

THE HIGHLAND COUNCIL

NORTH AREA PLANNING APPLICATIONS COMMITTEE
21 February 2017

Agenda Item	7.13
Report No	PLN/024/17

16/05067/FUL : BT Openreach
Land 18 M N Of Raasay Community Hall
Isle Of Raasay

Report by Area Planning Manager

SUMMARY

Description : Proposed 16m Radio Monopole with 2 x 0.6m dishes and equipment cabinet.

Recommendation - GRANT

Ward : 11 - Eilean A' Cheò

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : Community Council Objection.

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks full planning permission for the erection of a 16m high telecommunications monopole, with two 600mm diameter microwave dishes and an equipment cabinet. The proposal forms part of BT's super-fast broadband delivery programme to remote areas of the Highlands.
- 1.2 No pre-application consultation occurred.
- 1.5 **Variations:** The submitted elevational drawing has been amended to correct an inaccurate photomontage of the monopole – drawing no. SHT 03 Rev. A, lodged 20.01.2017

2. SITE DESCRIPTION

- 2.1 The site comprises the north eastern corner of the car park for the Raasay Community Hall. It lies to the south of existing housing at School Park, and to the west of the public road.

3. PLANNING HISTORY

- 3.1 There is no relevant planning history.

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour 14 Days

Representation deadline : 03.12.2016

Timeous representations : 2, from 1 household and from Raasay Community Council

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Adverse visual impact
- Impact on public seaward views
- Public safety implications from wind damage, lightning strikes and radiation
- Adverse effect on residential amenity from wind noise on pole
- Alternative sites may be available
- Possibility of visual impact increasing under permitted development rights

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 **None**

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

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|----|--|
| 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 |
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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 Inverarish 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, the siting and design is a key issue 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 **Siting** - In order to provide super-fast broadband to the more remote areas of the Highlands conventional solutions involving the use of buried cables are rarely possible. It is instead necessary to consider alternative options, such as the use of microwave dishes to beam signals over expanses of open water – which is the chosen solution in this case. The receiving dishes on Raasay need to have direct and unobstructed line of sight to the transmitting dishes at Camustianavaig on Skye (recently approved by application 16/04515/FUL). This requirement, as well as the need for the pole to be close to the applicant's existing cabling on Raasay, severely restricts options for the siting of the proposed structure. The applicant has stated that the line of sight from the monopole position at Raasay to the monopole position at Camustianavaig looks through a gap in trees, and that if the Monopole position was moved then this line of sight would be compromised. The only alternative location with direct line of sight was rejected due to the need to remove Japanese Knotweed from that location.

8.3.4 **Landscape and Visual Impact** - The proposed monopole would be seen within the context of existing development on the seaward side of the public road, namely the large Community Hall and existing housing at School Park. There is a significant change in levels of some 3m between the site of the pole and the nearest dwelling house, which is some 15m distant. In addition, the pole is offset from this house, and does not intrude upon its aspect over the Raasay Narrows towards Skye. There are no windows on the gable of this house nearest the pole, with the closest windows giving onto a bathroom and a bedroom. It is considered that the slim structure which is proposed would not appear to be unduly intrusive within this developed landscape, where public seaward views are already significantly compromised by existing buildings. In response to concerns about further apparatus appearing on the pole under permitted telecommunications operator development rights the applicant has stated that no further equipment would be necessary. A condition which removes the relevant permitted development rights can be applied, as can a condition which ensures that the pole is finished in a suitably recessive colour.

8.3.5 **Existing Residential Amenity** - As sited, the pole does not intrude upon the views from the existing houses at School Park over the Raasay Narrows to Skye. If it were possible to move the pole away from the closest of these houses to the south western corner of the Hall car park (which is along the required line of sight) that would place it within this view from 3 of those houses, and would therefore be worse in terms of the amenity of these dwellings than the chosen site.

8.3.6 The objection in terms of wind noise on the nearest house is noted, but wind speeds high enough to result in noise from the pole would be likely to disturb occupants of the dwelling irrespective of whether the pole was there or not. In other words, the background wind-related noise would mask any effect directly attributable to the pole.

8.3.7 **Public Safety** - The applicant has stated that the proposed structure would be engineered to the highest standards and therefore believes the concerns about it being susceptible to being blown over are misplaced. The applicant has also stated that the pole would earth any lightning strikes. The issue of alleged public exposure to radiation arising from the microwave dishes 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.

8.5 **Other Considerations – not material**

None

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

N/a

9. **CONCLUSION**

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

Reason : In the interests of visual amenity.

2. Notwithstanding the provisions of Classes 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.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

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- SHT 01 Rev. A Location Plan
Plan 3 – SHT 02 Rev. A Site Layout Plan
Plan 4 – SHT 03 Rev. A Elevation