

Agenda Item: 6.6

06/02943/P

17/07/2006

Broad Green

Application for full planning permission

Agent:
Phil Disbrey
Harlequin Ltd
1 Abbey Wood Road
Kings Hill
West Malling Kent
ME19 4YT

Applicant:
Orange Personal Communications
Services Limited
The Royals
Victoria Road
Acton London
NW10 6ND

Location: 4 Mill Lane Trading Estate, Mill Lane, Croydon

Description: Installation of 3 pole mounted antennas and 4 dishes at roof level with 6 ancillary equipment cabins at ground level

Drawing No(s): GA 01 REV D, GA 02 REV F, GA 03 REV F,

Recommendation: **Grant Permission**

Subject to the following condition(s) and reason(s):-

1. The development shall be begun within three years of the date of the permission.
Reason: To comply with the provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

In granting permission the local planning authority had regard to the following policies:-
The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP1, SP3, UD1, UD8, SP27, EP1 and CS6

The development is considered to be satisfactory in relation to the following:-

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the community services policies of the development plan

and having regard to all other matters raised.

Ward: Broad Green
Lead Officer: Head of Planning Control.

PLANNING COMMITTEE
21 September 2006

Application Number: 06/2943/P; 4 Mill Lane Trading Estate, Mill Lane, Croydon

1. SUMMARY

- 1.1 This report concerns an application for the installation of 3 pole mounted antennas and 4 microwave dishes at roof level, and the siting of 6 ancillary equipment cabinets at ground floor level.

2. RECOMMENDATIONS

- 2.1 That planning permission be granted subject to the conditions and reasons set out in the agenda.
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3. BACKGROUND

(a) Site Description

- 3.1 The site lies within a designated industrial area on the northern side of the Mill Lane Trading Estate, Mill Lane. The subject site, Staircase Towers, is a former multi-storey car park, currently in use for storage of light industrial machinery. The building stands at a height of 13.85 metres. The rooftop of the building is in use as a base station for other mobile phone operators, with the presence of antennas and equipment cabinets belonging to T-Mobile, 02 and H3G.
- 3.2 The surrounding area is mixed in character. The area to the north and the northeast of the subject building forms part of the Purley Way North Industrial Area and Commerce Way Retail Park. Approximately 129 metres to the south east, 41 metres to the south and 104 metres to the west are semi detached and terraced residential dwellings. The subject site is also close to Wandle Trail and Waddon Ponds, which is designated as Local Open Land in the Unitary Development Plan. There are no schools in the vicinity.

(b) Relevant Planning History

- 3.3 01/0220/RG – Installation of antenna plus steelwork (9112)

02/0556/DT – Siting of 3.5-metre high stub tower on roof with 6 antennas and 4 microwave dishes attached and siting of an equipment cabin. (Prior Approval Refused)

02/1502/DT - Installation of 3.5-metre high stub tower, 3 cross-polar antennas, 2 microwave dishes and an equipment cabin. (Prior Approval not required)

(c) Proposal

- 3.4 An application for full planning permission has been received for the installation of 3 pole-mounted antennas and 4 microwave dishes at roof level with 6 ancillary equipment cabins at ground level.
- 3.5 The 3 polar antennae would be mounted on the perimeter of the roof. 1 DBDP (Dual Band Dual Polar) antenna and one 600mm OCPS (Orange Personal Communication Services) dish mounted on the antenna pole would be located on the western elevation (fixed to the face of the building). The other 2 DPDB antennas with 3 OPCS dishes mounted on the antenna pole would be located on the eastern elevation (fixed to the face of the car park stairwell). The antennae would measure 1.8metres in height and would be mounted on poles so that the height to centre of the antennae would be

located 16.7metres from ground level. The height to the centre of OPCS dishes would be 13.5metres from ground level. The antennae would provide 3G coverage.

- 3.6 The application is also proposing the siting of 6 equipment cabinets at ground level. The cabinets would be located to the southern elevation of the building. The cabinets would be fenced in by a 1.8 metres high expamet fence. It would measure 4.58 metres in width, 4.73 metres in depth and 1.8 metres high. The cabinets would be clad in galvanised steel, grey in colour. The proposed cabinet equipment would be located next to the existing T-UK equipment.
- 3.7 Other minor works such as the installation of ancillary cables and trays would be required. However these are unlikely to be visible from ground level.
- 3.8 The application has been made on behalf of Orange who are a telecommunications code system operator under the Telecommunications Act 1984. It was awarded one of the third generation (3G) mobile licenses by the Department of Trade and Industry and is required by the terms of the license to meet a coverage level of 80% of the UK population by 2007.
- 3.9 The supporting statement explains that the existing coverage is insufficient and that more antennae are needed in this location to handle the number of calls made inside buildings without the calls cutting out. The area has insufficient Orange radio coverage due to the lack of mobile radio base stations and Orange operational sites in the immediate and general area. Drawings also show that the antennae would fill a gap in the Orange's 3G coverage in this area.

4. PLANNING POLICIES

- 4.1 The policies of the Unitary Development Plan which are of relevance to this application are SP1, SP3, UD1, UD8, SP27, EP1 and CS6

5. CONSULTATIONS

- 5.1 The occupiers of the 181 adjoining and nearby properties were notified of the application. 10 letters of objection and a petition from 182 residents have been received, objecting on the following grounds.
 - a) Potential impacts on health for neighbouring occupiers
 - b) Proliferation of masts in one location
 - c) More antennas would increase the unsightly appearance of the roof of the building
 - d) Possible interference with radio and TV signals
 - e) Visual intrusive to the street scene and neighbouring residential properties

- 5.2 Councillor J. Driver has referred the application on grounds of: "potential health risk to local residents".

6. CONSIDERATIONS

Planning Policy Context - The principal issues are:-

- 6.1 Current guidance from Central Government in the form of Planning Policy Guidance Note No. 8 – Telecommunications – issued in August 2001 states that:-

- “5. The Government’s general policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Government also has a responsibility for protecting public health.”
- “7. The Government places great emphasis on its well established national policies for the protection of the countryside and urban areas..... Whilst local planning authorities are encouraged to respond positively to telecommunication development proposals, they should take account of the advice on the protection of urban and rural areas in other planning policy guidance notes and the advice in paragraphs 66-67 below on mast-sharing and siting and design.”

Under the heading of environmental considerations it advises:-

- 6.2 “64 Protection from visual intrusion and the implications for subsequent network development will be important considerations in determining applications. The nature of some telecommunications development may in some cases bring it into apparent conflict with established local and national planning policies. Masts and antennas often require a particular operating height, which allows signals to clear trees and urban clutter. Telecommunications development may therefore need particular locations to work effectively. But these may be exactly the prominent locations that pose challenges to policies for the protection of high quality landscapes and quality urban areas. High priority should be given to protecting such areas and the need to safeguard areas of particular environmental importance...”

6.3 The advice concerning mast and site sharing is:-

“66 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 a minimum consistent with the efficient operation of the network. The sharing of masts and sites is strongly encouraged where this represents the optimum environmental solution in a particular case. Use should be made of existing buildings and other structures, such as electricity pylons, to site new antennas...”

“68 In considering alternative sites, an authority should be mindful of the potential impact on the local environment of development on those sites. This will be particularly important where an alternative site would involve the redevelopment of an existing mast for shared use. In certain circumstances the shared use of an existing mast might necessitate an increase in the height or structural capacity, and therefore the visibility of that mast. Depending on the location, site sharing as opposed to mast sharing may be more appropriate. A second installation located alongside or behind the principal installation may, for example, provide a more beneficial solution in environmental and planning terms. Authorities will need to consider the cumulative impact upon the environment of a number of masts sharing a site...”

6.4 On the design issue it advises that:-

“76 in seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimise the impact of the development on the environment. Particularly in designated areas, the aim should be for apparatus to blend into the landscape”

- 6.5 Policy CS6 of the Unitary Development Plan re-iterates the above guidance and states that 'the Council will permit or grant prior approval to the installation of telecommunications equipment where:
- a) The siting and design ensure that the visual impact on the local environment is minimised;
 - b) As far as practicable, installation takes place on existing facilities that can be easily or readily shared.'

Whilst recognising that modern telecommunications systems are an essential component of a local and national economy there is a need to strike the right balance between the maintenance and development of telecommunications systems and the protection of the environment including the amenities of neighbouring occupiers.

- 6.6 Having regard to the Central Government Guidance, it is considered that the applicant has made the case for siting the equipment in this location in order to provide signal coverage in this local area, and to share the existing facilities.

Townscape and Visual Character

- 6.7 The proposed antennae would be sited in visible locations on the perimeter of the roof, so as to maximize coverage in the local area. However, the antennae and dishes would not exceed a height of 16.7 metres measured from ground level. There are larger existing T-Mobile and O2 antennas located on the roof that have a maximum height of 20.2 metres. It is not considered that the proposed installation would worsen the visual impact of the streetscene so much as to warrant refusal. The installation would be sharing an existing facility, as encouraged within the Croydon Plan and PPG 8, and would therefore prevent any impact on the visual amenity of other buildings in Mill Lane and its surroundings.
- 6.8 The potential for proposed electromagnetic interference or physical interference of television signals can be a material planning consideration. Such interference from the proposed mast would appear to be unlikely in this case because there is no evidence to show that the existing installations are causing problems.

Health and Amenity

- 6.9 With regard to the issue of the risk to health, the operators of any telecommunications apparatus must abide by the Health and Safety at Work Act 1974. They also have a responsibility under the Management of Health and Safety at Work Regulations 1999 to assess any risk to health and safety which may arise, including any risk of established health effects from exposure to Electro Magnetic Fields (EMF's). The latest Government guidance in PPG8 advises in paragraph 94 that:-

"94 It is not for the local planning authority to seek to replicate through the planning system controls under the health and safety regime and that enforcement of health and safety legislation in this area is a matter for the Health and Safety Executive (HSE)."

- 6.10 In 1999 the Government asked the National Radiological Protection Board (NRPB) to set up the Independent Expert Group on Mobile Phones (IEGMP). This group, under the

chairmanship of Sir William Stewart considered concerns about health effects from the use of mobile phones, base stations and transmitters. The report, published in May 2000, came to a number of conclusions amongst which were that:-

- In respect of base stations - “the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. However there can be indirect adverse effects on their well-being in some cases.” They also say that the possibility of harm cannot be ruled out with confidence and that gaps in knowledge are sufficient to justify a precautionary approach.

6.11 Amongst its many recommendations was that, as a precautionary approach, the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure be adopted for use in the UK rather than the NRPB guidelines. This was accepted by the Government.

6.12 On the matter of taking account of health and public concern about mobile phone base stations PPG8 advises in paragraphs 97 and 98 that:-

“97. Health considerations and public concern can in principal be considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to considerations in any particular case.

98. However, 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 planning permission or prior approval, to consider further the health aspects and concerns about them.”

6.13 In this case, the applicant has confirmed that the proposed installation and any existing equipment would be in full compliance with the ICNIRP guidelines. A declaration of conformity with ICNIRP is attached with the application.

7. ENVIRONMENTAL CONSIDERATIONS

7.1 These have been discussed above.

8. EQUALITIES CONSIDERATIONS

8.1 There are no equalities implications arising from the proposed development.

Case Officer: Sera Banya

Background Documents 10 letters from local residents and a signed petition
from local residents (182 signatures)
Referral from Councillor Driver

Contact Officer: Mr P Mills Tel: 020 8760 5419