

Application Number:	2019/0442	Application Type:	Full
Proposal:	Removal of existing 15m monopole and relocation of 3no 300mm dishes to a newly installed 20m monopole. Additional work includes adding 6no antenna apertures & 1no 600mm dish to the new monopole and ancillary development thereto	Location:	Mobile Phone Mast above Kirkdale Avenue Newchurch
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	10 December 2019
Applicant:	Mobile Broadband Limited Network	Determination Expiry Date:	13 December 2019
Agent:	Waldon Telecom Ltd		

Contact Officer:	Neil Birtles	Telephone:	01706-238645
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	Yes
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

Approval, subject to the Conditions set out in Section 10 of the report.

2. SITE

The main complex of buildings serving Home Farm is accessed from Kirkdale Avenue. A 15m high telecoms monopole was erected on its land many years ago, more obviously accessed from a poorly-surfaced track extending off the end of St Peters Road. A public footpath runs over this track for a short part of its length.

The existing monopole has a flat-roofed equipment cabin at its base (of 3.5m x 4.5m x 3.5m in height), and is within a 12m x 15m compound bounded by 2.3m high chainlink fence. It is 240m from the buildings at St Peters RC Primary School and 260+m from the rear elevations of houses fronting Heightside Avenue, elevated high above them. The topography of the area is such that little, if any, of the existing installation is visible from ground-floor windows of these or neighbouring buildings to the south side. Woodland denies a line-of-sight from Heightside House (a Grade II Listed Building used commercial purposes) and dwellings at Heightside Mews, 160+m south-east of the installation.

On the Proposals Map accompanying the Council's adopted Core Strategy the application site and the surrounding open land are designated as Countryside.

3. RELEVANT PLANNING HISTORY

1993/288 Prior Notification : Installation of personal communication network equipment
Approved

2000/361 Prior Notification : Replacement of existing antennae, installation of dishes on column & associated cabin
Approved

4. PROPOSAL

The current application seeks permission to remove the existing 15m high monopole and replace it with one of 20m in height.

The new installation is intended to provide 5G mobile connectivity. It is stated that delivery of 5G service requires additional head-gear, necessitating a monopole of greater height and girth at its base (1.2m rather than 0.7m diameter). The proposed monopole will be of similar colour to the existing monopole.

In order that services provided by the existing installation can continue until the new installation is brought on-line the new monopole is to be erected within the existing compound, just to the west of the existing monopole. The necessary ground-equipment will be accommodated within the existing equipment cabin.

The application is accompanied by a 'Declaration of Conformity with ICNIRP Public Exposure Guidelines'. In other documentation accompanying the application it is stated:

"Central Government has expressed a support for new telecoms installations and the deployment of new technology. It is seen as essential for the country to develop and exploit the

advantages of such new technology to the direct benefit of the public and the economy...the National Infrastructure Commission has indicated in their Connected Future report 2016 : “Local government should actively facilitate the deployment of mobile telecoms infrastructure”.

The first generation provided voice calls, the second generation allowed basic data such as texting and the third generation offered internet access and the development of apps. Since then the smart phone has developed further and the fourth generation has brought video and much faster data speeds allowing the integration of the smart phone into wider use.

The next generation of mobile telephony is 5G and it brings a revolutionary approach to managing spectrum and greatly increasing data speeds. The advantages this presents range from near-instant downloads of HD films to connected cars, smart medical devices and smart cities.

It is estimated that 5G will directly contribute to an additional £7 Billion a year to the UK economy in just six years from roll-out. Although 5G will undoubtedly bring new opportunities and huge benefits to society, we cannot escape from the requirement that new structures, antennas and ancillary equipment will be needed...It has been acknowledged by Government that we must ensure that we have the infrastructure in place to deliver 5G across our major centres and transport networks.

The initial rollout of equipment will be concentrated on a macro level, that being the upgrading of main hub sites but also coupled with new standalone sites...5G operates across multiple spectrums and therefore requires additional antennas and new equipment cabinets. The signals that are broadcast are more prone to the shadowing effect of adjacent buildings or structures... All new proposals will be set out in associated drawings and the broadcast levels will also be within agreed ICNIRP (International Commission for Non-Ionising Radiation Protection) guidelines.

The site currently accommodates an existing and well-established 15 metre-high telecommunications monopole, and has done so for over 20 years...This proposal will remove the existing installation and replace it with a taller and more robust structure, which will provide improved 2G, 3G, 4G and new, cutting-edge 5G coverage to the surrounding area...for two major mobile operators (EE & H3G)... It is considered that the proposed, taller, installation will, over time, become an accepted feature within the local environment, as is the case with the existing installation, and will not have a significant negative impact on the visual amenity of the area.

...the applicant has examined its portfolio of sites in this region and determined that there are no other, viable alternatives in the area which can be upgraded to meet the specific technical requirement for providing 5G network coverage to the surrounding area. The application site, therefore, represents the only feasible option in this instance which allows the requirement to be met without the deployment of an additional base station in the locality.

Whilst the proposed structure is taller and more robust than the existing, this is dictated by the increased level of apparatus required to provide new 5G coverage to the local area. Given the remote nature of this rural installation, and the provision of new cutting-edge technology, it is considered that the upgrading of this established telecommunications site offers the optimum solution in terms of both town planning and network requirements.”

5. POLICY CONTEXT

National

Version Number:	1	Page:	3 of 10
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National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 6 Building a Strong, Competitive Economy
- Section 8 Promoting Healthy and Safe Communities
- Section 10 Supporting High Quality Communications
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places
- Section 15 Conserving and Enhancing the Natural Environment

Development Plan

RBC Core Strategy DPD (2011)

- AVP3 Area Vision for Waterfoot, Cowpe, Lumb & Water
- Policy 1 General Development Locations and Principles
- Policy 7 Social Infrastructure
- Policy 9 Accessibility
- Policy 18 Biodiversity, Geodiversity & Landscape Conservation
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

Other Material Considerations

National Planning Practice Guidance

National Infrastructure Commission 'Connected Future' report (2016)

6. CONSULTATION RESPONSES

RBC Environmental Health

No comments.

LCC Highways

No objection.

7. REPRESENTATIONS

To accord with the General Development Procedure Order neighbour were notified by letter and a site notice posted.

The following comments have been received:

21 St Peters Road

The main objection is the access point to achieve the construction and finished product.

Access will be from St Peters Road, directly outside my property and a Junior School opposite which needs constant access. Has LCC Highways taken into consideration the residents of St Peters Road i.e. noise pollution, debris, heavy vehicles and the logistics of the removal of the old mast and the installation of the larger one?

The proposal will be of further detriment to the landscape of Newchurch and the surrounding area.

14 Heightside Avenue

5G uses a different wavelength to current mobile technology. Not enough research has taken place yet to assure me that this system is safe. The mast is very close to a primary school. - if the frequency being used does affect people, then young children will generally be the most susceptible.

An extra 5m height would be very intrusive to the skyline. The Rossendale skyline is something that needs protecting, not spoiling unnecessarily.

16 Heightside Avenue

5G uses a different wavelength to current mobile technology. There is a lot of research to prove that it is unsafe to our health. The mast is very close to a primary school. Children and surrounding residents will be affected by the increase in EMFs.

The application doesn't state why an extra 5m height is required - intrusive to the skyline.

2 Hillside Drive

Object for aesthetic reasons - overly dominant and highly visible from the surrounding area.

We are blessed in Rossendale with wonderful countryside but don't want to spoil it by unsightly masts. I'm sure with a little more thought and consideration the mast could be moved further back so not to be visible by the residents of Newchurch.

The state of St Peters Road has suffered for many years with debris coming down off Seat Naze, particularly following the installation of the existing mast. Will LCC Highways accept responsibility for any damage caused by heavy plant traffic/run-off/debris once the new work is completed?

31 Greendale Avenue

The proposal will be a total blot on the landscape especially at approximately 16 foot higher than the original one.

The safety of 5G is not yet tested but this is to be built near the primary school.

35 Greendale Avenue

This proposal will create a mast 16 feet or so higher than at present which will be seen across the valley and will dominate the landscape in the Newchurch area.

RBC are promoting tourism to the area, and such a construction will detract from the valley's appeal, especially as Seat Naze is a very well walked route.

There are many houses and an Infant School almost directly below this mast. 5G technology is something of an unknown quantity as to its effects on people and I understand that currently it is banned in certain countries. Surely RBC should not submit these families and school children to an unknown potential hazard?

A recent application has been made by residents of Kirkdale and Greendale Avenues with The Woodland Trust to plant trees on land just above Kirkdale and Greendale Avenues. The said residents are therefore doing their bit to make Rossendale Valley a greener environment.

Rossendale Civic Trust

The documents suggest it is for the new 5G network. If so, then RCT wish to be sure that it meets national policy: *that the visual impact of the development on the surrounding area is minimised, so far as practicable*. Object, as the applicant has not produced "visuals" to show how the relocated extra 5m of telecoms equipment will appear on the skyline above Newchurch.

Newchurch is one of the earliest settlements in the Forest of Rossendale, the village developing around St Nicholas' church. The Church was built on the narrow ledge below Seat Naze to be a landmark for travellers through the Valley in 1511. It is now a Grade II* Listed building and its setting is historically important. The new Local Plan proposes that Newchurch be made a

Conservation Area. The extension in both height and bulk of another structure so close, and in such a dominant position, should be avoided.

RCT consider it would be better for this replacement mast to be in a completely different place. If RBC is prepared to approve Application 2019/0442, it should be supported by an Agreement to put aside any future rights that would permit a larger mast than this.

8. ASSESSMENT

By way of the T&CP (General Permitted Development) (Amendment) (No 2) Order 2016 the existing monopole could be replaced, or the equipment on it replaced or added to, without the need to submit and gain approval to an application for Planning Permission so long as a height of 25m is not exceeded. Exercise of this 'permitted development' right is subject to a prior notification procedure that enables the Council to determine whether its prior approval is required as to the siting and appearance of the development.

However, in this instance Planning Permission needs to be sought - although the proposed installation will not exceed a height of 20m, the 'permitted development' right cannot be exercised to erect the proposed monopole as its diameter at the base exceeds that of the existing monopole by marginally more than a third and is to be relocated within the existing fenced compound. As this application seeks Planning Permission the Council can look at the full merits of the proposal, not just siting and appearance, but must be mindful of the existing installation and the 'permitted development' right to replace it with one of 25m in height and up to a third greater diameter at the base.

The main issues to be considered in determining this application are:

- 1) Principle; 2) Public Safety; 3) Visual / Neighbour Amenity; & 4) Access & Parking.

Principle

There has long been a 15m high telecoms installation on this site at Seat Naze.

The National Planning Policy Framework has at its heart a presumption in favour of sustainable development, Section 2 stating:

“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways

...

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and*

mitigating and adapting to climate change, including moving to a low carbon economy.”
(Para 8)

Section 10 of the NPPF, entitled ‘Supporting High Quality Communications’, is supportive of the roll-out of the 5G system, stating :

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.” (Para 112)

“The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.” (Para 113)

“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.”
(Para 116)

Central Government asked the National Infrastructure Commission to advise it on the steps the UK should take in order to become a world leader in the deployment of 5G mobile telecommunications networks, and ensure that the UK can take early advantage of the applications those networks may enable. In December 2016 it issued its report, ‘Connected Future’, which concludes:

“Getting 5G deployment right will be critical in a future where connectivity is becoming integral to almost all parts of the economy, and the UK will put its future growth and competitiveness at risk if it falls behind”.

Accordingly, national planning policy is supportive of the roll-out of 5G and favours utilisation of existing sites to provide coverage rather than the provision of additional masts.

Policy 7 of the Core Strategy states:

“The Council will support the delivery of broadband and communications technology to all parts of the Borough and will encourage and facilitate its use.”

As such, the proposed scheme is considered acceptable in principle.

Public Safety

In the interests of public safety telecom installations must comply with the International Commission for Non-Ionising Radiation Protection guidelines.

The application is accompanied by a ‘Declaration of Conformity with ICNIRP Public Exposure Guidelines’.

Accordingly, the Council’s Environmental Health Unit has no objection to the proposal.

Visual / Neighbour Amenity

Section 15 of the National Planning Policy Framework states that :

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;...*”

Policy 1 of the Council’s adopted Core Strategy states:

“The Council will seek to maintain Rossendale’s distinctive environment...

The Council will seek to enhance the quality and sustainability of places and individual developments by [amongst other things] taking into account the following criteria :

- Make best use of under-used, vacant and derelict land and buildings*
- Complement and enhance the surrounding area(s) of the development through the use of inclusive design and locally distinctive materials which enhances the character and heritage of Rossendale*
- Enhance and protect the countryside, geodiversity and biodiversity resources including habitats and species*
- Contributes to maintaining and creating sustainable and inclusive communities”*

For the school and nearest houses to the south the topography of the area is such that little, if any, of the existing 15m high installation is visible from their ground-floor windows (generally, then only the head-gear), whilst woodland denies a line-of-sight from the buildings and dwellings at Heightside Mews, to the south-east. The proposed installation will have head-gear of greater size and, by reason of being at 20m above ground-level, will be visible to a greater extent from the windows of properties presently with a view of the existing installation and from a few more properties to the south side. It will remain the case that the woodland will largely deny a line-of-sight from the buildings and dwellings at Heightside Mews.

The existing installation is presently visible in more distant views, particularly from the valley side/moor-tops to the south. At such distance the proposed installation will not intrude upon the character and appearance of the area to a significantly greater extent than does the existing installation.

Whilst it is undeniably the case that the proposed installation will be somewhat more visible than the installation it replaces, it is also the case that telecoms installations are not now considered such a rarity/visual intrusion as when the initial 15m monopole was erected.

Access & Parking

LCC Highways has raised no objection to the proposal, advising as follows:

“The proposal is for the erection of a replacement phone mast and ancillary equipment and I would raise no objection to the proposal on highway grounds.

The decommissioning of the existing mast and its replacement will involve some local disruption and I would suggest that local consultation is undertaken with the local residents and school to minimise disruption during the delivery and construction period.”

However, a number of objectors having expressed concern about use St Peters Road for the construction of the new installation/de-commissioning of the existing installation, the Agent was asked how detriment to the highway and use of it by residents and school-related traffic could be avoided - most particularly to guard against :

- obstruction of the vehicles of school staff & pupils and other road users
- mud being deposited on St Peters Road by vehicles leaving the site, or wash-down of dirty-water, etc to the adopted highway.

In response the Agent has advised:

“A build contractor has not yet been appointed for this site, and will not be appointed until planning permission has been granted and we are in a position to move the site forward...As build contractors vary in the way they ‘deliver’ a site, the Construction Method Statement will also vary depending on which contractor is appointed when it comes to the build stage...I think it would be sensible to therefore add a pre-commencement condition to any planning approval for this site stating that a Construction Methodology Statement is required to be submitted and approved by the Council prior to the commencement of any build.”

A condition to this effect is recommended.

Conclusion

National planning policy is supportive of electronic communications systems and the proposed installation will enable two major mobile operators to provide improved 2G, 3G, 4G and new 5G coverage within this area. The additional visual intrusion arising from the greater size and height of the head-gear now proposed is not such as to warrant refusal of the application, and the additional girth of the monopole at its base is unavoidable. It is considered appropriate to attach Conditions that a Construction Method Statement has to be submitted and approved prior to the commencement of any works, that the existing monopole is removed and that an application for Planning Permission would need to be submitted and approved prior to replacement of the monopole hereby permitted, or the replacement or addition of equipment on it, that exceeds a height above ground-level of 20m.

9. SUMMARY REASON FOR APPROVAL

The replacement of the existing installation in the manner proposed will advance provision within the Borough of improved communications infrastructure essential for economic growth and social well-being. There is no objection from the Council’s Environmental Health team on public safety grounds to the proposal. Subject to the conditions, the proposal will not result in unacceptable detriment to visual and neighbour amenity or highway safety. Accordingly, it is considered that the proposal accords with the National Planning Policy Framework and Policies AVP3 / 1 / 7 / 9 / 18 / 23 / 24 of the Council’s adopted Core Strategy DPD (2011).

10. RECOMMENDATION

Approve

Conditions

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2) The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec'd</u>
Location Plan & Site Plan	002 Issue B	03 / 10 / 19
Existing Site Plan	100 Issue B	03 / 10 / 19
Existing Elevation	150 Issue B	03 / 10 / 19
Proposed Site Plan	215 Issue B	03 / 10 / 19
Proposed Elevation	265 Issue B	03 / 10 / 19

Reason : For the avoidance of doubt and to ensure a satisfactory standard of development.

3) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. It shall provide for :

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials
- Hours of HGV movements on St Peter's Road
- Avoidance of deposit of mud/loose material on St Peter's Road or surface-water run-off to it
- Contact details for the Site Manager

The approved Statement shall be adhered to throughout the demolition and construction period.

Reason: In the interests of highway safety.

4) The existing monopole shall be removed within 3 months of erection of the monopole hereby permitted unless an alternative period has first been agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order amending or revoking and re-enacting that order, the monopole hereby permitted shall not be replaced, or the equipment on it replaced or added to, in a manner that exceeds a height above ground-level of 20m.

Reason: To protect the character and appearance of the area.