

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

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| Date of Meeting | 30 th January 2013 | | |
| Application Number | 11/03974/FUL & 12/03843/LBC | | |
| Site Address | Highways Land off A4 Bath Road Box SN13 8AF | | |
| Proposal | Erection of 12m high telecommunications telegraph pole with 1No wideband tri-sector antenna and one equipment cabinet and ancillary development | | |
| Applicant | Everything Everywhere Ltd | | |
| Town/Parish Council | Box | | |
| Electoral Division | Box & Colerne | Unitary Member | Sheila Parker |
| Grid Ref | 382765 168899 | | |
| Type of application | FULL and LBC | | |
| Case Officer | Mandy Fyfe | 01249 706638 | Mandy.fyfe@wiltshire.gov.uk |

Reason for the application being considered by Committee

Cllr Parker has requested that the application be considered by the Committee to consider the visual impact on the Green Belt and AONB.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

Box Parish Council objects given the prominence of the site in the AONB and Green Belt and because there is an alternative mast nearby.
12 letters of objection have also been received.

2. Main Issues

The main issues in considering this application are:

- The impact on the character and appearance of the area including the AONB and Green Belt (NE1 & NE4)
- The impact on the listed buildings (HE4)
- Consideration of the two previous applications for the other masts in vicinity

3. Site Description

The site comprises of a strip of partly sloping land to the side of the road bridge over the main railway line. Towards the road junction of C152 road where it joins up with the Bath A4 Road is a Give Way sign attached to a metal pole and a direction road sign too. This small strip of highway land has recently undergone highway works which has resulted in the siting of Marshall Type Titan high containment concrete kerbs between the existing metal fencing on top of the cutting and the original highway kerb which appears to have been so sited so as to protect road users from the close proximity of the top of the railway cutting. The application site lies within the Green Belt and AONB and is outside the village framework boundary to Box. The railway bridge is a Grade II listed heritage asset.

Planning permission was granted on appeal in 2006 for the siting of a slimline tower further down the railway at Shockerwick towards Bath. Permission was also granted for a mast on land at Hill House Farm Ditteridge for an Orange mast in 2007. There are limited views to this mast in the summer months from the application site.

| 4. Nearby Planning History | | |
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| Application Number | Proposal | Decision |
| Hill House Farm Ditteridge 07/01306/FUL | Installation of 12m dual transformer pole with two antenna and transmission dish, equipment cabinets and ancillary development | Granted |
| The Old Railway Sidings Shockerwick 06/00819/FUL | Erection of 15m lattice tower, with three antenna, two 600mm dishes, equipment cabinets, enclosure and ancillary telecommunications equipment | Refused Allowed on Appeal |

5. Proposal

The erection of a 12m high telecommunications telegraph pole in black brown colour with climbing spurs and a 1No wideband Tri-Sector Antenna would be placed on top of the pole. An associated 1.4m wide 1.6m high cabinet to be painted in Midnight Green to be sited to the east of the telegraph pole. A feeder pillar painted in Light Moss Green 1m in height to be sited to the east of the cabinet. All three items of equipment would be sited inside the new kerbed area close to the edge of the wire fencing.

Although the original plans show this equipment in the same location, this was before the new containment kerb was put in place and the revised plans were submitted following a meeting that took place between officer and the agent last year.

The kerbing works were undertaken by the Wiltshire Council Structures Team. Following the Great Heck (Selby) rail tragedy in 2001 central government tasked all highway authorities to assess the vulnerability of rail bridges with respect to vehicles leaving the road and encroaching onto the railway. In Wiltshire we looked at over 100 sites and have been implementing mitigation measures as and when funding permits. Mitigation measures normally take the form of either high containment kerbing or steel barriers; at Box containment kerbing was chosen as offering the best solution.

The existing highway signage would be retained in its original position and only the proposed telecommunications telegraph pole would be sited in front of the return parapet of Bathstone railway bridge (along with the highway signage).

The application has arisen out of a report commissioned by Ofcom and the Government into Rail "Not-Spots" which highlighted this as a major issue and the operators have been targeted with providing continuous network coverage to a the particular problem locations.

6. Planning Policy

Adopted North Wiltshire Local Plan 2011:

Policy C3 – Core Policy Development Control

Policy NE1 – Western Wiltshire Green Belt

Policy NE4 – Areas of Outstanding Natural Beauty

National Planning Policy Framework 2012

“5 – Supporting high quality communications infrastructure

42. Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services

46. Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission for public exposure.”

7. Consultations

Box Parish Council: Objections. This is a prominent site at the entrance to the village of Box. It is in the Green Belt and AONB. There would appear to be an alternative site nearby. There has already been a mast erected Middlehill to deal with the problem of reception in the Tunnel. It is felt that this must go to Committee as the decision makers are the landowners. The site map is misleading as it says “Mill Lane” which is inaccurate. There have been numerous objections from local residents. There is also an issue of highway safety as there was an accident on this bridge last year (2010).

Conservation Officer: No objections. The telecom mast and equipment box are not likely to enhance the setting of the listed structures. However I feel that ensuring that they are not touching the listed structures and are painted a suitable colour will on balance minimise the impact of the proposed telecom mast and equipment cabinet on the heritage assets. I would request that mast and equipment is painted a suitable colour and that all equipment is installed so that it is not touching the listed bridge. I would also ask that a condition is added to any consent granted which ensures that the equipment is removed as soon as it becomes redundant.

Highway Authority: No objection: Originally the highways team recommended refusal for the following reason: *The telecommunications telegraph pole by nature of its location will result in a detrimental effect on the safety of the users of the adjacent highway.* However this original conclusion has been revised.

Following further advice, the proposed reason for refusal, although valid in its concern, lacks the strength of argument necessary to maintain a highway reason for refusal through any further planning process. This is due to the fact that there have been no previous objections from the Street Works Team. In hindsight though initial observations were correct in stating that there is a likelihood of conflict it is considered that the occurrence of this conflict is of such a minimal scale that it should no longer warrant a highway refusal. Therefore wish to remove the earlier objection and replace recommendation with no highway objection.

Network Rail: No observations to make

Archaeology: No comments or objections

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

12 letters of letters of objection received

Summary of key relevant points raised:

- Is in outstandingly picturesque part of AONB and mast would be a monstrosity so would not be in keeping with the area
- Site is badly selected and would result in an incongruous eyesore on the doorstep of the village and likely to ruin the architectural integrity of the locality and one of its historic Brunel landmarks
- Already have adequate coverage on Orange/T-Mobile networks in local area
- Mobile Company is only concerned with the reception in the tunnel but a previous mast was erected nearby the entrance and was strongly opposed at the time
- Also an existing mast less than a mile away adjacent to the A4 in direction of Batheaston, one at Middlehill and one on top of Box Tunnel so this is not necessary
- Concern over potential health issues of masts
- Responsibility of Network Rail and Orange to provide cable into Box Tunnel not that of Box Parish as a mast in this location is a waste of time as people in trains are only "in the zone" for 30 seconds. If Network Rail were interested in improving the service then they would allow a cable to run through the tunnel.
- Mast too close to main road and on a dangerous bend on a busy main road and could be a distraction to motorists and there have been many accidents on and around the bridge in the past, so will the mast get hit and fall onto the proposed newly electrified line in the future?
- Council should be protecting area and not allowing such an intrusion into the landscape
- Community will fight to prevent a rash of masts ruining our village
- As Box Tunnel is on a gradient, the real solution requires the antenna to be close to the portals and at ground level, but Network Rail won't allow this. The network coverage in the tunnels is a smokescreen as the real reason is to plaster the countryside in masts to satiate the public demand for nationwide internet coverage on mobile devices known as 4G.
- Question the need for a 12m high mast and ask applicant to consider an alternative solution
- There are tunnels in other locations which use alternative technology using co-axial cable along the length of the tunnel, so a small microcell dish right outside the tunnel would be a better solution
- Query why applicants have applied for two masts in village are they hoping that only one gets turned down and the second one is allowed through
- Applicants must be very sure that they will get permission as they have already paid for expensive kerbs to be installed at site

8. Planning Considerations

The need for any development is not a material planning consideration. However the applicant has confirmed that the mast and equipment are required and designed to be able to give the required level of 3G coverage required to this part of the Bristol to Paddington railway running through this area of Box. There are no other available masts in this area that could be shared to achieve the coverage required.

He goes onto to say that he is aware that the site lies in the AONB and the siting and design has taken this into account and so it will not significantly detract from the visual amenity of the locality. Indeed the applicant advises that he is aware of the local feelings towards telecommunications and has made every effort to allow for local concern with this application, by utilising a telegraph pole design and minimising the amount of equipment, the effect of the installation will be reduced.

As part of the application documents, the applicant has submitted details of two other sites that were not considered appropriate:

- Highways on A4 Bath Road Box GR 3813333/168678 It was not chosen as it was not highways owned land and so not progressed further

- Network Rail Land adjacent to railway Box GR 381535/168685 Network Rail does not allow Telecommunications equipment on their land

The mast also meets the ICNIRP guidelines and a Declaration of Conformity with these guidelines has also been submitted with the application.

Impact on the character and appearance of the area including the Green Belt and AONB

This site is located within the AONB and the Green Belt. The mast is to be sited adjacent to a metal chainlink fence and kerbstone to the side of the Grade II listed structure of Middlehill road bridge. The application site is a small strip of land that is highway verge. It is very open with no trees on this side of the junction of the A4 with C152 until further down into the road. However on the other side of the C road are mature trees beyond the verge and an existing timber telegraph pole.

Policy NE1 which relates to Green Belt designation does not strictly apply to the proposal as it specifically refers to controlling buildings in such locations. The aim of this policy is maintain the openness of the Green Belt.

Policy NE4 relates to the AONB designation and covers all development. Proposals of a commercial nature will not be permitted except in exceptional circumstances which should be for the public interest for the area. The proposed mast would not benefit the local users of the Everything Everywhere network as it would be solely for the passengers in passing trains only. This is considered particularly important for Network Rail and the Train Operating Companies and their users.

It is acknowledged that the proposed telecoms pole would be highly visible by road and other users driving from Bath into the village, but it would be set back from the bridge parapet and its ancillary equipment would not very prominent.

In mitigation there are two signs at the entrance to this junction and their signage is above the height of the top of the parapet of the bridge, so there is some street furniture already in this location. In addition the proposed cabinet and feeder pillar which are also required for this development would be sited in front of the chainlink fence which in the summer would be overgrown with creeping shrubs, so the colour of the pillar and cabinet in two shades of green is considered appropriate and not result in any overt intrusion.

Following the deferral of the sister applications 11/03983/FUL and 12/02928/LBC for the mast close to the Box Tunnel entrance and on the London Road railway bridge, it should be noted that just because the land is owned by the highway authority does not mean that Wiltshire Council has any control as a landowner or will benefit financially from this development as there is no requirement for a licence as the applicants already have statutory rights to place equipment on or within the highway. The relevant legislation is the Telecommunications Act 1984 as amended by Schedule 3 of the Communications Act 2003. Therefore the Council **do not** receive any monies for the siting of any equipment by the applicants on highway land.

Nevertheless the AONB and Green Belt designations make this a very sensitive site and even more so than the other location due to the fact that there are no other pole of equivalent height in the vicinity on this side of the road, but it should be noted that the site is however not devoid of street furniture due to the presence of the road signage. Officers have asked the applicants whether the height of the mast could be reduced. The proposed mast at Middlehill is located slightly lower than the carriageway and the bridge. The broadcasting area for the masts extends from the bottom of the antenna along the rail line; if the mast were to be at 8m then part of the signal would be 'clipped' by the bridge structure.

At present Network Rail has undertaken a great deal of pruning and clearing along the rail line but in order for the mast to effectively provide coverage along the length of the rail line it must be clear of clutter and trees present a very real problem for the transmission of radio waves due to the water content in them. Consequently wherever possible sites are designed to avoid the tree

canopy and in this instance it is so that EE does not have to seek further permission when the foliage re-grows and prevent effective transmission.

Impact upon Listed Building

Given the presence of street furniture between the application site and the road junction, it is very difficult to substantiate a case on grounds of harm to the heritage asset, particularly as the proposed telecom pole would not be physically attached to the bridge thus being similar to the existing highway signage.

It is acknowledged that the proposal will not enhance the listed bridge structure when viewed from the west, but as the pole will be painted brown in colour it would give the general appearance of a telegraph pole and taken with the two types of green paint proposed for the equipment cabinet and feed pillar which would be set against the metal fencing with overhanging vegetation, the proposal is considered to blend in with the existing features on this highway verge and listed bridge. Finally the proposals should be permitted so long as this technology requires and should be removed when redundant.

It is further acknowledged that other views of the telegraph pole may be seen, but due to the layout of the A4 beyond the bridge with the left hand bend towards Bath immediately after the junction with the C152, there will only be fleeting views in this direction and again road users using the junction would also only get a fleeting views. As far as distant views are concerned with regard to the heritage asset, these will be minimal due to the single pole mast proposed and it would be seen against a backdrop of mature trees on the other side of the junction and the other side of the road bridge looking eastwards.

No objection has been raised by the Senior Conservation Officer on these grounds.

Consideration of the two previous applications for other masts in the vicinity

In 2006, under 06/0819/FUL an application was received for the erection of a 15m lattice tower with 3No antenna, 2No 60mm dishes, equipment cabinets, enclosure and ancillary telecommunications equipment. The applicant was Orange and it was refused for the following reason:

“The proposed tower is located within an Area of Outstanding Natural Beauty and the West Wiltshire Green Belt. The proposal will not preserve the openness of the Green Belt and will have an adverse effect upon the natural beauty and general landscape of the area and is therefore contrary to Policies RC1, RC7, C7 AND RC11 of the North Wiltshire Local Plan 2001 and Policies NE1, NE4 and BD8 of the emerging North Wiltshire Local Plan 2011.”

The application was appealed by Orange and the Inspector allowed the lattice mast and associated apparatus as he considered that the site which was formerly sidings to the adjacent railway line had largely returned to nature, but was also being used for some low level tipping. In addition the site had a number of mature trees and had a backdrop of steep land rising to the south. The Inspector was satisfied that the site was needed as part of the operators railway initiative and was in the national interest in the light of the then PPG8 (which has now been superseded by the NPPF 2012) that it was necessary to achieve continuous coverage between Bath and Box which was achieved by a need to ‘see’ along the railway line. The mast would improve the coverage to the surrounding area of Shockerwick and Kingsdown and that the height of the mast was dictated by the trees along the railway

The Inspector was also satisfied that there were no mast sharing opportunities elsewhere in the area and although alternative sites were considered he could accept the reasons why none of these were suitable.

It should be noted that the telecoms pole currently proposed would only be 8m high a reduction of some 4m from both the permitted previous masts.

The second mast is sited on land above Middlehill Tunnel – 07.01306/FUL and was for the installation of a 12m dual transformer pole with 2No antenna and transmission dish, equipment cabinets and ancillary development. It followed two refusals for 12m masts in the same location prior to this in early 2006 and in 2004.

When this application was considered at Committee in October 2007, details were set out listing the other sites that the applicant had considered for masts and why these were not appropriate. Further information was submitted confirming why equipment could not be sited in the tunnel and what the railway network coverage was for this operator as well as the policy issues.

The view was taken that the applicant had submitted sufficient information to overcome the policy objections and permission was granted.

9. Conclusion

The proposed mast in the form of a telegraph pole and its associated equipment housing would be seen in the context of existing signage immediately adjacent to it as well as the parapet and chainlink fencing attached to the bridge structure. Consequently it is considered that any harm to the character and appearance of this part of the Cotswolds Area of Outstanding Beauty would be minimal and would not detract from the openness of the Green Belt at this location. Furthermore no harm would be caused to the heritage asset or its setting having regard to the existing characteristics. The proposals are therefore in accordance with Policies C3, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011 and paragraphs 42 and 46 of the National Planning Policy Framework 2012.

10. Recommendation

Both applications 11/03974/FUL & 12/03843/LBC

Planning Permission be GRANTED for the following reason:

The proposed mast in the form of a telegraph pole and its associated equipment housing would be seen in the context of existing signage immediately next to it and with mature trees elsewhere in the vicinity. Consequently it is considered that any harm to the character and appearance of the Cotswold AONB and the effect would be minimal and in addition it would not detract from the openness of the Green Belt in this location. Further no harm is caused to the nearby heritage asset - the listed bridge structure or its setting having regard to the existing characteristics. The proposals are thus in accordance with Policies C3, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011 and paragraphs 42 and 46 of the National Planning Policy Framework 2012.

Subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the details submitted, prior to the commencement of development/works, details of the colour and finish of the mast and associated equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the details approved and maintained thereafter.

REASON: In the interests of the character and appearance of the area and adjacent Listed Building.

3. The mast and equipment shall be removed from the site within 3 months of it ceasing to be required for telecommunications purposes.

REASON: In the interests of visual amenity and the adjacent Listed Building.

4. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans: Map showing preferred and discounted options for Cell No: AVN0552 dated 2nd December 2011

Map showing current GSM (in-train) Coverage from survey February 2011 dated 2nd December 2011

Revised Dwg Nos: A/GA/01 Rev B; A/GA/02 Rev B; A/GA/03 Rev B; A/GA/04/Rev B and A/GA/05 Rev B all dated 16th November 2012.

REASON: To ensure that the development is implemented as approved.

INFORMATIVES

1. The applicant is advised that no work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

