

**Report to District Development Control
Committee**

Date of meeting: 11 December 2013



**Epping Forest
District Council**

Subject: Planning Application EPF/2213/13 – Grass verge opposite 72 Honey Lane, Waltham Abbey – Telecommunications determination to replace existing 12.5m high Hutchinson telegraph pole style telecommunication mast with 12.5m high Pandora telegraph pole style telecommunication mast, replacement cabinet and ancillary development.

Officer contact for further information: G Courtney

Committee Secretary: S Hill Ext 4249

Recommendation:

That prior approval is required and approved.

Report

1. This application is being reported to DDCC since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k)). Furthermore, as this is a telecommunications determination the LPA has 56 days to respond to the application. If no response is received then permission is automatically granted. Due to the Area Plans Sub-Committee West timetable and conflict with the consultation period, the application has been referred directly to DDCC for determination, as agreed by the Chair of DDCC and the Chair of Area Plans Sub-Committee West.

Planning Issues

Description of Site:

2. The application site consists of a grass verge situated on the corner of Honey Lane and Stoneyshotts that currently contains a 12.5m high Hutchinson telegraph pole style telecommunications mast along with three cabinets and ancillary underground works.

Description of Proposal:

3. The proposed prior notification is to replace the existing 12.5m high Hutchinson telegraph pole style telecommunication mast with a 12.5m high Pandora telegraph pole style telecommunication mast, to replace the existing Canon Type G structure with a similar sized Merlin combiner cabinet, to install a new duct draw pit, and to replace the system modules within the existing Lancaster cabinet housing with new modules (which would involve no external alterations).

Relevant History:

4. A previous telecommunication application for the existing equipment on site (TEL/EPF/1242/06 - erection of 12m high imitation telegraph pole and equipment cabinet at ground level) was submitted to the LPA in June 2006 and it was decided on 14/08/06 that permission was required and refused. However the decision was not received by the applicant within the statutory 56 days and therefore permission was automatically obtained under Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order.
5. The above application followed the refusal of a previous telecommunications application opposite No. 64 Honey Lane (TEL/EPF/0584/06 - erection of a 12.5m high lampost style pole with antenna and street light, and ground level cabinet, together with removal of existing street light column).

Policies Applied:

5. U5 – Masts and aerals under 15m
U6 – Other masts and aerals
6. The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

7. 112 properties were directly consulted and a Site Notice dated 01/11/13 was attached to the existing mast on the 30th October 2013.
8. TOWN COUNCIL – No comment.
9. 1 STONEYSHOTTS – Object as the siting of telecommunication equipment on this site is an eyesore and due to concerns regarding health and safety.
10. 2 STONEYSHOTTS – Object as plans have previously been received from the applicant showing two additional cabinets being installed (resulting in a total of five), which are not shown on the submitted drawings. The addition of further cabinets would result in an industrial appearance to this residential area. Continue to object to the inappropriate nature of the site location due to the impact on sight lines at the junction of Stoneyshotts, the noise from the cooling fans within the cabinets, health concerns, and due to the visual impact.
11. 1 CROSS TERRACE – Object as extra cabinets would further degenerate the area and as the new mast may cause problems to television reception.
12. 64 HONEY LANE – Object as the siting and appearance of the installation is unacceptable, as more cabinets are intrusive and possibly unnecessary, and consider that the entire installation should be enclosed by an attractive fence.

Main Issues and Considerations:

13. Telecommunications system code operators enjoy permitted development rights by virtue of Part 24 of Schedule 2 of the Town and Country Planning (General

Permitted Development) Order. This proposal falls within the scope of permitted development, although prior approval is required given the nature of the scheme.

14. The previous telecommunications application for this site (TEL/EPF/1246/06) was considered to be unacceptable as it was concluded to be an intrusive alien structure in the street scene that would have an overbearing impact to neighbouring residents, in particular No. 2 Stoneyshotts. It was also considered that, due to the height and girth of the mast, the telegraph pole 'disguise' would not be convincing enough to overcome its visual intrusion in the street scene. Despite this conclusion, the LPA decision letter was not received by the applicant within the required timescale and as such permission was automatically obtained for the equipment.
15. Therefore, despite the previous decision of the LPA, the existing mast and cabinets are lawful and have now been on site for a number of years. The presence of telecommunication equipment on this site cannot be reversed by this application. As such the only consideration in this instance is whether the replacement of the existing mast and cabinet with a new mast and cabinet (along with the other associated minor works on site) cause any greater harm than the existing equipment.
16. The proposed new telecommunications mast would be identical in height to that which it replaces. The key difference would be that the girth of the top 3.7m of the new mast would be greater than that which it replaces. This is to enable the mast to be shared by two operators.
17. The National Planning Policy Framework (NPPF) recognises that "*advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services*".
18. The new mast is still proposed to be brown in colour and continues to be described as a 'telegraph pole style', however the widening of the upper section of the proposed mast would be even less convincing as a telegraph pole than the existing mast. However, as it is felt that the existing mast is unconvincingly disguised as a telegraph pole it is not considered that this alteration to the design would excessively increase the visual harm from the mast. Further to the above, the intended replacement mast is to allow this site to be shared by two operators, which would negate the need for another mast elsewhere within the local area. Government guidance urges local authorities to respond positively to telecommunications developments and Local Plan policy U6 states that "*operators will be expected to share masts or use existing buildings or structures*".
19. The replacement cabinets would be almost like for like with very little visual difference between the proposed Merlin combiner cabinet and the existing Canon Type G structure. These are proposed to be painted fir green (as existing). As such these are not considered to exacerbate any visual impact. All other ancillary works are either inside the retained Lancaster cabinet housing or consist of ground works that have no discernible visual impact on the street scene.
20. Objections and comments have been received with regards to additional cabinets being located on the site, with reference being made to plans previously

sent to neighbours from the applicant showing two new cabinets. Notwithstanding previously circulated plans, this application does not propose any additional cabinets but only replacement structures. Although the description of the development submitted reads "*additional cabinet*" it appears this relates to the proposed 'Merlin combiner cabinet' that would replace a 'Cannon type G' structure, which is not technically a cabinet. Therefore, although there would be an additional 'cabinet' on the site, this would replace an existing structure and from a layman point of view would appear as a 'replacement cabinet'.

21. A correspondence was received by a nearby resident concerned that the replacement mast would interfere with the television reception, however the submitted application contains a letter from Cornerstone Telecommunications Infrastructure Limited (CTIL) that clarifies that the proposal is designed in full compliance with the relevant guidelines and states that "*all operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumental or air traffic systems. The conditions of the licence are mandated by Ofcom*". It goes on to conclude that "*the telecommunications infrastructure the subject of this application accords with all relevant legislation and as such will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest*".
22. There continues to be concerns raised by neighbouring residents with regards to the health and safety of the proposed (and existing) mast, however it is well documented that this is not a material planning consideration when assessing such applications. The submitted application contains a 'declaration of conformity with International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Exposure Guidelines'. These guidelines have been set following a thorough review of the science and take into consideration both thermal and non-thermal effects and are there to protect all members of the public 24 hours a day.
23. The NPPF clearly states that "*local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure*".

Conclusion

24. Whilst the original equipment was initially considered unacceptable by the LPA, this is nonetheless lawful and established. The proposed replacement mast and cabinets would not significantly exacerbate the harm (either visually or otherwise) of the installation and would allow for the mast to be shared by two operators. Therefore this would reduce the need for a further mast and equipment boxes elsewhere within the local area and as such it is recommended that prior approval is given for these works.