

COMMITTEE: DEVELOPMENT CONTROL

DATE: 6TH OCTOBER 2004

SUBJECT: THE GREEN, ACKWORTH CRESCENT, LEAGRAVE.
INSTALLATION OF ONE 12 METRE HIGH SLIM LINE
MONOPOLE AND ANCILLARY EQUIPMENT CABINET.
(APPLICANT: T-MOBILE (UK) LTD)
(APPLICATION NO. 04/01255/TEL).

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: WENDY ROUSELL 546317

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: LEAGRAVE

PURPOSE

1. To advise Members of this request for Prior Approval Determination and to seek their decision.

RECOMMENDATION(S)

2. That, (i) subject to the further report to be made at the meeting, the applicants be advised that the Council does not wish to influence the siting and appearance of the proposed installation and that the development may, therefore, proceed without further reference to the Council, and
- (ii) the DTLR be informed that the Council objects most strongly to the Prior Approval Determination procedure and considers that this is an inappropriate way to deal with matters which are of such concern to the community and that planning permission should be required for any such installations.

BACKGROUND

3. This report does not relate to a planning application. The submission has been made under the following provisions:-

Notice of request for Prior Approval Determination under Part 24 (Development by Telecommunications Code Systems Operators) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995.

The erection of the proposed base station and associated equipment cabinet falls within a class of development, which does not require planning permission in the normal way. The General Permitted Development Order (GPDO) does, however, place a duty on telecommunications operators to seek the view of the Council as Local Planning Authority (LPA) in respect of the siting and appearance of such installations.

4. If the LPA proposes alterations to either the appearance or siting not acceptable to the operator and no agreement can be reached, the proposal can be refused and the operator then has the right of appeal to the Secretary of State. If the LPA has concerns regarding the siting of the equipment in particular, it has an obligation to suggest alternative sites in the vicinity.

5. In this connection, it should also be noted that government advice is that, in considering these matters, regard should be had to the lack of any convincing evidence of a causal link between exposure to electromagnetic fields and effects on health. In addition, further national planning guidance on such proposals indicates that if the installation would meet the guidelines established by the International Commission on Non-Ionising Radiation Protection (ICNIRP) as commended to the Government and the telecommunications industry by the Stewart Report, LPAs should not, in any event have to consider health aspects any further. It is also, however, the case that public fears regarding the potential health effects of telecommunications installations can, of themselves as a separate issue, constitute a material planning consideration.

6. The Prior Approval process has to be completed within 56 days of the receipt of this particular request. If, therefore, no view has been reached and pursued with the operator by, in this case 14th October 2004, the equipment can be installed without further notice.

REPORT

The Proposal

7. It is proposed to erect a 12m high monopole, street column type mast (inclusive of 3 No. 2G/3G antennas), together with an equipment cabinet and ancillary works. The mast would be located in the highway verge, on the slabbed area adjacent to the tarmac footpath, on the southern side of Acworth Crescent (opposite The Green). The mast and equipment cabin would reduce the width of the footway at this point to 2.3m, which is acceptable to the Highway Engineers.

8. A supporting statement accompanies the submission. This indicates that the network in this part of Luton is approaching capacity. The proposal is to provide 3G coverage to surrounding residential properties, businesses and to users of the surrounding road network.

9. In terms of alternative locations, a previous submission was made to LBC in October 2003, but the installation was to be sited on land owned by LBC. Capital and Asset Management were consulted at this time and advised that Landowners consent would not be granted in this case. The application was therefore withdrawn. The current proposal is within the public highway. As Statutory Undertakers the consent of the Council is not required in this case.

10. At the time of drafting the report, 5 letters of objection have been received; Kelvin Hopkins MP also submitted further copies of 2 of these letters, stating that he supported the views expressed by the objectors. In addition a petition of 8 signatures has been received from the residents of Acworth Court. These objections relate to health and visual intrusion. A further report will be made at the meeting should any additional representations or consultations responses be received.

11. LBC Highways and Environmental Protection Officers have been consulted and have raised no adverse comments.

12. The proposed mast would be seen in the context of the backdrop of the open, green area at the corner of The Green, Acworth Crescent and Mayne Avenue. This is a local distributor road, however, and there are several lamp columns of similar height in the vicinity. It is not, therefore, considered at this stage, that there are any grounds for seeking prior approval of siting and appearance. A further report will be made at the meeting in the light of consultation responses.

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D

13. Application File No. 04/01255/TEL.

14. Borough of Luton Local Plan.

15. PPG8 'Telecommunications'.