

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 14 May 2009

**Ward:** Holgate  
**Parish:** No Parish

**Reference:** 09/00406/TCMAS  
**Application at:** Junction between Boroughbridge Road and Plantation Drive, York  
**For:** Telecommunications mast including 12m high pole 3no antennas overall height 14.2m and associated ground equipment at junction of Boroughbridge Road and Plantation Drive  
**By:** Vodafone Ltd  
**Application Type:** Telecommunication Mast Notice  
**Target Date:** 19 May 2009

### 1.0 PROPOSAL

1.1 This application has been submitted under the terms of part 24 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for determination as to whether Local Planning Authority require prior approval of the siting and appearance of the development.

1.2 It is proposed to erect a 12.00 m slim line steel telecommunications pole with three no. 3G antennas above within a GRP shroud. The antenna's would increase the height of the mast to a total height of 14.20 m. Also to be attached to the pole is 1 no. 300 mm diameter transmission dish (fixed at approximately 11.50 m above ground floor level. The proposal also includes the erection of 1 no. outdoor cabinet and 1 no. electrical mains pillar, which are to be positioned adjacent the mast.

1.3 The proposed equipment cabinet is to be placed on a concrete base and would measure approximately 1.48 m in length x 0.35 m in width x 1.50 m in height. The proposed electrical mains pillar would also be placed on a concrete base and would measure approximately 0.366 m in length x 0.50 m in width x 0.800 m in height.

1.4 The applicant has stated that the apparatus is required as Vodafone is currently undertaking network development within the York area and have identified a need for a new base station within this particular area of York in order to establish third generation (3G) network coverage.

1.5 In support of the application the agents state that the design and location of the mast would minimise the effect on visual and residential amenity and provides detail of coverage, technical justification and an ICNIRP health conformity certificate.

## SITE

1.6 The telecommunication mast and equipment is to be erected adjacent the junction between Boroughbridge Road and Plantation Drive.

## PLANNING HISTORY

1.7 No relevant telecommunication history.

## COUNCILLOR REQUEST

1.8 This application is being presented to Planning Committee at the request of Councillor Simpson-Laing due to the concerns raised by the neighbours.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding : Air Field safeguarding 0175

City Boundary : York City Boundary 0001

DC Area Teams : West Area 0004

2.2 Policies:

CYGP1  
Design

CYGP20  
Telecommunication developments

## **3.0 CONSULTATIONS**

### INTERNAL

### HIGHWAY NETWORK MANAGEMENT

3.1 The Officer did not object to the proposal but advised that the mast should ideally be repositioned further away from an existing vehicular access point.

### ENVIRONMENTAL PROTECTION

3.2 The Officer noted that an ICNIRP certificate of compliance had been submitted. As a consequence the officer raised no objections to the proposed mast.

## EXTERNAL

### ACOMB PLANNING PANEL

3.3 The Panel drew attention to the Council's policy regarding telecommunications GP20 and highlighted that the policy requires operators to explore the possibilities of erecting equipment on existing buildings and that the visual intrusion and proliferation of such equipment has been minimised and that the proposal does not result in a significantly adverse effect upon the character of the area.

3.4 The Council's highways department should not support the erection of telecommunications mast at such a busy junction.

### NEIGHBOURS

3.5 The application has been advertised by neighbour letter and also a site notice. 3 no objections have been received from interested parties. The objections related to the following:-

- The siting of the mast would be very obtrusive and aesthetically unappealing in this predominantly residential location;
- This approach road to the city is relatively pleasant being tree lined and would be substantially marred by such a large mast and associated boxes;
- Government guidelines for the erection of such masts state that factors to be considered in the assessment of such proposals should include
  - The effect upon the skyline/horizon;
  - The site when observed from any side; and
  - The site in relation to residential property.
- The mast is too high. At 14.20 m it would stand half as high again as houses in the area, the mast would beak the skyline when observed from both directions along Boroughbridge Road.
- If approved, an objector will move;
- Health risks;
- Relocate the mast to the British Sugar site;
- Additional street clutter would create a further eyesore within the area, there is already an air monitoring unit close by; and
- Was not aware of the site notice until 13/04/2009.

3.6 A petition signed by 118 people was also submitted stating that they did not agree to the proposed telecommunications mast.

## 4.0 APPRAISAL

4.1 The main considerations are:

- Prior Approval procedure;
- Justification

- Health issues;
- Siting;
- design;
- Alternative siting options; and
- Highways comments

## POLICY

4.2 PPS1 'Planning for Sustainable Development' aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.3 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.

4.4 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'.

4.5 Policy GP20 (Telecommunications Development) of the Council's Draft Local Plan are also considered to material to the determination of this prior approval application. This reflects national advice in that it encourages mast sharing, the minimisation of visual intrusion and proliferation, seeks to avoid any adverse effect on the character of the area or historic character of the City and requires equipment to meet the latest Government guidelines.

4.6 Supporting text for this policy further states that telecommunications installations can have a significant visual impact on an area. This is especially true in an area of acknowledged built environment quality such as the City of York. Therefore, careful consideration needs to be given to the impact of new technology on the character of the City and, in particular, to its effect on important public views and on the City's skyline. Minor telecommunications development is, in many cases, permitted without the need for planning permission to be obtained. However, under this policy, these installations will also need to give consideration to the possibility of sharing existing facilities.

4.7 Code of Best Practice for Mobile Phone Network development (2002) - This publication, produced jointly by representatives of central and local government and the mobile phone industry, builds on Government guidance and operators'

commitments. It provides clear and practical advice to ensure the delivery of significantly better and more effective communication and consultation between operators, local authorities and local people. This replaces the version first produced in 1996.

4.8 Independent Expert Group on Mobile Phones - In 1999, the Independent Expert Group on Mobile Phones (IEGMP) was set up to look at the potential health risks from mobile phone technology. The chairman was Sir William Stewart and the group reported back in May 2000 with what is now commonly referred to as the 'Stewart Report'. The report concluded that "The balance of evidence to date suggests that exposures to RF radiation below NRPB and ICNRP guidelines do not cause adverse health risk to the general population, and that" The balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. The findings of the 'Stewart Report' were not conclusive but did advocate the 'precautionary principle' being adopted in the consideration of applications.

#### PRIOR APPROVAL PROCEDURE

4.9 A number of forms of telecommunications development which are permitted under Part 24 of the GPDO are subject to a 56-day prior approval procedure under paragraph A.2(4) of Part 24. This procedure applies to the construction, installation, alteration or replacement (unless in an emergency) of a ground based mast of up to and including 15.00 m in height (as is the type subject to this application).

4.10 For such types of development the developer must apply to the local planning authority for its determination as to whether prior approval will be required to the siting and appearance of the proposed development. The local planning authority will have 56 days, beginning with the date on which it receives the application, in which to make and notify its determination on whether prior approval is required to siting and appearance and to notify the applicant of its decision to give or refuse such approval. In the case of this application the relevant period expires 19/05/2009.

4.11 After viewing the information submitted by the applicants, it is considered that the applicants have satisfied the requirements of PPG8 with regards to the proposal being considered acceptable under the requirements for prior determination.

#### JUSTIFICATION

4.12 Second Generation (2G) networks cater specifically for voice calls and text messaging. Their base station could provide significant levels of network coverage. In contrast 3G technology, which provides multimedia and internet data access, operates at a much lower capacity. As such the applicants state that 3G cells are geographically smaller than their 2G counterpart and require base station development to be located closer together. The distance between each mast restricts the transmission levels and therefore limits the number of phone users being serviced by each station facility. In this regard the applicants highlight that on average 3G cells are required to be located between 500 – 1000 m apart within urban areas.

4.13 The establishment of an effective 3G network has several planning implications as the amount of base station sites being required continues to rise. However the applicant states that they are committed to minimising the impact of their infrastructure within local environments by ensuring that only the most appropriate planning solutions are taken forward

## HEALTH

4.14 In considering public concern about the health implications of the current proposal, the findings of the 'Stewart Report' are relevant and have been adopted by the Government to deal with the potential health risks. The Government's current conclusion, as set out in PPG8, is that development of the nature currently proposed does not represent a health hazard subject to compliance with national exposure guidelines. It states that: *'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'*

4.15 Following advice from the Independent Expert Group on Mobile Phones, the Government now advocates that new mobile phone base stations should be required to meet the international (ICNIRP) guidelines for public exposure, which are around 5 times stricter than those previously suggested by the UK's own National Radiological Protection Board (NRPB), as a recognition of the need for a "precautionary principle."

4.16 The applicant has confirmed that the installation conforms to the guidelines set by the International Commission on Non Ionising Radiation Protection (ICNIRP) and the National Radiological Protection Board (NRPB) and it is therefore concluded that the proposal should not be refused for health reasons.

### Perceived health risks

4.17 Some appeal decisions and case law have indicated that the public's perception of health risks can be a material consideration in the determination of an application. The Government has recognized this in the revised PPG8 'Telecommunications' (paragraph 29) which states: *"Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval."*

4.18 However, it is very clear that the weight to be attached to this issue as a material consideration is a matter for the decision maker - in this case the local planning authority. Given that the proposed installation clearly complies with the ICNIRP guidelines for public exposure it is considered that a reason for refusal on the grounds of perceived health risk alone would be extremely difficult to sustain at an appeal.

## SITING

4.19 The site is located in a mixed land-use area containing both shops and residential properties. The applicants state within their application that the site they

have identified, whilst on a main distributor route is as far from residential properties as is practical.

4.20 The proposed location adjacent the bus stop and shops and also within a busy area with existing street furniture (lamp posts, telegraph poles etc.) would lessen the impact of the development within the area. The base unit and small electrical mains pillar are reasonably small in scale and would appear to be similar to other street furniture generally associated with urban areas.

4.21 The applicants have submitted site coverage plans which demonstrate their existing coverage levels within the area and also their proposed coverage levels if the telecommunications mast were approved. The applicants state that the existing coverage clearly indicates that there is a clear deficit of coverage to the north and south of the search area.

4.22 The applicants further state that whilst there are two cells reasonably close by (cell 37728A and cell 1704A), these are being upgraded from 2G to 3G. The proposal at Boroughbridge Road is to provide coverage in an area of low coverage. The applicants state that it is their aim to provide dense urban signal levels to the widest possible area, the contribution of an additional mast at Boroughbridge Road would significantly enhance their coverage in the area.

4.23 Within the identified search area, the applicants state that further constraints restrict where the mast can be sited. They state that the area to the south of Boroughbridge Road comprises of a dense area of residential properties. They also note a school to the south, further residential properties to the north west and to the east is the site area previously occupied by British Sugar and is unavailable.

4.24 The applicants state that given the aforementioned constraints and lack of availability of other locations, the proposed site which is adjacent a main road provides the only available area. The site has been chosen by the applicants because there are lighting columns and telegraph poles within the street and it is adjacent mixed uses and not in a purely residential area.

4.25 In light of the above, it is considered that the proposals represent a minimal visual intrusion within this area. As such the siting of the slim line mast and cabinet is considered acceptable.

## DESIGN

4.26 The proposed telecommunications mast will be coloured grey to reflect the existing street lighting columns within the area. The associated base equipment will also be coloured grey. The applicants acknowledge that the mast may appear to be of a significant size. However they state that its height is an operational requirement and is required to transmit its signal to other mast without being impeded. The dish is required because a direct line of site with the base station of the adjoining cell is needed to ensure that the mast effectively integrates within the network.

4.27 The applicants state that they have also tried to site the mast as far away as practicable from residential properties and away from as many sensitive view points

as possible. As a result of the above and given the efforts made by the operator to use a slim line mast its is considered that the proposed scheme provides a necessary function within the area without undue detrimental impact upon the amenity of those living, working and travelling within the area. The applicants believe that they have managed to achieve a appropriate balance between their operational requirements and environmental considerations.

## ALTERNATIVE SITING OPTIONS

4.28 The supporting statement and supplementary information submitted with the application includes details of the site selection process. This states that the industry's site database was checked for suitable sites as well as a physical search undertaken. A list of 7 alternative sites, considered and discounted, by the applicant has been submitted.

4.29 The operator has stated that there are no suitable sites to share within a reasonable distance. Sharing sites with existing masts/operators also usually require a much bulkier mast to accommodate both system operators and also additional equipment cabins. This would most likely have more of a detrimental impact upon the area than the proposed scheme.

## HIGHWAYS COMMENTS

4.30 The Highways Officer commented that it would be preferable, if the telecommunications mast were re-sited away from the existing access to Post Office. Unfortunately the location they recommended (corner of the junction between Boroughbridge Road and Plantation Drive) is considered unacceptable in planning terms. The mast would be unduly prominent within the street scene and consequently unacceptable. It is therefore considered that the position of the mast is acceptable. Whilst it would be adjacent the existing access point, it would not infringe upon the access to such a degree as to warrant the scheme being refused on this matter.

## 5.0 CONCLUSION

5.1 It is appreciated that special regard should be had to the sensitive nature of such applications. However, this has to be balanced against the advice contained in PPG8 and adopted Development Plan polices which acknowledge the need to enable the provision of the widest access to telecommunication services.

5.2 Mobile phone companies are required to provide coverage for their customers. In this case an area of poor coverage has been identified and a site is required to provide adequate coverage. 7 sites were investigated and discarded. However, inevitably, in order to provide coverage for an urban area the mast will be in close proximity to housing. The application site is some distance from the nearest school but is quite close to residential properties. Whilst it will be visible to motorists and pedestrians, it's slim line appearance and 2 cabinets are not considered to be unduly prominent, being situated adjacent a bus top, street lighting and other street furniture.



5.3 It is therefore considered that the proposed development satisfies policies GP1 and GP20 of the City of York Draft Local Plan – incorporating 4<sup>th</sup> set of changes – 2003 and the aims of Planning Policy Guidance Note 8 and PPS 1. No objections are therefore raised to the prior approval of the aforementioned telecommunication mast.

**6.0 RECOMMENDATION:** No Objections

**7.0 INFORMATIVES:**  
**Notes to Applicant**

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