

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
21 February 2017**

Agenda Item	7.5
Report No	PLN/016/17

**16/04126/FUL: CTIL
Land 35m North-west of 1 Fyrish Court, Evanton**

Report by Area Planning Manager

SUMMARY

Description : Installation of 16m telecommunications pole with associated equipment

Recommendation - GRANT

Ward : 07 – Cromarty Firth

Development category : Local

Pre-determination hearing : None

Reason referred to Committee : Community Council objection.

1. PROPOSED DEVELOPMENT

- 1.1 The detailed application is for the installation of a 16m high telecommunications pole to support 4 shrouded antennas and 2 dishes; and three associated ground based cabinets. The application is to provide the Evanton area with 4G network coverage.
- 1.2 Pre application advice was issued in September 2016, which advised that the Highland-wide Local Development Plan provides support in principle for communications infrastructure but that any formal application should address the criteria listed at Policy 46 (Siting and Design of Communications Infrastructure) and include visual information to demonstrate the impact of the proposal on the local streetscape and surrounding buildings.
- 1.3 The following supporting documents have been submitted with the application: ICNIRP Declaration; Photographic Information; Supporting Statement.
- 1.4 **Variations:** None

2. SITE DESCRIPTION

- 2.1 The site lies within the village centre of Evanton, within the grass verge to the south of the existing British Telecom Exchange building close to the junction of Fyrish Court with Balconie Street, opposite the Novar Arms Hotel.

3. PLANNING HISTORY

3.1 16/03220/PREAPP – pre-application advice issued 02.09.2016.

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour
Representation deadline : 07.10.2016

Timeous representations : 3

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Considers the structure an eyesore and too tall for this location;
- Will impact on tourism and directly affect local businesses;
- Concreting the green space will exacerbate drainage and potential flooding issues;
- Will impact on trees and wildlife;
- Will obstruct visibility at junction and thereby be danger to road users and pedestrians;
- Increased traffic during construction;
- Parking for maintenance will be difficult due to restricted parking area;
- Will impact on daylighting to adjacent properties;
- Dangerous emissions;
- Will interfere with TV reception;
- No problem with mobile phone reception in this area, the problem is at the other end of the street.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Kiltearn Community Council:** Objects on the following grounds:

- the position and scale of the structure will have an adverse impact on the setting of the church, which while not listed is of importance within the village and has great cultural and historic significance;
- the structure is proposed in close proximity of residential developments, on a tourist route and adjacent to the National Cycle Network and will be prominent and have an adverse affect on views for road users, visitors and residents.

5.2 **NATS** : No objection. The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

5.3 **MOD:** No response

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Policy 28 Sustainable Design

Policy 29 Design Quality and Place Making

Policy 34 Settlement Development Areas

Policy 45 Communications

Policy 46 Siting and Design of Communications Infrastructure

6.2 Inner Moray Firth Local Development Plan 2015

Within Evanton Settlement Development Area

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (2014)

Paras. 292 - 300

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Development Plan Policy Assessment

8.3.1 The application site lies within Evanton Settlement Development Area and therefore falls to be assessed against Policy 34 of the Highland-wide Local Development Plan. The proposal meets with this policy in that it conforms with

existing land uses, situated immediately adjacent to an established telephone exchange building in the village centre, where there is a mix of commercial, community and residential uses.

8.3.2 The proposal also complies with Policies 45 (Communications) and 46 (Siting and Design of Communications Infrastructure) in that it contributes to the expansion of the electronic communications network; it does not adversely affect any designated nature conservation or built heritage sites; and the monopole design has been selected to relate best to established street furniture within an urban location. There are no existing masts or structures which could accommodate shared apparatus.

8.3.3 In terms of communications infrastructure, Scottish Government Planning Policy states that advanced, high quality electronic communications infrastructure is an essential component of economic growth across Scotland.

8.4 **Material Considerations**

8.4.1 **Visual and Townscape Impact**

The concerns of the Community Council and three third party objectors relate mainly to the visual appearance of the proposed structure and its impact on the setting of adjoining established houses/flats and the nearby church. It is also a stated concern that the structure is close by the main road through the village which is a well used tourist route. In response, the applicant notes that the design of the structure, being an Elisa streetpole, is the slimmest design available whilst still being able to have operation of the antennas that allow coverage to reach the intended target areas. It is submitted that this particular design is less visually obtrusive within such a village centre setting with existing lampposts and other street furniture. It is acknowledged that the pole will be prominent in short range views in and around Balconie Street, but tall trees in the village centre to the west and east will help to reduce impacts on longer range views.

8.4.2 The impact of the proposed development on the nearby Church of Scotland has been highlighted as a specific concern. The building is not listed or within a conservation area and sits to the other (north-east) side of the telephone exchange building, approximately 30m distant from the site. Whilst the pole will be seen in views of the church from Balconie Street, it is not considered that this will have a significant detrimental impact on the building or its setting.

8.4.3 **Road Safety**

There is no substance to concerns expressed over road safety. The pole will be set back over 9m from the edge of Balconie Street and the associated cabinets will be set back over 4.5m, thus not interfering with visibility at the road junction. There is an existing hardstanding area in front of the telephone exchange which can be used for the parking of vans for any occasional maintenance. Due process will require to be undertaken with regard to notification served on the Council's Community Services of works within a road verge. This will allow the Council (as Roads Authority) to make comment on any issues regarding drainage or impact on other services.

8.4.4 **Ecology / Wildlife**

There will be minimal impact on open space/wildlife/trees as the work is proposed within a narrow grassed verge area. The remainder of this verge area, including the trees running alongside the telephone exchange will remain unaffected.

8.4.5 **Impact on Tourism/Business and Residential Amenity**

There is no substance to the fear that the siting of this pole will directly negatively affect any local businesses. Indeed, improved network connectivity will enhance the service to existing businesses. The set back from nearest properties and slim design of pole will ensure minimal impact on amenity, and no impact on daylighting to those properties.

8.4.5 **Emissions / TV Reception**

Concerns over emissions or impact on TV reception are not matters for the Planning Authority. The issue of public exposure to radiation arising from the microwave dishes is a matter which is controlled under separate authority, namely the requirements of the International Commission on Non-Ionising Radiation (ICNIRP), as set out in European Council Directive 1999/519/EC. As noted at 1.3 above, the applicant has provided a Certificate of Compliance with the ICNIRP requirements. All operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence and this fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation or air traffic systems. The conditions of the Licence are authorised and regulated by Ofcom, a Government agency.

8.5 **Matters to be secured by Section 75 Agreement**

None

9. **CONCLUSION**

9.1 Having effective mobile connectivity across Highland is of critical importance and while good progress is being made to improve coverage, there are still significant areas which have no or limited coverage, which has a negative effect on individuals, businesses and communities. Mobile Network Operators are making progress towards the commitment to providing 4G to 90% of Scotland by the end of 2017. This current proposal is made on behalf of O2 and has been designed to allow Vodafone to share the same equipment. The applicant has advised that if other operators were sharing, then a substantial tower with an open head frame would be required. This is not necessary in this instance which is why the slimmest design available has been selected.

9.2 Whilst it is acknowledged that the height of the pole will have some visual impact in the existing streetscape, it is not considered that this will be significantly detrimental to the established amenity of the area. It is well set back from established residential, community and commercial buildings and lies within the context of the established telephone exchange building. The village centre contains an eclectic mix of buildings, structures and uses and it is considered that in such context the single pole and three small cabinets proposed are appropriate.

In conclusion, the structure and associated cabinets do not pose any adverse issues visually and overall, are considered to be acceptable in this location. The applicant has confirmed that the style of the pole is designed to resemble a telegraph pole so as to minimise the impact on the surrounding area. The proposed colour of the pole is RAL 7035 (Grey). However the applicant advises that if the Planning Authority require a different colour this can be accommodated in order to blend the mast further with the surrounding streetscape. From a photograph provided by the applicant showing a similar pole in situ elsewhere coloured brown, this may be an appropriate colour as it better replicates a telegraph pole. Members are asked for a view on the finished colour with regard to recommended Condition 1 below.

- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be Granted subject to the following conditions and reasons / notes to applicant:

1. The streetpole hereby permitted shall be finished and maintained in a dark brown, non-reflective colour; and the cabinets finished in a dark green, non-reflective colour.

Reason : In the interests of safeguarding the established amenity of the area.

2. Notwithstanding the provisions of Class 67 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, or any Order revoking and re-enacting that Order, with or without modification, no development of a type identified in the aforementioned class, shall take place on the development hereby approved without planning permission being granted on an application made to the Planning Authority.

Reason : In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work

commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:
http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature:	Dafydd Jones
Designation:	Area Planning Manager - North
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Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Drawing 100 Rev B Plan 2 – Site Layout Drawing 201 Rev B Plan 3 – Elevation Drawing 301 Rev B