

<b>APPLICATION NO</b>	<b>PA/2010/0199</b>
<b>APPLICANT</b>	T-Mobile (UK) Ltd
<b>DEVELOPMENT</b>	Planning permission to retain a 28 metre slim lattice temporary telecommunications mast and associated equipment
<b>LOCATION</b>	Lebus Furniture Ltd, Dunlop Way, Scunthorpe
<b>PARISH</b>	<b>SCUNTHORPE</b>
<b>WARD</b>	Frodingham
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Third party request to address the committee

## **POLICIES**

**Regional Spatial Strategy for Yorkshire and the Humber:** No specific policies apply.

**North Lincolnshire Local Plan:** Policy DS19 (Telecommunications Equipment) states that when considering planning applications for telecommunications equipment consideration will be given to:

- (i) the siting, design and visual impact of the equipment;
- (ii) the impact upon the character or setting of any listed building, conservation area or site of archaeological importance, the open countryside, or the amenities of a residential area;
- (iii) whether the operator has explored the possibility of erecting antennas on existing buildings, other structures or mast sites;
- (iv) whether the operator has explored the possibility of sharing an existing mast or replacing it with one suitable for shared use;
- (v) securing the removal of any telecommunications apparatus that is no longer required for its original purpose and the restoration of the site.

**Planning Policy Guidance Note 8 (PPG8) – Telecommunications:** This document states that it is the Government's policy to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Government's aim of telecommunications policies is to ensure that people have a choice as to who provides their telecommunication service, a wide range of services from which to choose and equal access to the latest technologies as they become available. PPG8 encourages local planning authorities to encourage development of telecommunications installations in the context of urban and rural locations unless material considerations determine otherwise.

PPG8 also outlines the Government's firm view on the issue of health and perceived health risks in paragraph 98 of PPG8: 'It is the Government's view that the planning system is not the place for determining the health safeguards. It remains Central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile base station meets the ICNIRP guidelines for public exposure it should not be necessary for local planning authorities, in processing an application for planning permission or prior approval, to consider the health aspects and concerns about them.'

## **CONSULTATIONS**

**Highways:** No objections.

## **PUBLICITY**

Neighbouring properties have been notified and a site notice posted. Objections are raised on the following grounds:

- detrimental impact on visual amenity
- possible health effects

## **ASSESSMENT**

**The main issues to consider in the determination of this application are whether or not the proposed mast would have a detrimental impact on the visual amenity of the area and alleged possible health impacts.**

It should be pointed out that although health can be a material consideration, Government guidance in PPG8 (Telecommunications) is quite clear in stating that the planning system is not the correct system to determine whether a telecommunications proposal is safe or otherwise. Paragraph 97 of PPG8 states that *'Health considerations and public concern can, in principle, be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case.'*

However paragraph 98 of PPG8 goes further to state *'However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains Central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.'*

There are numerous legal instances where local planning authorities have refused/objected to applications on health grounds and these have been overturned at appeal and occasionally costs have been awarded against local councils. It should be noted that a valid ICNIRP certificate has been provided for the development therefore health considerations cannot be considered further – in accordance with PPG8, to give health concerns any consideration would be against national planning guidance. Therefore this report will be based purely on the visual aspect of the proposed mast.

Turning to the other reason of objection, it is considered that in an industrial location such as this the impact on visual amenity is minimal. The nearest residential property is over 200 metres to the west and, taking into account the varied building styles in the industrial estate, there are no concerns in relation to its visual impact.

It should also be noted that the proposal is only for a temporary period of 6 months, the mast has already been in situ for 9 months under emergency powers under the GPDO. However as the initial period of time that is granted under the GPDO has expired, there is a need for planning permission. It is considered that the loss of the mast in this location would create an unacceptable loss of service in this area of Scunthorpe, and therefore the granting of a further 6 months is considered acceptable until a permanent solution can be found. The temporary mast has been erected due to the need for a temporary facility following demolition works in this area of Queensway where the original mast existed.

In conclusion, it is considered that on balance the proposed mast, taking into consideration the concerns raised with regard to visual amenity, would not be detrimental to the quality of the area. Furthermore, with the site being a temporary proposal, it is considered that it complies with both national policy in the guise of PPG8 and policy DS19 of the North Lincolnshire Local Plan.

**RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2010/0199/01, 02 and 03.

Reason

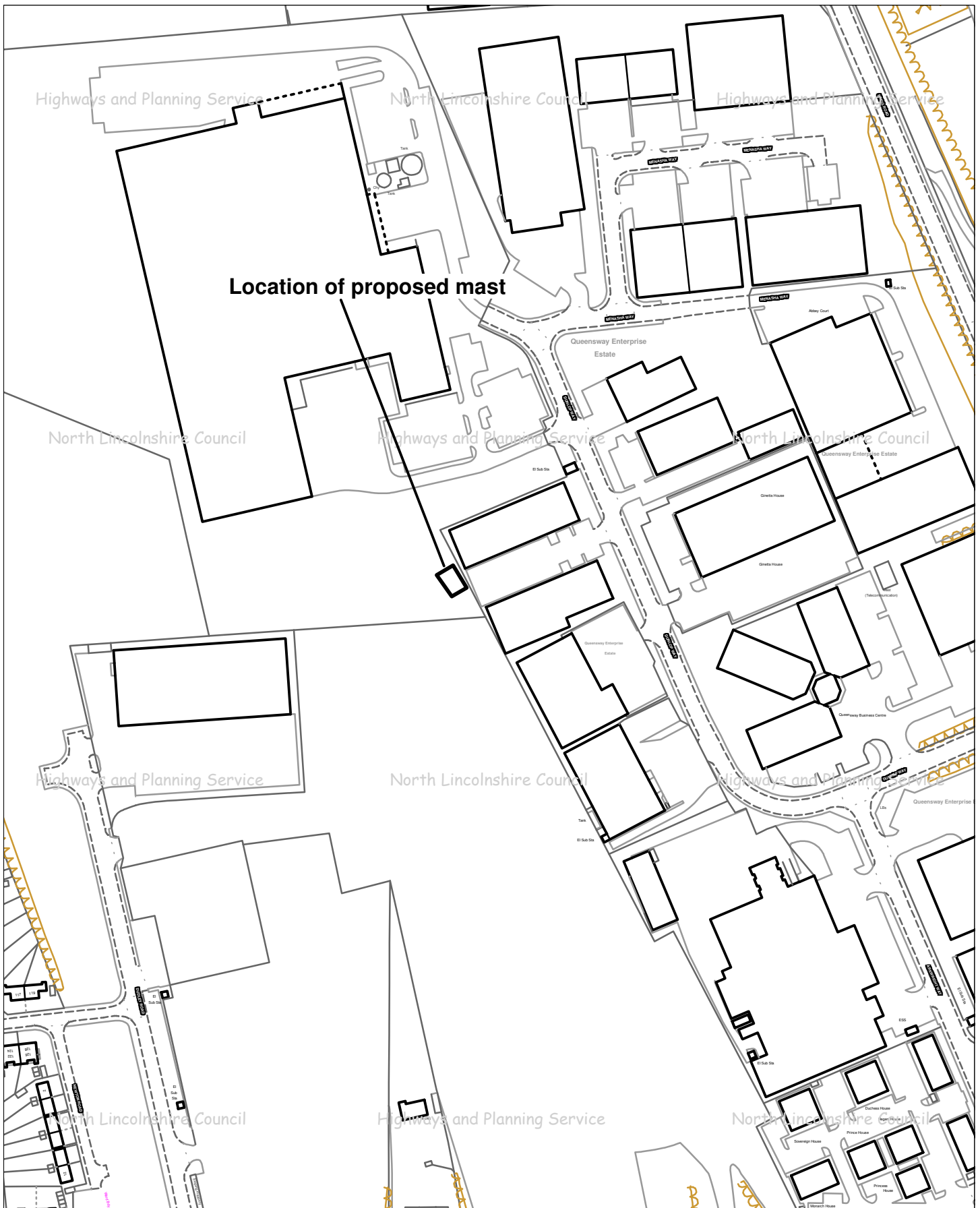
For the avoidance of doubt and in the interests of proper planning.

2.

The use hereby permitted shall be discontinued and the land restored to its former condition on or before 5 November 2010 in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason

To establish the temporary nature of the development and to ensure that the site is returned to its normal state in accordance with policy DS1 of the North Lincolnshire Local Plan.



**Location of proposed mast**

Drawing Title: 2010/0199

OS Grid Ref: SE91380896

Drawn by: KC

Scale: 1:2500

Date: 16/04/2010



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**Highways and Planning Service**

Service Director,  
G Popple

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