

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	30th January 2013		
Application Number	11/03983/FUL & 12/02928/LBC		
Site Address	Highways Land off London Road Box SN13 8EP		
Proposal	Erection of 8m high telecommunications telegraph pole with one antenna located at the top of the telegraph pole and one equipment cabinet		
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

These applications were deferred at the request of the Committee on 12th December 2012 meeting to seek more information from both the applicant and the Officers in respect of this proposal. (These issues are addressed in section 9 of this report under "Planning Considerations".)

1. Purpose of Report

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

Box Parish Council objects given the prominence of the site in the AONB and Green Belt. 33 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
- The impact on the listed buildings
- Impact on pedestrian safety

3. Site Description

The site comprises the pavement on the southern side of the London Road (A4) road bridge that crosses the railway line south of Box Tunnel. The pavement widens at this point at the junction with the wharf.

The bridge upon which the cabinet and pole will be positioned is Grade II listed and the nearby Box Tunnel is Grad II* listed.

The application site lies within the Green Belt and AONB but falls within the built up area of Box with development of varying forms in the vicinity. Atop the woods at Box Tunnel is an existing

telecommunications mast which has been in place since the late 70's and which is clearly visible within the landscape.

4. Relevant Planning History

On top of Box Tunnel

76/00942/OL	Construction of UHF television relay station consisting of lattice steel tower up to 45m high surmounted by aerial system, transmitter housing and ancillary works	Granted
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5. Proposal

The erection of an 8m high telecommunications telegraph pole with a directional antenna at the top of the mast with an associated equipment cabinet (approx 1.5m wide by 1.5m in height) and feeder pillar (1m in height) at the edge of the pavement area in front of a dwarf stone wall with fencing above which forms a parapet over the bridge.

The application has been revised since its submission and followed on from a site meeting between officers and the applicant. The scheme has been revised with the feeder pillar being moved to in between the cabinet and pole.

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

NPPF – Chapter 5 which states:

"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 – objects on the grounds that the proposal is in the Green Belt and the Area of Outstanding Natural Beauty and is outside the Village Framework. The site is adjacent to a Grade II* Listed Building and also adjacent to residential properties and a proposed Care Home. It is also felt that it could be dangerous to pedestrians as the pavement is very narrow. There are also

concerns that the landowners are making a decision on an application which would generate an income to them.

Senior Conservation Officer – *“The telecom mast and equipment box are not likely to enhance the conservation area or 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 therefore ask that the masts and equipment be painted a stone colour (to be agreed) and that all equipment is installed so that they are not physically touching the listed bridges. I would also ask that a condition be added to any consent granted which ensures that the equipment is removed as soon as it becomes redundant.”*

Highways – the introduction of the telecommunications box and mast at this location should not result in a significant detrimental effect on the safety of the users of adjacent highway be this vehicles or pedestrians. The adjacent lay-by offers a satisfactory location for the temporary parking of service vehicles. There is no highway objection.

Network Rail – following internal discussions within Network Rail (and the realisation that the mast was not being positioned on the bridge itself) previous objections are now withdrawn to the applications on the basis of an inclusion of a planning condition or advice note requiring the developer to enter into an Asset Protection Agreement to ensure the safe construction of the structure due to the close proximity of the railway.

8. Publicity

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

33 letters of objection have been received in respect of the FULL application and 21 in respect of the LBC application. The objections are as follows:

- It is a new structure in the West Wiltshire Green Belt and unnecessary clutter and an eyesore in the AONB. It will be extremely prominent and spoil the area around Brunel's tunnel and bridge which is Grade II Listed.
- At time Middlehill mast was being considered the same grounds of objection were made as that mast would not provide the promised cover as elevation too high due to the hill that Box tunnel goes through.
- Antennas should be placed close to portal.
- Real reasons for these masts is need for countryside to plastered with masts for nationwide internet coverage.
- Could achieve same network connections through use of co-axial cables in tunnels.
- Location is unsightly and inappropriate being the first obstacle that people view on their way into Box.
- Is situated adjacent to the road bridge and directly opposite Brunel's tunnel.
- Pole would be sited on a narrow busy stretch of A4 and surrounding equipment cabinet would be vulnerable to any accident. Dimensions of cabinet have not been provided.
- Inherent danger of siting mast in a residential area.
- In the summer cars park off the road to view the tunnel and therefore there would be conflict with the equipment.
- Why does Box need another mast?

9. Planning Considerations

The need for any development is not a material planning consideration. However, the applicant confirms that the mast and equipment are required and designed to be able to give the required level of coverage required to this part of the Bristol to Paddington railway running through this area of Box. There are no available masts in this area that could be shared to achieve the coverage required. He goes onto say that the site lies “in the AONB and the siting and design has taken this into account and so will not significantly detract from the visual amenity of the locality. It is

appreciated that the uppermost part of the installation may be visible from some viewpoints, but every effort has been undertaken to reduce the visual impact of the proposal and the installation has been sited to utilise as much of the available screening as possible.”

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 was not highway owned land and so not progressed further
- Network Rail land adj 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.

NAPC 12 December 2012

The application was reported to the NAPC on 12th December. The committee deferred making a decision to enable a number of issues to be clarified, including:

- The best/most appropriate location for the mast
- Any other unexplored options for increasing the signal in the tunnel (e.g. using shafts that lead into the tunnel)
- Mast sharing and the need for more mast for other operators
- Requirement for a licence to site on highways land.

1. The best/most appropriate location for the mast

The proposed telecoms mast is intended to provide network coverage along the length of the existing rail line and into the portal of Box Tunnel. In order for the radio signal to be able to propagate along the tunnel and to link with another signal at the eastern end of the tunnel, the antennas need to be sited within line of sight of the portal entrance.

Alternative locations were presented in the application and discounted due to the lack of available land or the inadequacy of the locations from a technical point of view. As the rail line is set within a cutting the antennas would have to be located on or immediately adjacent to the cutting. Virtually all land adjacent to the cutting is owned by Network Rail and they have indicated that the following reasons why a mast cannot be sited on their land. These reasons are:

- Sides of the rail cutting are steep and Network Rail will not allow any installation which may cause a fall onto the track
- No equipment is to be sited where it would impact upon the effective deployment of future electrification of the line
- All available land adjacent to the line not owned by Network Rail has been discounted due to the unwillingness of the site owner(s) to entertain any installations
- Other alternative locations either have not site provider consent and/or are set within heavily treed areas. The radio signal cannot effectively penetrate tree canopies due to the high water content of the leaves.

2. Any other unexplored options for increasing the signal in the tunnel (e.g. using shafts that lead into the tunnel):

An initial suggestion for using ‘leaky feeders’ was investigated but discounted on a technical basis. A ‘leaky feeder’ is an antenna system used predominantly in tunnels which provides coverage along the length of the tunnel. Issues arising from any proposed installation involve the closing of the tunnel for up to a week which is deemed impractical by Network Rail and in reality would never

be granted permission to do so. Also space within the tunnel is limited at the required height for feeders to work effectively. Modern rolling stock would snag the equipment requiring major work to conceal the antennas thus negating their effectiveness and increasing the time the tunnel would have to be closed.

There was a suggestion made at committee to locate antennas down the supporting vertical shafts, however any such antenna would still have to be a size to provide network coverage and located so as not to impact upon the working of the rolling stock and tunnel. Preliminary studies suggest that such a location for antennas would not provide the coverage levels either due to the configuration of the tunnel and the angles required for effective transmission, or for the complexity or installation, maintenance and closure of the tunnel.

3. Mast sharing and the need for more masts for other operators:

There are no available existing telecoms installations within the search area that would provide the necessary coverage. The proposed telecoms mast is intended to provide coverage to a very specific area, that being the rail line and tunnel portal. The surrounding existing telecoms sites provide coverage to the wider geographical area and as such cannot be considered as viable alternative sites to share.

Within government guidelines telecoms operators are advised to share existing sites wherever possible and if any subsequent operator is considering siting equipment within the area then the proposed telegraph pole mast would fall within their search options. It would be at the discretion of any oncoming operator to consider whether the proposed telegraph pole is suitable or not. However it is not for the applicant to present an argument concerning the potential network deployment of a competitor and/or their likely future equipment or network requirements.

4. Requirement for a licence to site on highways land:

There is no requirement for a licence as the applicants 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.

Considerations previously reported to NAPC 12 December 2012

The following paragraphs comprise information previously reported to NAPC.

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

This site is located within the AONB and Green Belt. The mast is to be sited on a relatively open area of road on the A4 near the junction with The Wharf. There are trees and vegetation in the vicinity mainly on the southern side of the road with some along the cutting towards the listed tunnel to the north.

Policy NE1 which relates to the Green Belt designation does not strictly apply to the proposals as it specifically refers to controlling buildings in such locations.

The aim of the policy is to 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 Everywhere Everything network as it would be for the passengers in the passing trains only. This

is considered particularly important for Network Rail and the Train Operating Companies and its users.

Notwithstanding the environmentally sensitive nature of the area, the proposed pole would be seen in the immediate context of one existing electric pole (10 metres in height) and a street light (11 metres in height) all located on the edge of the bridge as the pavement widens. In the wider context to the north at the junction of The Wharf are two electric poles and a street lighting column. At the other end of the bridge parapet towards Box there is an electric pole and street lighting column.

It is accepted that there are no cabinets/pillars in the area, the cabinet and pillar are required to be stone in colour to replicate the colour of the parapet wall against which it is sited. This along with its siting flush to the wall at the back of the pavement is considered to be appropriate and not result in any overt visual intrusion.

Accordingly, whilst it is accepted that the AONB and Green Belt designations make this a sensitive location in terms of any new development, it is very clear that street furniture is already well established and characterises this location. When viewed on the ground walking across the bridge and looking to the Tunnel to the north, the application mast will not be in the same view and if the view away from the Tunnel is taken towards Box Wharf, modern three storey development under construction is seen with a terrace of elevated houses.

Thus it is considered that the visual impact of one additional mast in the form of a telegraph pole, smaller than the existing pole and column is considered to be de minimis in relation to any detrimental effect upon the AONB and Green Belt at this location.

Impact upon Listed Buildings

Given the presence of street furniture at the periphery of the Listed Bridge, it is very difficult to substantiate a case on grounds of harm to the Listed Building, particularly as the structures are not physically attached such buildings.

It is acknowledged that the proposals will not enhance the Listed Building mitigation has been achieved by improving the siting and requiring the equipment to be in a stone colour to be agreed to blend into the listed features. Further the proposals are only permitted so long as this technology requires and should be removed thereafter.

In terms of the Grade II* Listed Tunnel, it is not possible to stand and view the Tunnel and its immediate setting before the bridge and have the proposed mast and equipment in the same view. When looking at the Tunnel, the mast in Box Woods is clearly in view in any event.

No objection is raised by the Senior Conservation Officer on these grounds either.

The Council has also received information from the contractor dealing with the electrification of the Great Western Railway line. There was some concern that any electrification works including overhead cabling and gantries might have an impact on the mast's signal. However it has been confirmed that the proposed electrification project would not result in any technical conflict between the two network rail signals and the proposed telecoms mast or will cause any interference with existing or proposed Network Rail equipment.

Impact upon pedestrian safety

The proposed development is not objectionable on highways grounds as a consequence of the set back from the road which would be no different than the main stretch of the bridge itself. There will be some limited increase from the proposed care development at Box Wharf but the proposed development would not hinder vehicle or pedestrian movement to an extent that warrants a refusal for this reason.

10. Conclusion

The proposed mast in the form of a telegraph pole and its associated equipment housing would be seen in the context of much larger street furniture immediately adjacent to it. It is clear that siting this equipment in any other location which has been comprehensively explored as an alternative to the proposal would not be appropriate to either the operator or Network Rail. Consequently, it is considered that any harm to the character and appearance of the area would be de minimis and would not detract from the openness of the Green Belt at this location. Further no harm is caused to nearby Listed Buildings of their settings have regard to existing characteristics. In addition, the siting of the mast and the associated equipment is permitted to be sited on highway authority structures, under statute and no monies are payable to the Highway Authority for such development. The proposals thus accord with policies C3, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011.

11. Recommendation

Both applications 11/03983/FUL and 12/02928/FUL:

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 much larger street furniture immediately adjacent to it. Consequently it is considered that any harm to the character and appearance of the area would be de minimis and would not detract from the openness of the Green Belt at this location. Further no harm is caused to nearby Listed Buildings of their settings having regard to existing characteristics. The proposals thus accord with policies C3, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011.

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 and 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 the 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: HD102-20048 01 Rev B; HD102-200480 02 Rev B; HD102-20048 03 Rev B; HD102-20048 04 Rev B. Dated 2nd August 2012

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

Subject to the following Informatives:

1. SAFETY

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.

