



31st October 2006

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Application No	: 06/01872/TELFUL Telecoms Full Applications
Location	: Telecommunications Site Little Baddow Road Danbury Chelmsford Essex CM3 4NS
Proposal	: Installation of 4 No. 600mm diameter transmission dishes onto existing tower at 36.7m above ground level.
Drawing No(s)	: 00050836-501/; RF SURVEY REPORT/; STATEMENT IN SUPPORT/; RF EMISSIONS REPORT/; SITE & AREA PHOTOS/; SUPPORTING INFO/;
Applicant	: Hutchinson 3G UK Ltd
Agent	: Ian Hewitt Associates
Date Valid	: 12th September 2006
Target Date	: 6th November 2006
Consult Expiry	: 20th October 2006

1.0 EXECUTIVE SUMMARY

- 1.1 It was resolved at the Planning Committee on 22 July 2003 that all subsequent applications relating to this site be brought before the Planning Committee for decision.
- 1.2 The application seeks an amendment to a previous planning permission to enable the installation of a further 4 dish antennae with a maximum diameter of 0.6 metre on the existing telecommunications tower. There would be a net increase in the total number of aerials and antennae on the tower of 2, from 65 to 67, and an increase in the number of 0.6m diameter dishes by 4. Approval is recommended as it is considered that the change in the numbers of dishes would not have a material affect on visual intrusion. Moreover, the proposal would follow the principles of mast sharing, as advocated by central government, and therefore avoid the need to provide a new mast elsewhere in the locality.
- 1.3 A recent survey in the area indicates that emissions from the site are less than 1% of the ICNIRP guidelines. The provision of 4 further dishes would not have a significant affect on the cumulative emissions from the site.

2.0 SITE DESCRIPTION

- 2.1 The 45.7 metre high telecommunications tower is located at the northern end of the fenced compound at the Danbury covered reservoir. Access to the site is gained via Bakers Lane to the north. The site lies outside the Danbury Conservation Area.

3.0 RELEVANT PLANNING HISTORY

3.1 The existing mast is a replacement structure that was allowed on appeal, following a Public Inquiry, in 1985 (CHL/950/84 refers). The fact that it was a replacement mast was a significant factor in its favour. Moreover, the larger mast would accommodate antennae that were on existing masts in the area. The Inspector considered that the reduction of 3, possibly 4, radio masts in the Danbury area would certainly be a positive advantage of such a proposal and there may also be some other advantages.

3.2 The appeal was allowed subject to 2 conditions. The first required the removal of the existing mast. The second restricted the number of aerials and antennae on the mast to 50 (the local planning authority had suggested 28) of which no more than 2 should be dish aerials, other than dish aerials attached for a temporary period of not more than 3 months. In respect of the latter the Inspector had the following to say:

"8.22 If it is thought necessary for reasons of amenity to limit the number of antennas that may be attached to the mast without further approval, I would consider the upper figure of 50 to be preferable to the number suggested by the Council. That would in my view enable there to be reasonable flexibility in the future operation of the mast. To my eye the types of antenna normally attached to radio masts are not generally distinguishable in the longer views of the countryside, even if they are not particularly attractive when seen from near at hand, the covered type known as shrouded yagis appear somewhat neater when seen from close to than the uncovered versions.

8.23 On the other hand dish aerials tend in my opinion to be quite visible, often appearing as a black blob on the mast when seen from a distance. It would be quite reasonable to my mind to restrict the number of dish aerials to the two 1.2m dishes that are shown on the submitted plan C6 other than for temporary periods of up to 3 months as suggested by the appellants."

3.3 There is relevant planning history relating to the use of the site for telecommunications development since then. In particular planning application reference 03/00336/FUL sought the variation of condition to increase the limit of antennae on the mast from 50 to 65. It also restricted the number of dishes to 16, of which not more than 2 could exceed a diameter of 0.6m and in turn not exceed a maximum diameter of 1.2m. This was approved on 16 April 2003.

3.4 A subsequent application (03/00973/FUL) was made by Dantech Ltd for the installation of 4 x sector antennas on the mast. This application was approved by Committee on the 22 July 2003 but followed a deferral to secure independent Radio Frequency (RF) surveys to be undertaken at 3 locations agreed by the Council. The surveys provided the following results:

(a) The highest peak power density measured at the specified locations was equal to 0.105% of the ICNIRP public exposure guideline.

(b) The highest average power density measured at the specified locations was equal to 0.065% of the ICNIRP public exposure guideline.

- 3.5 The results of this survey clearly showed that at a maximum, the RF emissions from the mast were well within the ICNIRP guidelines (i.e. 100th the level).
- 3.6 On 16 December 2003 permission was granted for the installation of 2 dipole antennas, one 0.9m dish and the removal of one 1.2m dish (application 03/2082/FUL). This permission allowed for the transmission of digital radio from the site.
- 3.7 On 6 April 2004 planning permission was granted for the variation of condition 1 of 03/00336/FUL to allow 3 dishes to exceed a diameter of 0.6m but restricted to a maximum diameter of 1.2m (04/00336/FUL refers). It was also for the temporary installation of one 0.9m diameter dish for a temporary period of 2 months. That led to the following condition:
"The number of aerials and antennae to be attached to the mast should not exceed 65, including not more than 16 dish antennae of diameter not exceeding 1.2m, not more than 3 of which shall exceed 0.6m."
- 3.8 On 28 June 2005 (05/00718/FUL refers) planning permission was granted to vary condition 1 as follows:
"The number of aerials and antennae to be attached to the mast should not exceed 65, including not more than 20 dish antennae of diameter not exceeding 1.2m, not more than 3 of which shall exceed 0.6m."

4.0 DESCRIPTION OF PROPOSAL

- 4.1 This application is for the installation of 4 x 0.6m diameter transmission dishes on the existing tower at a height of 36.7 metres above ground level.
- 4.2 According to the applicants agent the tower currently supports a total of 63 antennae, of which 20 are dishes. The proposal would therefore exceed the conditional total by 2 and the dish restriction by 4.
- 4.3 In order to accommodate the current proposal, therefore, the condition could be amended as follows:

The total number of aerials and antennae to be attached to the mast shall not exceed 67, not more than 24 of which shall be dish antennae of a diameter not exceeding 1.2 metres and not more than 3 of which shall exceed a diameter of 0.6 metres.

5.0 DEVELOPMENT PLAN POLICIES

Essex and Southend on Sea Replacement Structure Plan

Policy BE8 of the ESRSP states:

- 5.1 Developments involving the provision of masts and antennae for telecommunications will be permitted, subject to other development plan policies. Where there is potential conflict with environmental objectives, telecommunications development will only be allowed where:

1. There are no satisfactory alternative sites for telecommunications available;
 2. There is no reasonable possibility of sharing existing facilities;
 3. In the case of radio antennae and masts there is no reasonable possibility of erecting antennae on an existing building or other structure;
 4. They do not materially affect sites of nature conservation importance, landscape quality, townscape and traditional character, residential amenities, or buildings and areas of special architectural, historical or archaeological importance.
- 5.2 Any development should be sited and designed so as to minimise its visual impact, subject to operational and technical requirements.

Chelmsford Borough Local Plan

- 5.3 When considering applications from licensed telecommunications operators Policy CSU6 of the Local Plan requires the Council to take account of the impact on the skyline, the character of the locality, or the external appearance of the property. Applicants should submit evidence that they have explored the possibility of erecting antennae on an existing building, mast or other structure and where permission is granted for the erection of a new mast or tower it is expected that this will be available for shared use.

6.0 GOVERNMENT GUIDANCE

- 6.1 Planning Policy Guidance Note 8 (PPG8) 'Telecommunications' advises that the Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. It sets out the issues to be considered by the Local Planning Authority when assessing a telecommunications proposal and emphasises the nature of information to be presented by operators to Local Planning Authorities, saying that the absence of this information, if it does not enable the Authority to properly consider the application, could be grounds for refusal. It also encourages operators and local authorities to carry out pre-application discussions and annual discussions about roll out plans.
- 6.2 In order to limit visual intrusion, the Government attaches considerable importance to keeping the numbers of radio and telecommunications masts, and of the sites for such installations, to the minimum consistent with the efficient operation of the network. The sharing of masts is strongly encouraged where that represents the optimum environmental solution in a particular case. Authorities will need to consider the cumulative impact upon the environment of additional antennas sharing a mast or masts sharing a site. Conditions in code system operators' licences require applicants to explore the possibility of mast sharing. This evidence should accompany any application made to the local planning authority whether for prior approval or planning permission.
- 6.3 Paragraph 46 states that 'permitted development' rights should not be withdrawn unless there is a real and specific threat to the locality in which the development is to take place.

7.0 POLICY CONSIDERATIONS

- 7.1 Policy BE8 of the Structure Plan and CSU6 of the Chelmsford Borough Local Plan are relevant to the consideration of this application. A key principle is to ensure that telecommunications installations do not materially affect sites of nature conservation importance, landscape quality, townscape and traditional character, residential amenities, or buildings and areas of special architectural, historic or archaeological importance. Any new development should be sited and designed so as to minimise any visual impact, subject to the operational and technical requirements. Furthermore, and following government advice, when any new application is considered applicants should submit evidence to show that they have explored the possibility of erecting antennae on existing buildings, masts or other structures.
- 7.2 Government guidance is clear in that where possible applicants should investigate the possibility of mast or site sharing prior to putting up a new mast. This current application would meet this core requirement, as it is installing antennae on an existing mast and would mean that it would be unnecessary to erect a new mast elsewhere in the locality. It should be noted in this case that the proposal would result in a net increase in the total number of aerials and antennae on the mast from 65 to 67, and to enable the total number of dishes to be increased from 20 to 24. This increase would be in the number of smaller dishes that can be installed. It is considered that the very small increase in visual intrusion that would arise would hardly be perceptible and would not be material such that planning permission could reasonably be refused on those grounds.
- 7.3 Notwithstanding the above the applicants adopt a sequential approach to site selection whereby first preference is given to site sharing/co-location. If no existing telecommunications sites can be found the next preference is for use of existing buildings or structures. The final option is a new greenfield site.
- 7.4 The nearest other mast for these antennae is at Church Green, Danbury. Coincidentally this is also owned by the applicants. There is no restriction on the number of antennae that can be placed on that mast. However, the tower is of insufficient height to provide the requisite network linkages for the 4 dishes now proposed.
- 7.5 The only other site in the locality is situated at Bicknacre. However, the tower is only 15m in height and would not provide the requisite network linkages.
- 7.6 Thus, not only is the Bakers Lane tower an established cell for the operators, with available aperture and structural capacity and height to achieve lines of sight for the network coverage, it transpires that there is no other suitable existing structure in the area that would meet these needs. The only other alternative would be a new telecommunications tower, which would be contrary to national and local planning policy since there are better alternatives in the locality, namely sharing of the Bakers Lane mast.
- 7.7 The application site has been considered acceptable by the granting of the original permission and other subsequent telecommunications permissions. It has also been considered by the Council in the past that the mast does not represent a visual intrusion of a scale significant enough to warrant refusal of planning permission. In addition, the Council has considered this mast of being capable of accommodating up to 65 antennas.

Dense vegetation screening surrounds the site. Mast sharing is considered to be the preferred option as if this were not possible then the facilities would still need to be provided somewhere through additional base stations. Furthermore, the site is not within an environmentally sensitive area as defined by the Local Plan, being outside the Conservation Area boundary.

- 7.8 Accordingly, it is considered that the variation of the condition to allow for an increase in the total number of aerials and antennae by 2 and for 4 additional dishes, which would not exceed a diameter of 0.6m, would be acceptable.

8.0 OTHER MATERIAL CONSIDERATIONS

- 8.1 A supporting statement has been submitted by the applicant's agent. A summary of the main points is as follows:

(a) The applicants actively promote the sharing of their sites throughout the UK. They fully endorse PPG8 and the Code of Best Practice, particularly the sharing of telecommunication sites and structures, thus safeguarding the character and amenities of the locality and negating tower proliferation.

(b) Danbury and the surrounding district is not awash with telecommunications structures in the same way that many settlements are, and we believe that the Council and the community are probably thankful for that. This is largely due to the existence of the two Arqiva towers in the village and the Bakers Lane site in particular, which through incremental additions have enabled telecommunications equipment to be provided on an existing mast rather than a new one.

(c) Site sharing is central to all national and local guidance. Operators are told that they should fully investigate site sharing before any other alternative is considered.

(d) We are aware of the appeal decision in 1985. However, that pre-dated exponential growth in mobile communications. The scale of that growth could not be realistically anticipated.

(e) In refusing permission for a new mast some 80m away from the existing mast in 2002 the Council cited, as one reason for refusal, that "the applicant has not demonstrated to the satisfaction of the local planning authority that their proposed antennas could not be satisfactorily accommodated on this structure". Thus the Council is clearly promoting the sharing of the existing mast instead of encouraging new masts.

(f) Site and mast sharing would be wholly in accordance with ESRSP, CBLP and PPG8 policies.

(g) The existing condition implies that no further installations will be permitted beyond the stipulated limits, despite the fact that the tower has a structural and aperture capacity for far more sharing. The restriction will inevitably lead to pressure for new telecommunications towers in the locality.

(h) There is no national policy basis for refusing an application on health grounds.

Comments

(a) The Borough Council also encourages mast sharing. However, the benefits of mast sharing must always be weighed against any benefits of a new mast. This is a visual consideration.

(b) See (a).

- (c) Noted.
- (d) Noted.
- (e) The Borough Council has not stoically resisted all proposals to site further antennae on the existing mast. In fact history shows that it has been very flexible and accommodating. However, it wishes to retain control over visual intrusion.
- (f) Accepted.
- (g) The Borough Council has considered and will continue to consider each case on its merits.
- (h) Accepted.

9.0 OTHER ISSUES

- 9.1 The previous survey commissioned in 2003 indicated that EMFs from this site were well below Government guidelines. Moreover, an RF survey report was undertaken on 22 June 2006 when measurements were taken from 8 different locations in the area to which the public has access. It showed that the RF levels were less than 1% of the ICNIRP guidelines.
- 9.2 As with other previous proposals a cumulative ICNIRP certificate has been submitted that means it would not be reasonable to refuse this proposal on health grounds.

CONSULTATIONS

Parish Council

Objects:

- (a) The tower appears to have reached its capacity and no further increase should be allowed.
- (b) The tower is in close proximity to St. Johns Primary School, the pre-school in the URC hall and is adjacent to the village Conservation Area.
- (c) There is continuous interference with TV and radio reception and vehicle security systems in the area.
- (d) The visual impact of the tower detracts from the acknowledged regional significance of Danbury Ridge (Policy DSI of the CBLP).

Comments

- (a) The tower has not reached its physical capacity. Each case is considered on its merits.
- (b) All of these factors were taken into consideration when planning permission was granted on appeal for the tower. The restriction imposed by the Inspector on the number of aerials and antennae that could be placed on the tower was not for health reasons. It was for reasons of visual intrusion.
- (c) PPG8 states that planning permission could not reasonably be refused on grounds of interference with domestic appliances and the Inspector confirmed this when planning permission was granted for the mast.
- (d) Policy DSI applies within the Defined Settlements. The site does not lie within a Defined Settlement. Similarly, it does not lie within a Conservation Area. The principal issue is the affect on visual amenity generally.

Neighbours

Letters of objection from residents of 5 nearby properties:

- (a) Notwithstanding the ICNIRP certification, the installation poses a health risk.
- (b) More aerials and antennae would increase traffic movements by service vehicles along Bakers Lane.
- (c) There would be further interference with radio and television broadcasts and with car alarms and immobilisers.
- (d) There will be more noise from the cooling fans as more equipment is installed.
- (e) It would be more sensible to replace this large mast with a number of smaller ones scattered throughout the countryside. The affect on visual intrusion would be much less.
- (f) The current mast is an eyesore. Further antennae would look awful.
- (g) No overriding need has been demonstrated for the additional antennae.

Comments

- (a) Local authorities are guided by central government through the advice set out in PPG8. This states that the submission of an ICNIRP certificate is sufficient for the local authority not to concern itself with health matters.
- (b) It is considered that the extra traffic generated would not be such that permission could be refused on those grounds.
- (c) PPG8 states that planning permission could not be reasonably refused on grounds of interference with domestic appliances and the planning Inspector effectively endorsed this when the appeal for the mast was allowed.
- (d) 'Permitted development' rights for the installation of radio equipment cabinets were not removed by the planning Inspector.
- (e) This scenario goes completely against government guidance. Each application is considered on its merits. Realistically, this tower is unlikely to be removed, even in the long-term.
- (f) See 'Policy Considerations' in report.
- (g) The applicants are not required to demonstrate a need.

CONSULTATION EXPIRY DATE

20th October 2006

RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

- I U32598
The number of aerials and antennae to be attached to the mast shall not exceed 67, not more than 24 of which shall be dish antennae of a diameter not exceeding 1.2 metres, and not more than 3 of which shall exceed a diameter of 0.6 metres.
- RI U32599
To determine the scope of this permission and in the interests of the visual amenities of the area.

Reason(s) for this Recommendation

- I The proposal demonstrates reasonable compliance with the relevant policies of the Development Plan and there are no other material considerations.

Background Papers

Case file.