Agenda Item	6.7
Report	PLS
No	072/17

# HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

Date: 12 December 2017

**Report Title:** 17/03251/FUL: EE UK Ltd

Land 160m East of Compass, Whitebridge

**Report By:** Area Planning Manager – South/Major Developments

**Purpose/Executive Summary** 

**Description:** Installation of EE Telecommunications Apparatus

Ward: 12 - Aird and Loch Ness

**Development category:** Local

Reason referred to Committee: Community Council objection

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.

# Recommendation

Members are asked to agree the recommendation to **GRANT** planning permission as set out in section 11 of the report.

#### 1. PROPOSED DEVELOPMENT

- 1.1 The proposal is to erect a 20m high lattice mast (including dishes and antennaes) with associated 10m x 10m ground compound containing meter cabinet, and 2.7m x 2.2m x 2.75m high cabin, and associated ducting, generator, etc. The compound will be enclosed by a 1.5m high timber post and rylock fence. An access track will run from the B862 along the south and east boundaries of the field to reach the compound. A service layby will be provided at the junction with the B862.
- 1.2 There is an existing field access gate off the B862 towards the centre of the field.
- 1.3 Pre-Application Consultation: 17/01259/PREAPP sought pre-application advice. This suggested that support would be forthcoming if an appropriate access could be provided.
- 1.4 Supporting Information: Design and access statement; ICNIRP conformity declaration; site coverage plots; options appraisal; supplementary information form; ecological assessment; wireframe; ZTV; photomontages.
- 1.5 Variations: Access relocated to south field boundary to obtain adequate visibility.

## 2. SITE DESCRIPTION

- 2.1 The site lies to the north side of Whitebridge, and off the east side of the B862 public road. It sits to the rear of a grass field which slopes gently up from the public road and is crossed by pylons. Forestry to the rear of the field has recently been felled, with remnant scattered birch trees and willow bushes remaining.
- 2.2 A small area of woodland lies between the site and the nearest house, Compass, to the north of the site, and this wraps round the rear field boundary towards the proposed mast location. Further trees adjoin the south field boundary towards Whitebridge.

## 3. PLANNING HISTORY

3.1 None

# 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour

Date Advertised: 04/08/17

Representation deadline: 18/08/17

Representations: 1 objection received.

- 4.2 Material considerations raised are summarised as follows:
  - a) Mast will be a blot on the landscape
  - b) Easily seen from homes and tourist properties in the vicinity
  - c) Too prominent location could it be moved further into the hills?

- d) Too tall
- e) No attempt to blend in to surroundings
- f) No discussion with local community
- g) Trees near mast could be felled
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="https://www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

# 5. CONSULTATIONS

- 5.1 **Stratherick and Foyers Community Council** objects on the basis of adverse impact on visual amenity.
- 5.2 **Transport Planning Team:** No objection to relocated access point.
- 5.3 **Environmental Health:** No objection
- 5.4 **Highlands and Islands Airport Authority:** No objection
- 5.5 **Ministry of Defence Estates:** No objection
- 5.6 National Air Traffic Services En Route Plc: No objection
- 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 & Place-making
  - 36 Development in the Wider Countryside
  - 45 Communications Infrastructure
  - 46 Siting and Design of Communications Infrastructure
  - 58 Protected Species
  - 61 Landscape
- 6.2 Inner Moray Firth Local Plan 2015

No specific policies apply

# 7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Not applicable

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

# 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.

# **Determining Issues**

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.

# Planning Considerations

- 8.3 The key considerations in this case are:
  - a) compliance with the development plan and other planning policy
  - b) landscape and visual impact
  - c) natural, built and cultural heritage
  - d) access requirements, and
  - e) any other material considerations.

# Development plan/other planning policy

- 8.4 Policy 45 Communications Infrastructure supports proposals which lead to the expansion of the electronic communications network in Highland.
- 8.5 Policy 46 requires that new communications infrastructure is sited and designed sensitively to avoid adverse impacts on natural, built and cultural heritage including landscape character and views, and takes account of the cumulative visual effect of equipment. Where possible existing masts/structures should be shared, and existing services should not be interfered with.
- 8.6 The supporting information includes plots showing existing telecommunications coverage, and proposed coverage should the mast obtain consent. This demonstrates that there are currently gaps in the coverage to the north east and south west of Whitebridge and towards Foyers which will be eliminated if the mast is constructed.
- 8.7 The proposed mast is required primarily for the emergency services but will also provide 4G coverage to much of the surrounding area. This is in line with government policy to support digital connectivity, and also with Policy 45.
- 8.8 There is not an existing mast or structure which can be shared to provide the required coverage. The proposal avoids disrupting existing services. Providing that the proposal is sited and designed sensitively to avoid adverse impacts on natural, built and cultural heritage, including landscape character and views, and takes account of the cumulative visual effect of equipment then it would accord with the development plan.

# Landscape and Visual Impact

- 8.9 This proposal has to be assessed in terms of the immediate view from alongside the field in which it will be located, the intermediate view from Whitebridge, and the distance views from the wider area. Given the scale of development, the main impact will be from the mast itself. The associated compound will be enclosed by a wire fence which will facilitate views through, and the associated cabin, meter cabinet, ducting, etc will have a minor impact in comparison to the mast.
- 8.10 The mast will be prominent when viewed from the B862 alongside the field within which it will be located. This view is however currently disrupted by pylons. On the approach to the field from both directions, the mast will be largely screened by the existing copse of trees to both sides.
- 8.11 The existing trees in the vicinity will also screen the mast from most locations within Whitebridge itself. These are not areas of commercial forestry, but of mixed broadleaf trees which reduces their likelihood of being clear felled. The applicant has submitted a photomontage from the B862 near the property known as Compass. This shows that these trees will also largely screen the proposed mast from this property; the nearest to the development. Of course the mast will be more visible during winter when the trees are not in leaf, but the woodland nature will serve to disrupt and limit views and will largely camouflage the mast.
- 8.12 Wireframe images and photomontages show that in distance views, the mast will be largely hidden by existing structures / trees, and where visible will be seen against the hills rising above Whitebridge. It will be absorbed into the surrounding landscape in a satisfactory manner, and will be a minor visual disruption against the vastness of the surrounding hills. The mast is not considered to impact on the qualities of the Special Landscape Area as it lies outwith the designation.
- 8.13 In view of the neighbouring household's objection, the possibility of relocating the mast within the field to move it closer to the copse to the south and further from the nearest house 'Compass' has been assessed. However, this would require an increase in height since the transmission line of sight would be adversely impacted. It is therefore felt that there would be little if any gain through pursuing this option in view of the associated increased height. Furthermore, the current site is preferred by both the landowner and the applicant.

# Natural, built and cultural heritage

8.14 There are no natural heritage or conservation designations covering the site. No buildings of historical interest will be affected. The site has been assessed in terms of ecology and protected species, and the proposal has been found to have negligible impact on these.

# Access Requirements

8.15 The proposed access track has been amended to run from the site compound along the east and south field boundaries to join the public road near the copse. It will be seen in the context of the field boundaries which will minimise its visual impact and any disruption to the field. A service layby to Council Guideline

standards will be provided at the junction with the public road, and this will meet standards for access and visibility requirements. This amended arrangement complies with Transport Planning requirements

# Other material considerations

8.16 There are no other material considerations.

# Non-material considerations

8.17 The issue of discussing plans with the local community in advance with the community while good practice is not a requirement for such applications.

# Matters to be secured by Section 75 Agreement

8.18 None

## 9. CONCLUSION

- 9.1 The mast is required to help fill gaps in existing telecommunications coverage, in line with government policy. It meets the requirements of Policies 45 and 46 of the Highland wide Local Development Plan. A satisfactory access off the public road is proposed, and the mast has been sited to be absorbed into the surrounding landscape in distance views, and to be hidden by the copse on either side of the field in which it will be located. The visual impact is considered to be acceptable.
- 9.2 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. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

# 11. RECOMMENDATION

# Action required before decision issued n

**Subject to the above,** it is recommended that planning permission be **GRANTED** subject to the following conditions and reasons:

1. No other development shall commence until the site access has been constructed in accordance with approved drawing ref. 110 rev L.

Thereafter, visibility splays of 2.4m x 215m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction shall be maintained in perpetuity. At no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

**Reason**: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

#### REASON FOR DECISION

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.

## TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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 & 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 (paragraph 259), 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: <a href="http://www.highland.gov.uk/yourenvironment/roadsandtransport">http://www.highland.gov.uk/yourenvironment/roadsandtransport</a>

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\_for\_working\_on\_public\_roads/2

#### Mud & Debris on Road

Please note that it 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.

# Damage to the Public Road

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this

development.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

# Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: <a href="https://www.snh.gov.uk/protecting-scotlands-nature/protected-species">www.snh.gov.uk/protecting-scotlands-nature/protected-species</a>

Signature: Nicola Drummond

Designation: Area Planning Manager – South/Major Developments

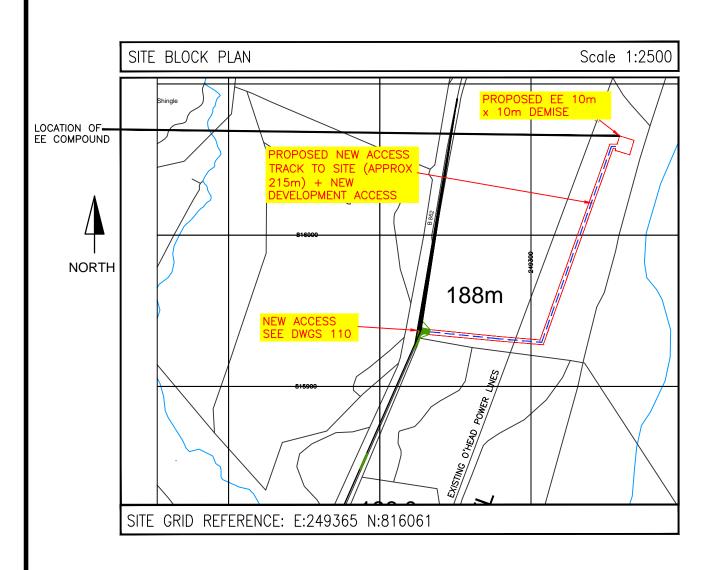
Author: Susan Hadfield

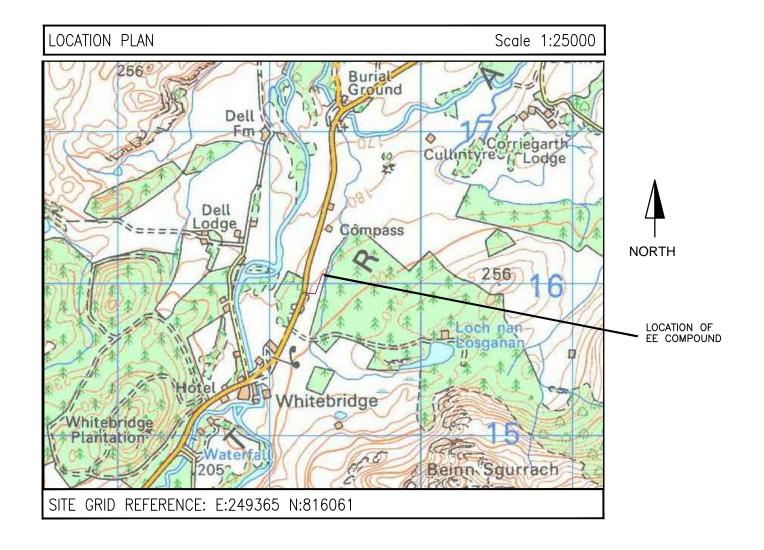
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - site location plan GA 101 rev L

Plan 2 - south elevation plan GA 109 rev L
Plan 3 - east elevation plan GA 108 rev L
Plan 4 - north elevation plan GA 107 rev L
Plan 5 - west elevation plan GA 103 rev L

Plan 6 - site layout plan GA 102 rev L
Plan 7 - site access plan GA 110 rev L





TRAVELLING SOUTH FROM INVERNESS ON THE B862 FOR APPROXIMATELY 24 MILES. TURN LEFT INTO A GRAZING FIELD (THROUGH A PROPOSED FIELD GATE), THE PROPOSED SITE IS IN THE FAR CORNER (NE). NEW 215m OF ACCESS TRACK REQUIRED FROM FIELD GATE TO SITE. PLUS NEW DEVELOPMENT ACCESS.

L VISIBILTY SPLAY AND ACCESS CHANGED

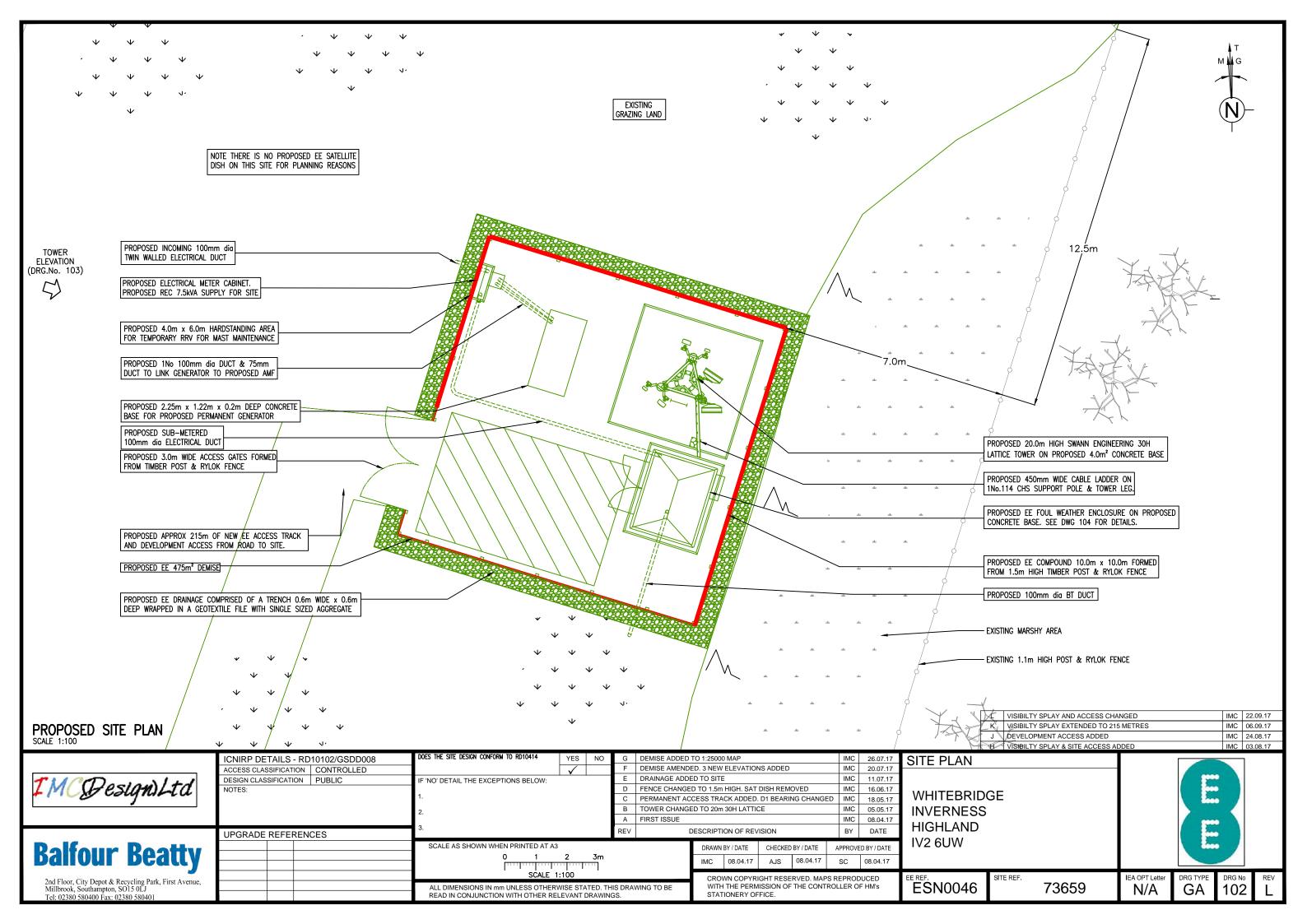
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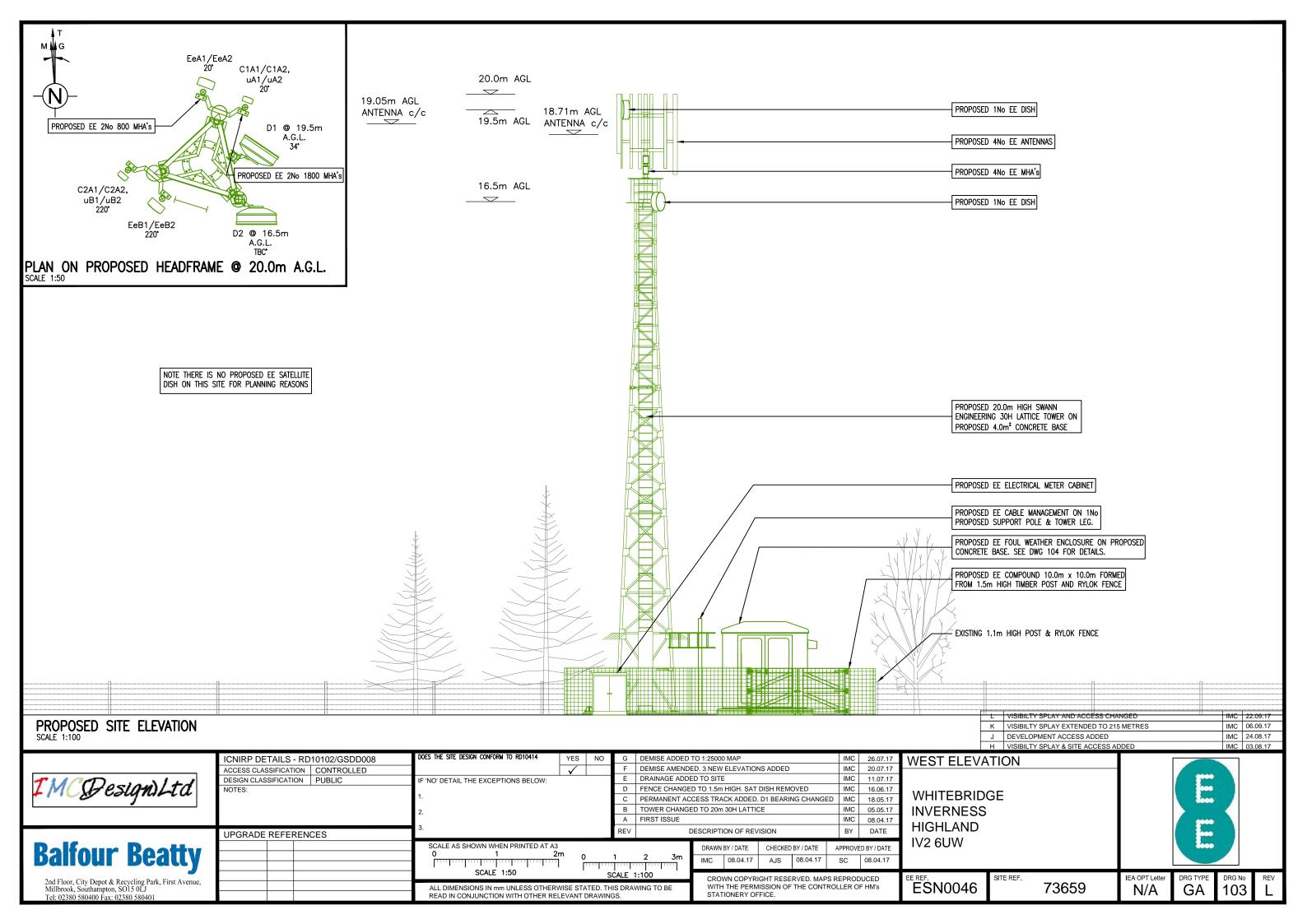
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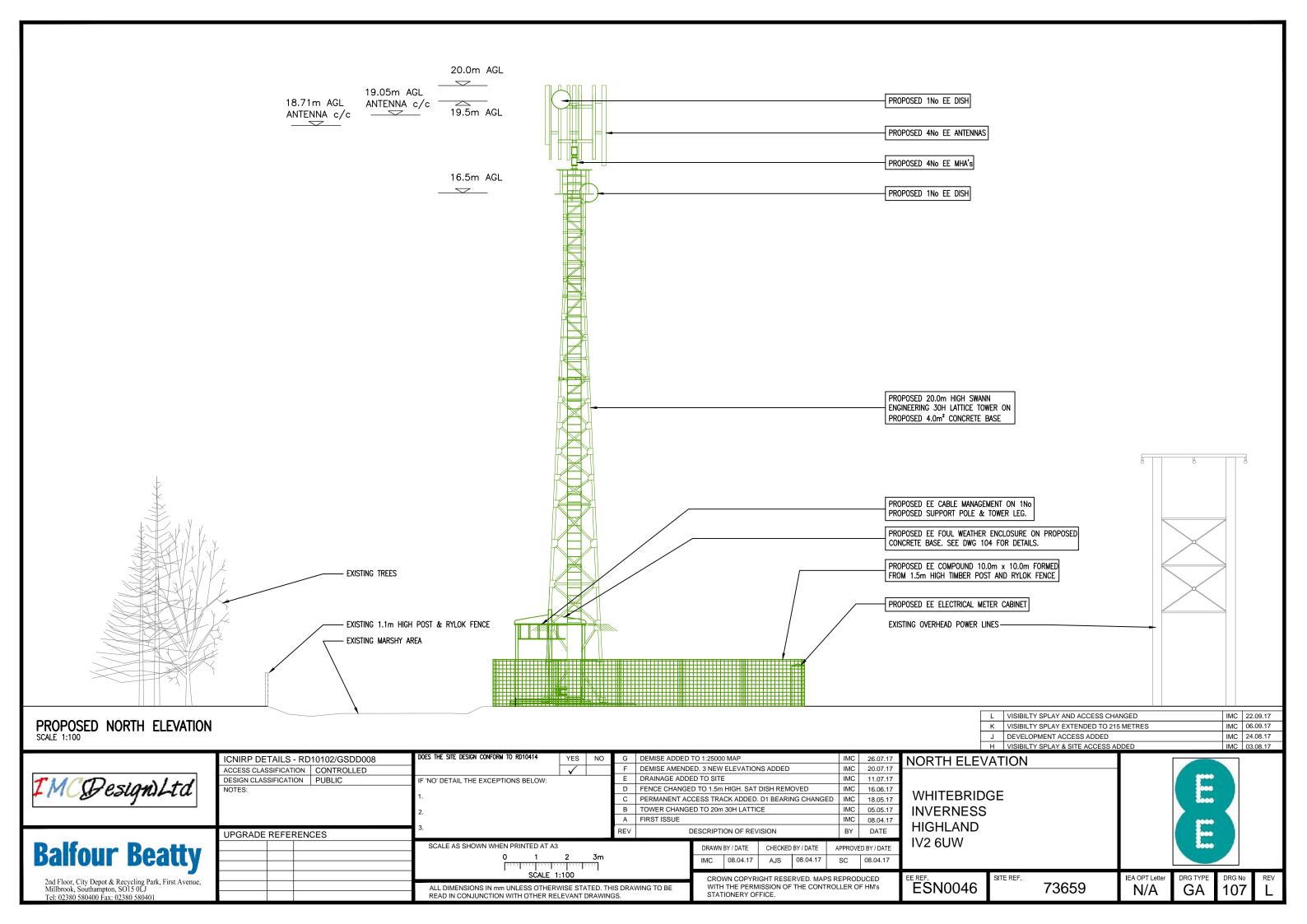
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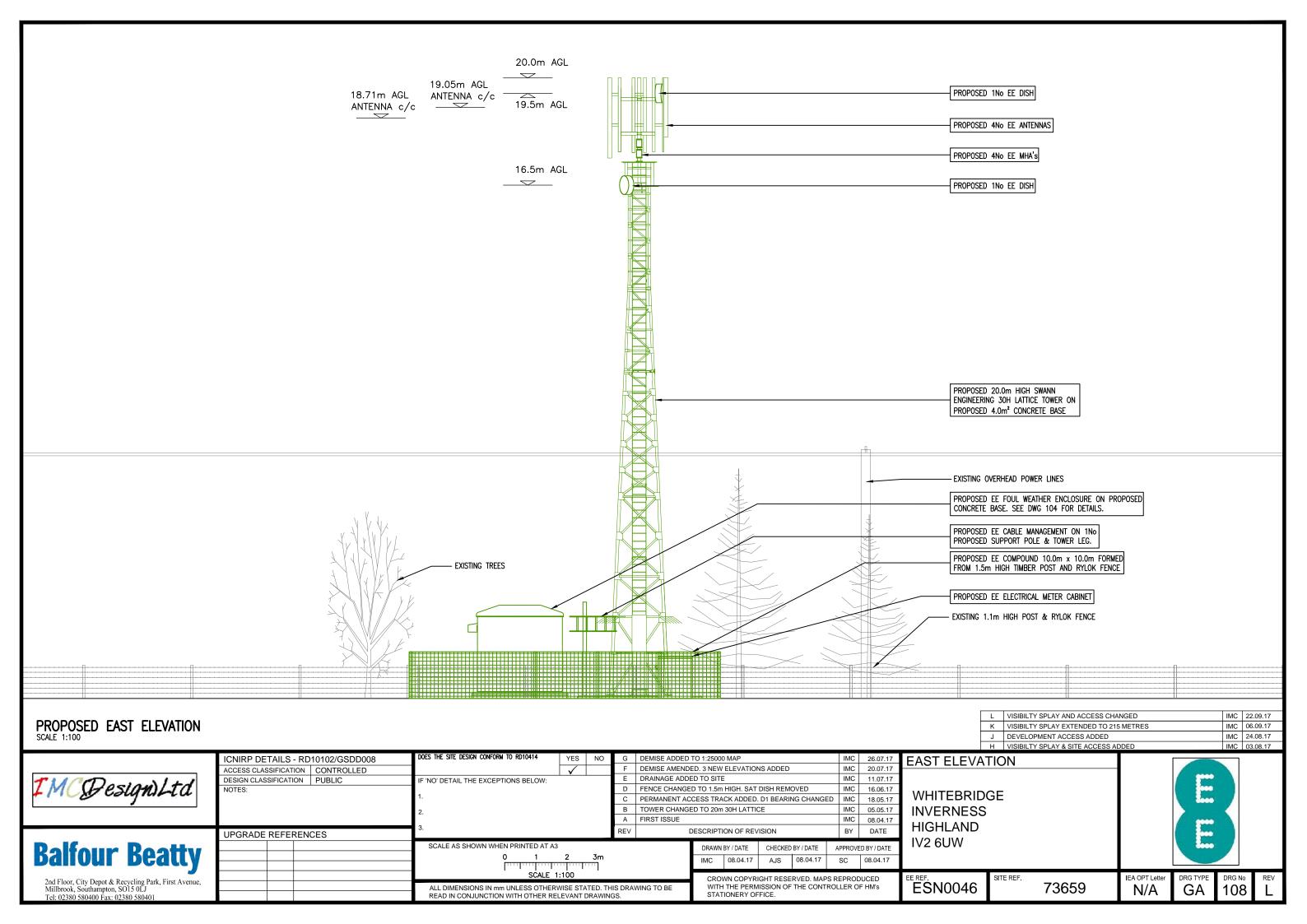
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www.landmark.co.uk/promap
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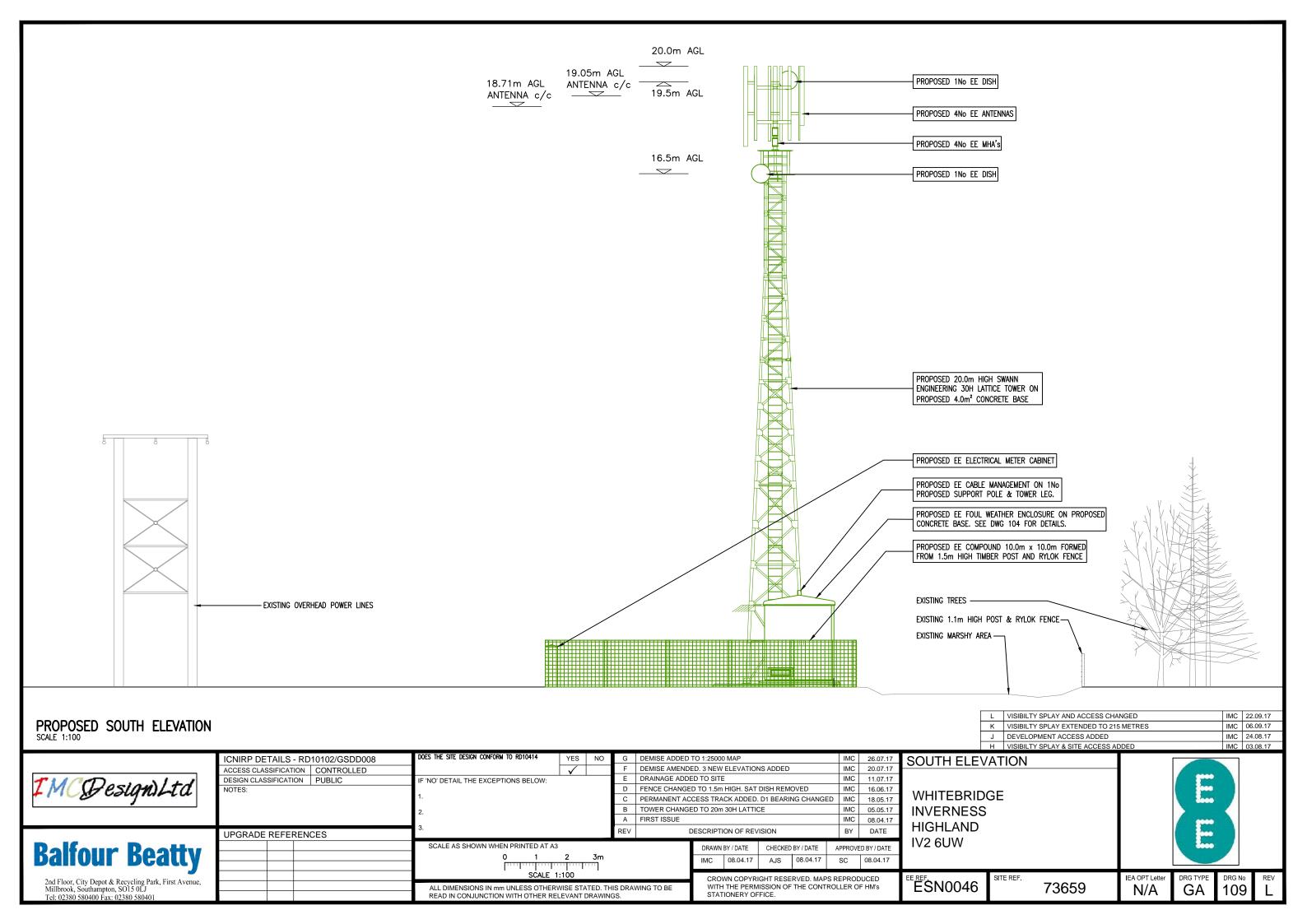
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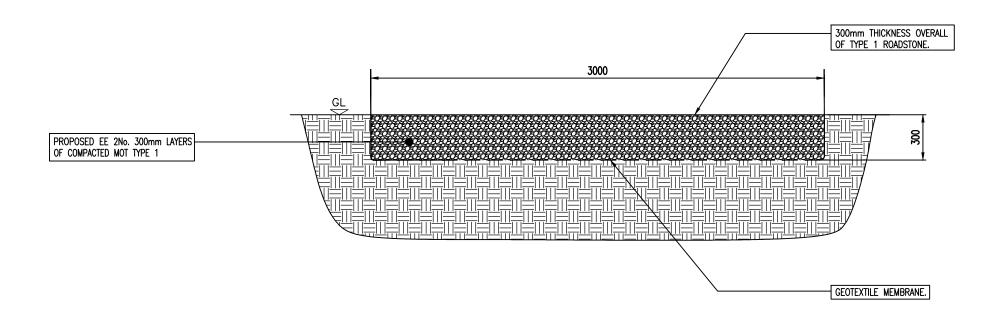












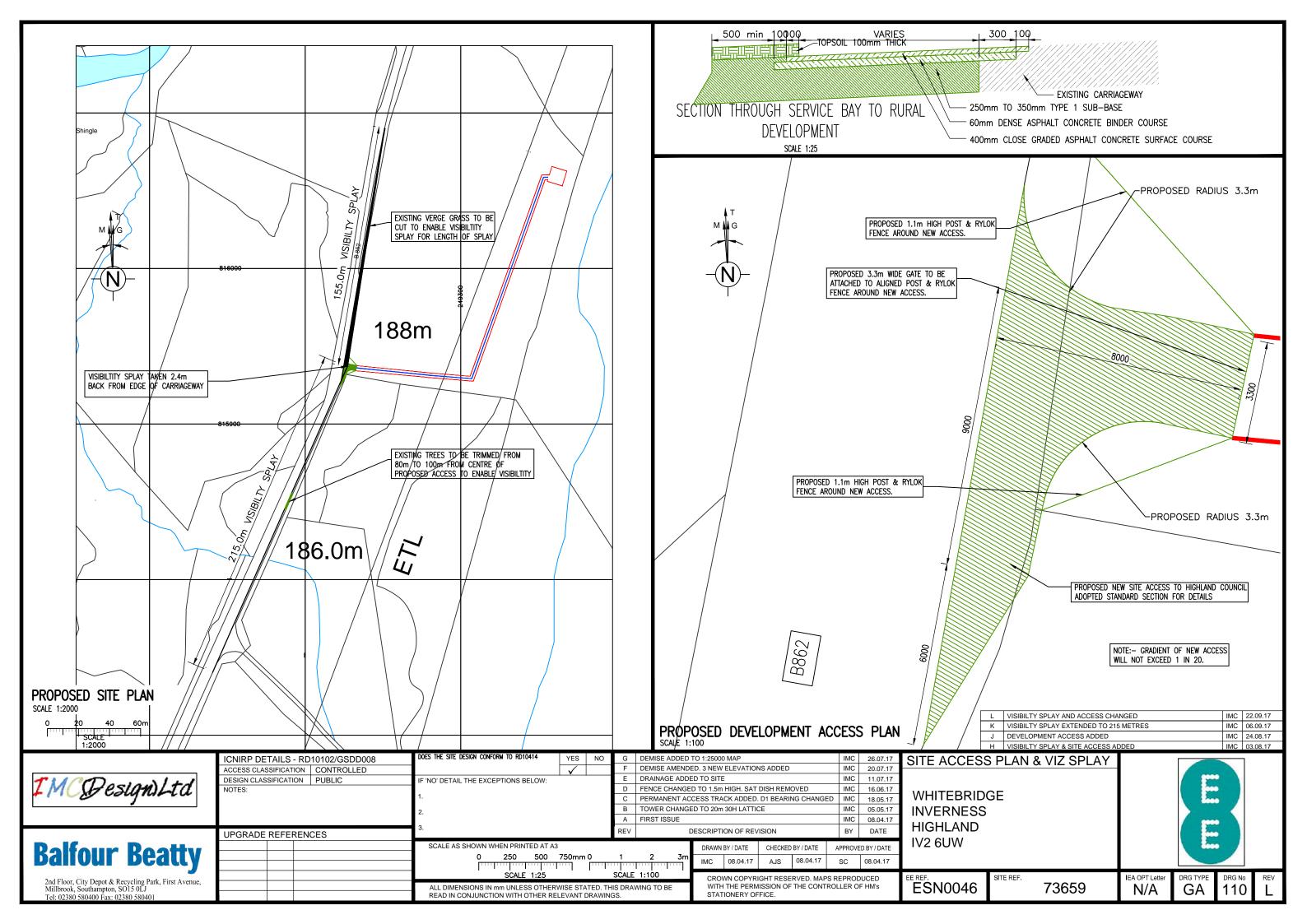
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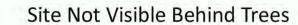
Proposed Telecommunications Installation

ESN0046

Contract: Whitebridge Inverness Highland IV2 6UW

Purpose of issue: Planning

Image: View 1 - With







Tel: 01924 876777 Fax: 01924 876778 e-mail: info@wilkinson-helsby.co.uk

Title:

Proposed Telecommunications Installation

ESN0046

Contract: Whitebridge Inverness Highland

IV2 6UW

Purpose of issue: Planning

Image: View 2 - With (No Visibility)





Tel: 01924 876777 Fax: 01924 876778 e-mail: info@wilkinson-helsby.co.uk

Title:

Proposed Telecommunications Installation

ESN0046

Contract: Whitebridge Inverness Highland IV2 6UW

Purpose of issue: Planning

Image: View 3 - With





Tel: 01924 876777 Fax: 01924 876778 e-mail: info@wilkinson-helsby.co.uk

Title:

Proposed Telecommunications Installation

ESN0046

Contract: Whitebridge Inverness Highland IV2 6UW

Purpose of issue: Planning

Image: View 4 - With





Tel: 01924 876777 Fax: 01924 876778 e-mail: info@wilkinson-helsby.co.uk

Title:

Proposed Telecommunications Installation

ESN0046

Contract: Whitebridge

Inverness
Highland
IV2 6UW

Purpose of issue: Planning

Image: View 1 - Wireframe





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Title:

Proposed Telecommunications Installation

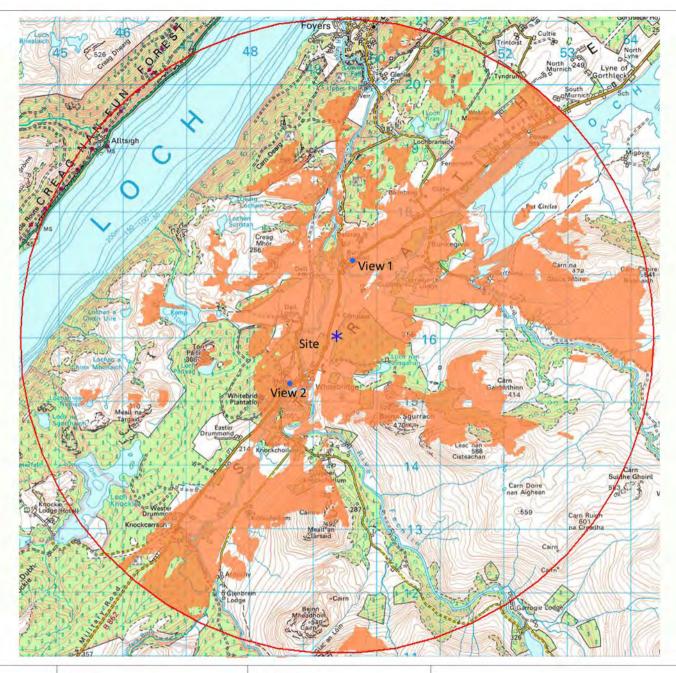
ESN0046

Contract: Whitebridge

Inverness
Highland
IV2 6UW

Purpose of issue: Planning

Image: View 2 - Wireframe





Tel: 01924 876777 Fax: 01924 876778 e-mail: info@wilkinson-helsby.co.uk Title:

Proposed Telecommunications Installation

ESN0046

Contract: Whitebridge Inverness Highland

IV2 6UW

Purpose of issue: Planning

Image: Viewpoint Locations & ZTV



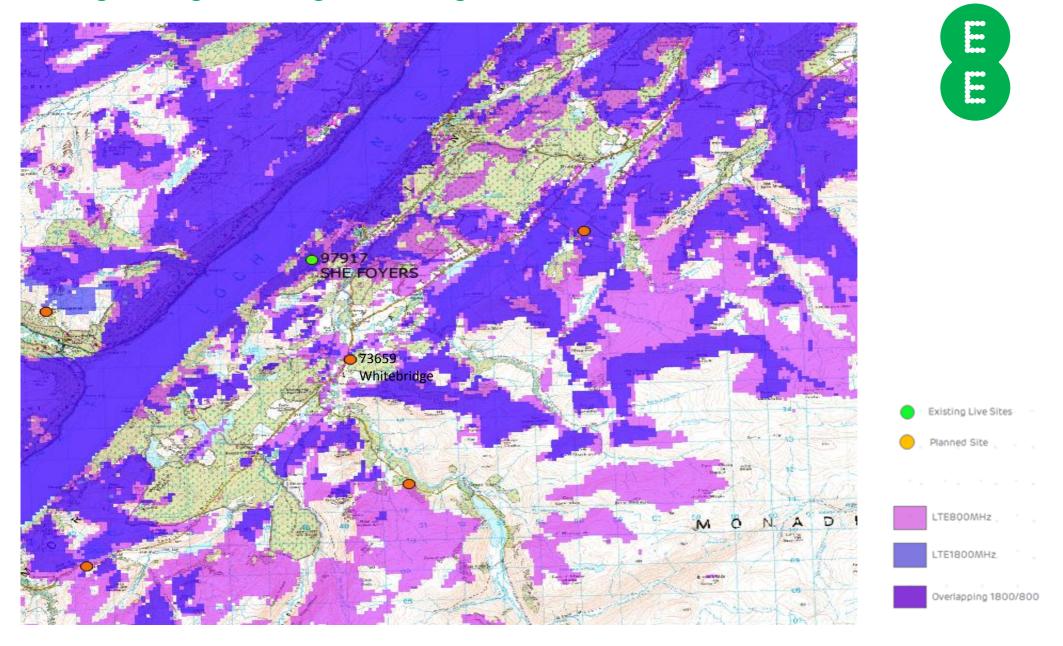




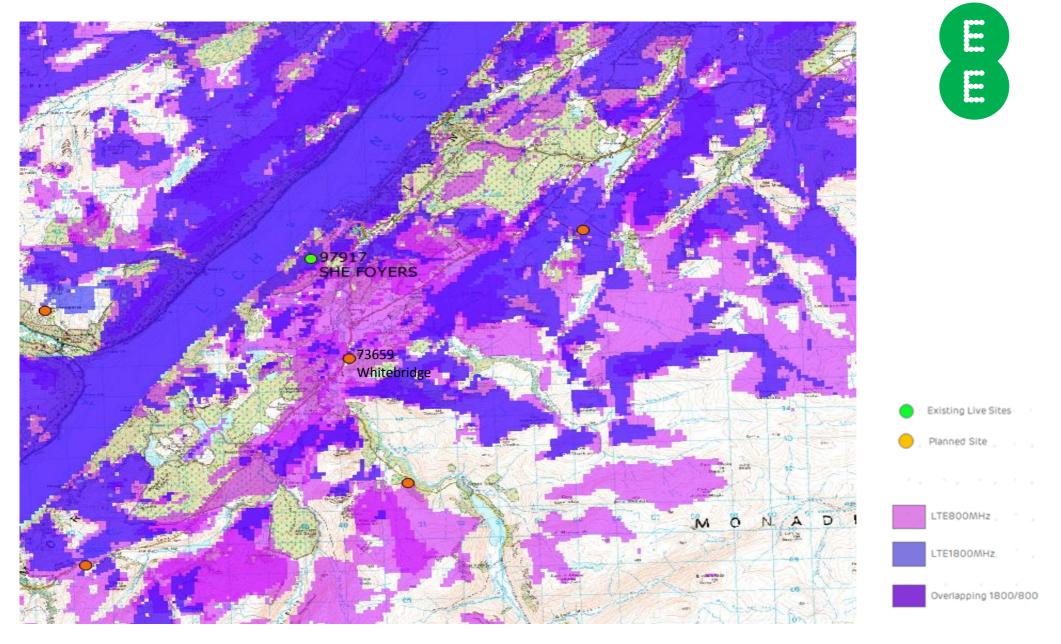
# Site Coverage Plots

73659\_ESN46\_Whitebridge

# Existing Coverage Excluding: 'Whitebridge'



# Existing Coverage Including: 'Whitebridge'



# 'Whitebridge' In Isolation

