

**Planning Committee:** 14 December 2005

**Item Number:** 14

**Application No:** W 05 / 1799 TC

**Registration Date:** 27/10/05

**Town/Parish Council:** Kenilworth

**Expiry Date:** 21/12/05

**Case Officer:** Steven Wallsgrove

01926 456527 [planning\\_west@warwickdc.gov.uk](mailto:planning_west@warwickdc.gov.uk)

**Rear of Oaks Precinct/Scott Road, Kenilworth**

Erection of 15m telecommunication mast and equipment cabin FOR Daly  
International (UK)

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This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

**SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** "Members objected to this proposal as they considered it to:

1. Constitute loss of amenity;
2. Be visually intrusive due to excessive height;
3. Be too close proximity to residential accommodation.

Whilst Members acknowledge the difficulty in finding suitable sites to meet the requirements they feel that more suitable locations are available. They consider that the current piecemeal approach to these sites should be replaced by integrated proposals."

**Neighbours:** A total of 136 letters of objection have been received, including a letter from the Chair of Governors and the Head Teacher at Clinton Primary School, and Jeremy Wright MP as well as a 292 signature petition collected when the applicants carried out a pre-application consultation in the Summer. The objections are generally on health grounds, including fears of cancer, but a few refer to the visual impact, such as from Willoughby Road. Some of the health concern letters refer to a 1/4 mile radius zone around a mast. Many of the letters are of a standard wording, with some having no address for the objector. These standard letters refer to policies in the Local Plan concerning layout and design, and amenity and refer to an existing, alternative, mast off Rouncil Lane.

**RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- SC8 - Telecommunications (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

**PLANNING HISTORY**

There is no relevant planning history.

**KEY ISSUES**

## **The Site and its Location**

The mast site lies within the fenced compound of the electricity sub-station behind Oaks Precinct and adjoining the boundary with the cemetery behind the houses in Oaks Road. There are a number of mature trees on the boundaries of the site, including a 12 m high (ash?) tree at the back of the nearest houses in Oaks Road.

## **Details of the Development**

The proposal is to erect a 15 m mast, with its equipment cabinet. The mast would be a monopole, and would be painted "fir green", as would the equipment cabinet. The application has been submitted as a prior approval, under the Permitted Development requirements, for the siting and appearance of the mast and cabinet. It is not a full planning application.

## **Assessment**

The aspects that can be considered in this case are siting and appearance, since this is not a full planning application, and a decision has to be issued by 21st December 2005 otherwise the proposal will be deemed to have been approved.

In terms of siting, the applicant has considered various other locations, including on the buildings in Oaks Precinct, although the options are limited due to the wavelength used and the need for "line of site" which results in small cells for the new "3G" systems. Some of the other sites were:-

- (a) Church in Warwick Road (too low, and on periphery of cell)
- (b) School in Mortimer Road (too low to provide sufficient coverage)
- (c) School in Caesar Road (as above)
- (d) Exchange in Barrow Road (too low to provide sufficient coverage, and mature trees block coverage)
- (e) The Square (too close to existing site in Farmer Ward Road)
- (f) Kenilworth Football Club (too far south for coverage)
- (g) Kenilworth Cricket Club (too far south for coverage)
- (h) Castle Farm Recreational Centre (WDC moratorium)
- (i) Oaks Farm (owner declined).

In the case of the present site, it is located well away from Scott Road/Caesar Road, from which it is screened by the existing local shopping centre. There are also some quite substantial trees and shrubs on the approach from this direction. The site lies behind the houses in Oaks Road (some 50 m from the back wall of the nearest house) where there are some substantial trees in, or behind, these gardens which would provide quite a good screen, particularly in summer.

The view along the back entrance drive to the cemetery also has a row of substantial trees which would effectively screen the mast from public view from this vantage point. It would be seen, however, from within the cemetery and would be much larger, and taller, than the existing aerial on the sub-station.

It is considered, therefore, that a monopole in this location would either be screened by existing trees, or be seen at a distance and would not be so obtrusive as to justify refusal in terms of siting.

In terms of health risks in relation to siting, the proposal complies with the ICNIRP standards, which was a fundamental part of the precautionary approach

recommended by the Stewart Report, published in January 2000. This report also recommended that further research be undertaken on health effects. In addition, the site is some distance from the nearest school (over 180 m to the nearest corner of the school grounds on Caesar Road). A further report by the Advisory Group on Non-ionising radiation reported in January 2004 (the AGNIR report) and represented the review which had been requested by Stewart. This concluded that:-

“The weight of evidence now available does not suggest that there are adverse health effects from exposures to RF (Radiofrequency) fields below guideline levels...”

“Exposure levels from living near to mobile phone base stations are extremely low and the overall evidence indicates that they are unlikely to pose a risk to health”.

This report, however, whilst broadly reiterating the conclusions of Stewart, did advise that young children should keep use of their mobile 'phones to a minimum. It is considered, therefore, that whilst there is clearly a perception of harm in this case, which does represent a material consideration to be taken into account in the planning assessment of the siting of the mast, there is no substantive evidence that risk to health would occur and limited weight only can be given to this material consideration.

In terms of its appearance, the mast would be a single monopole, painted 'fir green' with 3, narrow, antenna on the top which would only be slightly wider than the pole itself. There would also be two, small, transmission dishes at the top of the mast. It is considered that this design is acceptable in this location.

### **RECOMMENDATION**

That the details be APPROVED.

### **INFORMATIVES**

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of siting and design and does not give rise to any harmful effects in terms of design or health risk which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

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