

**Reg. No.** 9/2004/1549/FT

**Applicant:**

O2 UK Ltd  
1 Brunel Way  
Slough  
Berkshire  
SL1 1XL

**Agent:**

Centac Limited  
The Barn Clifton Road  
Clifford Chambers  
Stratford Upon Avon  
CV37 8HW

**Proposal:** The erection of a 15 metre high telecommunications mast (replica telegraph pole type) together with ground based equipment cabinets and ancillary development at Albion Works High Street Newhall Swadlincote

**Ward:** Midway

**Valid Date:** 30/11/2004

**Procedural matters**

This is a prior notification application and not a planning application. As the mast does not exceed 15m in height it benefits from being permitted development under Part 25 Class A of the General Permitted Development Order 1995 (i.e. a development that does not require planning permission). This provision, however, is subject to the developer applying to the local planning authority for a determination as to whether the prior approval of the authority is required for the siting and appearance of the development.

Should the Development Control Committee determine that prior approval is required the local planning authority must give the applicant written notice of this and then determine the application within 56 days from the submission date of the prior notification application. If the Committee resolves to refuse the application then it should do so by 24 January 2005, otherwise the applicant company would be free to carry out the development.

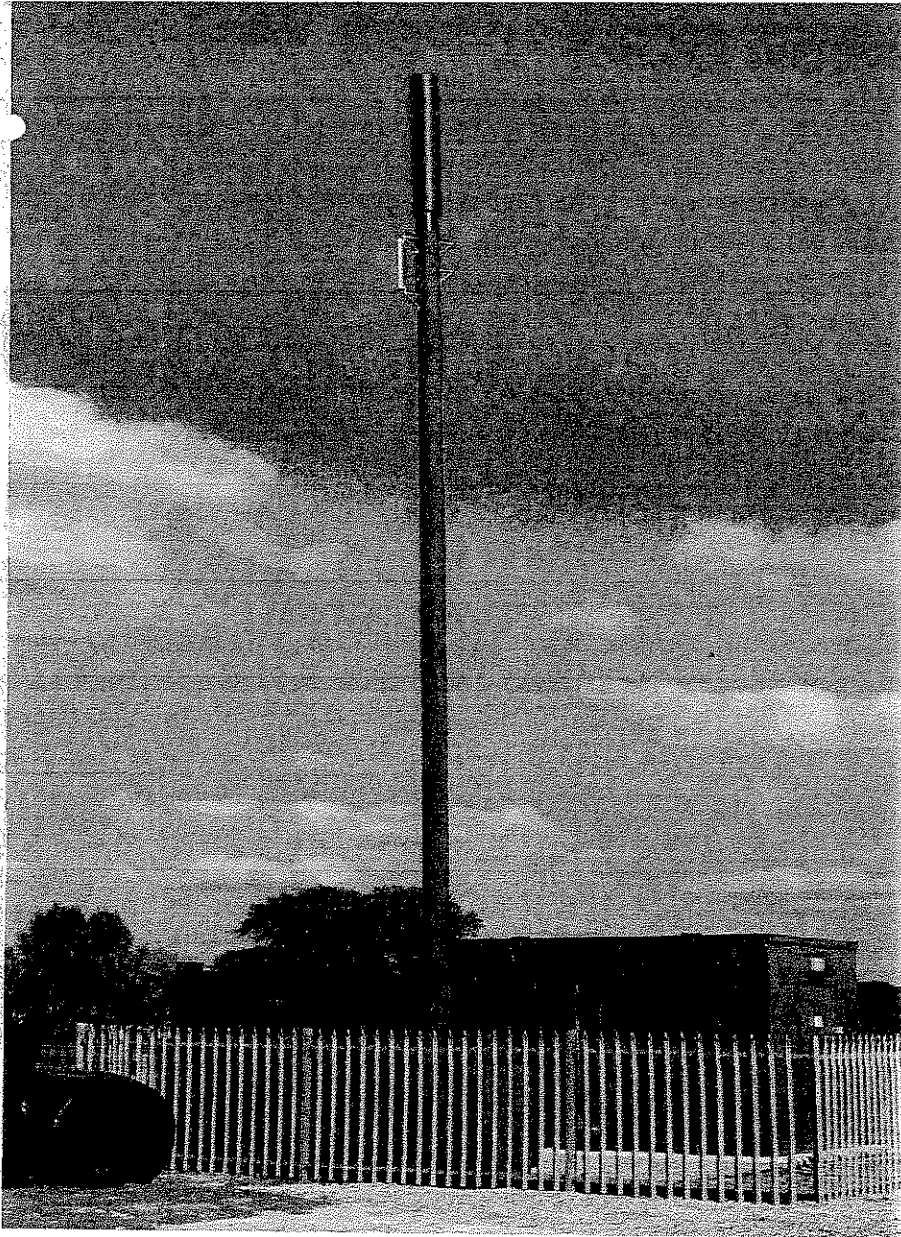
**Members should therefore be aware of this two stage approach, first to determine whether prior approval is required and if it is then, secondly, to resolve whether to permit or refuse. As there is insufficient time to return this matter to the Committee before the expiry date, members will need to provide a decision on both stages of the procedure. (N.B. any decision to refuse an approval can only be justified on grounds of siting and/or appearance and in doing so the local planning authority should take into account the obligations on code system operators to provide a service and the technical constraints upon network development having first explored with the operator the possibility of modifying the siting and/or appearance of the proposed development).**

**Site Description**

The site is the northern corner of the rear yard to industrial premises, which front onto Queens Drive and High Street and known as Albion Works. The closest residential properties are on High Street and Priory Close the nearest domestic curtilage boundary being some 17m away.

## Proposal

The supporting mast and equipment would be 15m high, approximately double the height of an average house. It would be cylindrical in section for its full height and would be finished in a synthetic material giving the impression of dark wood similar to a telegraph pole. Three ground based equipment cabinets would be sited at the base of the mast and the area enclosed by a fence (an illustration of such a mast design is shown below).



## Applicants' supporting information

An ICNIRP Declaration has been submitted confirming that the proposal is designed in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection, as expressed in EU Council recommendation of 12<sup>th</sup> July 1999 "on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)".

The applicant's supporting information is summarised as follows:

- The site benefits from screening by existing trees and buildings.
- The undulating nature of this part of Newhall will help reduce the overall perceived height of the mast.
- The mast and antennae are designed to replicate a telegraph pole, an often occurring feature in the streetscene.
- The site is essential to the operators requirements giving dominance over other sites in the areas of Newhall. This dominance is imperative as it has a direct effect on network quality and capacity.
- 15m is the lowest height required to maintain the operational requirements.
- The existing radio coverage is deficient and therefore unsatisfactory for customers. With the mast in place the coverage requirements would be achieved.
- The site is the best site because it offers the best balance between maintaining the operational requirements and limiting visual impact in what is a highly residential search area with very little available options.
- Five alternative sites in the immediate area were considered and were either rejected or had no response from the owners.

### **Planning History**

A prior notification application was recently withdrawn on the same site which showed a steel construction. The current submission now shows a wooden telegraph pole effect.

### **Responses to Consultations**

The Head of Environmental Health has no comment other than noting that the proposal meets the ICNIRP guidelines.

### **Responses to Publicity**

A 736 signature petition was submitted objecting to the first (withdrawn) submission along with seven letters of objection.

A 244 signature petition has been submitted objecting to the current proposal.

Eight letters of objection have also been received from local residents.

The objections are summarised as follows:

- The micro-waves from the equipment are likely to be detrimental to public health
- Would be visually intrusive in a residential area
- Would possibly cause television interference
- There would be a possibility of the mast falling on properties
- It would be too close to schools and hazardous to children's health
- An adjoining building shown on the submitted plans is inaccurately drawn showing it to be taller than it actually is, giving the impression that the mast is more acceptable
- It should be sited away from residential properties
- There are other masts within a few miles of the site
- The development would have a detrimental impact on property prices

## Structure/Local Plan Policies

The relevant policies are:

Local Plan: Community and Facilities Policy 4

Emerging Local Plan: C7

## Planning Considerations

The main issues central to the determination of this application are:

- Visual intrusion
- Suitable alternative sites/mast sharing
- Other considerations

## Planning Assessment

The purpose of the submission is to enable the Local planning Authority to assess the visual impact of the mast in its proposed location. In consideration of such, the mast would be erected to the rear of industrial buildings and adjacent to mature trees which in combination would provide a degree of screening from High Street and Queens Drive. The proposal would be more visible from the rear of dwellings on Priory Close, the nearest residential boundary being some 17m away. There is no doubt that the structure would be clearly seen from this direction. The mast has been designed to emulate the appearance of a telegraph pole albeit significantly higher. Its height of 15m, however, is the lowest height required to maintain the requirements of the operator.

From the information submitted there is a gap in coverage over the main part of Newhall and Midway and there are no masts that can be shared in the area. The applicant, having investigated alternative sites, has indicated that the site offers the best balance between maintaining the operational requirements and limiting visual impact in what is a highly residential search area with very little available options. Government guidance requires that whilst the LPA may be disposed to conclude refusal because of siting or appearance it must understand the constraints of the operator. The licence granted to the operator demands that strict coverage qualities are met.

As the gap in coverage is over a high density residential area, it is likely that the mast would be seen from any chosen site and be relatively close to residential properties. This is a backland site with a reasonable amount of screening offered by large industrial buildings and mature trees. It is therefore unlikely to have a detrimental effect on the visual amenity of the locality generally. In these circumstances it is considered that the siting and appearance of the proposal is acceptable.

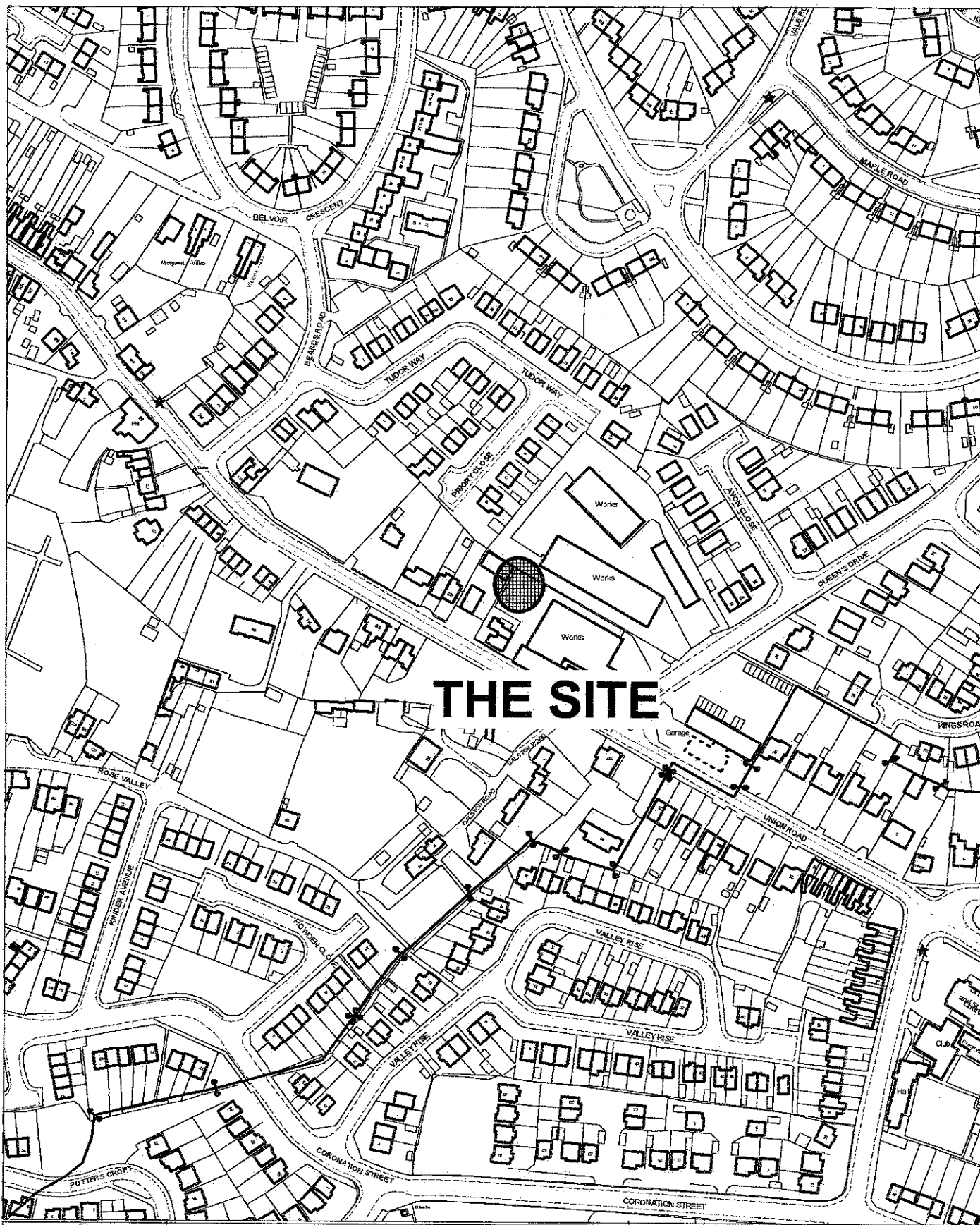
With regards to health issues, PPG8 states that it is "... the Government's firm view that the planning system is not the place for determining health safeguards. It remains central government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a 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."

With regards to proximity to schools, the mast would be some 230m from the Elmsleigh Infant and Nursery School being the closest school. Government guidance suggests that where sites are proposed in or near schools, the applicant should consult with the relevant bodies before making an application and take into account any relevant views expressed. Although the applicants' undertook no pre-submission consultation, Elmsleigh Infant and Nursery School and The Pingle School have objected due to the perceived health risks.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

### **Recommendation**

**PRIOR APPROVAL** is not required and the siting and appearance of the equipment is acceptable.



**THE SITE**



**South Derbyshire  
District Council  
Civic Offices  
Civic Way  
Swadlincote  
DE11 0AH**

**Description : TELECOM MAST SITE  
ALBION WORKS  
NEWHALL**

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**Date Plotted 17 12 2004**

**NORTH** ↑

**Plot centred at 429492 320529**

**Scale 1:2500**