



City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

Schools : Headlands Primary 0199

## 2.2 Policies:

CYGP20

Telecommunication developments

## 3.0 CONSULTATIONS

### 3.1 Environmental Protection Unit.

No objections. The installation complies with public exposure guidelines drawn up by the International Commission for Non Ionising Radiation levels.

### 3.2 Haxby Town Council

Sympathised with the objections made by residents. However, no objections from the Town Council.

### 3.3 Neighbours and other interested third parties.

Individual letters were sent to 186 occupiers living close to the site of the mast including Headlands Primary School. A number of site notices were also put up in the area. 23 letters of objection have been received making the following comments. A petition with 233 signatures objecting to the proposal has also received.

- i) Health concerns and the unproven nature of any health effects upon those living close to the installation as well as people using the nearby shops.
- ii) The mast and the equipment will project into the footpath, meaning people will walk closer to the edge of the footpath, increasing the risk of an accident. Youths could sit on the equipment box and this could lead to problems with anti-social behaviour.
- iii) Visually intrusive. Not in keeping with a residential area. Will be significantly higher than existing street furniture and buildings and will not blend in with its surroundings. The area is quite open with nothing to hide it from view so it will be visible from a significant distance away, blighting local views.
- iv) Could lead to other phone companies wishing to locate masts here.
- v) Just an excuse to boost Council funds. Council has a responsibility not to earn income from those it serves.
- vi) Vodafone have ignored all the objections of local residents at the pre-application stage.
- vii) Flagrant disregard for public opinion.
- viii) Will reduce house prices in the area.

- ix) There are more appropriate locations within Haxby. Should be placed on the edge of the village where it impacts on less people. There would appear to be numerous other places where it could go. ie: fields and other open spaces.
- x) Too close to the nearby Headlands Primary school. Concerned for the health and well being of the children who attend the school.
- xi) Limited information and consultation has occurred and does nothing to allay local concerns.
- xii) It is a relatively rural location so other locations should be considered.
- xiii) A precautionary approach should always be taken close to sensitive uses such as housing and schools. No such masts should be allowed unless it is confirmed that emissions fall within ICNIRP guidelines. Such proposals should not be allowed until further research is conducted and a conclusive report issued which proves without doubt that there are no health implications to such an installation.
- xiii) Lack of pre-application consultation from Vodaphone. If it is so safe then why the reluctance to tell people.
- xv) The adjacent flats above the shops will be susceptible to direct exposure given the height of the mast.

## **4.0 APPRAISAL**

4.1 This notification is seeking a decision before installing the proposed base station as to whether approval of siting and appearance of the development is required.

### **POLICY CONTEXT**

4.2 The relevant national policy guidelines are set out in Planning Policy Guidance Note 8: Telecommunications (PPG8), August 2001. It explains permitted development rights for telecommunications equipment, the prior approval procedure for such equipment and gives advice on environmental considerations, including mast/site sharing and design. It states that 'protection from visual intrusion and the implications for subsequent network development will be important considerations in determining applications'. It encourages authorities and operators to find appropriate sites and use sympathetic design to minimise the impact of development on the environment. Authorities are required to take account of the special siting needs of code operators.

4.3 It also gives advice on health considerations. It states that 'it is the Government's firm view that the planning system is not the place for determining health safeguards. If a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them'.

4.4 Policy GP20 (Telecommunications Development) of the Council's Draft Local Plan is also considered to be material to the determination of this prior approval application. This reflects national advice in that it encourages mast sharing and that such sites have been considered, minimising visual intrusion and proliferation, seeks to avoid any adverse effect on the character of the area or historic character or the

skyline of the City and requires equipment to meet the latest approved Government guidelines for public telecommunications equipment.

## SITING AND APPEARANCE

4.5 The main considerations are therefore siting and appearance.

4.6 The supporting statement and supplementary information submitted with the application includes details of the site selection process. This states that the Telecommunication industry's site database was checked for suitable sites as well as a physical search undertaken. A list of 15 alternative sites has been submitted, comprising of some existing base stations and other alternative new sites which have been considered and discounted by the applicant. These were discounted for a number of technical or operational reasons.

4.7 The proposal has been given a "red" site rating under the traffic light model used by system operators when assessing sites, the lowest of three ratings. The site is located in a built up residential area although the site of the mast itself fronts a row of shops. However there are flats above these shops so officers consider this to be a residential area as opposed to the mixed land-use area as suggested by the applicants. The site is not in a conservation area. Headlands Primary school is located approximately 100m (distance to boundary wall) from the proposed base station and this increases to approx. 170 metres to the nearest school building. The mast will be unseen from the school. The nearest residential unit will be the flats above the shops at nos 35-41 Oak Tree Lane and this is a distance of approx. 11 metres. To the houses across the road this distance rises to approx. 20 metres.

4.8 Given its location the mast will be visually prominent in the area. It is also acknowledged that at 12.2 metres the mast will be higher than surrounding buildings and street furniture. As a comparison, the nearby shops with flats above are approx. 9 metres high and the adjacent lamppost is 5 metres high. The flats in Oak Tree Court to the east are also approx. 9 metres high. However, the pole is slimline in nature (approx. 250mm in diameter with a slightly larger diameter shroud at the top covering the antenna) and will be seen against an urban backdrop which by its very nature has a strong vertical emphasis. It will stand opposite the junction with Ploughlands and will therefore be prominent when driving or walking south along this road. However, it will be seen against the backdrop of the retail/flats building behind and whilst the top of the mast may project above this building, this will not be significant and given its slender appearance, designed to look like an imitation "streetworks" pole, officers do not consider that it would be unduly harmful to the character of the area. This is the same for views from all other directions. Furthermore the proposed colour finish of the mast and shroud would help lessen any visual intrusion and its overall appearance would be similar to that of other street furniture in the area, albeit somewhat taller.

4.9 It is acknowledged that the mast will be close to a number of residential properties, however officers do not consider the installation would represent an overly oppressive or overbearing structure when seen from nearby houses.

4.10 The associated equipment cabinets would be narrow and only about 1.4 metres high. They will be seen against the backdrop of the boundary wall behind. Concern was expressed that they would represent a danger to pedestrians using the footpath, however they project only 500mm into the footpath leaving a further 2 metres of footpath for pedestrian use. Officers do not consider this to represent a highway danger.

4.9 In light of the above, it is considered that proposal does not harm the visual amenity of the area.

## HEALTH CONSIDERATIONS

4.10 The applicant has certified that the proposed equipment and installation is designed to be in full compliance with the requirements of the ICNIRP Public Exposure Guidelines on radio frequency. Therefore, in accordance with national planning advice contained within PPG8 and in the absence of any special indication otherwise, it is not necessary to consider further the health aspects of the proposed development. No objection can be made on health grounds.

4.11 A Court of Appeal decision in November 2004 regarding the erection of a mast in Harrogate had reinforced this health advice and also ruled that it remains Central Government's responsibility to decide what measures are necessary to protect public health.

## OTHER ISSUES.

4.12 Concern has been expressed by objectors that the installation will reduce house prices in the area. This is not a material planning consideration and is outside the consideration of this prior notification application. This is confirmed by advice within PPG8.

4.13 Several objectors have described the site as rural, officers consider it to be a built up, residential area within a medium sized settlement.

4.14 Many objectors refer to more suitable sites being available within Haxby. Other sites were assessed by the applicant and rejected on various grounds and the Council have no reason to doubt this evidence or its conclusions. Notwithstanding this, the application should be assessed as submitted and if considered acceptable in siting and appearance terms, the Council would have no justification for considering other sites.

4.15 The comment that the proposal, if approved, could result in other telecommunication operators wishing to site similar equipment in the locality is not a matter that can be considered. If further such applications were submitted then they would have to be assessed against the same criteria, policies and national guidance as outlined above.

4.16. Concerns have been raised that the installation could attract and increase levels of anti-social behaviour. However, there is no obvious reason why this should be the case.

## **5.0 CONCLUSION**

5.1 Central Government advice within PPG8 makes it clear that the only matters material to the consideration of this application for prior approval are siting and appearance. The base station will be located in a residential area and will be higher than other buildings and other street furniture in the area. However, given the slimline nature of the proposal set against a strong urban backdrop, it is not considered that the proposal harms the visual amenity of the area. The application is accompanied by a Certificate confirming that the proposed mobile phone base station meets the ICNIRP guidelines for public exposure. As such, no objections are raised to the proposal.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** No Objections

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on visual amenity, residential amenity, need, assessment of alternative sites and health considerations. As such the proposal complies with national guidance in PPG8 (Telecommunications) and Policies GP1 and GP20 of the City of York Local Plan incorporating the 4th set of changes approved April 2005.

### **Contact details:**

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