

Application No: S/04/00446/FUL

Date Registered: 13th April 2004

Applicant: Mr Niall Tutton
NTL
Crawley Court
Winchester
SO21 2QA

Development: 3 Metre Extension in Height to Existing Structure and Installation of 3 Dual Polar Antenna Dishes and 2 Equipment Cabinets

Location: Land West Of Horsley Brae Wishaw Lanarkshire

Ward: 15: Garrion Councillor John Pentland

Grid Reference: 279929 652518

File Reference: S/PL/B 2/48 116

Site History: Existing mast erected under the previous provisions of the General Permitted Development Order prior to legislative changes.

Development Plan: The site is zoned as an Area of Great Landscape Value in the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004).

Contrary to Development Plan: Yes

Consultations: Scottish Natural Heritage (No Objection)

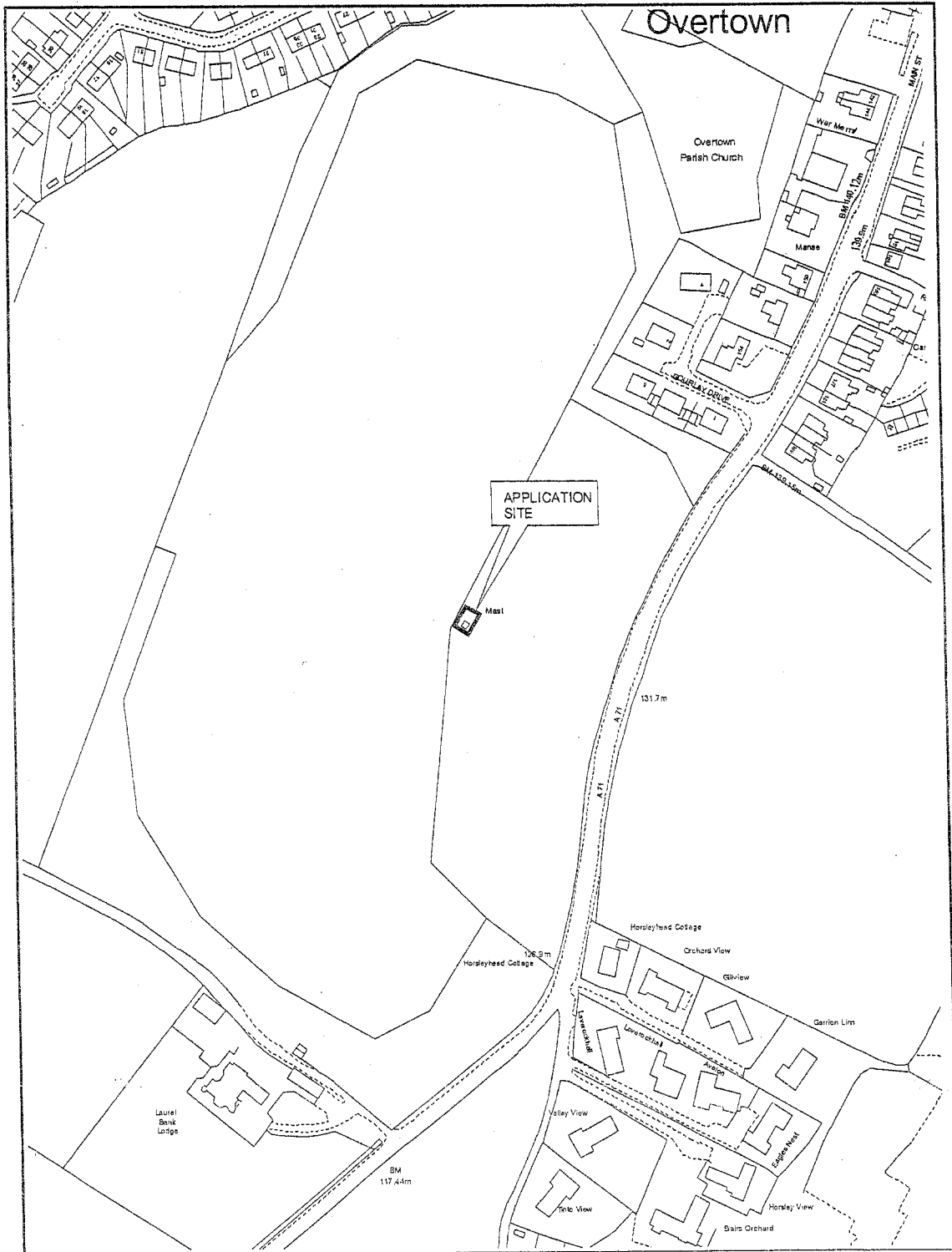
Representations: None Received

Newspaper Advertisement: 28th April 2004

Comments:

This application seeks consent for a 3 metre extension in height to the existing lattice structure and the installation of 3 dual polar antenna dishes and 2 equipment cabinets at Land West of Horseley Brae, Overtown. The proposal is to create an additional radio installation at the site for mast share, to provide coverage of a new telephone network for Overtown and the surrounding area. The proposed design and colouring of the equipment will be in keeping with the existing equipment and the existing access arrangements to the site would be utilised.

No letters of representation have been received following the neighbour notification and advertisement process. Although the proposal complies with accepted practice in relation to Public Health and Safety, it is considered that the proposal is contrary to Policies CS6 and ENV15 of the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004) and to National Planning Guidance in respect of its visual impact. It is therefore recommended that this application be refused.



PLANNING APPLICATION NO: S/04/00446/FUL

3 METRE EXTENSION IN HEIGHT TO EXISTING
STRUCTURE & INSTALLATION OF 3 DUAL
POLAR ANTENNA DISHES & 2 EQUIPMENT
CABINETS

LAND WEST OF HORSLEY BRAE, WISHAW

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Recommendation: Refuse for the Following Reasons:-

1. The proposal is contrary to the aims of Policy ENV15 Area of Great Landscape Value in the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004) because of the incremental additions to the mast and site which would have a detrimental impact on the character and quality of the environment.
2. The proposal will have an adverse impact on the visual amenity of the surrounding area and is therefore considered to be contrary to the advice given in NPPG19, PAN62, and Policy CS6 of the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004).

Background Papers:

Application form and plans received 22nd March 2004

Memo from NLC Community Services received 13th May 2004

Letter from Scottish Natural Heritage received 29th April 2004

National Planning Policy Guidance 19 Radio Telecommunications, July 2000

Planning Advice Note PAN3 Radio Communications, July 2001

Policy CS6 Telecommunications Development in the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004).

Any person wishing to inspect these documents should contact Murray Reid at 01698 302102.

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REPORT

1. Description of Site and Proposal

- 1.1 The application seeks consent for a 3 metre extension in height to the existing lattice structure and the installation of 3 dual polar antenna dishes and 2 equipment cabinets at land west of Horseley Brae, Overtown. The application site is situated at a prominent location to the West of the A71 and is located within close proximity of housing to the north east of the site. The nearest residential property is approximately 128 metres from the site.
- 1.2 The applicants, NTL, propose to create an additional radio installation at the site for '3', with whom they have agreed to mast share at the location, to provide coverage of their new 3rd Generation UMTS telephone network for Overtown and the surrounding area. They have considered alternative sites and various options for the positioning of the proposed equipment on the existing structure. They have advised that none of the other sites are suitable for their proposals without alterations and increases in the height of the equipment at those locations. In terms of the existing equipment at the application site they have advised that it is necessary to extend the existing 15 metre high tower by 3 metres. This is in order to maximise coverage and the quality of the signal whilst minimising the interference from the existing antenna and the tree belt situated to the South. The height of the proposed structure is required to provide adequate coverage to the A72. The lower height of 10 metres would cause signal attenuation due to near by trees. Mounting the existing antenna above the other existing operator's antenna will gain enough clearance to ensure quality coverage of the valley below. The applicants have provided the necessary ICNIRP declaration confirming that the proposal is within public health standards.
- 1.3 The existing equipment on the site was erected as Permitted Development prior too the change in control of telecommunications apparatus which came into effect after the 23rd July 2001. It should also be noted that following the erection of this equipment letters of objection were received from neighbouring residential properties.

2. Development Plan

- 2.1 The site is zoned as an Area of Great Landscape Value in the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004) to which Policy ENV15 applies. This policy seeks to resist any proposals which would have a significant adverse effect on the character and quality of the environment. Policy CS6 Telecommunications Development is also applicable. That policy indicates that the Council will adopt a precautionary approach to new telecommunications developments and will seek to locate them primarily in industrial and commercial areas which are not densely populated or contain sensitive uses such as residential areas, schools, nurseries or hospitals.
- 2.2 The policy also states that applicants should provide evidence that they have done an alternative site search, demonstrate how the proposal fits into the wider network and make an ICNIRP declaration, which states that the proposal is within acceptable safety limits in terms of non-ionising radiation.

3. Consultations and Representations

- 3.1 In terms of consultation responses no objections have been received. No letters of representation were received following the neighbour notification procedure.
- 3.2 Scottish Natural Heritage have commented that given the existing structures present on site, any local natural heritage interests are unlikely to be threatened further by this proposal and that a sensitive approach to the design and colouring of the extension and associated equipment is encouraged.
- 3.3 NLC Community Services comments that had a planning application been required for the existing structure they would have objected due to the significant negative impact it has on the rolling farmland character of the landscape. Although the changes proposed will have no significant impact on appearance from the adjacent road and housing, they object to planning consent being approved on the basis that they would not have agreed to the existing installation.

4. Planning Assessment and Conclusions

- 4.1 This application must be assessed against government policy set out in NPPG 19 Radio Telecommunications and against the relevant development plan policies, Policy CS6 of the development plan on Telecommunication Developments and ENV 15 on Areas of Great Landscape Value.
- 4.2 In accordance with National Planning Policy Guidance 19 (NPPG19) on Radio Telecommunications and Policy CS6 in the emerging Local Plan, the applicant has provided information on how the proposal would fit into the existing network, details of the alternative sites that have been investigated and the necessary ICNIRP declaration which proves that the proposal is within international accepted limits in terms of radiation and public safety. This effectively means that concerns regarding effects on public health cannot be considered as a material consideration.
- 4.3 With regard National Planning Policy Guidance 19 (NPPG19) on Radio Telecommunications and Policy CS6 in the emerging Local Plan, the applicant has provided information on how the proposal would fit into the existing network and details of their consideration of alternative sites and site sharing. The existing Orange tower at Overtown Road, Overtown was rejected because of the low lying ground and due to the proximity to housing. A new site at the caravan and camping centre at Wishaw Road, Waterloo was rejected because a new 15 metre tower would be required to provide sufficient coverage and due to the proximity to housing. The existing Vodafone tower at Garrionhaugh further down the Horseley Brae was rejected as the valley side would cause shadowing to the north and an additional installation would be required to provide sufficient coverage to the A72. The Vodafone monopole at the side of the Hutchison bus garage on Castlehill Road was considered to provide good coverage to the A72 but little coverage north of Castlehill Road without a more substantial and higher lattice structure to accommodate the antennae.
- 4.4 The Council's precautionary approach to telecommunications proposals and a requirement for rigorous assessment if in the vicinity of sensitive areas such as schools and residential areas, is set out in the Southern Area Local Plan Policy CS6. This requires information about how the proposal fits into operator's networks and how the site was selected to be submitted by the applicant, also for the visual impact of the apparatus to be minimised in areas including those of great landscape value. It states the Council will encourage mast and site sharing where this represents the best environment solution. Finally, Policy CS6 states that when determining telecommunications applications, the Council will consider:
 - a) the nature of the locality and proximity to sensitive uses such as housing;

- b) design and visual impact issues, and in particular its effect on environmentally sensitive issues such as Areas of Great Landscape Value.;
- c) the extent to which more suitable alternative sites exists; and
- d) the scope to share existing facilities.

- 4.5 With regard to the location and proximity to sensitive uses, it is considered that the proposed is contrary to Policy CS6 because of its visual impact on the adjacent residential area. The existing structure was constructed as permitted development prior to the changes in planning control. In terms of the local plan policy this location would now be considered unsuitable for such a development. The proposal to increase the height of and add additional telecommunications equipment to the mast and on the ground are considered to be contrary to the aims of the local plan policy and to be unacceptable at this location. The development would adversely affect the amenity of the nearby residential area and concerns have previously been raised by residents about the siting of the existing mast.
- 4.6 The proposal is located within the Clyde Valley Area of Great Landscape Value where Policy ENV15 seeks to protect and enhance by restricting any proposal which would have a significant adverse effect on the character and quality of the environment. Although SNH have no objections to the development I consider it to be an undesirable addition to the prominent hill top location which forms a gateway to the village and Clyde valley. NLC Community Services department also object to planning consent being approved as discussed above in paragraph 3.3. Furthermore, the applicant has submitted no details of proposed landscaping and screen planting. It is considered that the proposal would have a detrimental impact on the visual amenity of the surrounding area and would, therefore, be contrary to the aims of policy ENV15. I am also concerned that approval of the development may lead to incremental additions to this mast and site which would cause further deterioration of the landscape of this significant location.
- 4.7 In conclusion I recommend this application for refusal as it would adversely affect the amenity of the nearby residential area and is contrary to policy CS6, and will have a detrimental effect on the landscape setting of this part of the AGLV contrary to the aims of policy ENV 15 of the Southern Area Local Plan finalised Draft (Modified 2001 and 2004).