

Agenda Item: 6.1

06/03159/P

01/08/2006

New Addington

Application for full planning permission

Agent:

Mr Christopher Mian
Harlequin Ltd
1 Abbey Wood Road
Kings Hill
West Malling Kent
ME19 4YT

Applicant:

Orange Personal Communications
Services Ltd
Tudor House
The Royals
Acton London
NW10 6ND

Location: 133 Milne Park East, Croydon, CR0 0BF

Description: Siting of 1 antenna attached to the side of the building to a height of 10.05m and 1 equipment cabinet; erection of 2m high side boundary fence

Drawing No(s): GLN8248A/10A

Recommendation: **Grant Permission**

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

1. Details of the colour(s) of all the telecommunications equipment and fencing hereby approved shall be submitted to and approved by the Local Planning Authority in writing and the equipment and fencing shall only be installed as approved and shall be maintained in this condition for so long as the development remains in existence.
Reason: To ensure that an acceptable standard of development is provided and retained in accordance with Policies SP3 and CS6 of the Croydon Replacement Unitary Development Plan (The Croydon Plan).
2. The equipment hereby approved shall be removed from the site, and the site made good, when it ceases to be operationally required..
Reason: To ensure that an acceptable standard of development is provided and retained in accordance with Policies SP3 and CS6 of the Croydon Replacement Unitary Development Plan (The Croydon Plan).
3. Prior to the commencement of the development, a landscaping scheme to include existing and proposed planting shall be submitted to and approved by the Local Planning Authority; the approved planting shall be provided before any part of the development commences or within such longer period or periods as the Local Planning Authority may previously agree in writing and shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed within that period shall be replaced by planting of similar size and species to that originally provided.
Reason: To enhance the appearance of the development, protect the visual amenities of the locality, and to ensure that the new planting becomes

established in accordance with Policy UD14 of the Croydon Replacement Unitary Development Plan (The Croydon Plan).

4. 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:-

1. The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP3, UD1, UD2, UD3 and CS6.
2. Planning Policy Guidance Note No. 8 on Telecommunications is also relevant

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 safety of residents, pedestrians and motorists on the adjacent highway

and having regard to all other matters raised.

Ward: New Addington
Lead Officer: Head of Planning Control

PLANNING COMMITTEE
30th November 2006

APPLICATION NO: 06/3159/P – 133 Milne Park East, New Addington

1 SUMMARY

- 1.1 This report concerns an application for planning permission for the erection of a 1 telecommunications antenna attached to the flank elevation of the building to a height of 10.05m, the siting of an associated equipment cabinet and the erection of 2m high side boundary fence.

2 RECOMMENDATION

- 2.1 Grant planning permission for the reasons set out in the Agenda.

3 BACKGROUND

a. Site Description

- 3.1 The site comprises a two-storey end of terrace premises containing a shop on the ground floor and residential accommodation above. The remainder of the terrace also comprises shops with residential

accommodation above. This is designated a Shopping Parade in the Croydon Plan. To the side of the building there is an enclosed parcel of garden with self-sown trees. This parcel of land is enclosed by corrugated iron sheeting at varying heights. A large garden lies to the rear of the building.

3.2 The site lies next to a footpath linking Milne Park East with Cator Crescent. The surrounding area is predominantly residential although there are pockets of open space nearby.

b. Relevant Planning History

3.3 None relevant to this proposal at this site.

c. Proposal

3.4 The proposal involves the erection of 1 antenna attached to the flank elevation of the building to a height of 10.05 metres. This entails a feeder cable attached to the side wall of the building, from ground level to the chimney stack, and this will serve the antenna that rises above roof level. Also proposed is the siting of an associated equipment cabinet, and the erection of 2m high side boundary fence.

3.5 The application is not a 'prior approval' application submitted under Part 24 of the Town and Country Planning (General Permitted Development)(Amended)(England) Order 2001, which are dealt at officer level as delegated items, and must be determined within 56 days, but an application for planning permission. This is because the 'permitted development' rights for prior approval applications exclude at A1(k) of that Part of the Order 'the installation of a mast, on a building or structure which is less than 15 metres in height,...a mast within 20 metres of a highway'. The application site faces the pedestrian thoroughfare linking Milne Park East with Cator Crescent. The proposal is not therefore classed as 'permitted development' and planning permission is required.

3.6 The applicant is Orange Personal Communications Limited, a telecommunications code system operator under the Telecommunications Act 1984.

4 POLICIES

4.1 The relevant policies of the Croydon Replacement Unitary Development Plan (referred to as the Croydon Plan) are SP3, UD1, UD2, UD3 and CS6.

4.2 Planning Policy Guidance Note No. 8 on Telecommunications is also relevant.

5 CONSULTATIONS

5.1 The proposal has been advertised by way of 198 individual letters of notification sent to the occupiers/owners of neighbouring and nearby

properties in Milne Park East, Cator Close, Cator Crescent, Uvedale Crescent, Homestead Way, Comport Green and Walsh Crescent.

5.2 31 representations have been received by letter or e-mail from the occupiers of 23 different adjacent and nearby properties and two petitions, with 285 and 295 signatures respectively, raising concerns with regard to the proposal. The main grounds of objection are summarised as follows:-

- (a) Visual amenity.
- (b) Reduction in value and saleability of nearby properties.
- (c) Health concerns.
- (d) Residential nature of area.
- (e) Creation of precedent.

5.3 Councillor Andrew Pelling has raised concerns regarding:

- The height of the proposal and the impact on the visual amenity of local residents.

5.4 Councillor George Ayres has referred the application on grounds that:

- The proposed mast would be sited in the midst of a residential area and local residents are opposed to the proposal.
- The submission misrepresents the loci as commercial. In fact the premises are the end terrace of a small parade of suburban retail outlets with living accommodation above. Juxtaposed to the site are residential properties with small gardens adjoining the site. The photographs accompanying the submission fail to show the close proximity of the surrounding residential property.
- The erection of a mast will permanently blight the living conditions of the residents in the surrounding properties. The landlord is absent from the premises and the rear garden is overgrown with weeds and the boundary fencing is broken in parts and lacking sympathy with the local area.
- There is no confidence that the existing landlord will ensure the proper maintenance of the buildings or the site in general and there is no commitment to remove the mast once it becomes obsolete following changes in technology or market conditions.

6 CONSIDERATIONS

6.1 The principal issues relating to the proposed telecommunications equipment are.

- 1) government guidance relating to telecommunications equipment,
- 2) the visual amenity of the area, and,
- 3) health and safety.

6.2 Government Guidance Relating to Telecommunications Equipment.

Current guidance from Central Government is in the form of Planning Policy Guidance Note No. 8: Telecommunications, issued in August 2001, which states:

"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."

Under the heading of environmental considerations it advises:

"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."

The Note has specific guidance relating to masts and site sharing:

"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."

And:

"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."

With regard to the design of masts it advises:

"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."

6.3 Visual Amenity of the Area and the Streetscene

Policy CS6 of the Croydon Replacement Unitary Development Plan (the Croydon Plan) states.

"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 easily or readily be shared, e.g. existing large masts; and;
- c) there is no material harm to the external appearance of buildings which are either statutorily listed, locally listed or within or immediately adjoining areas designated as Conservation areas or Areas of Special Character.

The applicant has produced a list of ten alternative sites for the proposed mast in the area seeking to demonstrate that the proposed location would be the best option available. It is considered that this analysis demonstrates why the proposed location is the best location in this locality for such provision.

The proposed development would consist of an omni direction antenna pole mounted on the side of the existing chimney. A feeder cable would run down the flank elevation of the building from below the chimney stack. The total height to the top of the antenna would be 10.05 metres above ground level. The existing chimney stack is 8.9 metres above ground level. The antenna would therefore project 1.15 metres above the existing chimney stack.

An equipment cabinet would be placed at the base of the elevation of the building on the parcel of land between this elevation of the building and the pedestrian footway.

The site would be screened by the replacement of the existing corrugated iron sheeting which forms the boundary of this area with palisade fencing, which would improve the appearance of this area. A condition is proposed that details of the colour of all the

telecommunications equipment and fencing be submitted to the Council and the equipment shall only be retained at the site in the colour(s) so approved.

- 6.4 Having regard to the Policies in the Croydon Replacement Unitary Development Plan (the Croydon Plan) and Central Government Guidance, it is considered that the mast and cabinet in this location would not have an undue adverse impact on the character and visual amenities of the locality.

6.5 Health and Safety

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 (EMFs). The latest Government guidance in PPG8 advises.

"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)."

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."

It also says that the possibility of harm cannot be ruled out with confidence and that gaps in knowledge are sufficient to justify a precautionary approach. 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.

On the matter of taking account of health and public concern about mobile phone base stations PPG8 advises:

"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."

The applicant has included a list of other sites, considered and why these were discarded, and has included an ICNIRP Certificate confirming that the installation would meet the ICNIRP Public Exposure Guidelines.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 The site involves a small parcel of land currently surrounded by corrugated iron sheeting. The proposal involves the opportunity to improve the appearance of the site.

8 EQUALITIES CONSIDERATIONS

- 8.1 In making this recommendation the Council has had regard to the Human Rights Act 1998. There are no other equalities issues arising from this proposal.

Case Officer:	Billy Tipping
Background Documents:	31 letters or e-mails from neighbouring residents Two petitions E-mail from Councillor Pelling Referral from Councillor Ayers
Contact Officer:	Mr. P Mills Tel: 020 8760 5419