

PRINCIPAL ITEM NO. 3

TOWN: WARWICK

APPLICATION NO. W20031255

DATE OF RECEIPT: 4.8.2003

CASE OFFICER: MISS. P. S. BUTLER

**LAND ADJACENT RAILWAY LINE, COMMON LANE, KENILWORTH.**

Erection of 20m monopole supporting 3 antennas, one 0.6m dish, ten equipment cabinets, enclosure and ancillary telecommunications equipment, for Orange PCS Ltd.

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This application was deferred at the Planning Committee meeting of the 29<sup>th</sup> September 2003 to enable a site visit to take place on 18<sup>th</sup> October 2003. The report which follows includes additional comments requested from WCC Highways, details of the unsuitability of the Crewe Lane site, and technical justification for a monopole height of 20 metres.

**THE SITE AND ITS LOCATION**

The application site is within a strip of land between the top of an adjacent railway cutting and a tall field hedgerow, located between a disused railway line and an operational railway line, located to the north of Common Lane, Kenilworth. The site is accessed via a gateway and access track between the two railway lines off Common Lane. The site is located 100m from the Common Lane entrance in an area of dense foliage 15m from the operational railway and 40m from the disused railway, in between which is an open field area. Good deciduous tree screening surrounds the site, with a 17m high tree screen running along the Highland Road side of the railway embankment, and a slightly lower screen along the disused railway, providing a screen when viewing the site from Woodland Road. At the closest point the proposal is located 60m from dwellings on Highland Road (35m from their rear gardens), and 105m from the houses on Woodland Road (80m from their rear gardens).

**DETAILS OF THE DEVELOPMENT**

The proposal is to erect a 20m monopole supporting three antennas and one 0.6m dish, ten ground based equipment cabinets, an enclosure and ancillary telecommunications equipment. The site itself is not visible from the surrounding houses or roads, but the higher parts of the monopole will be above the tree line.

**PLANNING HISTORY**

There have been no planning applications on this site.

**RELEVANT POLICIES**

There are no directly relevant policies on telecommunications development in the Local Plan. The site, although located on the outskirts of Kenilworth, is not located in either the Green Belt or Special Landscape Area. The relevant policy, therefore, is (DW) ENV3 (Development Principles). Specific Government guidance is contained within Planning Policy Guidance Note 8 (Telecommunications).

The review of the Warwick District Council Local Plan has been reported to the Executive and will be referred to full Council on 29 October 2003. The 'Crackley Triangle' is proposed to be included in the Green Belt within the Local Plan.

## **CONSULTATIONS**

Kenilworth Town Council: Recommend refusal on the grounds of the siting, scale and adverse visual impact of the scheme. They support the Crackley Residents' Association and Kenilworth Society's objections. Given existing provision, the need for this mast is questioned.

Kenilworth Society: The strip of land is located on the 'Crackley Triangle', a visually important and sensitive area, the whole of which is visible from Coventry Road, Kenilworth and Cryfield Road, Coventry. The site is also in a residential area, close to nearby housing. The mast is taller than the 17m tree screen, and would therefore dominate the rear gardens of the houses in Highland Road. It would also visually intrude on Kenilworth Common and the Green Belt which is only one field away. This would be the fifth such proposal in the Kenilworth area.

Crackley Residents Association: Object on the following grounds: inadequate 7m screening to north and west; screen trees/hedges are deciduous therefore poor winter screening; sensitive site close to green belt; would be a dominant feature of the skyline; will lead to further applications on this site; is as close to Green Belt and nature reserve as Knowle Hill which was dismissed by Orange for these reasons.

WCC (Ecology): The application site is within designated Ecosite 127/27 Coventry to Leamington Railway. Part of the railway corridor, including the application site, has been selected as a potential Site of Importance for Nature Conservation. The railway corridor is of high ecological value due in part to its value as a wildlife corridor and link to surrounding habitats including nearby Kenilworth Common. Conditions are recommended for a badger survey, tree and hedgerow protection and retention, and bird notes.

Network Rail: Object for the following reasons. Loading and surcharging of the existing railway embankment, possible adverse effects on Network Rail's sensitive signalling and telecommunications equipment, restrictive covenants appear not to have been adhered to.

Neighbours: A total of 15 letters of objection have been received. The monopole will be clearly visible from the north, deciduous trees will provide poor screening for a considerable part of the year, and these trees may provide a safety threat to the railway and be felled by Railtrack. The monopole would have a severe detrimental visual impact, and would be a blot on the landscape blighting the whole area. A test mast erected in 2002 was clearly visible, projecting well above the tree line. It will dominate the landscape and surrounding houses, and be out of keeping and character with the nearby rural area. The area is to be included in the Green Belt in the new Local Plan. Access to the site is dangerous, and there is no nearby parking for maintenance.

There is considerable objection to the unknown health risks of such a proposal in close proximity to housing and St Joseph's School. The need for the mast is questioned and existing facilities should be utilised. There has been no change to the plans despite pre-application consultation with residents and Orange. Fear that if granted this would lead to further similar applications in the area, and the devaluation of house prices. One neighbour requests the mast be limited to 7.5m and that evergreen planting is introduced to disguise the mast. Granting the proposal would be out of line with Warwick District Council's own policy of not allowing such equipment on their own land.

WCC Highways: No objections. The width of the access would limit the size of construction/service vehicles, however, there is no history of personal injury accidents locally, and subsequent to construction, the application is unlikely to result in more than occasional traffic usage.

## **COMMENTS**

The location is well screened by the existing tree screen from Woodland Road, Common Lane and Highland Road, while views from the North are long distance from the A429 and beyond. I note that the tree screen is deciduous, however, I consider the screen to be of sufficient thickness and height to provide some screening during winter months. The distance from surrounding properties is sufficient to ensure that the monopole will not overbear or dominate

these houses, and although views from the north are not well screened they are long distance across surrounding fields.

The applicants have conducted pre-application consultation with local groups and residents. Evidence has been provided of investigations into mast sharing, and the unsuitability of other sites in the area, and I am satisfied that all surrounding mast sharing options are unsuitable, as are nearby sites.

Health issues regarding telecommunication equipment are a consideration, however, the proposal has been designed, in line with Government advice, to comply with ICNIRP requirements and therefore further health issues cannot be considered as a reason for refusal. On a previous application for a telecom mast the Committee requested further advice on the perception of health risk. The Head of Legal Services made the following comment:

*"Public concern as a perceived health risk is a concept which has been acknowledged for approaching ten years. The concept arose out of consideration of planning applications for waste incinerators and the perceived impact of their emissions on the health of those living in the vicinity. Case law acknowledges that it is a material consideration to be taken into account when judging applications for certain types of development, eg. chemical plants, waste incinerators and telecommunication installations. However the current view of the courts appears to be that when offset against professional guidance eg. by the Health and Safety Executive or the National Radiological Protection Board, the guidance of the professional body should prevail and that Councils that go against such advice are likely at appeal to find such a ground dismissed with an award of costs made against them"*

The devaluation of property, and need for the monopole is not a planning matter which could be used for refusal. However, the Planning Authority is able to request evidence from the operator of the technical justification for the mast and the feasible options for siting. I am satisfied that in this case the operators have produced adequate supporting evidence to demonstrate a need for the facility in this location. Parking and access to the site are not considered grounds for refusal given that maintenance of such sites is not frequent, besides which parking is available a short distance away. The current 1995 Warwick District Local Plan does not include this site within the Green Belt, and the new plan has not yet been adopted so a refusal on these grounds is not possible. The concerns of Network Rail are not considered grounds for refusal, as covenants are a matter of civil law, the signalling equipment is not yet in place, and impact on the embankment is not a planning matter.

Following the previous Committee, Members asked for technical justification for the 20m height of the monopole. Orange have chosen this design as it best meets both the technical requirement to provide necessary service in terms of height and type of antenna, and minimises the impact on the environment. Alternative structures such as a lattice tower could be deployed, however the scale and bulk of such a structure would be inappropriate in this instance. Members also asked for clarification of the use of Crewe Lane as an alternative site. The applicants have investigated the site at Kenilworth Golf Course, Crewe Lane, but this could not be used due to technical difficulties. Orange already has a mast at this location, and it is too far from the required area of coverage.

### **RECOMMENDATION**

That planning permission be GRANTED, subject to conditions for a badger survey, tree and hedgerow protection and retention, and bird notes.

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