

**Agenda Item: 6.12**

06/04181/DT

09/10/2006

Shirley

Application for development by Telecommunications Code System operator

Agent:

Waldon Telecom Ltd

Sapphire House

York Close

Byfleet Surrey

KT14 7HN

Applicant:

Vodafone

Location: All Saints' C Of E Church, Bridle Road, Croydon, CR0

Description: Siting of 6 antennas and 2 equipment cabinets within the bell tower and 1 meter cabinet at ground floor level

Drawing No(s): 000 Rev C, 001 Rev C, 002 Rev C, 100 Rev C, 101 Rev C, 102 Rev C, 103 Rev C, 104 Rev C and 00/STD-BAS/018 Issue A.

Recommendation: **Approve**

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

1. No works on site shall commence until details of the colour of the external finish of the meter cabinet hereby approved has been submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with such approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan).

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, UD2, UD3, UD6, SP4, UC6, UC9 and CS6.

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Application Number: 06/04181/DT All Saints' C Of E Church, Bridle Road, Croydon

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**1. SUMMARY**

- 1.1 This report concerns an application for development by Telecommunications Code System operator for:  
Siting of 6 antennas and 2 equipment cabinets within bell tower and 1 meter cabinet at ground floor level.
- 1.2 The application has been referred by the Head of Planning Control.

**2. RECOMMENDATIONS**

- 2.1 Grant prior approval.
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**3. BACKGROUND**

**(a) Site Description**

- 3.1 The subject site is All Saints Church, a Listed and Locally Listed Building, on the western side of Bridle Road in Croydon. The bell chamber starts and finishes at a height above the ground of 13.5m and 17.44m respectively.
- 3.2 The surrounding area is predominantly residential in nature with detached and semi-detached housing in the surrounding roads (Bridle Road, Farm Drive and Graham Close). The nearest residential properties are the Vicarage to the west and a property located to the north on Farm Drive, both of which are approximately 20m away.
- 3.3 A community hall is located directly to the south of the Church Building, beyond which is further residential housing. Beyond the residential roads to the north of the site, across the A232, are extensive grounds of Bethlem Royal Hospital.

**(b) Relevant Planning History**

- 3.4 05/4204/DT - Siting of telecommunications mast attached to Bell Tower Refused. Reason - The development would have a detrimental effect on the architectural and historic character and appearance of this Listed Building and would thereby conflict with Policies SP1, BE1, BE22 and SP4 and CS7 of the Unitary Development Plan and Policies SP3 and UC8 of the Second Deposit Draft Replacement Unitary Development Plan (the Croydon Plan).

(c) **Proposal**

- 3.5 The application is proposing to erect 6 antennas mounted to supporting steelwork around the central pole within the pitched roof of the bell chamber. Two cabinets are also to be located within the bell chamber, both supported by steel frameworks. The timber louvers, located around the base of the bell chamber, would be replaced to match the existing. It is also proposed to locate a meter cabinet (1.1m x 0.9m x 0.3m) on a concrete base on the northern boundary of the church premises, within the existing hedging. To connect the meter cabinet to the antennas and equipment, a hole will be drilled in the wall, the cabling fed through the hole and the hole plugged and colour matched to its background.
- 3.6 The application has been made on behalf of Vodafone Ltd 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 now investing in deploying a network for a launch. It is required by the terms of the license to meet a coverage level of 80% of the UK population by 2007.
- 3.7 The supporting statement explains that the site is required to provide new and enhanced levels of 3G coverage. Evidence of technical requirements are displayed on predictive coverage plots. The maps display a 'before' (titled plot 3) and 'after' (titled plot 4) installation scenario. Plot 3 shows there is a gap in coverage levels in many of the surrounding roads, which does not constitute a level of coverage consistent with national service commitments. Plot 4 shows new and enhanced coverage levels within the locality, additionally this map shows the coverage area in relation to the surrounding network coverage. It is also stated that a number of alternative sites have been investigated for the installation of their antennae, but these all have various constraints which would prevent installation.
- 3.8 The applicant has confirmed that the proposed installation and any existing equipment would be in full compliance with the ICNIRP guidelines.

**4. PLANNING POLICIES**

- 4.1 The relevant policies of the Croydon Replacement Unitary Development Plan (the Croydon Plan) are SP3, SP27, UD2, UD3, UD6, SP4, UC6, UC9 and CS6.
- 4.2 Planning Policy Guidance Note No. 8 on Telecommunications is also relevant.
- 4.3 The application has been submitted under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001 which relates to development by Telecommunications Code System Operators. These operators enjoy a general planning permission under this Order which allows them to carry out certain development without making a planning application to the local authority. However this is generally

conditional on the operator making a prior approval application to the local authority. This is neither a notification or an application for planning permission but is an application for the authority's determination as to whether prior approval will be required to the **siting and appearance** of the proposed development. If prior approval is considered to be required, the decision to give or refuse such approval must also be notified to the applicant within the 56 day time scale. There is no power to extend the 56 day period and if the local authority fails to notify the applicant of its decision within that time the development may proceed.

## 5. CONSULTATIONS

5.1 The Council has notified the occupiers of 187 properties. 87 replies have been received (including 4 petitions with a combined number of 292 signatures, an objection from the Spring Park Residents Association, a referral to committee by Cllr Chatterjee and 2 e-mails from Andrew Pelling MP) objecting to the proposal on the following grounds:-

- risk to health and safety of local residents
- close to residential properties and schools
- emission of all electro-magnetic radiation is harmful to human life
- non-thermal mast radiations are very dangerous
- very real perception of anxiety and fear that could affect health of local residents
- sufficient mobile strength already exists in the area
- no need for 6 masts
- other more suitable locations
- may interfere with TV reception
- danger to wildlife
- danger to users of church and church groups
- damage to a protected property and inside of church
- new timber louvers would not match the original
- detriment to the visual amenity of the locality

### Spring Park Residents' Association

- Harrowgate case confirms that there can be an exception from PPG8. Case held that planning authorities may consider justified health risks /concerns relating to non-thermal emissions and those issues beyond ICNIRP certification.
- Perceived risk to health
- removal of bell and church cross constitutes threat to residents sense of community

### Cllr Chatterjee

- Proposed 3G coverage is shown, but not current coverage
- Not shown which other sites could be shared
- Possibility of adverse health effects from non-thermal radiation, therefore outside scope of ICNIRP certification has not been adequately addressed.

A. Pelling M.P.

- consider any damage done to this historical building following the inclusion of such a significant amount of equipment.
- consider the anxiety that this application is creating in the community with resultant impact on the health of residents in the locality.

**6. CONSIDERATIONS**

6.1 The issues that the present legislation would allow to be considered in this case are:

- 1) The need for the development in this location, and;
- 2) In respect of the siting and appearance, the effect of the development upon:
  - a) The character of the area and the visual amenities of the street scene;
  - b) The residential amenities of adjoining and neighbouring properties.

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

"The Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Government has the responsibility for protecting public health...The Government places great emphasis on its well established national policies for the protection of countryside and urban areas...Whilst local planning authorities are encouraged to respond positively to telecommunications 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".

The Guidance Note continues:

"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 and local 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 in order to work effectively. But these may be exactly the prominent locations that pose challenges to policies for the protection of high quality landscapes and urban areas. High priority should be given to protecting such areas and the need to safeguard areas of particular environmental importance."

The advice concerning mast and site sharing is:-

"In order to limit visual intrusion, the Government attaches considerable importance to keeping the numbers of radio and telecommunications mast, and of the sites for such installations, to the 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... Authorities will need to consider the cumulative impact upon the environment of additional antennas sharing a mast or masts sharing a site."

On the design issue it advises that:-

"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."

Planning Authorities are advised to:

"...have regard to any technical constraints on the location and proposed development. Material considerations include the significance of the proposed development as part of a national network...Applications should not be refused on the basis of development plan policies which take insufficient account of the growth and characteristics of modern telecommunications."

- 6.3 Policies SP27 and CS6 of the Croydon Replacement Unitary Development Plan (the Croydon Plan) were formulated under Planning Policy Guidance Note 8 and reiterate the above advice in that:

The Council will have regard to the strategic requirements of telecommunications systems, and will seek to facilitate the growth of new and existing networks, providing there is no significant harm to visual amenity.

Applicants for new masts are required to show that they have explored the possibility of making alternative arrangements, including the use of existing masts or structures.

- 6.4 The applicant has made a case for siting the development in this location to provide 3G signal reception in this predominantly residential area of the Borough. They explain that a survey of the locality did not identify any other suitable sites on which to locate the proposal. 13 other existing masts within the locality were investigated, however, these alternative sites were discounted primarily because they were located too far away to provide coverage to the target area. It is also stated that due to the residential nature of the area and the predominance of 2 storey buildings with pitched roofs no alternative buildings were identified within the search area. Following an exhaustive search, it can be confirmed that there are no suitable existing masts to share, or structures or buildings with rooftops that could be utilised which would allow coverage and provide a better visual result than the application site.

- 6.5 Policy CS6 of the Croydon Replacement Unitary Development Plan (the Croydon Plan) states that the Council will permit the installation of telecommunications equipment where: the siting and design ensure that the visual impact on the local environment is minimised; as far as practicable, installation takes place on existing facilities that can be easily or readily shared; and 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 Local Areas of Special Character. 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 appearance of an area and amenities of adjoining occupiers.
- 6.6 The proposed antennas would be sited within, not on, the bell tower at a height of 15.76m to their centre above ground floor level. This would involve replacing the existing timber louvres with new timber louvres. The bell tower is the most prominent part of the Listed Church, and can be seen clearly from both north and south along Bridle Road. The proposal would involve the removal of an original feature of the Listed Building, however, its replacement would be a like for like material. There would be no detrimental effect on the appearance of the building. Alterations to the inside of the Church are exempt from planning control and Listed Building Consent.
- 6.7 The location of two cabinets would also be within the bell chamber and not visible from the public realm. One other cabinet would be located at ground floor level on the northern boundary of the church premises, within the existing hedging. It is assumed that the cabinets will need to be checked/adjusted/maintained, and would be visible at certain times, however, this cabinet would be well screened by boundary hedging and would not significantly alter the appearance of the street scene.
- 6.8 The previous scheme on this site was refused because the antennas would have had a detrimental effect on the architectural and historic character and appearance of this Listed Building. However, this innovative design allows the antennas to not be visible within the public realm and therefore eliminates any potential detrimental impact on the external appearance of this Grade II Listed Building or wider area. Furthermore, following an extensive sequential site search this location is considered to be the most suitable in terms of effective coverage of the area with minimal visual intrusion.

## **7. ENVIRONMENTAL CONSIDERATIONS**

- 7.1 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 in paragraph 94 that:-

"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)."

- 7.2 In 1999 the Government asked the National Radiological Protection Board (NRPB) to set up an 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:-

"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."

"However it is not possible at present to say that exposure to Radio Frequency (RF) radiation, even at levels below national guidelines, is totally without potential adverse health effects, and the gaps in knowledge are sufficient to justify a precautionary approach."

- 7.3 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.
- 7.4 Acting upon another recommendation of the IEGMP, the National Radiological Protection Board has been auditing mobile phone base stations and masts to assess emissions. They have reported that the first eleven audits indicated maximum levels of exposure to the public at a tiny fraction of the ICNIRP guidelines. The highest level recorded was approximately 1/600<sup>th</sup> of the guideline levels.
- 7.5 Health considerations and public concern, including perceived fear of health risks can in principle be considerations in determining applications for planning permission. However it is for the decision maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case. The revised Planning Policy Guidance Note No.8 restates the Government's firm view that the planning system is not the appropriate mechanism for determining health safeguards. In the Government's view if the development meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing a planning application or prior approval, to consider further the health aspects and concerns about them.

- 7.6 The Harrogate decision, which has been cited in representations, was in relation to a 25m high mast for T-Mobile, Orange and '3' within 400m of two primary and one secondary school. Planning permission had been refused by Harrogate Council. The operators took the case to the High Court, where a judge ruled the mast met safety guidelines and should be allowed to proceed. This High Court decision was appealed, with the Court of Appeal rejecting the challenge, upholding the High Court ruling, and stating that the planning process would consider perceived health concerns only in exceptional circumstances.
- 7.7 It is acknowledged that the proximity of the installation to residential properties and schools heightens the perception of fear likely to be experienced by occupiers of those properties or establishments and that many objections have been received on this issue. However, such a volume is not uncommon on this type of application and this is not considered to justify exceptional circumstances. It is considered, given the compliance of the installation with the ICNIRP standards and the related advice in PPG8 that no objection on the basis of health risks could be sustained.

## **8. EQUALITIES CONSIDERATIONS**

- 8.1 There are no equalities implications arising from the proposed development.
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Case Officer: James White

### Background Documents:

87 replies have been received (including 4 petitions with a combined number of 292 signatures,  
objection from the Spring Park Residents Association,  
referral to committee by Cllr Chatterjee  
2 e-mails from Andrew Pelling MP.

Contact Officer: Philip Mills 020 8760 5419