

THE HIGHLAND COUNCIL

**NORTH AREA PLANNING APPLICATIONS COMMITTEE
21 February 2017**

Agenda Item	7.10
Report No	PLN/021/17

**16/04803/FUL : EE UK Ltd
Land 105M South Of Misty, Auchtertyre, Balmacara**

Report by Area Planning Manager

SUMMARY

Description : Erection of EE telecommunications apparatus; ancillary equipment cabinets; fenced compound

Recommendation - GRANT

Ward : 06 - Wester Ross, Strathpeffer And Lochalsh

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : Number of objections and a Community Council objection.

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks full planning permission for the erection of a 20m high telecommunications tower which would accommodate six radio antennae and two 0.6m diameter microwave dishes. There would be a fenced compound at the base of the tower housing a generator, four small equipment cabins and a 1.2m diameter satellite dish.
- 1.2 This site forms part of a large programme for the delivery of new telecommunications infrastructure for the UK Home Office to replace the current Emergency Services mobile radio system. This analogue system (known as Airwave), requires to be replaced and the relevant contracts have not been renewed. This new digital network is to be delivered by the Emergency Services Mobile Communications Programme. The Home Office have appointed EE Ltd to deliver ESMCP throughout the Highlands, and various meetings have been held with both EE and their agents to provide pre-application advice in respect of this programme.

1.3 The application is supported by a statement which explains the need for the proposal, and why the chosen site was selected. Maps showing how the proposal would infill an area of blank coverage have also been submitted, as have photomontages of the monopole.

1.5 **Variations:** In response to concerns about visual impact the proposal has been revised from a 30m high steel lattice tower to a 20m high slimmer structure – drawing nos. 101 Rev. D, 102 Rev. D and 103 Rev. D - all submitted 31 January 2017

2. **SITE DESCRIPTION**

2.1 The site forms part of a restored quarry on the southern side of the A87 which has been partially redeveloped as a small (3 unit) business park. The proposal would be some 70m south of the A87 and some 70m east of the Auchtertyre College building.

3. **PLANNING HISTORY**

3.1 n/a

4. **PUBLIC PARTICIPATION**

4.1 Advertised : Unknown Neighbour 14 Days

Representation deadline : 20.11.2016

Timeous representations : 11 from 8 households, and 1 from Auchtertyre Community Council

Late representations : 2 from 2 households, and 1 from Auchtertyre Primary School Parent Council

A petition against the proposal has been submitted under the Council's Petitions Procedure which has been signed by 213 people.

4.2 Material considerations raised are summarised as follows:

- Visual impact
- Public Safety
- Inaccuracies in the submitted application
- Insufficient neighbour notification and consultation
- Inaccurate grid references for alternative sites
- Should have been advertised as Schedule 3 “bad neighbour” development
- Traffic Safety
- Adverse effect on Golden Eagles and other birds
- Incompatible with Business Park designation

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 **Access Officer** : 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

28 Sustainable Design

29 Design Quality and Place-making

34 Settlement Development Areas

45 Communications

46 Siting and Design of Communications Infrastructure

6.2 West Highlands and Islands Local Plan (as continued in force 2012)

1 Settlement Development Areas

The site falls within a 6.2 hectare business allocation, which the Local Plan safeguards for a managed recycling centre.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

n/a

7.2 Highland Council Supplementary Planning Policy Guidance

n/a

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

Paras 292 to 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 falls within the Auchtertyre Settlement Development Area, so Policy 1 of the West Highlands and Islands Local Plan and Policy 34 of the Highland Wide Local Development Plan apply. These policies support development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of the Highland Wide Local Development Plan Policy 28. The West Highlands and Islands Local Plan Policy 1 also has a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character, and how they conform with existing and approved adjacent land uses. Policy 28 of the Highland Wide Local Development Plan requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 of the Highland Wide Local Development Plan repeats this emphasis on good design in terms of compatibility with the local settlement pattern.

8.3.2 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. Policy 45 of the HwLDP states that the Council will support proposals which lead to the expansion of the electronic communications network. However, siting and design are key issues for the planning authority and Policy 46 of the same document states that proposals will be supported, where:

- equipment and any associated access are sited and designed sensitively to avoid adverse impacts on natural, built and cultural heritage, including landscape character and views;
- existing masts or other structures can not be shared;
- existing services are not interfered with; and
- redundant masts and equipment are removed (without prejudice to their possible re-use elsewhere).

8.3.3 **Landscape and Visual Impact** - In response to concerns raised by objectors about visual impact the applicant has reduced both the height and the profile of the proposed structure. Instead of a steel lattice 30m high tower, a slim profile 20m high structure is now proposed. At its base it is some 0.6 m wide and narrows slightly to just less than 0.5m at its top. It is considered that the landscape and visual impacts of this structure are acceptable. Photomontages have been provided. It is important to note that visualisations are only a tool in the assessment of the application and this assessment has relied on an appraisal of all elements comprising submitted plans, supporting information, representations, and site visit. The proposed tower would be partially screened by existing trees on the approaches along the A87 from both the west and the east. From within the village of Auchtertyre it is accepted that houses on the southern edge of the village would see more of the tower, but (as illustrated by photomontage 6) what would be visible is not a substantial structure, and would

be some 90m distant from the closest house, and on the opposite side of the A87 trunk road. Accordingly, it is considered that the landscape and visual impacts of the proposal are acceptable and would not detract from the wider landscape setting of the area. A condition which controls the colour of the tower and the various structures at its base is necessary.

- 8.3.4 **Siting** - The supporting information document submitted by the agent states (page 13) that a key requirement of the new Emergency Services Network is to deliver coverage to major and minor roads. The Site Coverage Plots submitted in support of the application show that there is a significant gap in coverage along the A87 which the proposal would infill. The information submitted in relation to alternative sites has been amended to correct some inaccurate grid references, and it is accepted that the chosen site provides the best solution in terms of infilling the missing area of coverage. Had the visual and landscape impacts of the chosen site been of concern further investigation of alternative sites would have been sought, but given the conclusion of paragraph 8.3.3 above this has not been necessary.
- 8.3.5 **Wildlife** - Unlike a wind turbine the proposal has no moving parts which might result in bird strikes. Accordingly, it is not considered that any birds would be at risk from the proposed development.
- 8.3.6 **Public Safety** - The issue of alleged public exposure to radiation arising from the proposal is not a relevant planning consideration. This 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. The applicant has provided a Certificate of Compliance with the ICINRP requirements.
- 8.3.7 **Compatibility with adjacent business uses** - The proposal would occupy only a very small part of the area allocated in the West Highlands and Islands Local Plan for Business. It would not prejudice either future business development or the provision of a recycling centre, as identified by the Local Plan.
- 8.3.8 **Inaccuracies in application** - The agent has acknowledged incorrect statements about the proximity of the proposal to the local education and nursery facilities, and has formally notified the bodies concerned of the proposal. As noted above, inaccuracies in respect of alternative sites have also been corrected. Other minor inaccuracies such as categorising the site as greenfield with no trees adjacent have not prevented a proper assessment of the application.
- 8.3.9 **Publicity of application** - Neighbour notification was correctly undertaken. Some objectors claim that the proposal should have been publicised as a “bad neighbour” development on the basis that buildings over 20m in height fall within that definition. However, the proposal is not a building, and did not therefore require to be advertised as a bad neighbour development.
- 8.3.10 **Traffic Safety** – Given the proposed tower would only be seen in glimpses from the A87 it is not considered that it would act as a distraction to drivers on this road.

8.5 **Other Considerations – not material**

The possible effect on property values raised by some of the objectors is not a relevant planning matter.

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

n/a

9. **CONCLUSION**

10. **RECOMMENDATION**

Action required before decision N issued

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

1. The development hereby permitted shall be finished in a dark green, non-reflective colour.

Reason : In the interests of visual amenity.

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.

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
Author: Graham Sharp
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Committee Location Plan
Plan 2 - 101 Rev. D Location Plan
Plan 3 – 102 Rev. D Site Layout Plan
Plan 4 – 103 Rev. D Elevation Plan