

## Report to Note

**Report to** Planning Applications Committee  
**Date** 19 January 2012  
**Report of** Head of Planning Services  
**Subject** Appeal of application:  
11/01768/T Proposed Telecommunications Mast Opposite  
161B Bowers Avenue Norwich

**Item**  
**7(1)**

### SUMMARY

<b>Description:</b>	Installation of 13.8m streetworks column supporting 3 No. 3G antennas, 1 No. equipment cabinet and ancillary development.
<b>Reason for consideration at Committee:</b>	Appeal received
<b>Recommendation:</b>	To note content of report
<b>Ward:</b>	Mile Cross
<b>Contact Officer:</b>	Jo Hobbs Planner 01603 212526
<b>Valid Date:</b>	30 <sup>th</sup> December 2011
<b>Applicant:</b>	Vodafone Limited
<b>Agent:</b>	Mrs Jennie Hann

### INTRODUCTION

#### Purpose of report

1. An application for a telephone mast at 161B Bowers Avenue was refused by Members at Planning Committee on 10 November 2011. This application was for a 13.8m mast with an equipment cabinet and ancillary development. The application was refused on the grounds of siting and design, with the following reason for refusal:

“The height and siting of the proposal would have an unacceptable and unduly prominent visual impact, as it would result in a significant visual intrusion in a highly visible public area within the streetscene, to the detriment of local amenities and the character of the area and contrary to saved policy HBE20 of the City of Norwich Replacement Local Plan 2004 and policy 2 of the adopted Joint Core Strategy 2011.”

2. An appeal has now been lodged by the applicants on 30 December 2011. The council therefore now has the opportunity to comment on the appeal to the Planning Inspectorate.
3. The appeal will be through written representations to the Planning Inspectorate. Council officers will prepare all the relevant documentation as usual for the appeal. But as the officer recommendation was turned over at committee from approval to refusal Members may wish to make comments directly to the Planning Inspectorate to voice the concerns that led to the decision that was made.

4. The purpose of this report is to notify Members of the appeal and to advise on how to comment on the appeal.

### **Planning history**

5. Previous to this appealed application there was an earlier application for the same development, but the mast proposed was 14.8m in height. This application (11/00860/T) was refused by Planning Committee on 30 June 2011. Both applications cited the same reason for refusal as referred to in paragraph 1 of this report.
6. The committee report for the appealed application from 10 November 2011 is attached as Appendix 1. The earlier committee report for the refused application 11/00860/T is attached as Appendix 2.

### **How to comment on appeal**

7. The start date of the appeal was 30 December 2011. Any comments on the appeal are to be made directly to the Planning Inspectorate by 10 February 2012.
8. The appeal details can be found on the Planning Portal website (<http://www.planningportal.gov.uk/planning/appeals/online/comment>). The appeal reference is AP/G2625/A/11/2167563.
9. It is important to meet this deadline of 10 February 2012 as the Planning Inspectorate may not consider any comments made after this deadline.
10. Committee will be notified of the outcome of the appeal through the usual reporting to planning committee on appeal decisions.

**APPENDIX 1**

**Report for Resolution**

**Report to** Planning Applications Committee  
**Date** 10 November 2011  
**Report of** Head of Planning Services  
**Subject** 11/01768/T Proposed Telecommunications Mast Opposite  
 161B Bowers Avenue Norwich

**Item**  
**5(3)**

**SUMMARY**

<b>Description:</b>	Installation of 13.8m streetworks column supporting 3 No. 3G antennas, 1 No. equipment cabinet and ancillary development.	
<b>Reason for consideration at Committee:</b>	Objection	
<b>Recommendation:</b>	Approve	
<b>Ward:</b>	Mile Cross	
<b>Contact Officer:</b>	Jo Hobbs	Planner 01603 212526
<b>Valid Date:</b>	5th October 2011	
<b>Applicant:</b>	Vodafone Limited	
<b>Agent:</b>	Mrs Jennie Hann	

**INTRODUCTION**

**The proposal**

1. This current telecommunications prior approval application follows on from the refusal of application 11/00860/T by Planning Committee on 30 June 2011. The former application was for the installation of a 14.8m streetworks column supporting 3 no. 3G antennas, 1 no. equipment cabinet and ancillary development. This was refused by Members on grounds of unacceptable visual impact and detrimental effect on local amenities through its design and siting (committee report Appendix 1 and decision notice Appendix 2).
2. The current application submitted has sought to address the reasons for refusal. The overall height of the streetworks column has been reduced by one metre in height from the previous application. The siting of the column and ancillary development has remained the same since the previous application.

**Equality and Diversity Issues**

3. There are no significant equality or diversity issues.

**Representations Received**

4. Advertised on site and adjacent and neighbouring properties have been notified in writing. Four letters of representation had been received at the time of the committee report going to publication. Due to the nature of prior approval telecommunication applications a response must be made to the telecommunications operator by the 8 week determination date or the equipment

## APPENDIX 1

can legally be installed without further planning permission. The only Planning Committee date this application could be considered at within this 8 week deadline is 10 November 2011 and so the report has been written in advance of the consultation deadline of 9 November. All further representations received will be verbally reported at committee.

5. The table below identifies additional matters raised in letters of representation. For matters already raised in the committee report for the previous application 11/00860/T, the original committee report is referred to (Appendix 1).

Issues Raised	Response
Second application should not be being considered by council considering first one was refused.	See paragraph 12
Placing it in the centre of the community area will lead to further separation of the community.	See Appendix 1
The structure should be on the top of a building. There is no security around the structure and it is only a matter of time until it is vandalised.	See Appendix 1
Unacceptable visual impact. The location is unsuitable as it will be visible for many residents. The structure is unsightly and not attractive. Will clutter street scene. Do not want to look at it.	See Appendix 1
The mast will de-value house prices.	See Appendix 1
Concerned regarding health impacts. The proposed location is extremely close to a large number of occupied homes and flats and studies on the effects of such masts are still inconclusive.	See Appendix 1
Need –There are enough masts on the flats nearby and mobile phone reception is sufficient so do not understand the need for another mast. More remote areas in Norfolk have no signal so it would be better to put them there.	See Appendix 1
Mobile phone masts should be located in industrial estates and not near homes/schools/ playing fields/ parks/ pubs and shops.	See Appendix 1

## Consultation Responses

6. Transportation – The proposed location of this mast and associated cabinet does not affect the sight lines of the junction of Bowers Avenue and Lefroy Road. No objection on transport grounds.
7. Tree Officer – no significant arboricultural implications.

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant Planning Policies

8. There have been no changes to planning policies and material planning considerations since the previous report below was written.

### Principle of Development

#### Policy Considerations

9. The applicants have provided further justification for revised application. The reduction in height of the mast will lead to some loss of network coverage in comparison to the previous mast applied for. The applicants have tried to address the previous reasons for refusal and in doing so have compromised on the overall coverage.
10. The applicants have provided information within supporting documentation about their consideration of alternative sites. The majority of buildings within the surrounding area are within council ownership. Further to this the taller buildings which would be more suitable to gain better coverage and have a lower visual impact on the surrounding area are in council ownership, such as the Norman Centre on Bignold Road and Aylmers Towers on Lefroy Road. The council's moratorium on new telecommunications equipment on council owned buildings prevents these being potential sites. The only other area where a mast could be acceptable is on adjacent industrial land at Whiffler Road. This land however is around 10m lower than surrounding land, which would require a mast of over 30m to gain the required coverage. Alternative sites within this area have therefore been considered but discounted. On balance the proposed site at the shopping parade provides a commercial break in the residential area and is considered to be the only suitable site to enable 3G coverage in this area.
11. An ICNIRP compliance certificate has been submitted again with the application, and it is the government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for prior approval, to consider further the health aspects and concerns about them.

#### Additional matters raised in letters of representation

12. The issue of the re-submittal of the prior approval application has been raised in letters of representation. Applicants are free to submit applications which the council then have a legal duty to determine. The council cannot restrict an applicant submitting an application.

### Conclusions

13. The proposed mast has been reduced in height by 1 metre to address previous concerns over visual impact. The siting and design for the telecommunications column and associated development have been minimised as much as possible and will not have an impact on the nearby trees. Its position within the area is in keeping with the commercial interface of buildings to the north and east, whilst generally retaining the profile of street furniture would not look out of place within the street scene.

**APPENDIX 1**

**RECOMMENDATIONS**

Recommendation to grant Prior Approval without conditions.

**Report for Resolution**

**Report to** Planning Applications Committee  
**Date** 30 June 2011  
**Report of** Head of Planning Services  
**Subject** 11/00860/T Proposed Telecommunications Mast Opposite  
 161B Bowers Avenue Norwich

**Item**  
**6 (3)**

**SUMMARY**

<b>Description:</b>	Installation of radio base station consisting of a 14.8m slim-line column, 1 No. equipment cabinet and ancillary development thereto.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Mile Cross
<b>Contact Officer:</b>	Mrs Joy Brown 01603 212542
<b>Valid Date:</b>	12th May 2011
<b>Applicant:</b>	Vodafone Ltd
<b>Agent:</b>	Mrs Jennie Hann

**INTRODUCTION**

**The Site**

**Location and Context**

1. The site is located on the north side of Lefroy Road at its junction with Bowers Avenue. To the south and west are residential properties and to the north is a car park to serve the shops to the north and east. Entrance to the car park is immediately to the east.
2. To the east are items of street furniture with a telephone box and a row of trees to the north. Surrounding buildings are predominately 3 storeys high, although the houses to the west are 2 storeys.

**Constraints**

3. The site does not lie within a Conservation Area and there are no Tree Preservation Orders on trees.

**Planning History**

There is no previous planning history.

**APPENDIX 2**

**Equality and Diversity Issues**

There are no significant equality or diversity issues.

**The Proposal**

4. The proposal is for a 14.8m high slimline column supporting 3no 3G antennas, with 1no equipment cabinet 1.58m long, 0.38m wide and 1.35m high, painted green, and ancillary development for one operator. The column will be left in its natural galvanised state and its position will be 1.8m from the roadside edge.

**Representations Received**

5. Adjacent and neighbouring properties have been notified in writing. Seven letters of representation, including one from County Councillor Richard Edwards, have been received citing the issues as summarised in the table below.

6.

Issues Raised	Response
Unacceptable visual impact. The location is unsuitable as it will be visible for many residents. The structure is unsightly and not attractive. Do not want to look at it.	See paragraph 13.
Placing it in the centre of the community area will lead to further separation of the community.	See paragraph 13.
The structure should be on the top of a building. There is no security around the structure and it is only a matter of time until it is vandalised.	See paragraph 14
The mast may cause problems when selling property in the future.	'The planning system operates in the public interest to ensure the development and use of land results in better places for people to live, the delivery of development where communities need it, as well as the protection and enhancement of the natural and historic environment and the countryside.' (PPS1) The potential impact of a proposal on the value of individual properties or land is not normally considered to be a material planning consideration.
Concerned regarding health impacts. The proposed location is extremely close to a large number of occupied homes and flats and studies on the effects of such masts are still	See paragraph 15.



**APPENDIX 2**

inconclusive.	
Need –There are enough masts on the flats nearby and mobile phone reception is sufficient so do not understand the need for another mast. More remote areas in Norfolk have no signal so it would be better to put them there.	PPG8 states that local planning authorities should not question the need for the telecommunications system. The operators have provided details which states that the site is required to fill a gap in coverage and to prevent the ‘dropping of calls’ at the periphery of the cell area.
The proposal may have a negative impact on the businesses which use the proposed area for deliveries and car parking for customers as well as some of the nearby residents.	The mast and associated equipment is proposed to be situated on the pavement, 1.8m from the roadside edge and adjacent to existing furniture and a car park.
Mobile phone masts should be located in industrial estates and not near homes/schools/ playing fields/ parks/ pubs and shops.	There is no requirement in planning policy terms to locate masts exclusively in industrial estates. Some masts do not require permission and in these cases consideration is limited to an assessment of siting and design, rather than matters of principle. See paragraphs 10-15.
If mast is erected then this may have a negative effect on local businesses as some people may avoid using them due to the proximity of the mast.	See above.
Loss of privacy/ overlooking	The proposed mast is considered unlikely to result in any loss of privacy or overlooking.
Lack of security around the proposed structures is likely to lead to vandalism	The design of the structures proposed is similar to other such structures. The potential for vandalism is not considered to be a matter which should be given a significant amount of weight, as there are other mechanisms and legislation available to address this issue should it arise.

**Norwich Society:** The column and its associated cabinet are very prominent and therefore also vulnerable. Could they not be moved behind the trees?

**Consultation Responses**

7. **Transportation:** No objection. The location would not have any adverse effect on road safety and servicing can be done from the parking area to the rear.
8. **Tree protection officer:** No significant arboricultural implications
9. **Safeguarding Officer, Norwich Airport:** No objection

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant Planning Policies

#### Relevant National Planning Policies

PPG8 - Telecommunications

#### Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 2 – Promoting good design

#### Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

HBE20 - Telecommunications

#### Written Ministerial Statement: 23 March 2011: Planning for Growth

Support of enterprise and sustainable development.

### Principle of Development

#### Policy Considerations

10. Policy HBE20 seeks that the visual impact of telecommunications development shall be minimised as much as possible and that the amenity of adjoining uses and their sensitivity are taken into account.

#### Other Material Considerations

11. This application is for the prior approval of the mast as it has the benefit of permitted development due to its height being less than 15metres, and therefore consideration can only be made in respect of its siting and appearance.
12. In the immediate surrounding area there is an abundance of street furniture including an 8m high street light and 8m -10m high trees. Although the height of this column would be somewhat higher than the trees and the street light, it would not be out of keeping with basic profile of the street furniture surrounding the site. The existing trees and surrounding 3 storey buildings will provide a backdrop and it is considered that the visual amenities of the area will be reduced as much as possible by the design proposed. As such it is not considered that the proposal will form an obtrusive feature within the streetscape.
13. The applicant's agent has considered alternative sites and considered the sharing of the existing structure located on Aylmer Tower to the south east and has discounted them because of ownership reasons and, for one site, because it is at a much lower level, requiring a 30m structure to provide any coverage.
14. An ICNIRP compliance certificate has been submitted with the application, and it is the government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for prior approval, to consider further the health aspects and concerns about them.

## **APPENDIX 2**

### **Conclusions**

15. The siting and design for the telecommunications column and associated development has been minimised as much as possible and will not have an impact on the nearby trees. Its position within the area is in keeping with the commercial interface of buildings to the north and east, whilst generally retaining the profile of street furniture would not look out of place within the street scene.

### **RECOMMENDATIONS**

Recommendation to grant Prior Approval without conditions.