increase the height of the existing tower by approximately 3m to 18m. This extension will accommodate the antennae and dishes. The main antennae will be fitted to a narrow rocket headframe arrangement which is approximately 1.2m in width. It is also proposed to erect a ground based equipment cabin.

2.3 It should be noted that the existing tower has recently been altered by the addition of equipment below the existing headframe for another operator. These works did not require the benefit of planning permission but are detailed on the elevations.

2.4 This current application is the latest submission to extend the scope of operations at this site following the withdrawal of an earlier application East Ayrshire Ref: 02/0699/FL. That application involved the extension of the existing tower by the introduction of a heavier/larger headframe. That application was withdrawn following the assessment of the application and related negotiations by the Planning and Building Control Division with the applicants. This current application involves a significantly reduced arrangement from that previously withdrawn.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Environmental Health Division have advised that they have no objection to the proposal provided the emissions from the installation remain within the guidelines established by (ICNIRP).

Noted. A certificate confirming compliance with the ICNIRP guidelines has been submitted with the application.

4. REPRESENTATIONS

4.1 One letter of objection has been submitted in response to this application from the Commercial Manager of the Rowallan Creamery. The grounds of objection are as follows:-

4.2 The proposed extension will result in an overbearing visual impact on the local area.

This Division is of the view that the slimmer, rocket structure proposed can, in this instance, be accommodated on site. It will add to the height of the tower and to its visual impact on the area, however, it is considered that these aspects are sufficiently compensated by the advantages of the arrangement in terms of mast sharing and the applicants willingness to bring forward an extension which reduces the additional impact whilst providing a worthwhile upgrade of the installations capabilities.

4.3 The proposal results in an intensification of use within 100m of residential properties thus conflicting with East Ayrshire Council's policy in this respect.

It is accepted that the proposal is in conflict with Policy CS3 of the East Ayrshire Local Plan Finalised Version with Modifications. However, following the decision of the Development Services Committee on 23 October 2001 greater weight is to be placed on

National Planning Policy Guideline 19 (NGGP19) and Planning Advice Note 62 (PAN 62).

In that respect the application is considered to comply with that guidance and advice; i.e. reduce environmental impact, utilise mast and site sharing options, attempt to minimise the proliferation of new masts whilst ensuring the application operators requirements are clearly laid out at the appropriate stage.

4.4 The proposed extension would result in a negative impact on the sale of the creamery and the amenity of what is becoming an increasingly residential area.

Noted. Property value is not a material planning consideration. It is however agreed that the proposal would have an impact on the existing amenity of the area. However, the additional impact is not considered in this case to add significantly to that already resulting from the presence of the existing installation. The additional height to the structure is 3 metres to which are attached two dishes and 3 dual polars.

4.5 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 ie mast sharing.

4.6 The applicants also confirm that this proposal, the intensification of use of the existing site, will reduce the likelihood of a further proliferation of masts.

Noted. It is accepted that much of the supporting statement is correct. Additionally, the reduced proposal in terms of the much slimmer structure at a lower height is accepted as a positive approach given the history of the site to date.

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 the details of this application against the terms of the Adopted Local Plan it is concluded that there is no immediately

applicable policy against which to test the proposal. Consequently greater weight should be attached to the other material considerations.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

East Ayrshire Local Plan (Finalised Version with Modifications), Government Advice, Planning History, representations, consultation responses and impact on amenity of area.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.1 The Adopted Local Plan 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.

6.2 The EALP contains telecommunication policies which pre-date the recent Government Guidance contained within NPPG 19 and PAN 62. It will be necessary to review these policies following adoption of the plan. Nevertheless their current content should be considered as follows:-

6.3 Policy CS2 of the EALP provides the following:

“The Council will consider all telecommunication 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”.

The proposal, by its nature, is in accordance with the principles of mast sharing. In addition the proposal is supported by a

submission from the applicants confirming their consideration of alternative sites. With regard to visual impact, it is the view of this Division that the additional structure can be accommodated with no significant additional impact given the current impact of the existing structure.

6.4 Policy CS3 confirms that telecommunications operators will be requested to:

Locate installations wherever possible at least 100m from continuously occupied premises in educational, health serviced or residential use and to indicate on their plans the area of greatest intensity of emissions.

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

The reason for this policy is to ensure that telecommunications development have minimal environmental impact.

The proposal is strictly contrary to the terms of this policy, there being residential properties within 100 metres. However, the findings of the recent Appeal decision (see para 6.9) support approval of this proposal due to the limited number of houses within the 100m radius and the much reduced visual impact of the proposal. Information has also been satisfactorily supplied on the intensity of emissions.

Policy ENV10 confirms the assessment criteria against which applications within Listed Wildlife Sites will be assessed. The reason for this policy is to protect sensitive habitats and natural heritage resources from inappropriate development.

The application does involve development within a listed wildlife site, however it is considered that the scope of works including the extension to the compound are such that it is considered that the proposal would not have a significant impact on the sites biological or geological interest.

Government Guidance and Advice

6.5 National Planning Policy Guideline 19: Radio Telecommunications

NPPG 19 advises of the Scottish Executive's Policy on telecommunications development. Para 39 of NPPG 19 states that equipment should be sited and designed to minimise any visual impact.

It is considered that the mast is already prominent to a degree and the proposals will add 3m to its height. However, given that level of increase it is not the case that the proposals will have a significant adverse impact on the amenity of the area and consequently they are consistent with NPPG19.

The NPPG does advocate mast sharing as a positive environmental solution.

As noted above in para 2.3 the mast sharing option has already been utilised on site but involved alterations below the existing headframe. The application before the Committee also involves mast sharing but has the result of increasing the height and visual impact of the installation. Nevertheless, it is not considered that the increase in height is to such a degree that it exacerbates greatly the existing impact.

Planning Advice Note 62: Radio Telecommunications

6.6 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. Paragraphs 32 and 33 of PAN 62 provide that masts should be sited and designed to minimise visual impact.

This application proposes the heightening of an existing installation. In the circumstances of this site, the proposal is considered to comply with the basic advice set out in PAN 62 due to its less dramatic additional impact on an already intrusive structure, its mast sharing attributes and its anticipated consequent reduction in any proliferation of new installations in the area.

Planning History

6.7 In 1998 the applicant submitted 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, the 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.

6.8 More recently an application (EAC Ref: 01/0023/FL) was submitted for an entirely new tower to the immediate north of the existing tower. The new tower was 25m high and would support apparatus for a number of operators. It was proposed that the existing tower would be removed following the approval and implementation of the new tower.

6.9 That application was refused at the Northern Area Local Planning Committee in April 2001 for the following reasons:-

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”.*

6.10 Subsequent to that decision the, applicant appealed to the Scottish Executive. That Appeal process ended in the Appeal being dismissed. In the concluding statement the Reporter stated that he found the amenity of the area to be improving and that the proposal would significantly increase visual impact over that of the existing installation. He did confirm however that there was, in his view, scope for a more sensitive approach to minimise the additional adverse visual impact. It is considered that this new proposal offers a solution which strikes a balance for the applicants in providing additional equipment and coverage but does not add significantly to the adverse impact of the existing structure. The Reporter did not find the criteria of Policy CS3 to be significantly affected by the proposal which was larger and more intrusive than the current application.

Consultation Replies

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

Objections

6.12 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 in Section 5 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. In this regard, the proposal is considered to accord with the provisions of Policy CS2 of the East Ayrshire Local Plan (Finalised Version with Modifications).

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

8.3 Previous applications have been refused on or adjacent to the site confirming the Council's view on the visual significance of the site. However, the contents of the Reporters findings on the earlier appeal support to the more restrained proposal currently before the Committee.

8.4 The submitted letter of objection is noted but is not considered in itself to be of sufficient weight to justify a recommendation of refusal.

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 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 departure from Council policy.

Alan Neish
Head of Planning and Building Control

25 March 2003

(IW/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses and representations.
4. Adopted Stewarton Local Plan (1986).
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 98/0065/FL, 01/0023/FL and 02/0699/FL.

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

Implementation Officer: Dave Morris

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0015/FL

Location:	Borland Bank Cottage Glasgow Road KILMARNOCK
Nature of Proposal:	Install 3.0m high antennae support pole at 15.2m, 3no. dual polar antenna at 16.2-18.0m, 2 no. 0.6m dishes at 15.8m and 1 no. equipment cabin for NTL on behalf of Orange
Name & Address of Applicant:	NTL Crawley Court WINCHESTER Hampshire SO21 2QA
Name & Address of Agent:	Mr N Tutton Crawley Court WINCHESTER Hants SO21 2QA

DPOs Reference: IW/MS

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

1. Within one month of the telecommunications apparatus becoming operationally redundant in terms of the applicant's commercial requirements, all the apparatus shall be removed and the site restored to a scheme approved by the Planning Authority.

REASON In the interests of the visual and environmental quality of the surrounding 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.**