

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 14 FEBRUARY 2003

02/0816/FL: PROPOSED INSTALLATION OF A 5 METRE UPGRADE SECTION, RELOCATION OF EXISTING APPARATUS AND ANCILLARY DEVELOPMENT AT EXISTING TELECOMMUNICATIONS SITE, STEVENSTON FARM, AUCHINLECK

APPLICATION BY ORANGE PCS. LTD.

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the installation of a 5 metre extension to the existing 20 metres high telecommunications lattice tower. The existing 6 No. antennae and 4 No. dishes will be relocated on the extended mast with no additional equipment being installed. 10 No. existing equipment cabins are currently located within the existing fenced compound. The fenced compound measures 17 metres by 17 metres and consists of a 1.8 metre high palisade fence topped with 3 strands of barbed wire. No additional equipment cabins are proposed as part of this application.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in 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. As is indicated in section 6 of the report, there are material considerations relevant to this application.

3.2 Until such time as the EALP is adopted and in view of guidance issued by the Scottish Executive the material considerations to which the greatest weight should currently be applied are NPPG 19 and PAN 62. Both these and the other material considerations are supportive of the application.

3.3 The proposed extended mast with its existing compound and equipment cabins would not be detrimental to the character of the rural area in which it would be located.

3.4 In terms of the letter of objection, it is considered that the proposed siting of the mast would not result in unacceptable visual intrusion within the rural area. Furthermore, the site is not within a prominent location, nor is it of unspoiled character.

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 will not require to be referred to the Development Services Committee because there will be no 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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation due to the nature of the proposed development and as it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located within an existing plantation which is located 125 metres south of Barony Road, approximately 1 kilometre north east of Ochiltree. The site is bound to the north and east by existing trees and to the south and west by agricultural land. The nearest dwellinghouse is located 127 metres to the north west of the site. The site presently consists of an existing telecommunications site consisting of a 20 metre high mast and equipment cabinets contained within a fenced compound.

2.2 **Proposed Development:** Full planning permission is sought for the installation of a 5 metre extension to the existing 20 metres high telecommunications lattice tower. The existing 6 No. antennae and 4 No. dishes will be relocated on the extended mast with no additional equipment being installed. 10 No. existing equipment cabins are currently located within the existing fenced compound. The fenced compound measures 17 metres by 17 metres and consists of a 1.8 metre high palisade fence topped with 3 strands of barbed wire. No additional equipment cabins are proposed as part of this application.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Ochiltree Community Council objects to the planning application on the grounds that the increased height of the structure would be intrusive in relation to the surrounding area, being in a prominent position on the skyline.

The existing mast is located within an established woodland. Existing trees and shrubs also provide some screening of the

compound. The extended mast would however be visible from Main Street, Ochiltree, from the B7036 from Ochiltree to Auchinleck and the A70 from Ochiltree to Cumnock. It is, however, considered that the extended mast would not detract from principal views or skylines. Other high structures such as the Egger Barony site and the Barony Colliery “A Frame” are already visible from these points. It is considered that the proposed increase in height of the existing mast by some 5 metres would not result in any significant additional visual impact on the surrounding area. The increase in the height of the existing mast to accommodate the telecommunications upgrade has to be considered against the alternative of a second mast within the locality to provide the services required. It is considered that a second mast would potentially have a greater impact on visual amenity than upgrading the existing apparatus.

The Community Council also questions whether the proposed alteration would significantly increase the performance of the mast in relation to the visual intrusion it would cause.

The applicant has stated that the upgrade is required to accommodate equipment for Third Generation mobile telecoms services. The upgrade is required in order for the Service Provider to meet the terms of its Code Operators licence. The use of the existing mast is being promoted instead of the alternative of an additional mast in the locality.

4. REPRESENTATIONS

4.1 One letter of representation, from Ochiltree Community Council has been received. This is summarised in Section 3.1 above.

5. ASSESSMENT AGAINST THE 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 Approved Ayrshire Joint Structure Plan (1999) and the Adopted Cumnock and Auchinleck Local Plan (1992). The Adopted Plan was prepared within the context of the then approved Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy79 which states that the Council will ensure that any development in the countryside will be in keeping with and reflect the nature of the rural area in which it is located, in terms of materials used, design, siting, size, scale and finish of the development.

The proposed extended mast would be integrated into the landscape as it is located within an existing group of trees. The site is not a prominent location, nor is it of unspoilt character. The proposed development would therefore comply with the above policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, (Finalised Version with Modifications) (2002), National Planning Policy Guideline 19: Radio Telecommunications (NPPG19), Planning Advice Note 62: Radio Telecommunications, consultation replies and representations.

East Ayrshire Local Plan (Finalised Version with Modifications)

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 is affected by Community and Service Infrastructure Policies.

6.3 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;

It is considered that increasing the height of this existing mast by 5 metres would not result in any significant additional visual impact on the surrounding rural locality.

- (ii) the possibility of shared operational facilities;

The upgrading of the existing mast is considered to be a more acceptable proposal than the provision of an additional mast. The upgrading of the existing mast may also facilitate the ability to site share with other operators.

- (iii) the availability of suitable alternative sites.

The proposal involves the upgrading of an existing facility.

6.4 Policy CS3 states, 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 continuously occupied property is a dwellinghouse located 127 metres to the north west of the site.

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

Plans outlining the greatest intensity of emissions have not been submitted as part of the application. Due to the proposed location of the mast, within the rural area and some considerable distance from the nearest dwellings, these plans were not requested by the Planning Division. In addition, the applicants have submitted a declaration of conformity with the exposure guidelines of the International Commission on Non-Ionising Radiation Protection.

National Planning Policy Guideline 19; Radio Telecommunications

6.5 NPPG 19 outlines Scottish Executive Policy on telecommunications development. With regards to new ground base 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.

Noted.

6.6 Paragraph 53 of NPPG 19 states that the planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radiofrequency (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 also 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.

Planning Advice Note 62: Radio Telecommunications

6.7 PAN62 states that access to telecommunications services in rural Scotland is important for business, educational and social use. The landscape quality of rural areas can however be easily damaged by insensitive telecommunication installations. The impact is often heightened because equipment can be seen over long distances. It is best practice to

avoid prominent locations visible from visitor attractions, scenic viewpoints, or the main line of vision from a road.

There are no scenic viewpoints or major visitor attractions within the vicinity of the proposed development. Furthermore, the extended mast would not be unduly obtrusive when viewed from the nearest public roads and the village of Ochiltree.

Consultation Replies

6.8 The consultation replies do not indicate that the application should be resisted.

Representations

6.9 The terms of a letter of objection are detailed Section 3 above. This highlights concerns with regard to visual intrusion and impact of the proposed mast on the rural landscape.

It is considered that the proposed increase in height of the existing mast by some 5 metres would not result in any significant additional visual impact on the surrounding area.

Planning History

6.10 Planning permission for the erection of a 20 metres high lattice mast and associated compound on this site was approved on 30 November 2001 (Ref. No. 01/0673/FL).

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 is indicated in 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. As is indicated in section 6 of the report, there are material considerations relevant to this application.

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9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

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Alan Neish
Head of Planning and Building Control
02 February 2003
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Adopted Cumnock and Auchinleck Local Plan (1992).
5. Approved Ayrshire Joint Structure Plan (1999).
6. East Ayrshire Local Plan, Finalised Version with Modifications (2002).
7. Approved Strathclyde Structure Plan.
8. National Planning Policy Guideline 19: Radio Telecommunications
9. Planning Advice Note 62: Radio Telecommunications.
10. Previous application 01/0673/FL

Any person wishing to inspect the background papers listed above, should contact Mr Hugh Melvin on 01563 555481.

| Implementation Officer: Dave Morris

Location	Stevenston Farm Auchinleck
Nature of Proposal:	Proposed installation of a 5 metre upgrade section, relocation of existing apparatus and ancillary development at existing telecommunications site
Name and Address of Applicant:	Orange PCS Ltd C/o Agent
Name and Address of Agent	James Barr Consultants 226 West George Street GLASGOW G2 2LN

DPO's Ref: Hugh Melvin]
PPO's Ref; []

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

1. In the event that equipment becomes obsolete or redundant it shall be removed and the site reinstated to the satisfaction of the planning authority within three months.

REASON: In the interests of visual amenity and to ensure the reinstatement of the site to a satisfactory standard.

2. The colour of the additional section of mast shall match that of the existing structure.

REASON: To minimise the level of visual intrusion in the rural landscape.

3. The extended mast shall be structurally capable of being shared by additional radio telecommunication equipment.

REASON: To enable potential mast sharing.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**