

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2019/0054/F	<b>Date of Committee:</b> Tuesday 10 December 2019
<b>Proposal:</b> 20m telecommunications mast, with shroud enclosed antenna and associated works including 3No. Equipment cabinets (in substitution for planning LA04/2018/1472/F).	<b>Location:</b> At edge of public footpath 7m North of the junction of Millfield & Samuel Street, Belfast
<b>Referral Route:</b> Call in by Director of Planning & Building Control	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> Telefonica UK Limited 260 Bath Road Slough SL1 4DX	<b>Agent Name and Address:</b> Taylor Patterson C/O Ross Planning 9a Clare Lane Cookstown
<p><b>Executive Summary:</b></p> <p>The proposal is for a '20m telecommunications mast, with shroud enclosed antenna and associated works including 3 No. equipment cabinets (in substitution for planning La04/2018/1472/F)'.</p> <p>The key considerations for this proposal are:</p> <ul style="list-style-type: none"> <li>• Impact on visual amenity</li> <li>• Impact on the local environment</li> <li>• History of surrounding area</li> </ul> <p>1 representation has been received pertaining to this development from Department for Communities. In addition, one consultee, Belfast City Council City Regeneration and Development have objected to the proposed development.</p> <p>There is currently one 17.5 m mast located directly adjacent to the site. This mast was approved under ref. LA04/2016/0338/F and included 4 associated telecommunications cabinets. This constructed mast is located in close proximity, approximately 11.5 metres from the site of the proposed mast.</p> <p>There is also an extant approval for '20m telecommunications mast, with shroud enclosed antenna and associated works including 3 No. equipment cabinets' on land at edge of footpath 18m South of junction of Millfield &amp; Samuel Street, Belfast. This site is located approximately 30-35 metres away from the site of the current proposal. The proposed development will be built in substitution of this previously approved development. In the event of approval, this substitution will be delivered by Section 76 Agreement.</p> <p>It is considered the cumulative impact of the two masts and seven equipment cabinets over a relatively short distance will result in damage to visual amenity. The visual impact of the masts in closer proximity will be lesser from long distance views.</p>	

The proposed development is located adjacent to a development opportunity site, as designated in Draft BMAP (dBMAP) and Belfast Inner North West Masterplan (BINWM). There are concerns that the proposed development will limit the development potential of the site, in terms of providing active frontage and an accessible environment.

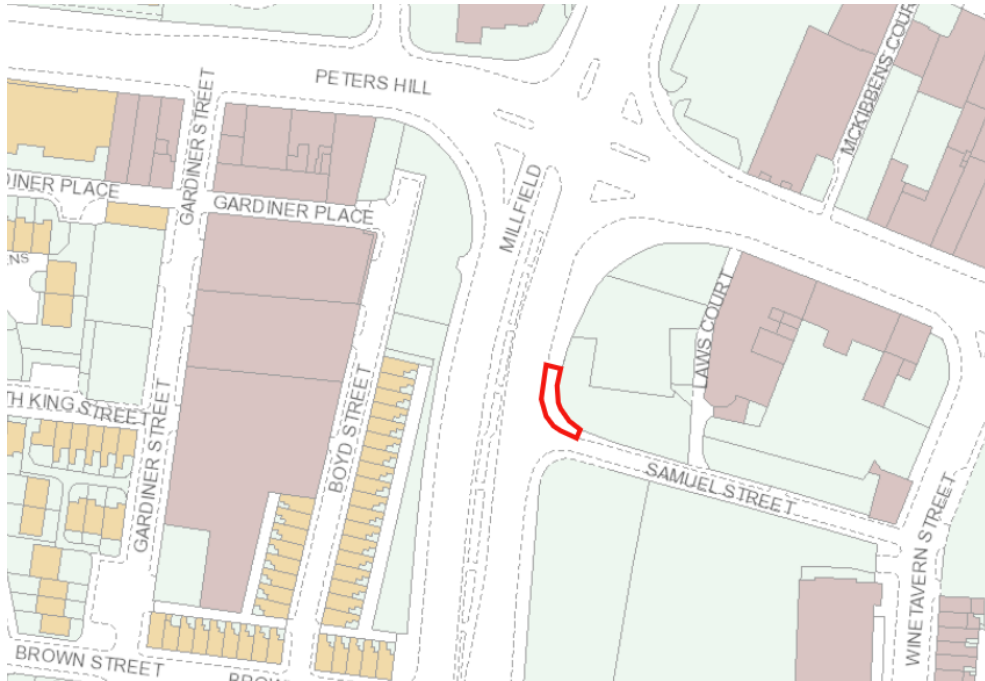
Whilst the proposal could bring improvement in terms of communications infrastructure, it is considered that it will result in unacceptable damage to visual amenity and it has not been sited to minimise environmental impact.

**Characteristics of the Site and Area**

**1.0 Description of Proposed Development**

1.1 The proposal is for a '20m telecommunications mast, with shroud enclosed antenna and associated works including 3 No. equipment cabinets (in substitution for planning La04/2018/1472/F)'.

It is noted that the red line boundary of the application does not include the site of the previous application for substitution LA04/2018/1472/F.



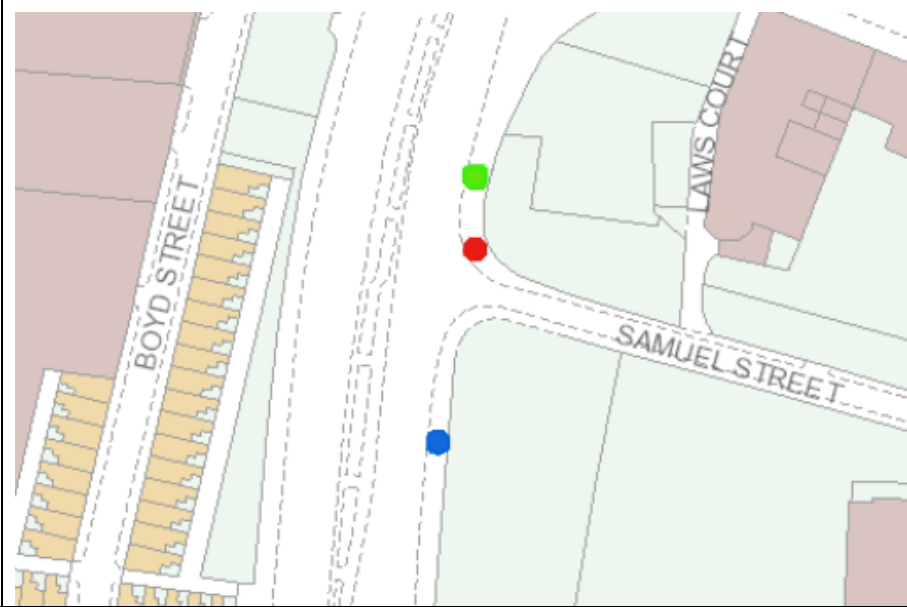
**2.0 Description of Site**

2.1 The site is located adjacent to the junction of Samuel Street and Millfield, within the urban limits of Belfast. The site is part of the existing footpath network. Immediately to the north

2.2	<p>east of the site is a vacant site, with the boundary treatment defined by a metal palisade fence. There is an existing 17.5 m telecommunications mast and associated cabinets located directly adjacent to the site further along the footpath.</p> <p>The character of the site is dominated by Millfield, a busy 3 lane road. The immediate locality is characterised by a mix of uses including car parking on Samuel Street and housing on the other side of Millfield, along Boyd St.</p>
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**Planning Assessment of Policy and other Material Considerations**

<b>3.0</b>	<b>Site History</b>
3.1	There is no planning history on this specific site.
3.2	There are two relevant applications for telecommunications masts in the surrounding area:
3.3	<p>LA04/2018/1472/F - 20m telecommunications mast, with shroud enclosed antenna and associated works including 3No. equipment cabinets - Edge of footpath, 18m South of junction of Millfield &amp; Samuel Street – Permission granted 21/9/18</p> <p>The proposed application is in substitute of planning application LA04/2018/1472/F.</p>
3.4	<p>LA04/2016/0338/F - Replacement of an existing rooftop telecoms installation with a 17.5m telecommunications tower with 2no. transmission dishes and 5no. ground based equipment cabinets - Public footway at junction of North Street and Millfield, Belfast – Permission granted 12/5/16.</p> <p>The mast approved under LA04/2016/0338/F has been constructed, approximately 11.5 metres from the location of the proposed mast.</p>
3.5	<p>The plan below provides spatial context to the proposed development and the surrounding site history:</p> <p>Red – Current application LA04/2019/0054/F</p> <p>Blue – LA04/2018/1472/F – The current application proposes to substitute this approved development.</p> <p>Green – LA04/2016/0338/F – Telecommunications mast already constructed.</p>



<b>4.0</b>	<b>Policy Framework</b>	
4.1	Regional Development Strategy 2035 (RDS) Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (dBMAP) Belfast Inner North West Masterplan (BINWM)	
	4.1.1 4.1.2 4.1.3	White land - BUAP Primary Retail Core – dBMAP Development Opportunity Site (ref. CC 035) - dBMAP
4.2	Strategic Planning Policy Statement (SPPS) PPS 10 Telecommunications DCAN 14 Siting and Design of Radio Telecommunications Equipment	
<b>5.0</b>	<b>Statutory Consultees Responses</b>	
5.1	NI Water – No objection	
5.2	DFI Roads – No objection, subject to condition	
5.3	Belfast City Airport – No objection	
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>	
6.1	BCC Environmental Health – No objection	
6.2	Arqiva Services Ltd – No objection	
6.3	Everything Everywhere Ltd – No objection	
6.4	Hutchison 3G Ltd – No objection	
6.5	British Telecom Radio Network Connection – No objection	
6.6	Eircom UK Ltd – No objection	
6.7	Ofcom Northern Ireland – No objection	
6.8	Vodafone (Cable and Wireless) – No objection	
6.9	Belfast City Council Local Development Plan – no objection	
6.10	Belfast City Council City Regeneration and Development – Objection to the proposal.	
<b>7.0</b>	<b>Representations</b>	
7.1	1 objection has been received from Department for Communities.	
7.2	<p>The issues raised include:</p> <ul style="list-style-type: none"> <li>• Proposal will have a detrimental impact on key elements of the BINWM.</li> <li>• Proposal will create a cluttered and unattractive pedestrian environment.</li> </ul>	

	<ul style="list-style-type: none"> <li>• Proposal will limit the potential to create active frontage of adjacent site in the event of redevelopment.</li> <li>• Proposal will restrict the development potential of the opportunity site.</li> </ul>
<b>8.0</b>	<b>Assessment</b>
8.1	<p><u>Development Plan</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The application site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.</p>
8.2	The site is not zoned within the BUAP or dBMAP. However, the site is adjacent to a development opportunity site (CC 035) in dBMAP.
8.3	The site is located adjacent to a 'potential development site' as designated in the Belfast Inner North West Masterplan.
8.4	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. It is important to support investment in high quality communications infrastructure, to boost connectivity for the people of the region and visitors. Para 6.238 states that the aim of the SPPS in relation to telecommunications and other utilities is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum.</p>
8.5	The objectives of the SPPS are to ensure that where appropriate new telecommunication equipment is accommodated by mast and site sharing, to ensure the visual and environmental impact is kept to a minimum, to minimise undue interference that may be caused to radio spectrum users and encourage appropriate provision for telecommunications systems in the design of other forms of development.
8.6	Para 4.15 of the SPPS states that Planning authorities should utilise development planning, regeneration and development management powers to contribute to the creation of an environment that is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity and supports shared use of public realm.
8.7	<p><u>Planning History &amp; Context</u></p> <p>There is currently one 17.5 m mast located directly adjacent to the site. This mast was approved under ref. LA04/2016/0338/F and included 4 associated telecommunications cabinets. This constructed mast is located approximately 11.5 metres from the site of the proposed mast.</p>
8.8	There is also an extant approval for '20m telecommunications mast, with shroud enclosed antenna and associated works including 3 No. equipment cabinets' on land at edge of

<p>8.9</p> <p>8.10</p> <p>8.11</p> <p>8.12</p> <p>8.13</p>	<p>footpath 18m South of junction of Millfield &amp; Samuel Street, Belfast. This site is located approximately 30-35 metres away from the site of the current proposal.</p> <p>Policy TEL 10 of PPS 10 provides the policy tests for 'Control of telecommunications Development'. Telecommunications development should not result in unacceptable damage to visual amenity or harm to environmentally sensitive features or locations. When considered in the context of the existing constructed mast and the extant planning approval, it is considered that the current proposal does not comply with the policy tests of TEL 1 due to the unacceptable damage to visual amenity and the fact that two of the masts are exactly the same specifications.</p> <p>However, the developer has provided assurances that the extant approval LA04/2018/1472/F would not be constructed in the event of the current proposal receiving planning permission. The developer has submitted supporting information explaining that this site is unsuitable for the proposal development. A trial dig at the site confirmed that there were major underground services located under the site, severely undermining the development potential. Supporting information indicates that it would be impossible to construct the foundation to support the pole in these circumstances. This information also states that the original position would be of no use to the company as the new location would accommodate all needs. The site boundary of the current application does not extend to include the site of the extant approval, therefore the Council is unable to condition any potential approval to ensure that only one of the masts is constructed. In this context, a Section 76 legal agreement could be reached with the developer ensuring that the extant approval will not be constructed in the event of approval of the current application.</p> <p><u>Visual Impact</u></p> <p>The current application will result in two masts built within 11.5 metres, compared with two masts built within 40-45 metres. It is also important to consider the ancillary cabinets that are proposed along with the masts. The proposed development includes 1 x 20 m mast and 3 x equipment cabinets. This will result in two masts and seven separate equipment cabinets across a distance of approximately 22 metres. Both masts will be visible from long distance when approaching in both directions along Millfield. It is considered that the visual impact of the masts in closer proximity will be lesser from long distance views, however there are concerns regarding shorter term views of the masts and cabinets. It is considered the cumulative impact of the two masts and seven equipment cabinets over a relatively short distance will result in damage to visual amenity.</p> <p><u>Mast / Site sharing</u></p> <p>In accordance with Policy TEL 1, the developer has also provided information regarding mast sharing with the existing EE mast. Whilst technically this is feasible, a shared mast would require a taller and bulkier structure. Due to the amount of antennae necessary, the structure would have to be a lattice type structure approximately 22.5 to 25 metres in height. This type of structure would not fit into the footpath at Millfield and it is considered that it would be visually more dominant than the proposed slimmer 20 m mast and existing 17.5 m mast.</p> <p>Furthermore, the developer has provided evidence that alternative sites were identified and investigated prior to the selection of the proposed site. The supporting statement indicates that the proposed site is the most suitable option, 'due to the limited impacts that it would have on the surrounding area and the proximity that it would have to the previously approved site'. The SPPS and Para 6.18 of PPS 10 aim to encourage site sharing, in an effort to reduce the amount of overall sites of telecommunications equipment. The supporting statement advises that site sharing is the most preferable option, however 'it is not a possibility in this case'.</p>
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8.14	<p><u>Need &amp; Technical Information</u></p> <p>The developer has submitted a statement in support of the proposed development. The mast is due to replace an existing mast located at No. 166-174 Upper North Street. The owners of this building have advised that the building is in a dilapidated state, is no longer safe to access and they intend to demolish this building. The replacement site needs to be as close as practically possible to the existing site in order for the operators to continue to provide service to their customers. The proposed site is located approximately 50 metres from the existing site.</p>
8.15	<p>It is noted that a Building Preservation Notice (BPN) in accordance with Section 81-83 of the Planning Act (NI) 2011 was served in respect of NO. 166-174 Upper North Street in April 2017. An advance notice of listing dated 29 August 2017 was then forwarded by Historic Environment Division to the Council which was reported to and agreed at the Planning Committee in September 2017. The proposed NIEA listing was confirmed as category B2 with the extent covering the former art school, offices, warehouse and shops.</p>
8.16	<p>The applicant has provided information about the purpose and need for the proposal. Furthermore, information has also been provided detailing the location, height of antenna, the frequency and modulation characteristics and details of power output in accordance with the above policy. An ICNIRP certificate was submitted declaring that this proposal when operational will meet the ICNIRP guidelines.</p>
8.17	<p><u>Opportunity Site</u></p> <p>The proposed development is located adjacent to a Development Opportunity Site, as designated in dBMAP (ref. CC 035). Policy SETT 5 of dBMAP relates specifically to 'Development Opportunity Sites'. It indicated that Development opportunity sites should be in accordance with the specified Key Site Requirements (KSRs) for each site. At Inquiry, the PAC noted that most of the sites do not specify preferred land uses and the KSRs merely repeated regional policy. The Department considered the PAC's response and advised that with the exception of five large strategic sites in the city centre, all other development opportunity sites would be omitted from the Plan, in addition to Policy SETT 5. This particular 'Development opportunity site' was retained in the adopted BMAP (ref. CC 016) (since declared unlawful). No KSR's were identified in the Plan for this site.</p>
8.18	<p>Belfast City Council are currently developing a Local Development Plan (LDP) for Belfast. The LDP team had no comment to make on the proposed development.</p>
8.19	<p>The site is also located within the area covered by the BINWM. The BINWM proposes a city centre neighbourhood that incorporates a mix of uses, including residential, commercial, retail and leisure integrated through a strong and cohesive public realm. At present, the BINMW is a non-statutory document, however it is still a material consideration in the assessment of proposals. The BINMW identifies the area directly to the rear of the application site as a 'potential development site'. It is noted that the area directly to the rear of the approved mast LA04/2018/1472/F is also a 'potential development site', however this application was approved prior to release of the BINWM.</p>
8.20	<p><u>Regeneration</u></p> <p>Belfast City Council City Regeneration and Development (CRD) were consulted on the proposal, advising that the proposal will have a detrimental impact on key elements of the BINWM, creating a clustered and unattractive pedestrian environment. The response also indicates that the proposed development will sit tight against the perimeter of a key development opportunity site and restrict the development potential of the frontage for a length of 7 metres. CRD also alluded to the cumulative impact of the proposed development</p>



	<p>with the existing mast and cabinets on the development potential of the site and the ability to provide active frontage.</p>
8.21	<p>There are no firm development proposals for the site at present, however CRD advise that Department for Communities plan to issue a development brief for the site in the short term.</p>
8.22	<p><u>Time limited condition</u>          The agent has offered to accept a time limited condition to restrict the operation of the telecommunications mast for a specific period of time (e.g. 3 years). CRD advise that a temporary consent does not address concerns as the proposal will have negative implications for delivery of proposals contained in the BINWM, i.e. impact on the pedestrian environment. CRD also advise that a temporary consent could have a significant detrimental impact on efforts to bring forward development options for the site in the short term.</p>
<b>9.0</b>	<p><b>Summary of Recommendation: Refusal</b></p> <p>9.1 Telecommunications development proposals should be facilitated in an efficient and effective manner. Modern telecommunications are an essential and beneficial element 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 well-being. The Council should facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum.</p> <p>9.2 The current proposal will result in the existence of two masts and seven equipment cabinets over a relatively short distance. It is considered that the cumulative impact of the proposed development, in addition to the existing infrastructure, will therefore result in detrimental visual impact. The proposed development will also result in a cluttered and unattractive pedestrian environment, thereby impacting detrimentally on the local environment.</p> <p>9.3 Due to the location of the proposal adjacent to a development opportunity site, as designated in dBMAP and BINWM, there are concerns that the proposed development will limit the development potential of the site, in terms of providing active frontage and an accessible environment.</p> <p>9.4 On balance, whilst the proposal will provide an improvement in terms of communications infrastructure, it is considered that it will result in unacceptable damage to visual amenity and it has not been sited to minimise environmental impact.</p>
<b>10.0</b>	<p><b>Refusal Reasons</b></p> <p>10.1 The proposal is contrary to the SPPS and Policy TEL 1 of Planning Policy Statement 10 in that the proposed telecommunications mast and equipment cabinets will result in unacceptable damage to visual amenity and has not been sited to minimise environmental impact.</p>
<p><b>Notification to Department (if relevant)</b></p>	

**Representations from Elected members:**