

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 02 NOVEMBER 2001

**01/0561/FL: INSTALLATION OF 15 METRE HIGH
TELECOMMUNICATIONS LATTICE TOWER ARRANGEMENT WITHIN
FENCED COMPOUND AT FIRST STOP BUILDERS MERCHANTS,
AYR ROAD, CUMNOCK**

APPLICATION BY ORANGE PCS. LTD.

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the installation of a 15 metres high, telecommunications lattice tower with 6 no. antennae, 4 No. dishes and 10 no. equipment cabins, within a fenced compound. The fenced compound would be 12 metres by 12 metres and would consist of a 1.8 metre high palisade fence topped with 3 strands of barbed wire. The site would be accessed from the existing builder's merchants' yard.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated at paragraph 5.1 of the report, there are no policies contained within the Adopted Cumnock and Auchinleck Local Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however, it is considered that these are supportive of the application.

3.2 The proposed mast and associated compound and equipment would be sensitively sited within an established industrial area and would not be detrimental to the amenity or character of the area.

3.3 In terms of the letter of objection, radiofrequency radiation emissions levels from the proposed mast and the future use of an adjacent field are not material considerations in the determination of the application. Although concerns have been raised with regard to the siting of the mast near the Community Hospital, it is considered that the distance between the hospital and the proposed mast, of 100 metres is acceptable. A condition removing permitted development rights could however be attached to any planning

consent. This would ensure that the Planning Authority retained control over the future development of the site.

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 lies within an existing builder's merchants yard, approximately 220 metres south of Ayr Road, Cumnock. The site is bound on all sides by this yard. The former Cumnock Knitwear factory lies 40 metres to the north of the site and East Ayrshire Community Hospital is located approximately 100 metres to the north west. The nearest dwellings are sited 140 metres to the north-east at Hearth Road. The site is presently in an overgrown condition and forms part of the curtilage of the builder's merchants.

2.2 **Proposed Development:** Full planning permission is sought for the installation of a 15 metres high, telecommunications lattice tower with 6 no. antennae, 4 No. dishes and 10 no. equipment cabins, within a fenced compound. The fenced compound would be 12 metres by 12 metres and would consist of a 1.8 metre high palisade fence topped with 3 strands of barbed wire. The site would be accessed from the existing builder's merchants' yard.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Community Council has not responded to the consultation letter at the time of writing the report.

Noted.

4. REPRESENTATIONS

4.1 One letter of representation, from Ayrshire and Arran Primary Care NHS Trust, has been received with regard to the proposed development. This is summarised as follows:

4.2 Planning consent should only be granted subject to an acceptable conclusion of a full and independent assessment of the potential impact that the telecommunication tower may have on the adjacent East Ayrshire Community Hospital complete with its service installations. Those parts of the hospital building closest to the proposed mast are long-term homes of vulnerable, frail patients. It should also be appreciated that some of these patients are allowed access within the hospital grounds and could, for significant periods, be in much closer proximity to the mast than would be the case when confined to the wards.

Emission levels of radiofrequency radiation from the proposed mast are not a material consideration in the determination of the application (see paragraph 6.6). Public concerns regarding siting and design may however be considered. In this regard it is considered that the siting of the proposed lattice mast, 100 metres from the nearest continuously occupied premises (East Ayrshire Community Hospital) is acceptable. Furthermore, no letters of objection from members of the public have been received.

4.3 Planning consent should only be granted subject to an acceptable conclusion of a full and independent assessment of the potential impact that the telecommunication tower may have on any future use that may be made of the vacant field which is in the ownership of the Primary Care NHS Trust and lies to the rear of the development site.

Consideration cannot be given to any unknown future uses of adjacent sites in the determination of this application.

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 (1999) and the Adopted Cumnock and Auchinleck Local Plan (1992). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 There are no specific policies within the Adopted Cumnock and Auchinleck Local Plan relevant to the determination of this application and, as such, greater weight should be attached to the 'other material considerations' referred to in Section 6 of this report.

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) (2001), National Planning Policy Guideline 19: Radio Telecommunications (NPPG19) and representations.

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 settlement boundary of Cumnock and is affected by Community and Service Infrastructure Policies.

East Ayrshire Local Plan (Finalised Version with Modifications)

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 proposed to site the mast within an industrial area some distance away from main roads and dwellinghouses. The mast would be visible from the by-pass, however a number of trees located to the south, which vary in height between 6 and 24 metres, would provide some screening.

- (ii) the possibility of shared operational facilities;

The applicant's agent has advised that they investigated the possibility of locating equipment on the police mast in Cumnock, however there is insufficient room to accommodate such equipment.

- (iii) the availability of suitable alternative sites.

The applicant's agent has advised that the site has been chosen because of its location in a local business area, some distance away from housing and that they will be making use of a dilapidated area of a builders yard. They have also stated that several locations within the industrial estate were investigated and this site was chosen because it has a back drop of a hill, has industrial units in front and will only be visible from a few houses at a distance of about 200 metres from the site.

The mast would be located within an industrial area and would not result in an unacceptable visual intrusion within this area of Cumnock. Furthermore, the applicant has investigated the suitability of various sites and of the possibility of site sharing. The proposal is therefore compliant with the provisions of the above policy.

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 the East Ayrshire Community Hospital. There would be a distance of 96 metres between the fenced compound and the nearest part of the Hospital. The mast itself would be 100 metres from this part of the hospital.

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

Plans outlining the beam of greatest intensity have been submitted as part of the application. These show that the radio frequency levels of the proposed mast would be a small percentage of the radiofrequency public exposure guidelines of the International Commission on Non-ionizing Radiation Protection (ICNIRP)

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.

The mast would be located within an established industrial area and would be partially screened to the south by existing trees. It is considered that the lattice mast proposed is acceptable within this area.

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.

Representations

6.7 The terms of a letter of objection are detailed Section 4 above. This highlights health concerns with regard to the occupants of the East Ayrshire Community Hospital.

As indicated in Paragraph 6.6. above, health concerns are addressed separately by different agencies other than the Planning Authority and are not material planning considerations. NPPG 19 confirms that this approach will be applied in the determination of appeals. Notwithstanding this, the mast would be 100metres from the nearest continuously occupied premises thus being compliant with the EALP and the Council's Interim Policy on Telecommunications Developments; (although at the time of writing this policy is under review by the Council).

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 Cumnock and Auchinleck Local Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however, it is considered that these are supportive of the application.

8.2 The proposed mast and associated compound and equipment would be sensitively sited within an established industrial area and would not be detrimental to the amenity or character of the area.

8.3 In terms of the letter of objection, radiofrequency radiation emissions levels from the proposed mast and the future use of an adjacent field are not material considerations in the determination of the application. Although concerns have been raised with regard to the siting of the mast near the Community Hospital, it is considered that the distance between the hospital and the proposed mast, of 100 metres is acceptable. A condition removing permitted development rights could however be attached to any planning consent. This would ensure that the Planning Authority retained control over the future development of the site.

9. RECOMMENDATIONS

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

Alan Neish
Head of Planning and Building Control

17 October 2001
VE/VE
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letter of Representation
5. Adopted Cumnock and Auchinleck Local Plan (1992).
6. Approved Ayrshire Joint Structure Plan (1999).
7. East Ayrshire Local Plan, Finalised Version with Modifications (2001).
8. Approved Strathclyde Structure Plan.
9. National Planning Policy Guideline 19: Radio Telecommunications

Any person wishing to inspect the background papers listed above, should contact Miss Vivien Emery on 01563 555485.

Implementation Officer: Dave Morris

Application no: 01/0561/FL

Location	Ayr Road First Stop Builders Merchants Cumnock KA18 1EF
Nature of Proposal:	Installation of 15 metre high telecommunications lattice tower arrangement within fenced compound
Name and Address of Applicant:	Orange PCS Ltd Unit 2 Masterton Way Tannochside Business Park Uddingston Glasgow
Name and Address of Agent	Kingfisher Estates Ltd. 350A Lanark Road West Currie Edinburgh EH14 5RR

DPO's Ref: Vivien Emery]
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 all the elements including the support structure, associated equipment housing cabinets, antennas and cabling shall be approved by the planning authority prior to their construction and shall not be altered thereafter unless agreed in writing.

REASON: To minimise the level of intrusion.

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

REASON: To enable potential mast sharing.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order revoking and re-enacting that order, permitted development Class 67 of Schedule 1 of the said Order is hereby removed in relation to the application site.

REASON: To enable the Planning Authority to retain control over future development on the site in the interests of visual amenity.

AGENDA