

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

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| Date of Meeting | 23 rd May 2017 |
| Application Number | 16/09353/FUL |
| Site Address | London Road Streetworks, London Road, Box, Corsham SN13 8LU |
| Proposal | Proposed 4G equipment installation |
| Applicant | EE Ltd and Hutchinson 3G UK Ltd |
| Town/Parish Council | Box Parish |
| Ward | Box and Colerne – Cllr Sheila Parker |
| Grid Ref | 382,763 168, 857 |
| Type of application | Full Planning |
| Case Officer | Charmian Burkey |

Reason for the application being considered by Committee

The application has been called into committee by the Cllr Sheila Parker, in order to consider the visual impact; Impact on neighbouring properties; design and car parking.

The item was considered by Committee on 15th February 2017 and defer for 1 cycle for officers to provide additional technical information regarding:-

- Line of sight through Box Tunnel and the proposed location of the mast;
- Alternative locations considered/ investigated including mast sharing and use of Network Rail land and facilities;
- Technical details and constraints information as to the use of Box Tunnel / cabling as alternative proposals;
- Clarification as to why enhanced emergency services coverage in the tunnel is necessary over and above Network Rail communications technology.

Due to Purdah, the item has been deferred to this committee date.

The previous committee report has been appended to this report.

1. Purpose of Report

To consider the above application and to recommend that planning permission is GRANTED.

2. Report Summary

See Appendix 1

130 letters of objection have been received.

Since the previous committee 2 petitions have been received, one with 311 signatures and one with 124 signatures.

A further letter of objection has also been received from the nearby care home raising similar concerns as set out above.

3. Site Description

See Appendix 1

4. Relevant Planning History

See Appendix 1

5. The Proposal

The proposal seeks planning permission for a 12m high telegraph pole style mast on the pavement just to the north of the Grade II listed bridge. The proposal also includes 4 cabinets 2 of approx 1.5m in height and 2 of approx 0.9m . The proposal has been moved from the lay-by south to just on the footpath at its widest part and now has the antenna dish removed. It will be approx 6m from an approx 7.7m high telegraph pole and lighting column, with the cabinet in between.

6.Planning Policy

Wiltshire Core Strategy:

CP51 Landscape

CP57 Ensuring High Quality Design and Place Shaping

CP58 Ensuring the Conservation of the Historic Environment

National Planning Policy Framework (NPPF):

Achieving sustainable development – Core Planning Principles (paras 7, 14 and 17)

Chapter 7 Requiring Good Design (paras 63 and 66)

Chapter 9 Green Belts (paras 79, 80, 86, 87 and 88)

Chapter 11 Conserving and enhancing the natural environment (paras 109, 115 and 123)

Chapter 12 Conserving and enhancing the historic environment (paras 126, 128, 129, 132, 134 and 137)

Town and Country Planning Act 1990

Sections 16(2) and 72(1)

6. Consultations

See Appendix 1

7. Publicity

See Appendix 1

Since the previous committee 2 petitions have been received, one with 311 signatures and one with 124 signatures.

A further letter of objection has also been received from the nearby care home raising similar concerns as set out above.

8. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy forms the relevant development plan for the application area along with guidance in the NPPF (as set out above) and Sections 16(2) and 72(1) of the Town and Country Planning Act 1990. The latter part of this legislation sets out the statutory requirement to protect Heritage Assets (In this case the listed bridges and Box Conservation Area) and their setting.

The need for any development is not a material planning consideration as set out in paragraph 46 of the NPPF. However the applicant has confirmed that this is a joint project between EE and the Home Office to provide essential coverage through Box Tunnel for emergency cover in particular. The area in general (being surrounded by hills) has poor network coverage, which would be partially addressed by this mast. It is a key government priority to provide comprehensive network coverage (paragraph 42 of the NPPF) and in particular on the rail network, in part to support business activity and employment related purposes. The rail line is the main line connecting London to Bristol and beyond and people work on the train: Full network coverage is essential to be able to do this. This is a factor to be weighed against any identified harm to heritage assets etc set out later in the report. Coverage cannot be provided in any other way.

There are no available masts in this area that could be shared to achieve the required coverage. Suggestions about using cables to achieve the coverage have been refuted on the basis that Network Rail need to give their consent and this is not forthcoming.

Paragraph 132 of the NPPF states that when considering the impact of the proposed development on the significance of a heritage asset, great weight should be given to its conservation. The more important the asset the greater the weight shall be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Under paragraphs 133 & 134 any harm to the significance of a heritage asset needs to be outweighed by the public benefits.

Impact on the character and appearance of conservation area and effect on Listed Buildings

Development within the conservation area should protect, conserve and where possible, enhance the historic environment. The Box Conservation Area is a Heritage Asset and the mast will affect its character. The comments of the Conservation Officer state that there will be harm to the setting of the heritage assets, but that it is less than substantial and it is noted that no loss of any heritage assets' heritage value will be made. The positioning of the mast is wholly reversible.

This part of the Conservation Area is more modern in character than the heart of the conservation area which contains more listed and traditional buildings, but immediately adjacent to the site is the Grade II listed bridge. The mast will not be on the grade II listed bridge, as per the position of the previous consents 11/03983/FUL and 12/02981/LBC were not implementable due to structural issues. It is not considered that the mast will significantly affect the character of this part of the conservation area, particularly as it is close to existing telegraph poles etc.

The proposed location for the mast is just off the listed bridge structure and will therefore affect its setting, but yet again will be seen in the context of other poles. The conservation officer has indicated less than substantial harm.

Box Tunnel is a Grade 2* listed structure and the setting is affected but only from a distance. Given that heritage England do not raise any concerns, it is considered that this is also less than substantial harm.

Policy CP58 of the Wiltshire Core Strategy cannot be considered to have been complied with due to the identification of this less than significant harm. In these circumstances other material considerations come into play and the guidance in the NPPF is considered to be relevant.

The NPPF sets out that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be attributed (para 132 NPPF). The harm to the heritage assets has been identified as less than substantial and where this is the case, this can be weighed against the public benefit of the development (para 134 NPPF)

The main purpose of the mast is to provide essential emergency cover in Box Tunnel, where currently there is no coverage. This cannot be provided in any other way. There is therefore considerable public benefit in allowing this application. Permission has been granted in 2012 for a smaller (8m) mast within metres of this site, but that was actually on the Grade II listed bridge and arguably more in the sight line from the Grade II* Listed Tunnel mouth. Although this proposed mast is higher at 12m, it is off the bridge and set in the context of other street furniture of 8-9m high telegraph poles and street lights. Overall, it is considered that the public benefit does outweigh the harm and this a view that is supported by the conservation officer.

Impact on highway safety and parking

Now that the mast has been moved away from the lay-by so that any parking and pedestrian access is not compromised. Highways have removed their original objections.

Impact on AONB and Green Belt

The site is located within the AONB and Green Belt and is 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 south side of the road with some along the cutting towards the listed tunnel to the north.

Advice in section 9 of the NPPF seeks to maintain the openness of the Green Belt. Policy CP51 and guidance contained in section 11 of the NPPF refers to the need to protect the character and quality of the landscape. Although it would be seen from the wider landscape context, it must be noted that this is against a backdrop of residential development and also nearby telegraph and lighting poles of approx 8m and 9m respectively. The cabinets could be coloured to fit in with their environment to minimise their impact, but in any case at such low heights are not considered to be intrusive.

So, whilst it is acknowledged that the AONB and Green Belt designations make this a sensitive location, it is clear that the existing street furniture is already a characteristic of this area. When viewed on the ground walking across the bridge and looking to the Tunnel to the north, the mast will not be in view and if a view away from the Tunnel is taken towards Box Wharf a modern 3 storey development is seen with a terrace of elevated houses. In terms of impact on the landscape character of the AONB, this is considered to be negligible.

Overall it is considered that in landscape terms the mast is acceptable and in accordance with Policy CP51 and guidance in Section 7 and 11 of the NPPF.

The erection of a mast and its ancillary cabinets falls outside the definition of appropriate development as set out in paras 89 & 90 of the NPPF. It is by definition, therefore, harmful. Paragraph 88 of the NPPF, however, allows this harm to be outweighed should there be very special circumstances. It is considered that the provision of mobile coverage in Box Tunnel to allow, amongst other things, emergency coverage, qualifies as a very special circumstance and the development is considered to comply with the guidance in the NPPF.

Other Matters

Health matters surrounding masts are still a concern in the wider public. However, the application is accompanied by an ICNIRP compliance certificate which conforms to the guidance set down by central government to demonstrate that the effects of radiation from the mast have been assessed and demonstrated not to affect public health. This has led to a slightly higher mast.

Updates since previous Committee

Line of sight through the tunnel and position of the mast : Further information about plot coverage has been provided which shows that with the mast the tunnel and the surrounding area will have better coverage. The plots are based on ground height not the track height. The mast will have a line of sight to the tunnel and will “fire” into it to give the required coverage.

The site is required to provide new 3G and 4G coverage for EE Ltd in order to improve coverage in the Corsham/Box area of SN13 8LU. The cell search areas for 3G are extremely constrained with a typical cell radius of approximately 250m meaning that it would not be feasible to site the column outside this locale.

Alternative locations. Several were considered and it is part of the requirement in submitting telecommunications applications that a sequential approach is followed. There are no shareable structures in the vicinity which would give the required coverage. The masts considered are set out in appendix 2.

The cable option to provide coverage This has been explored but there are problems with leaky feeder systems and if an incident happened in the tunnel the cell could be damaged and coverage lost. The leaky feeder system refers to the cabling. The longer the cabling from the equipment cabins to the antennae the more the signal “leaks” i.e. degrades and thus is called a leaky feeder. Once the cables are over a certain length the signal is rendered useless. That is why the cabins are always at the base of the mast.

The cable would need to be attached to the walls of the tunnel, which would ultimately damage the stone of the Grade II* listed tunnel which given the likely number of attachments would cause damage to the fabric in a non-reversible way.

Enhanced emergency services coverage in the tunnel The applicant has identified that this is necessary over and above Network Rail communications technology because the emergency services do not use the Network Rail communication network. Additionally, this application will provide network coverage for all users of the railway, which fits in with the government’s vision for whole country coverage and the promotion of economic growth as set out above. The local area will also receive enhanced cover as set out on the plot coverage maps set out in Appendix 3.

Conclusion

The proposal is considered to be compliant with policies CP51 and CP57 of the Wiltshire Core Strategy and guidance in the NPPF particularly paras 132 and 134 along with guidance in the Town and Country Planning Act 1990 sections 16(2) and 72(1).

9. Recommendation

The recommendation is for permission subject to the following conditions:

- 1 The development 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.
- 2 Notwithstanding the details submitted, prior to the commencement of the 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 approved details and maintained thereafter.
REASON: In the interests of the character and appearance of the area and the adjacent Listed Building.
- 3 The mast and all 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 carried out in accordance with the following approved plans: 75436/1451357-04; 01; 02; 03;05; 06; 07; 08; 09 received 8th December 216.
REASON: For the avoidance of doubt and in the interests of proper planning
- 4 INFORMATIVE TO APPLICANT:
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
- 5 INFORMATIVE TO APPLICANT:
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 6 INFORMATIVE TO APPLICANT:
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.