

PLANNING DEVELOPMENT CONTROL (TELECOMMUNICATIONS) SUB-COMMITTEE**5 January 2007**Attendance:

Councillors

Read (Chairman) (P)

de Peyer (P)
Johnston (P)

Sutton (P)

Others in attendance who addressed the meeting:

Councillors Bennetts and Pearce

Officers in attendance:Mr S Avery (Senior Planner)
Mr N Culhane (Highways Development Control Engineer)
Mr N Fisher (Planning Officer)
Mr B Lynds (Principal Legal Officer)

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1. **PRIOR APPROVAL NOTIFICATION FROM O2 (UK) LTD – INSTALLATION OF A STREET FURNITURE STYLE TELECOMMUNICATIONS RADIO BASE STATION - ANDOVER ROAD, WINCHESTER (REFERENCE 06/03409/TCP).**
(Report PDC665 refers)

The Sub-Committee met at the application site where Mr Avery indicated the exact positioning of the proposed mast and equipment. This was to be sited on a 2.4 metre wide footpath on the south western side of Andover Road, to the west of the bridge where Andover Road crossed the railway line. Both the cabinet and mast were to be sited to the rear of the footpath adjacent to the fence. Members noted that an adjacent street lamp (five metres to the northwest) was the same height as the proposed mast.

The Sub-Committee continued the meeting in the adjacent car park of the Jolly Farmer public house. The Chairman welcomed to the meeting Mrs Barrett and another local resident together with Mr Smith from the applicant's agent, Waldon Telecommunications. It was noted that r Councillor Love (a Ward Member) had sent his apologies.

Mr Avery explained that a prior approval application had been submitted by O2 (UK) Limited, to erect a 10 metre high mast that was designed to appear as a metal street furniture column. An equipment cabinet was also proposed measuring 1.35m wide x 0.34m deep x 1.5m high. Mr Avery indicated that residential properties at Brassey Road were approximately 50 metres away; the Jolly Farmer Public House 75 metres to the northwest and North Hill Court was 55 metres to the north of the site. Osbourne School was located to the north east approximately 80 metres away.

Mr Avery advised that a similar proposal (reference 06/03005/TCP) had been withdrawn by the applicant in November 2006, following concerns over highway safety, as the size and location of the equipment, when undergoing maintenance, may have forced pedestrians to walk too close to the busy road. Mr Culhane stated that he was satisfied that this proposal had overcome his previous concerns, as the equipment was smaller and

narrower and was to be positioned further north of the railway bridge. Mr Avery reported that the proposals would be presented against a backdrop of trees and that this would provide some screening from distant views. He recommended that the equipment should be painted a suitable colour, to minimise the visual impact within the street scene. Mr Avery recommended that the prior approval notification be approved and he reminded Members that they were able to comment only on the equipment's siting and appearance.

Councillor Pearce addressed the meeting as a Ward Member. He asked questions regarding possible mast sharing with a Vodafone mast close by, and whether the equipment was designed to provide sufficient coverage for the foreseeable future, without it having to be extended. Councillor Pearce also requested that in addition to Members of the Sub-Committee, Ward Members be supplied with the applicant's coverage maps. At the invitation of the Chairman, Mr Smith confirmed that the Vodafone mast was not within his client's area of search and that the proposed mast would provide sufficient coverage for the foreseeable future.

Councillor Bennetts also addressed the meeting as a Ward Member. He asked questions regarding the consultation procedure, particularly with local educational establishments. He also requested that the equipment be painted to match the existing street furniture. Following further questions regarding the mast's siting, Mr Culhane confirmed that the pavement was wider in the proposed location in comparison to the previous proposal and the equipment would not cause an obstruction.

At the invitation of the Chairman, Mrs Barrett addressed the meeting. She raised concerns about the consultation procedure undertaken by the Council with regard to this application. She stated that Osbourne School had not initially been consulted, nor had the representations made in respect of the previous application been taken into account for this revised application. She reminded Members of the Code of Best Practice with regard to such matters. Mrs Barrett reported on recent case law with regard to health concerns and, in summary, she suggested that this site was poorly suited for this application due to its proximity to homes, school and siting on a busy footpath. Mrs Barrett was also generally concerned that operators should be endeavouring to communicate with each other regarding potential sharing of structures.

Responding to some of the points raised by Mrs Barrett, Mr Lynds stated that although the Council was not compelled to undertake exhaustive local consultation, Mr Avery had indicated that this had been carried out to the Council's satisfaction. With regard to health considerations (including the perception of impact on health), he advised that both policy guidance and case law indicated that such issues are capable of being material considerations, but that where an ICNIRP certificate had been submitted, such considerations were likely to be of little weight. He also drew Members' attention to the fact that, although generally not usual practice, representations previously received had been taken into consideration with regard to this application.

Mr Avery reported on the results of consultation. Environmental Health had made no comment, as a certificate of compliance with the ICNIRP guidelines had been supplied by the applicant. In addition, the Council's Landscape Architect had no objection, as it was considered that the proposals would not have a detrimental impact on the visual amenity of the surrounding area.

Mr Avery referred to representations received from members of the public. These included the four letters of objection as detailed in the report, in addition to five further letters received since its publication. These highlighted objections on the grounds of health concerns, proximity to schools, the visual intrusiveness of the equipment, disruption to the footpath at this location, concern of a future proliferation of masts in the vicinity and concerns that the consultation undertaken had not been adequate. Mr Avery also drew

Members' attention to a further eight letters of objection that had been received for the previous application.

At the invitation of the Chairman, Mr Smith answered questions from Members. He explained that the cabinet could not be located on land behind the fence as this was in private ownership. He also explained that the equipment was principally required to provide coverage for users of the railway, although it could be used by other customers within the vicinity.

At the conclusion of the meeting, Members agreed to support the officers' recommendation to approve the application, as it was considered that the mast would not have any significant impact on the appearance or character of the area. Following further discussion, it was also agreed that the colour of the equipment should match that of existing street furniture.

RESOLVED:

That the application be approved, subject to the following conditions:

01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

02 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, or any Order revoking and re-enacting that Order, no development permitted by Part 24 of Schedule 2 of the Order shall be undertaken without the prior approval, in writing, of the Local Planning Authority.

02 Reason: In the interests of visual amenity.

03 In the event that the development hereby approved becomes redundant or otherwise not required for the purpose permitted, the mast and all associated equipment and enclosures shall be dismantled and permanently removed from the site, which shall be restored to its former condition.

03 Reason: In the interests of visual amenity.

04 The mast hereby approved shall be painted to match that of existing street furniture and retained in this colour hereafter.

04 Reason: In the interests of the amenity of the area.

Informatives

01. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: UB3 and TC1

Winchester District Local Plan Review Proposals: DP.3 and DP.14

The meeting commenced at 9.30am and concluded at 10.10am

Chairman