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To The Chairman and Members of the  
Development Control Committee

All other Members of the Council – for information

Your Ref:

Our Ref: HM/L.3.4

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Date 23 December 2008

## AGENDA SUPPLEMENT

Dear Sir/Madam

### DEVELOPMENT CONTROL COMMITTEE - MONDAY 5 JANUARY 2009

I refer to the agenda for the above-mentioned meeting and enclose the following deferred item:

Item No	Report Title	Page Nos
8	a <u>3PL/2008/1184/F: COLKIRK: H BANHAM LIMITED, LAND AT CHURCH ROAD: Installation of radio base station consisting of 30 metre tower, 6 No antennae, 6No dishes &amp; ancillary development for Telefonica 02 UK Ltd</u> Report of the Development Services Manager.	54 - 58

Yours faithfully

*Helen McAleer*

Member Services Officer

**BRECKLAND COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE – 3<sup>RD</sup> NOVEMBER 2008**

**REPORT OF DEVELOPMENT SERVICES MANAGER**

(Author: Chris Raine, Senior Planning Officer)

**COLKIRK: H BANHAM LIMITED, LAND AT CHURCH ROAD**

**Applicant: Telefonica O2 UK Ltd**

**Reference: 3PL/2008/1184/F**

**DEFERRED ITEM REPORT**

Members will recall that this application was presented to the Development Control Committee and it was subsequently deferred to request the applicant to investigate the option of finding an alternative site/s, two possible alternative were put forward by third parties, these were an existing "police tower" and the diocese land adjacent to the existing site.

The agent has now provided a response which sets out the following in relation to the above sites:

Police Tower

"The police tower (one option highlighted by a local third party) is too far away from the existing site and would not provide the level of coverage required in the area. It should be borne in mind that the site is not merely providing coverage to Colkirk itself but to an area some kilometres either side. In the event that the site was moved by 1.5 miles in any direction, there would be a corresponding loss of coverage in the opposite direction. You will be aware that we have a licence requirement to ensure that once provided, coverage is not subsequently lost to any area."

The applicant has provided coverage pattern maps to demonstrate the above conclusion.

Diocese land

"Obviously, the site offered immediately next door to the current site cannot be discounted on technical grounds due to the sheer proximity to the existing site."

Notwithstanding this, the agent would wish to highlight the following:

"The current landlord has issued O2 with a Notice to Quit in respect of the existing Lease under which O2 currently occupy the site (this has now expired). For this reason, it is not possible for O2 to remain in occupation of the current site. Given the size of the existing structure and the existing consent, it was considered most appropriate to retain the site in the same planning unit, as this was considered to mitigate the impact upon the area as much as possible. Given the planning history of the existing telecoms use on the site, by relocating within the same planning unit, it was anticipated that the LPA would be more able to support the proposal.

The difficulty faced if an alternative site is not considered is the timescales and the potential impact on the O2 network, in addition to the BT network and Airwave Networks, both of which currently share the O2 site. O2 have a legal requirement to comply with the Notice to Quit which has been served on them. This in turn impacts

upon Airwave (serving the Police) and BT ( serving various other users). If the site is not put into construction very soon then the existing site will have to come down, and separate temporary installations will be needed for all 3 of the operators currently using the mast. In order to maintain existing coverage requirements, emergency planning will need to be relied upon for the installation of 3 no. 25 - 30m masts for however long it would take for technical approval from all users of the existing installation, a new lease to be negotiated, assuming a deal could be struck with one of the neighbouring site providers (there is no guarantee that this would be the case), and for a planning approval to be secured."

The applicant has confirmed that they wish for the application to be determined as submitted.

### **ASSESSMENT/CONCLUSION**

It is considered that the applicant has satisfactorily demonstrated that coverage from the police tower would not be satisfactory. Furthermore, whilst it is evident that there is no technical obstacle to positioning the proposed mast on the adjacent land (owned by the Diocese) it is acknowledged that there are other constraints ie time, the "Notice to Quit" and inevitable negotiations which make it impractical for the applicant to pursue an alternative site. Therefore, on balance, in considering the above details, the submitted scheme meets the requirements of the relevant planning policies and as such is recommended for approval.

### **RECOMMENDATION**

Approval.

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 03-11-2008**

<b>ITEM</b>	<b>4</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2008/1184/F	
<b>LOCATION:</b>	COLKIRK H Banham Limited Land at Church Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Telefonica O2 UK Ltd 260 Bath Road Slough	
<b>AGENT:</b>	Turner & Partners 5 Hockley Court 2401 Stratford Road	
<b>PROPOSAL:</b>	Installation of radio base station consisting of 30 metre tower, 6 no. antennae, 6 no. dishes & ancillary dev.	

### **KEY ISSUES**

1. Impact upon the character and appearance of the locality
2. Impact upon residential amenity

### **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission for the erection of a radio base station consisting of a 30m tower with 6 antennae, 6 dishes and ancillary development.

### **SITE AND LOCATION**

The site is along Church Street on the western edge of Colkirk and positioned immediately to the south of a collection of farm buildings with an existing mast in close proximity.

### **RELEVANT SITE HISTORY**

3PL/2004/0994/F - Retention of temporary mast for a further 3 months - Temporary Permission  
3PL/2004/0501/F - Retention of a telecommunications mast - Temporary Permission  
3PL/2003/1874/F - Installation of 3 jaybeam antennas in existing mast with 2 transmission dishes - Approved  
3PL/1998/0750/F - Steel mono pitch building to store grain handling equipment - Approved  
3PL/1988/0471/F - Erection of radio tower, cellular radio aerals, equipment building and security fence - Approved  
3PL/1980/0226/F - Erection of radio mast - Approved

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 03-11-2008**

### **POLICY CONSIDERATIONS**

The following National Planning Guidance and/or Saved Policies of the Breckland Local Plan have been taken into consideration in the determination of this application:

PPS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

PPG8: Telecommunications

### **CONSULTATIONS**

COLKIRK P C

Objection: Whereas Colkirk Parish Council appreciate the need for a mast in the area, they unanimously object to the erection of a replacement in the position specified in this proposal. The proposed position of the mast will have a detrimental impact on many properties in Colkirk and a major impact on Pond House in Gormans Lane. The residents of Pond House have enjoyed an uninterrupted view from the back of the house since it was built in the 1970's and the current residents, Mr & Mrs P Hopkinson, had no reason to believe this would change when they purchased the property just less than a year ago. Residents are concerned that to move the mast as per the planning application would not only affect their visual amenity but also the value of their properties.

The proposed photographic evidence provided by Mr Hopkinson graphically illustrates the potential effect on property values, which cannot be underestimated. This prospect is particularly alarming in the light of the current developments within the property market.

We understand that the owners of the field beyond the proposed site would be happy to discuss accommodating the mast and we would therefore ask you to refuse permission so alternative sites can be investigated.

### **REPRESENTATIONS**

Objections have been received; the following is a summary:

The mast will be in view of local residents, an alternative site should be investigated, existing mast position should be retained and no benefits to moving the mast.

## **BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 03-11-2008**

### **ASSESSMENT NOTES**

- \* The application is referred to Development Control Committee at the request of a Ward Representative.
- \* The application has been submitted in order to gain consent for a mast so as to allow the nearby existing mast to be removed. This has been requested so as to facilitate improved access and manoeuvrability at the adjacent farm buildings.
- \* It is considered that the re-positioning of the mast from its current position to a point 50m to the south west of the existing will not cause significant additional harm to local residents in terms of amenity nor would it affect the character and setting of the rural locality to a significant degree as suggested by a number of objectors and the Parish Council. Concern has been expressed at the potential devaluation of properties, however, this does not carry any weight as a material consideration in the determination of a planning application. Further concern has been expressed at why an alternative site could not be used. The applicant's supporting statement shows how they considered site selection and alternative site options and why the requested site has been put forward. Their approach is consistent with advice in PPG8 and the code of best practice.
- \* It is necessary to ensure that the existing mast is removed, however, it should be noted that this should not be until the proposed is fully operational. Discussions are taking place to produce an appropriate mechanism to ensure this (either through a planning condition or legal agreement). The results of the discussions will be reported to the Committee verbally.
- \* It is considered that the proposal is consistent with planning policy and, as such, is recommended for approval.

### **RECOMMENDATION**

**Planning Permission**

### **CONDITIONS**

- 3007** Full Permission Time Limit (3 years)
- 3046** In accordance with submitted plans
- 3920** Existing mast to be removed within 2 months
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans