

COMMITTEE: DEVELOPMENT CONTROL

DATE: 31ST JANUARY 2007

SUBJECT: TELECOMMUNICATIONS INSTALLATION
STOCKINGSTONE ROAD/NEW BEDFORD ROAD
ROUNDAABOUT.
TELECOMMUNICATIONS INSTALLATION –
INSTALLATION OF A 11.7M HIGH MONOPOLE MAST
INCORPORATING 1 TRISECTOR ANTENNA, RADIO
EQUIPMENT HOUSING AND ANCILLARY
DEVELOPMENT
(APPLICANT: T-MOBILE (UK) LTD)
(APPLICATION NO. 07/00017/TEL).

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: WENDY ROUSELL 546317

IMPLICATIONS:

LEGAL

COMMUNITY

SAFETY

EQUALITIES

ENVIRONMENT

FINANCIAL

CONSULTATIONS

STAFFING

OTHER

WARDS AFFECTED: BARNFIELD

PURPOSE

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

RECOMMENDATION(S)

2. That, subject to the further report to be made at the meeting:

(i) 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 DCLG 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. At the time, the Stewart Report was seen as the definitive guidance on the health effects of mobile phones. Since that time further evidence has been produced, which appears regularly in the media, to suggest that further government research is required on this subject. Most recently a Dutch study suggests that the equipment associated with 3G technology can impact on health. The National Radiological Protection Board (NRPB) Report, Mobile Phones and Health 2004, notes that the main conclusions reached in the Stewart Report in 2000 still apply today and recommends that the precautionary approach to the use of mobile phone technologies still be adopted until more detailed and robust information on any health effects becomes available.

7. 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 16 February 2007, the equipment can be installed without further notice.

REPORT

The Proposal

8. The proposal is for the erection of an 11.7m lamppost style monopole mast (grey in colour) and one equipment cabinet 1228mm long x 1330mm high and 570mm wide (green in colour). The proposed siting is indicated to be on highway land on the north-east leg of the New Bedford Road/Stockingstone Road roundabout.
9. On the northern leg of this roundabout is another installation operated by Orange. Members recently considered a submission, also from T-Mobile, for an installation adjacent to Wardown Park (opposite Lansdowne Road), although this has yet to be erected.
10. The streetlights in this area are indicated on the submitted drawings to be approximately 10m high and adjacent to the proposed site are a number of mature trees of between 7m and 12m in height. The mast will be viewed against the backdrop of these trees.
11. The site is located approximately 300m from Denbigh High School, 478m from Richmond Hill School and 765m from William Austin School. As the site is within a predominantly residential area it has been rated as a red site under the Traffic Light Model. The nearest property, in Stockingstone Road, is approximately 67 metres from the proposed installation.
12. The submission is accompanied by a supporting statement, which states, *"The primary purpose of the proposed installation is to provide a level of 3G coverage appropriate for a suburban residential area in an area comprising approximately parts of New Bedford Road, Montrose Avenue and Stockingstone Road, St. Michaels Crescent, Fountains Road, Cranleigh Gardens, Carlton Crescent, Alexandra Avenue, Dunmow Court, Wardown Court, Bath Road, Abigail Close, Old Bedford Road, Manton Drive and Wardown Park"*. Coverage plots have been supplied which indicate the current and proposed level of coverage in this area.
13. Set out below is a table listing the alternative sites considered by the applicant and the reasons for their rejection.

Site name and address	Reason for not choosing
Potential sites for sharing	No suitable sites have been identified.
Potential to use existing structures	The search area consists of residential housing and parkland and there are therefore no existing structures capable of accepting a telecommunications installation.
Residential locality	Residential streets in the area generally have narrow pavements and are not capable of accepting a radio equipment cabinet.

Wardown Park	Wardown Park is Grade II Listed and consultation with the LPA indicated that an application for installation within the park would be refused, as the Local Authority is keen to maintain the visual integrity of the park.
New Bedford Road Roundabout	Consultation with the LPA indicated that the authority wished to preserve views into Wardown Park.
New Bedford Road North	This has wide verges capable of accepting a telecommunications base station installation however this area was discounted as a result of consultation with the Local Planning Authority.
Rough parkland adjacent to New Bedford Road	This has adequate space to accept a telecommunications installation however an installation within the parkland would undoubtedly be visually intrusive.

14. In addition to the above reasons stated, Wardown Park would not have been acceptable as the land is in the ownership of LBC and therefore the policy regarding the permanent siting of telecommunications equipment on our land applies.
15. The applicant has offered a simulated telegraph pole in this location, but following previous comments from Members regarding this design in other locations, it was felt that a steel pole would be less intrusive and more in keeping with the existing street furniture around the site,
16. The applicant has submitted a Certificate of Declaration of Conformity with the precautionary ICNIRP guidelines and power flux density readings, which indicate the maximum output to be 1,596 times less than the ICNIRP reference level for radio frequency exposure to the general public (at a rate of 10W/m² in the frequency range of 2GHz to 300GHz). This level will be reported as a percentage of ICNIRP at the meeting.

Consultation

17. As part of the normal consultation process undertaken for telecommunication proposals such as this, 95 properties have been consulted. In addition a site notice was posted close to the site. In terms of technical consultees, the following have been consulted –
 - Highways Engineer – Awaiting comments
 - Environmental Protection – Awaiting comments
18. At the time of drafting the report, residents have only recently been consulted and therefore no letters have been received. The neighbour consultation period expires on 31 January 2007. A further report will be made at the meeting, should representations be received.

CONCLUSIONS

19. The proposed mast and associated cabinet would be located in a position where there are other examples of street furniture (lighting and traffic signs) and whilst adding to the clutter, it will not look out of place. The mast is of similar colour to the surrounding street furniture and the dark green cabinet will not be unduly obtrusive set against the trees, as in this case.
20. The supporting information supplies the operator's justification for the installation and the alternative sites considered and dismissed.
21. 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

22. Application File No. 07/00017/TEL.
23. Luton Local Plan 2001-2011
24. PPG8 'Telecommunications'.