

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 22 NOVEMBER 2002

**02/0699/FL: PROPOSED INSTALLATION OF 3 METRES HIGH TOWER
EXTENSION, 6 NO. ANTENNAE, 2 NO. 0.6 METRE DISHES 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 tower by 3m to 18m and install a new headframe which will accommodate the proposed antennae and dishes. Submitted elevational details confirm that the operators have ensured that the proposed new headframe will be narrower than the existing headframe arrangement. It is also proposed to erect a ground based equipment cabin to support the works to the tower.

1.2 It should be noted that the existing tower is currently being altered with the addition of equipment below the existing headframe for another operator. These works do not require the benefit of planning permission but are detailed on the elevations.

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 5.2 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 Previous applications have been refused on or adjacent to the site confirming the Council's view on the visual significance of the site.

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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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, is subject to an objection and is recommended for refusal.

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 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 tower by 3m to 18m and install a new headframe which will accommodate the proposed antennae and dishes. Submitted elevational details confirm that the operators have ensured that the proposed new headframe will be narrower than the existing headframe arrangement. It is also proposed to erect a ground based equipment cabin to support the works to the tower.

2.3 It should be noted that the existing tower is currently being altered with the addition of equipment below the existing headframe for another operator. These works do not require the benefit of planning permission but are detailed on the elevations.

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 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.

Noted. This Division is of the view that the proposal would indeed have such an adverse effect.

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 would have been in conflict with an earlier interim policy. However this policy has been deleted following the decision of the Development Services Committee on 23 October 2001 to place greater weight on NPPG 19 and PAN 62.

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 a significant impact on the existing amenity of the area.

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 and there being only a few houses within 100 metres of the site.

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 acknowledged that much of the supporting statement is correct. However the height of the tower remains of concern.

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 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 but consequent to this sharing is the increase in the scale and height of the structure which, combined with the site’s 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 considered to be extremely prominent and visually intrusive. The proposal to increase the towers’ height with significant works would have an additional detrimental impact on the amenity of the area that could not be supported. This would be contrary to Policy CS2(i).

Government Guidance and Advice

6.4 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.

As noted in para 6.3 above, it is considered that the existing mast is visually prominent. The proposal requires alterations to heighten the existing mast and exacerbate its impact on the visual amenity of the area to its detriment. It is therefore considered that the proposal does not conform to the provisions of NPPG 19.

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 significantly increasing the height and visual impact of the installation.

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. Paragraphs 32 and 33 of PAN 62 provide that masts should be sited and designed to minimise visual impact. It confirms that masts that are exposed or breach the skyline are not desirable (Para 69).

This application proposes the heightening of such an installation. In the circumstances of this site, the proposal is therefore considered not to comply with the advice set out in PAN 62.

Planning History

6.6 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.

6.7 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. The existing tower would be revised on the approval and implementation of the new tower.

6.8 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”.*

Subsequent to that decision the applicant appealed to the Scottish Executive. That Appeal process ended in the Appeal being dismissed. In the concluding remarks the Reporter stated that he found the amenity of the area to be improving, but at the time he did not find the criteria of Policy CS3 to be significantly affected. Policy CS3 has now been deleted.

Accordingly, whilst it is noted that the current application is an improvement on the proposal dealt with at Appeal it remains a significant addition to the facility to the detriment of the area.

Consultation Replies

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

Objections

6.10 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 5.2 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 Previous applications have been refused on or adjacent to the site confirming the Council's view on the visual significance of the site.

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

12 November 2002
(IW/MMM)

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 and 01/0023/FL.

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

Implementation Officer: Dave Morris

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0699/FL

Site of Proposal:	NTL Laigh Fenwick Borland Bank Cottage Glasgow Road KILMARNOCK
Nature of Proposal:	Proposed Installation of 3 Metre High Tower Extension, 6 No. Polar Antennae at 16.2m, 2 No. 0.6m Dishes at 17 Metre and One No. Equipment Cabin for NTL on behalf of Orange PCS Ltd.
Name & Address of Applicant:	NTL Crawley Court Crawley WINCHESTER SO21 2QA
Name & Address of Agent:	Mr N Tutton NTL Crawley Court Crawley WINCHESTER SO21 2QA

DPOs Reference: IW/MMM

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 close proximity to predominantly residential surroundings, and being adjacent to a busy road which acts as an arterial route into Kilmarnock.
2. The proposed development is contrary to Policy CS2 of the East Ayrshire Local Plan (Finalised Version with Modifications) by reason of having a significant detrimental impact on the visual amenity of the area.

3. 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.

**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