

BRECKLAND COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 3RD 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.