

Development Management Report

Application ID: LA04/2018/2367/F	Date of Committee: Tuesday 11 th December 2018
Proposal: Replacement of existing 15m telecommunications mast with a new 17.5m telecommunications mast on a site located c.22m south east of the existing mast. 1No equipment cabinet proposed on footpath c.11m NE of the base of the proposed mast.	Location: On footpath South East of No. 125 Upper Malone Road Belfast BT9 6UF
Referral Route: Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation	
Recommendation: Approval Subject to Conditions	
Applicant Name and Address: Telefonica UK Limited 260 Bath Road Slough SL1 4DX	Agent Name and Address: Ross Planning 9a Clare Lane Cookstown BT80 8RJ
Executive Summary: Planning Permission is sought for the replacement of the existing 15m telecommunications mast with a 17.5m column on a site located approximately 22m south east of the existing mast, including shroud enclosed antenna to match existing and associated works including 1 equipment cabinet. The associated works include refreshing of existing cabinets and the replacement of an existing meter pillar with a meter cabinet. The site is located between a service road and the Upper Malone Road. To the rear and opposite the site are detached dwellings which are screened from view by trees on either side of the Upper Malone Road. The site is located within along the footpath of the Upper Malone Road within whiteland in BUAP 2001 and in dBMAP2015. The site location is surrounded by trees which are subject to a Tree Preservation Order. The key issues to be considered are: <ul style="list-style-type: none">• Principle of development• Impact on surrounding trees subject to a TPO• Impact on Amenity• Health Considerations The proposal utilises an existing shared site and the replacement mast whilst proposed 22m from the existing mast is considered to be a more sustainable environmental solution rather than a new mast in an entirely new site. It is acknowledged that the proposed mast and additional cabinets combined with existing equipment on this site has the potential to create visual clutter. However, the proposal is on a busy road with a well-established backdrop of trees. In addition, weight must be attributed to the social and economic benefit to the community of high quality communications infrastructure – in line with Government objectives The closest residential property is located approximately 9m from the site and is screened from	

the site by a belt of trees protected by a TPO. As a group of trees they help provide a natural screen, screen noise and act as a buffer between the busy road and nearby dwellings located at Upper Malone Road. It is considered that the proposal will not have an impact on residential amenity.

The application was accompanied by an International Commission for Non-Ionising Radiation Protection (ICNIRP) Declaration which certifies the site is designed to be in full compliance with the requirements of the radio frequency guidelines of the International Commission on Non-ionizing radiation (ICNIRP) for public exposures expressed in the EU Council recommendation of July 1999. The ICNIRP declaration takes into account the cumulative effect of the emissions from the proposed installation and all radio base stations present at, or near, the proposed location. It is considered that the proposals meets the ICNIRP guidelines and therefore addresses health concerns.

3 representations have been received in relation to the application. The issues raised are set out and considered in the main body of the report.

Transport NI, Environmental Health and the Tree Officer offered no objection

Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that on balance, the proposal should be approved subject to conditions.

Recommendation – Approval Subject to Conditions

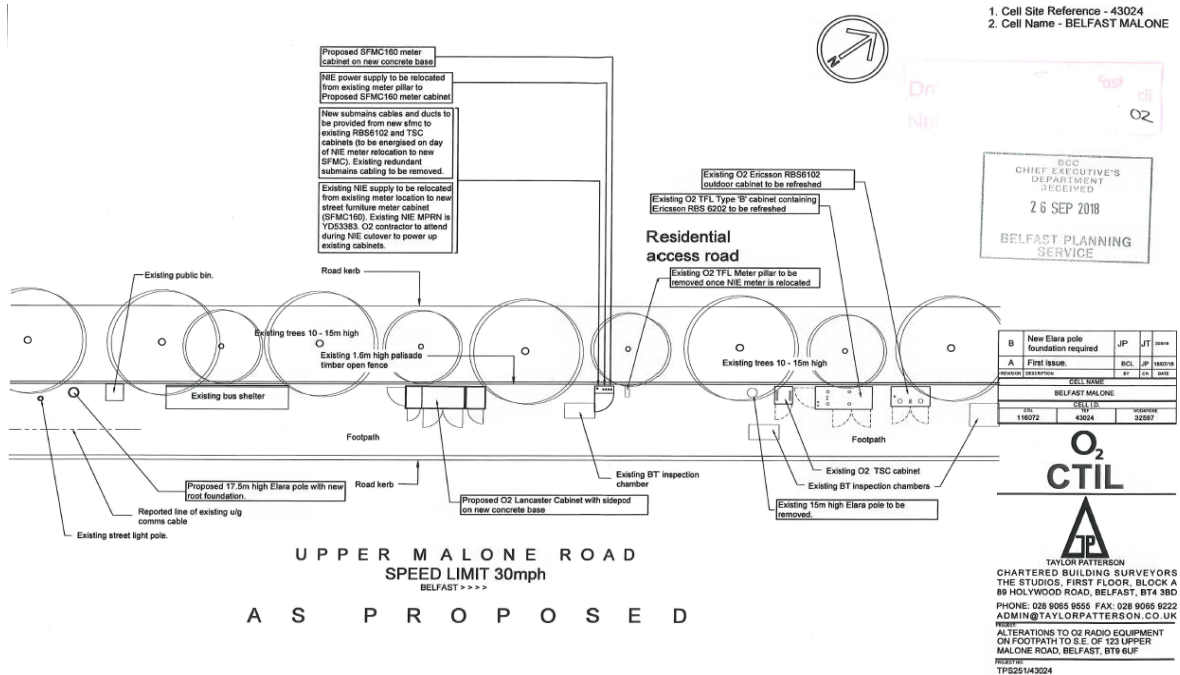
Final wording of conditions to be delegated to Director of Planning and Building Control

Case Officer Report

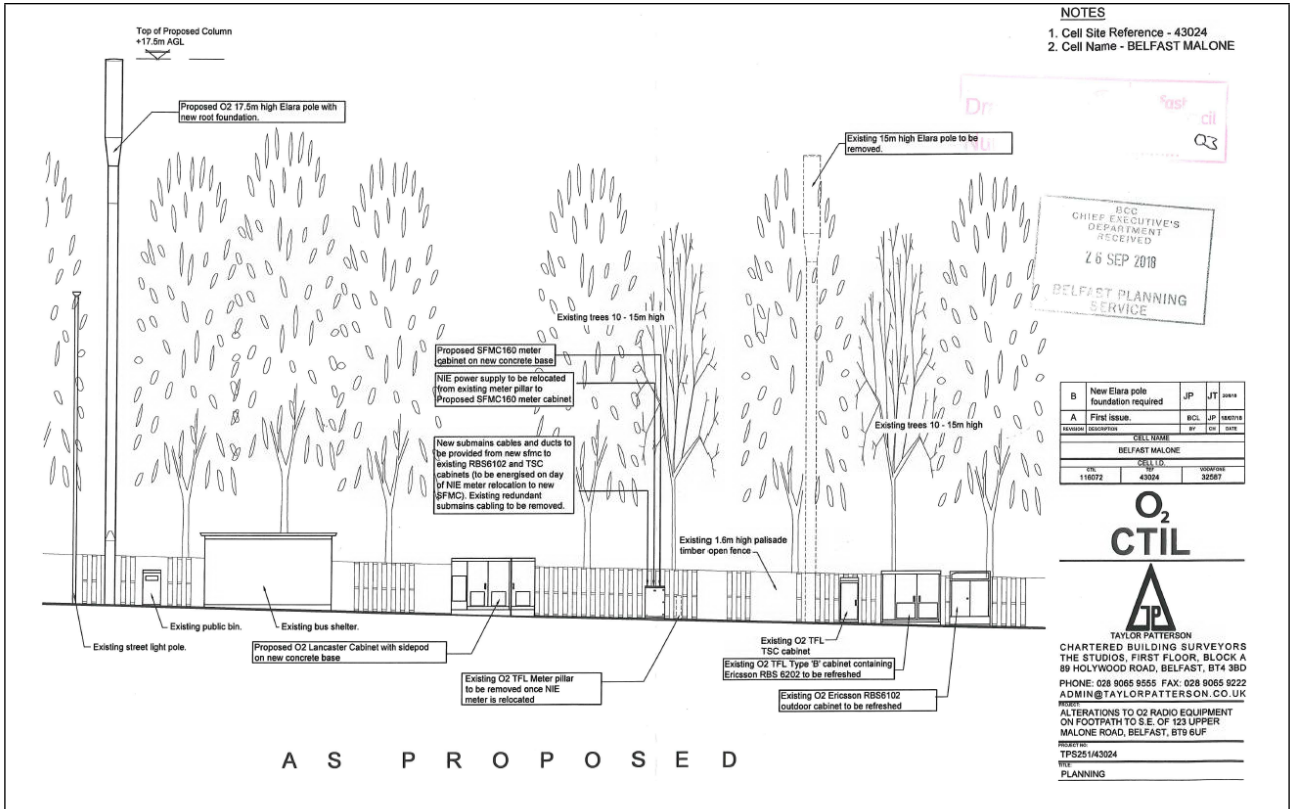
Site Location Plan



Aerial View



Cross Section



Characteristics of the Site and Area

- 1.0 Description of Proposed Development**
- 1.1 Full planning permission is sought for the replacement of the existing 15m telecommunications mast with a 17.5m column located approximately 22m south east of the existing location. The proposal includes a shroud enclosed antenna to match existing and associated works including 1No equipment cabinet. The associated works include refreshing of existing cabinets and the replacement of an existing meter pillar with a meter cabinet.
- 2.0 Description of Site**
- 2.1 The site is located at an existing telecommunications site containing 3 cabinets, a meter pillar and a 15m mast, between a service road and the Upper Malone Road. Within close proximity to the site are a bus shelter and a public bin. To the rear and opposite the site are detached dwellings which are screened from view by trees on either side of the Upper Malone Road.

Planning Assessment of Policy and other Material Considerations

3.0 Site History	Reference	Location	Proposal	Status	Date
	LA04/2016/2677/F	On Footpath South East of No 123 Upper Malone Road, Belfast, BT9 6UF,	15m telecommunications mast with shroud enclosed antennae and 3no equipment cabinets (Retrospective) (amended description)	PERMISSION GRANTED	29.09.2017
	Z/2010/0141/F	Footpath of Upper Malone Road, south east of 123 Upper Malone	Telecommunications installation consisting of a replacement 14.8m high MK3 street	PERMISSION GRANTED	15.12.2010

		Road, Belfast, BT9 6UF	works pole with 3 no. Vodafone antennas and additional 3 no. O2 antennas within a shroud. Also included is 1 no. O2 Cannon B equipment cabinet, 1 no. Vodafone Badger radio equipment cabinet with retention of 1 no. Vodaphone equipment cabinet.		
	Z/2009/0374/F	Existing street works column, south-east of 123 Upper Malone Road, Belfast, BT9 6UF	Telecommunications development involving replacement of the existing 12m street furniture column for a new 12m high Mk2 street furniture column with tri-sector antennas with shroud and at ground level a Vodafone Badger radio equipment cabinet painted green.	PERMISSION GRANTED	04.09.2009
	Z/2006/0177/F	South East of 123 Upper Malone Road, Ballyfinaghy, Belfast, BT09 6UF	Erection of 12m Racal streetpole (13.7m including antennas), 3no. antennas and 2no. cabinets.	PERMISSION GRANTED	02.09.2008

4.0	Policy Framework
4.1	Belfast Urban Area Plan
4.2	Draft Belfast Metropolitan Area Plan 2015 Following the Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 10- Telecommunications
4.4.1	Policy TEL 1 – Control of Telecommunications Development
5.0	Statutory Consultees Responses DFI Roads- No objections subject to conditions
6.0	Non Statutory Consultees Responses Tree Officer- No objections subject to condition BCC Environmental Health- No objections BT- No objections Eircom- Await formal response Vodafone- Await formal response Arqiva- No objections Ofcom- Await formal response

7.0	Representations
7.1	<p>The application has been neighbour notified on the 10th October 2018 and advertised in the local press on the 19th October 2018. Three objections were received and are summarised below:</p> <ul style="list-style-type: none"> • Visual impact and impact on the character of the area • Linear extension of installation and consequences for pedestrians and road traffic. • Noise Impact • Health concerns • Concerns of impact to trees
8.0	Other Material Considerations
8.1	Development Control Advice Note 14 – Siting and Design of Radio Telecommunication Equipment
9.0	Assessment
9.1	<p>The site is located along the footpath of the Upper Malone Road within whiteland in BUAP 2001 and in dBMAP 2015. The site location is surrounded by trees which are subject to a Tree Preservation Order. There is currently a 15 m mast positioned on the footpath south east of No 123 Malone Road alongside 4 cabinets. It is proposed to construct a new 17.5 m mast approximately 22 m from the existing mast. 1No equipment cabinet is also proposed approximately 11 m north east of the proposed mast. Once operational, it is proposed to remove the 15m mast and the footpath fully restored. There are several mature trees that separate the apparatus from the residential properties served by the service road.</p>
9.2	<p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on surrounding trees subject to a TPO • Impact on Amenity • Health Considerations <p><u>Principle of Development</u></p>
9.3	<p>The proposed development falls to be considered under Planning Policy Statement 10 Telecommunications and the SPPS. The objectives for telecommunications set out in the SPPS replicates operational planning policy in PPS 10 which advises that proposals for telecommunications development and associated enabling works will be permitted where they will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features of locations.</p>
9.4	<p>The SPPS and PPS 10 emphasise that mast sharing would be considered where appropriate. This proposal utilises an existing shared site rather than proposing a new location.</p>
9.5	<p>DCAN 14 recognises that existing masts may need to be replaced with a bigger structure with a consequent effect on visual amenity. The proposal includes the replacement of the existing 15m mast and to increase the height to 17.5m as well as relocate the mast 22m south east of the existing mast. The proposal also includes the refreshing of existing cabinets, the addition of one cabinet and the replacement of an existing meter with a cabinet. The proposal is set back from the road on the public footpath. The proposed pole mast will be located next to an existing street light, public bin and bus shelter with the proposed cabinet to be located between the proposed pole and existing cabinets.</p>

	<p>The existing operational site has a backdrop of mature trees which is considered will aid to minimise the visual impact of the increase in height of the mast and the insertion of the additional cabinet. It is acknowledged that the proposed mast and additional cabinets combined with existing equipment on this site has the potential to create visual clutter. However, the proposal is on a busy road with a well-established backdrop of trees. In addition, weight must be attributed to the social and economic benefit to the community of high quality communications infrastructure – in line with Government objectives. If Committee is minded to approve a condition could be attached requesting that the cabinets are painted matte green.</p>
9.6	<p>In addition, applicants must demonstrate that the sharing of existing equipment has been investigated and that a new mast represents the best environmental solution. The proposal utilises an existing shared site although it is accepted that the proposed mast is to be located some 22 m south east of the existing mast. On balance, it is considered to be a more sustainable environmental solution rather than a new mast in an entirely new site.</p>
9.7	<p>In terms of satisfying the remaining requirements of Policy TEL 10, the applicant has advised that the extended mast is required as the trees to the rear of the mast have grown higher and around the mast, causing ongoing interference. Paragraph 6.2 of PPS10 recognises that masts often require a particular operating height to allow signals to clear trees. Additionally, the UK government recognises the need for fast, reliable and cost-effective modern telecommunications. The additional cabinet is to house the additional equipment required to facilitate a 4G upgrade. As previously stated the applicant has considered environmental impacts by proposing an upgrade to an existing site rather than a new mast in a new location, on balance, this is considered to be a preferable option. The applicant has also supplied evidence that the base station when operational will meet the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure to electromagnetic fields. This is accepted by the World Health Organisation as being based on the best evidence available to date. The ICNIRP declaration takes into account the cumulative effect of the emissions from the proposed installation and all radio base stations present at, or near, the proposed location.</p> <p><u>Impact on surrounding trees subject to a TPO</u></p>
9.8	<p>The proposed mast and equipment is located within close proximity to trees which are subject to a Tree Preservation Order. No works are proposed to the trees under this scheme. Any underground works that are required will be done in a manner to avoid the existing tree roots and services. The Tree Officer responded with no objections subject to conditions.</p>
9.9	<p><u>Impact upon Amenity</u></p> <p>As detailed in Development Control Advice Note 14 – Siting and Design of Radio Telecommunication Equipment - all telecommunications development, including the siting masts, equipment housing, access tracks and power supplies, should be planned to avoid adverse impact on sensitive features and locations. Applicants should submit suitable evidence to show that alternative locations in less sensitive areas have been investigated and cannot be used. Where such locations cannot be avoided extra care will be required to ensure that the visual and environmental impact of the</p>

	<p>telecommunications apparatus and any ancillary works is minimised. This upgrade is to provide 4G to public. The remaining cabinets facilitate 2G and 3G communications. It is accepted that the proposal when viewed cumulatively has the potential to create visual clutter. This must be balanced against Government's objective to provide modern efficient telecommunications that will give Northern Ireland a competitive advantage. As stated above if committee is minded to approve it is recommended that a condition is attached requesting that the cabinets are painted matte green. In addition, it is recommended that when such times the cabinets become redundant these should be removed by the operator and the land restored to its former condition. The location is also an established telecommunications site and this proposal utilises the existing site rather than proposing a new location. On balance, taking these factors into consideration the proposal is consider to be appropriate at this location.</p>
9.10	<p>The closest residential property is located approximately 9m from the boundary of the site and is screened from the site by a belt of trees protected by a TPO. As a group of trees they help provide a natural screen, screen noise and act as a buffer between the busy road and nearby dwellings located at Upper Malone Road. It is considered that the proposal will not have an impact on residential amenity.</p>
9.11	<p><u>Health Considerations</u></p> <p>As stated above in paragraph 9.7, the application was accompanied by an International Commission for Non-Ionising Radiation Protection (ICNIRP) Declaration which certifies the site is designed to be in full compliance with the requirements of the radio frequency guidelines of the International Commission on Non-Ionizing radiation (ICNIRP) for public exposure s expressed in the EU Council recommendation of July 1999. The ICNIRP declaration takes into account the cumulative effect of the emissions from the proposed installation and all radio base stations present at, or near, the proposed location. It is considered that the proposals meets the ICNIRP guidelines and therefore addresses health concerns.</p>
9.12	<p>Significantly, paragraph 6.29 of PPS 10 states that the planning system is not the place for determining health safeguards. Paragraph 6.30 of PPS 10 states that while there is a need for further research into health impacts, the current guidelines of the International Commission on Non-Ionising Radiation Protection are based on the best evidence available to date. Accordingly, where concern is raised about the health effects of exposure to electromagnetic fields, it is the view of DHSSPS that if the proposed mobile telecommunications development meets the ICNIRP guidelines in all respects, it should not be necessary for the Council to consider this aspect further. The applicant has provided a declaration of conformity with the ICNIRP guidelines as required by Policy TEL 1.</p>
9.13	<p>Consultation with a range of bodies (paragraphs 5.0 and 6.0) was carried out and no objections were raised. Consultations remain outstanding from Eircom, Vodafone and Ofcom.</p>
9.14	<p>The SPPS at paragraph 6.235 recognises that high quality communications infrastructure are essential for economic growth and identifies a need for a more efficient telecommunications infrastructure that will give Northern Ireland a competitive advantage. SPPS at paragraph 6.236 states that modern telecommunications are an essential and beneficial elements of everyday living for the people of and visitors to this region. It is important to continue to support investment in high quality communications infrastructure which plays a vital role in our social and economic wellbeing.</p>

9.15	<p>In conclusion, the proposal comprises an upgrade to an existing site which is part of an established network. The location of the mast and cabinet with a backdrop of trees on Upper Malone Road will help minimise any visual impact to residential properties behind the site. It is acknowledged that further apparatus at this location when read cumulatively with existing equipment has the potential to create visual clutter. However, this must be balanced against Government commitment to provide a high quality communications network which on balance, is considered to outweigh any potential for harm to the visual amenity of the area. An ICNIRP Declaration was received demonstrating that the proposal meets the ICNIRP guidelines.</p>
9.17	<p>Having regard to the policy context and other material considerations above, the proposal is considered, on balance, acceptable and planning permission is recommended subject to conditions for the following reasons.</p>
10.0	Summary of Recommendation: Approval
11.0	<p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. The proposals shall be erected in the positions shown on drawings no. 02 and 03 both bearing the date 26th September 2018. Reason: In the interests of road safety and the convenience of road users. 3. Within three months of the installation of the replacement 17.5m high Elara pole, the existing 15m high Elara pole mast shall be removed as shown in drawing 03 date stamped the 26th September and the footpath returned to its previous condition. 4. Within three months of the installation of the proposed SFMC160 meter cabinet, the existing O2 TFL meter pillar shall be removed as shown in drawing 03 stamped the 26th September and the footpath returned to its previous condition. Reason: To protect the surrounding character of the area. 5. Prior to any work commencing all protective barriers (fencing) and ground protection is to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site. Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands. 6. If roots are accidentally damaged the tree council must be notified and given the opportunity to inspect the damage before it is covered over.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.

7. Careful hand digging will be employed within the RPAs with extreme care being taken not to damage tree roots and root bark.

Reason: To avoid root severance

ANNEX

Date Valid	26th September 2018
Date First Advertised	19th October 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) Simon Bellamy 119, Upper Malone Road, Dunmurry, Antrim, Northern Ireland, BT9 6UF The Owner/Occupier, 121 Upper Malone Road, Dunmurry, Antrim, BT9 6UF, The Owner/Occupier, 123 Upper Malone Road, Dunmurry, Antrim, BT9 6UF, Jim Finlay 123, Upper Malone Road, Dunmurry, Antrim, Northern Ireland, BT9 6UF MARK Price 125 Upper Malone Road, Dunmurry, Antrim, BT9 6UF, The Owner/Occupier, 3 Malone View Park, Belfast, Antrim, BT9 5PN,	
Date of Last Neighbour Notification	10th October 2018
Date of EIA Determination	N/A
ES Requested	Yes /No
Drawing Numbers and Title 01 Site Location Plan, 02 Proposed Layout, 03 Proposed Elevations	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	
Representations from Elected Members: Cllr Boyle – Requested application be decided by Committee	