Rossendalealive BOROUGH COUNCIL

ITEM NO. B1

Application No:	2008/0586	**Application Type:**	Prior Notification
Proposal:	Installation of 15m high timber clad column with 3 antennas & 2 600mm telecommunications dishes, and 6 equipment cabinets within a 4.5m x 6m compound bounded by a 2.4m high fence	**Location:**	Land off High Barn Lane, Whitworth.
Report of:	Planning Unit Manager	**Status:**	For Publication
Report to:	Development Control Committee	**Date:**	6 October 2008
Applicant:	Orange Personal Communications Ltd	**Determination Expiry Date:**	10 October 2008
Agent:	Galliford Try		

REASON FOR REPORTING	**Tick Box**
Outside Officer Scheme of Delegation	☐
Member Call-In	☐
Name of Member:	
Reason for Call-In:	
More than 3 objections received	**X**
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.

APPLICATION DETAILS

1. THE SITE

The application site is situated in the Countryside Area to the west of the settlement of Whitworth. It forms part of the elevated agricultural land reached via Back Lane, a tarmaced road leading from Tong End. Where there is a fence around the covered-reservoir on the north-west side of Back Lane an un-made track extends south-eastwards and is called High Barn Lane; for most of its length High Barn Lane is a public footpath. The proposed installation will sit in a field approximately 10m from High Barn Lane and 90m from its junction with Back Lane.

2. RELEVANT PLANNING HISTORY

2008/44 - Installation of a 15m high timber-clad column, with 3 antennas & 2 600mm telecommunication dishes mounted upon it , 6 equipment cabinets at its base, and a compound bounded by a 2.1m high fence at Whitworth Water Ski, Whitworth.

In anticipation of the need to remove its apparatus on Orama Mill, by way of this application Orange provided prior notification of the replacement installation it intended. The Council determined that this proposal should not be allowed to proceed without its prior approval to the siting and appearance of that development for the following reason :

1. The proposed development would detract from the visual amenity of the Green Belt.

2. The proposed development would be detrimental to the recreational amenity of the area.

3. THE PROPOSAL

This application is again made under the T&CP (General Permitted Development) Order 1995 (Schedule 2, Part 24), as amended. It provides prior notification of the applicants wish to install electronic telecommunications apparatus.

The proposed installation will comprise of a 15m high timber-clad column, with 3 antennas & 2 600mm dishes mounted upon it, and six equipment cabinets at its base. It is proposed that the telecommunication apparatus would be within a compound (approximately 4.5m x 6m) which would be enclosed with a 2.4m high timber close boarded fence. A scheme of landscape treatment is proposed around the compound.

In support of the proposal the applicant states:

- The proposed development is required to provide replacement coverage for the Whitworth area when the existing site on Orama Mill has been decommissioned, and would also increase network capacity.

- A previous application for the replacement installation in the wooded area close to Cowm Reservoir was refused by the Council as it was near to an important area for recreation/in the Green Belt. Orange decided not to appeal against that refusal and instead find a new site that both addressed these concerns and was well away from residential properties.

- The nearest residential property is approximately 450m from the site and its windows would not give occupiers direct outlook towards the structure, and the height of the mast has been kept to a minimum at only 15m.

4. POLICY CONTEXT

National

PPS1 - Sustainable Development
PPS7 - Rural Areas
PPG8 - Telecommunication
PPG17 - Planning for Open Space, Sports and Recreation

Development Plan

Regional
RPG13

Joint Lancashire Structure Plan (Adopted 2005)
Policy 1 - General Policy
Policy 5 - Development Outside of Principal Urban Areas, Etc
Policy 20 - Lancashire's Landscapes

Rossendale District Local Plan (Adopted 1995)
Policy DS5 – Development Outside the Green Belt & Urban Boundary
Policy DC1 – Development Criteria

Other Material Planning Considerations

LCC Landscape Strategy for Lancashire
LCC Lancashire's Landscapes & Heritage SPD

5. CONSULTATION RESPONSES

LCC (Highways)
No highway comments

RBC (Environmental Health)
It is stated in the application that the installation will comply with ICNIRP public exposure guidance. Accordingly, it has no comments or objection.

Whitworth Town Council
No objection

6. REPRESENTATIONS

The application has been publicised by way of siting four notices at four different locations in the local area on 1 September 2008. Furthermore the residents of Cown Top Farm were notified by letter on 16 September 2008.

414 individual letters/emails have been received to date, raising objection to the proposal for the following reasons :

- The proposed installation would overlook Cowm Reservoir and would further damage the environment and visual aspects of the landscape.
- The matter of a more suitable alternative siting has not been fully explored.
- The proposed development would, by reason of its size, position and design, be an intrusive feature in the Green Belt and would detract from the visual amenity of the Green Belt.
- Even the colour scheme for the mast would be inappropriate for an installation which will impinge significantly upon the skyline of this local beauty spot.
- Magnetic field set up by the phone masts are harmful to the birds, animals etc.
- The proposed development would represent a loss of residential amenity to the community and have a devastating impact on the landscape.
- The proposal is absolutely contrary to Policy DS3 of the Rossendale District Local Plan, Policy 6 of the Joint Lancashire Structure Plan and the advice given in PPG2 and PPG8.
- There is grave concern regarding the issues of radiation from the proposed mast.
- This sort of installation should not go ahead until the threat of radiation to the health of vulnerable people in the community has been properly investigated.
- Why is such a large mast required? Two or three much smaller masts would have provided better reception in the area.
- The proposed mast would affect adversely the desirability of Cowm Reservoir as a place to visit by creating another unwelcome intrusion of almost the whole 15metres on its skyline. This would detract from people's pleasure and relaxation at this relatively unspoilt location.
- The skyline damage to the moors has already been considerable in the past 12 months.
- Cowm Reservoir is a popular location for walkers, runners, horse riders, water skiers etc. The mast will overlook this site and create a blot on the landscape.

7. ASSESSMENT

As previously indicated, this application is made under the T&CP (General Permitted Development) Order 1995 (Schedule 2, Part 24), as amended. Whilst Part 24 of the Order provides electronic communications code operators with certain 'permitted development' rights for this particular form of development it states :

> *"Before beginning the development the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of the development."*

With respect to the main considerations this application gives rise to I would arise as follows:

<u>Applicants Supporting Information</u>

The applicant advises that their investigations have identified no mast sharing opportunities or rooftop opportunities available to it within the cell search area.

The applicants have provided a list of 6 sites which were considered but were discarded in favour of this proposal on the grounds that the site owner's agreement was not forthcoming, the site proved to be not technically available for Orange to use or the site had been rejected by the Council.

Health Issues

Whilst objectors have raised concerns about health risks, Government guidance (expressed in PPG8) makes it clear that, providing proposals meet ICNIRP guidelines, local authorities should not consider those aspects any further.

In this case, the applicant has submitted the necessary declaration that the proposal will meet the ICNIRP guidelines.

Residential Amenity

There are no residential properties in close proximity of the site. The nearest residential properties (a group of six properties) are located approximately 450m to the north-west of the site. Although the residents of these properties would be able to view the mast, the view of it from their windows will be oblique and at distance. Accordingly, it is considered that it would have little impact on the visual amenities of these and other residents.

Green Belt

PPG2 sets out Government guidance in respect of Green Belt. It identifies exclusive categories of development which are, subject to various stipulations, appropriate in the Green Belt. Paragraph 3.2 states *: "Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".* Paragraph 3.15 goes on to say : "*The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt…".*

Application 2008/44 proposed that this installation be sited adjacent to Cowm Reservoir, an area of Green Belt. Accordingly, there was a presumption against it and, having regard to the recreational importance of that area, the very special circumstances could not be advanced to warrant an exception to policy.

The site now proposed for this installation is not within the Green Belt. Accordingly, there is not the same presumption against it. It is however, necessary to consider how the proposal will impact upon the visual amenity of the Green Belt. In this regard I would advise that it is probable that the upper part of the proposed mast would be visible from Cowm Reservoir and elsewhere within the Green Belt. However, given the distances involved, it is not considered that this view would be unduly detrimental to the visual amenities of the Green Belt generally or the recreational users of the reservoir area in particular.

Countryside

Whilst national planning policy does not contain the same 'presumption against' in against locating the proposed development within a rural area as it does in Green Belt, it is nevertheless necessary to assess how it will impact upon the character and appearance of the countryside.

In the first instance the proposed equipment cabinets and compound within which they will be sited will be visible from High Barn Lane, Back Lane and the immediate area. However, I am satisfied the proposed planting around the compound will, with time, adequately screen them. The proposed mast will remain visible to view from the surrounding area, undoubtedly detracting to a degree from the essentially open and rural character of the area. Whilst the landscape quality of the site is relatively good, there are some notable man-made features in its immediate vicinity that impact upon landscape quality - telegraph-poles/overhead wires, the fence and buildings associated with the covered-reservoir on the opposite side of Back Lane and (somewhat further away) pylons/high-voltage overhead wires.

9. CONCLUSION

Whilst the proposal will to a degree impact adversely upon the character and appearance of the countryside, it satisfactorily addresses the concerns of the Council in terms of Green Belt/ detriment to the recreational amenity of the Cowm Reservoir area (which prompted refusal of 2008/44, and avoids a siting near to residential properties.

10. RECOMMENDATION

That the Council not require prior approval of the siting and appearance of the installation so long as it accords with the scheme described above.

Contact Officer	
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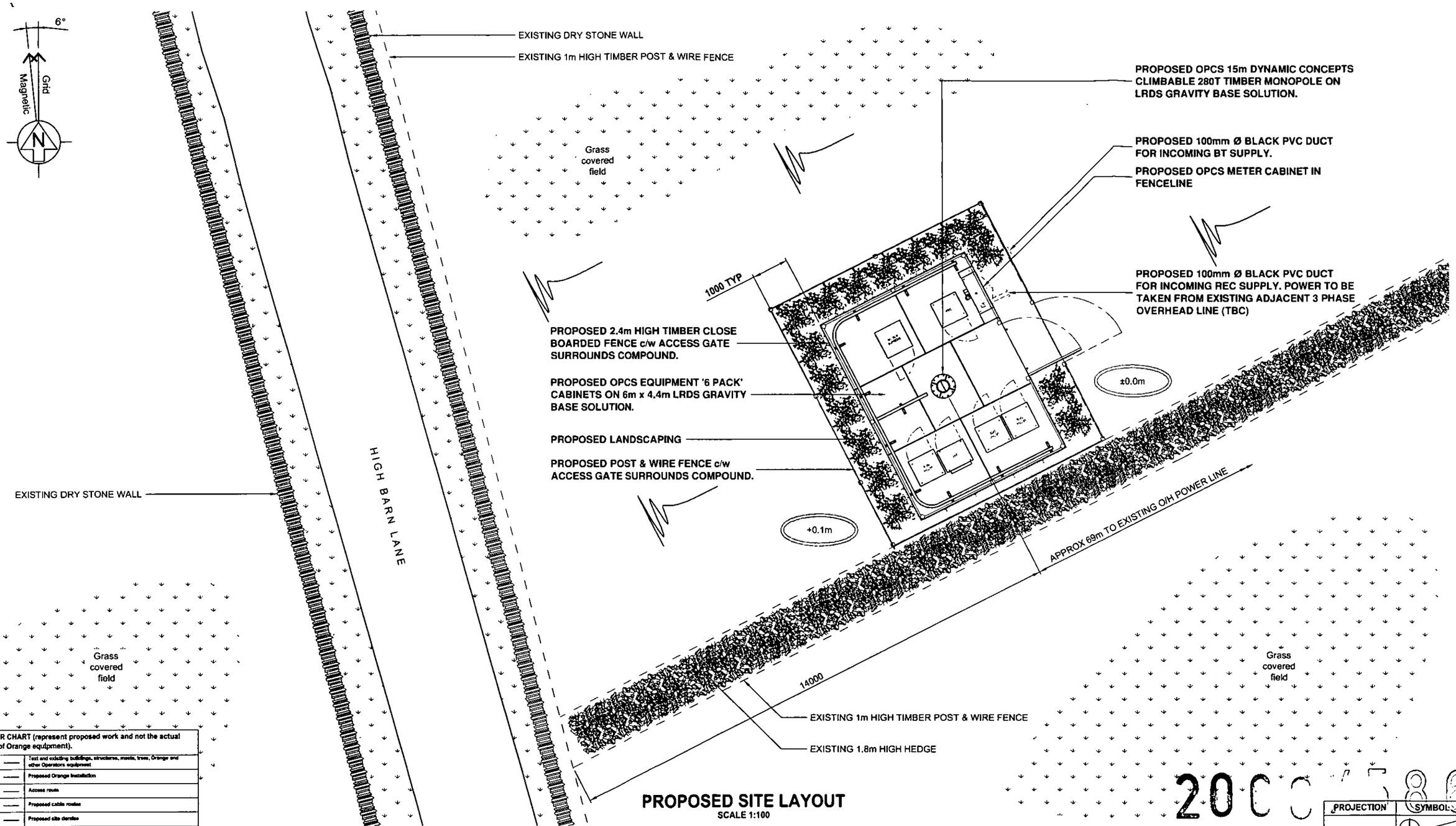
Position	Planning Officer
Service / Team	Development Control
Telephone	01706 217777
Email address	planning@rossendalebc.gov.uk



PROPOSED SITE LAYOUT

SCALE 1:100

COLOUR CHART (represent proposed work and not the actual colour of Orange equipment).	
Black	Text and existing buildings, structures, masts, trees, Orange and other Operators equipment
Green	Proposed Orange installation
Blue	Access route
Cyan	Proposed cable routes
Red	Proposed site demise

ICNIRP DESIGN CLASSIFICATION:- PUBLIC

20 0 0 7 5 8 6

PROJECTION	SYMBOL
THIRD ANGLE	

ACQUISITION CONSULTANT: GallifordTry

CONSULTANT: GallifordTry

CONTRACTOR

DOES THIS SITE DESIGN CONFIRM TO THE FOLLOWING OPCS DOCUMENTS:- PLAN 168 Ver 5 & SPEC 252 Ver 5	YES	NO
IF NO DETAIL THE EXCEPTIONS BELOW:-		
1.		
2.		
3.		
4.		
5.		

REV	DESCRIPTION	BY	DATE
A	FIRST ISSUE	DJF	08.02.07

SCALE AS SHOWN WHEN PRINTED AT A3	DRAWN DJF	CHECKED CP	APPROVED DJ
	DATE 07.07.08	DATE 07.07.08	DATE 07.07.08

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ALL DIMENSIONS IN mm UNLESS OTHERWISE STATED.
THIS DRAWING TO BE READ IN CONJUNCTION WITH OTHER RELEVANT DRAWINGS.

TITLE
PROPOSED SITE LAYOUT
TONG HEAD FARM
High Barn Lane
Whitworth
Rochdale, OL12 8XG

orange
St James Court
Great Park Road
Almondsbury Park
Bradley Stoke
Bristol
BS32 4QJ
Tel 0870 376 8888
Fax 0870 376 4770

THIRD PARTY REF.	SITE CODE	OPT LETTER	DRG TYPE	DRG No	REV
DMD2081	LAN0427	B	GA	02	A

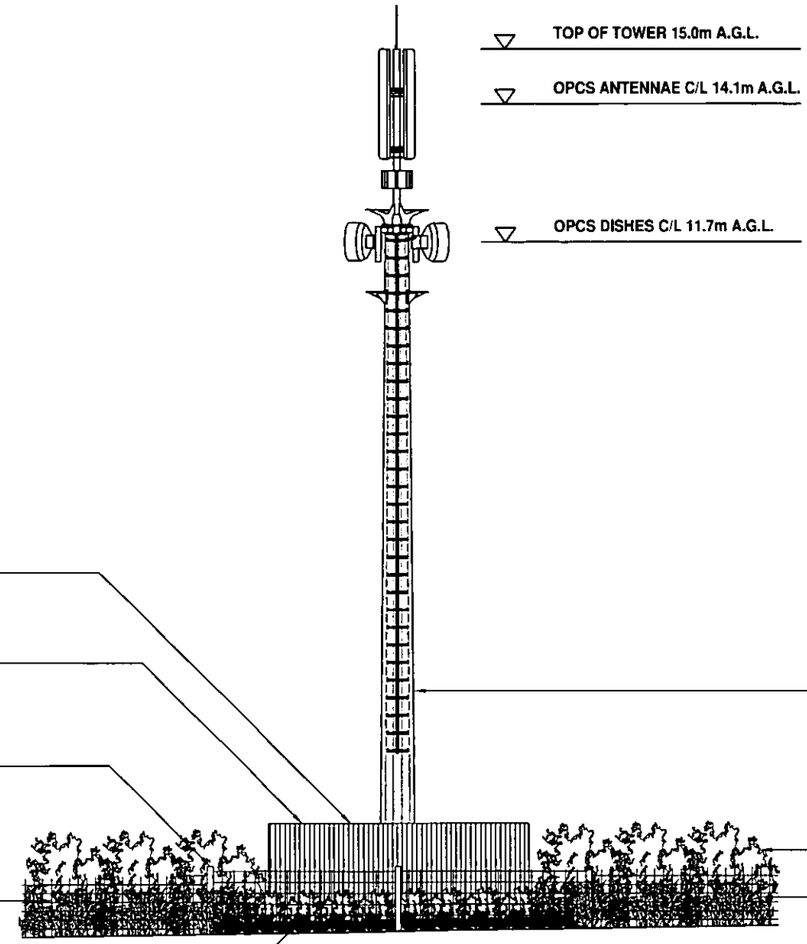
EXISTING SITE PHOTO

LANDSCAPING DETAILS

LANDSCAPING TO COMPRISE OF A HEDGEROW AROUND PERIMETER OF COMPOUND TO COMPRISE A COUNTRYSIDE MIX OF HAWTHORN, BLACKTHORN, HAZEL AND HOLLY.

HEDGEROW SHALL BE PLANTED IN ACCORDANCE WITH BS4428 CODE OF PRACTICE FOR GENERAL LANDSCAPE OPERATIONS. PLANTS SHALL BE PLANTED WITHIN A TRENCH 400mm DEEP, A MINIMUM OF 600mm WIDE TO 750MM WIDE. PLANTING SHALL BE IN A STAGGERED DOUBLE ROW. THE PLANTS SHALL BE A MINIMUM OF 300mm IN HEIGHT AND PLANTED AT A DISTANCE OF 460mm IN THE ROWS.

ALL PLANTING, SEEDING AND TURFING SHALL BE CARRIED OUT IN THE FIRST PLANTING AND SEEDING SEASONS FOLLOWING COMPLETION OF THE WORKS. ANY TREES OR PLANTS THAT WITHIN A PERIOD OF 5 YEARS FROM THE COMPLETION OF THE LANDSCAPING, DIE, ARE REMOVED OR BECOME SERIOUSLY DAMAGED OR DISEASED SHALL BE REPLACED IN THE NEXT PLANTING SEASON WITH OTHERS OF SIMILAR SIZE AND SPECIES.



2003/586

PROPOSED NORTH WEST ELEVATION

SCALE 1:100

COLOUR CHART (represent proposed work and not the actual colour of Orange equipment).	
Black	Text and existing buildings, structures, masts, trees, Orange and other Operators equipment
Green	Proposed Orange Installation
Blue	Access route
Cyan	Proposed cable routes
Red	Proposed site denoter
ICNIRP DESIGN CLASSIFICATION:- PUBLIC	

PROJECTION	SYMBOL
THIRD ANGLE	

ACQUISITION CONSULTANT: GallifordTry

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A	FIRST ISSUE	DJF	07.07.08

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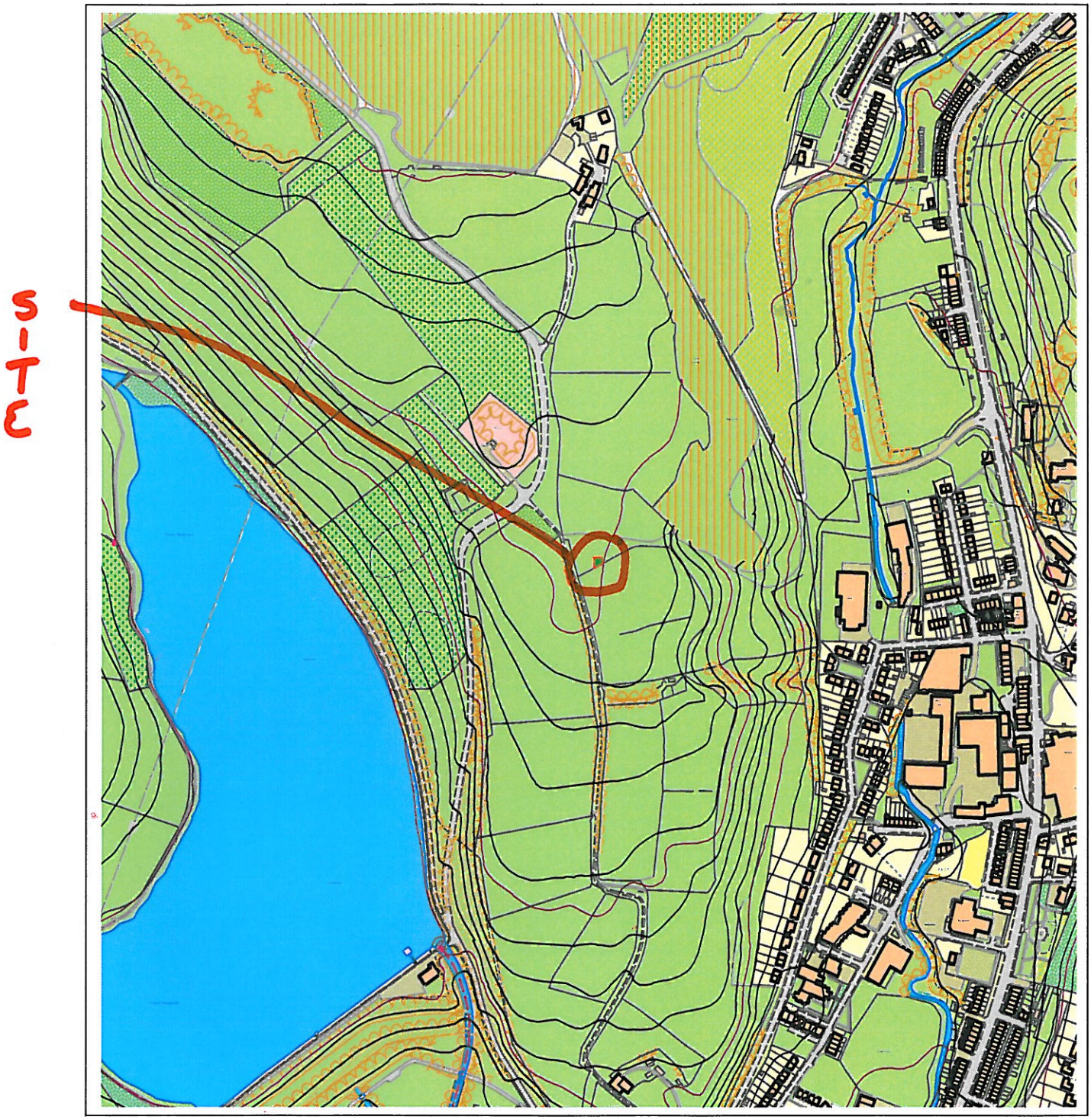
Rochdale, OL12 8XG

orange
St James Court
Great Park Road
Almondsbury Park
Bradley Stoke
Bristol
BS32 4QJ
Tel 0870 376 8888
Fax 0870 376 4770

THIRD PARTY REF.	SITE CODE	OPT LETTER	DRG TYPE	DRG No	REV
DMD2081	LAN0427	B	GA	03	A

Site 2008/0586



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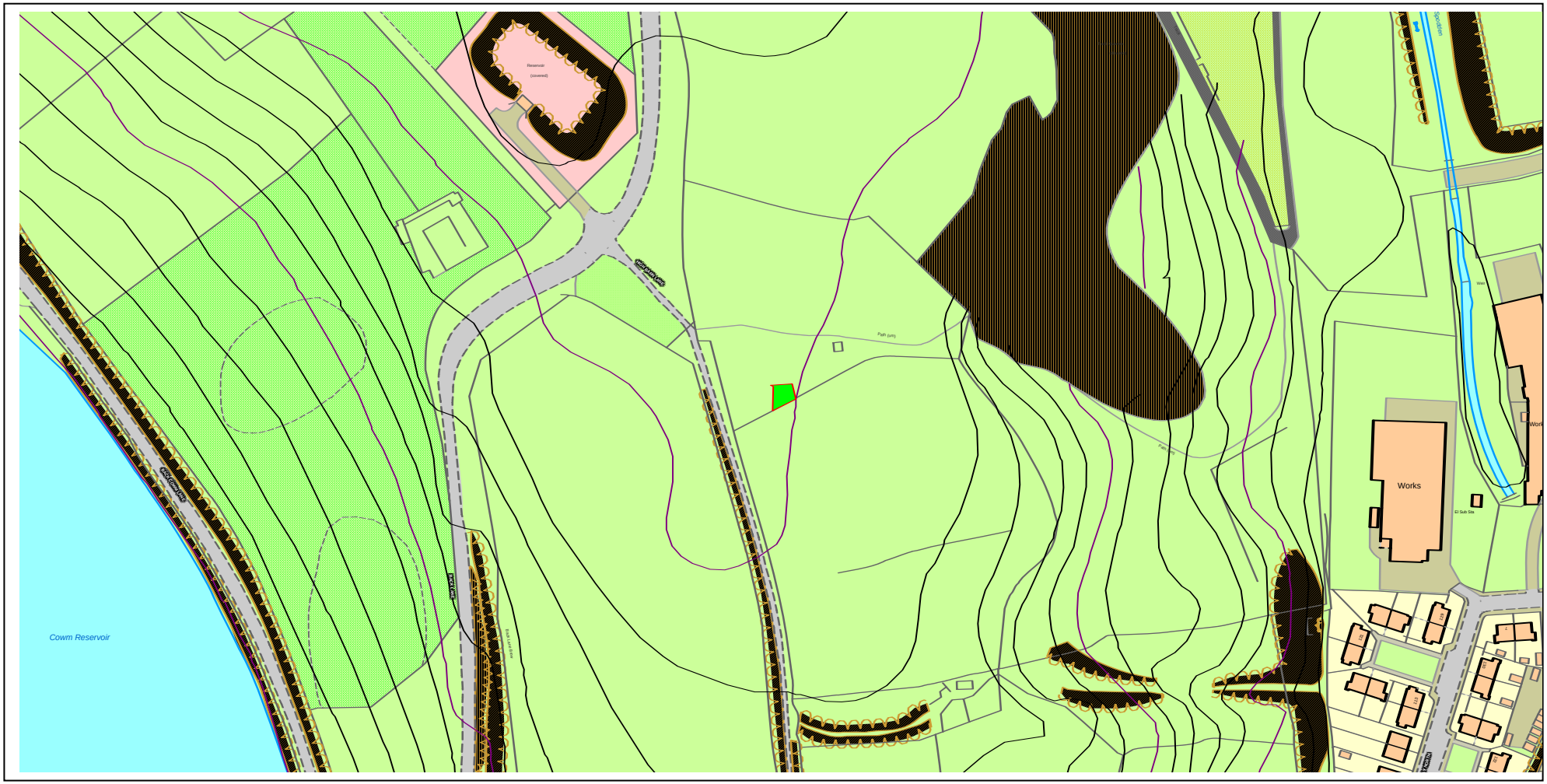
Location Plan 2008/0586



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