

THE HIGHLAND COUNCIL

NORTH PLANNING APPLICATIONS COMMITTEE
4 April 2017

Agenda Item	5.4
Report No	PLN/029/17

16/05402/FUL: Telefonica UK Ltd.
Land 60m south of 6 Ord Industrial Estate, Muir of Ord

Report by Area Planning Manager

SUMMARY

Description : Installation of 15m high telecommunications tower with associated equipment

Recommendation - GRANT

Ward : 09 – Dingwall and Seaforth

Development category : Local

Pre-determination hearing : None

Reason referred to Committee : Community Council objection

1. PROPOSED DEVELOPMENT

- 1.1 The application comprises the proposed erection of a 15m high slim line lattice tower supporting three antennae and three Remote Radio Units (RRUs) on a 3m high headframe support; two 600mm dishes fixed to the tower below the antennae/RRUs; and two ground based equipment cabinets within a fenced compound measuring approximately 6m².
- 1.2 No pre-application enquiry request was received.
- 1.3 Access is proposed via the existing industrial estate public road and turning hammer head lying to the east and south of the site.
- 1.4 The following supporting documents have been submitted with the application: ICNIRP Declaration, General Background Statement, Supplementary Statement, and Discounted Site Options Statement.
- 1.5 **Variations:** None

2. SITE DESCRIPTION

- 2.1 The site comprises an area of (formerly) grass situated due south of the small industrial units and lying between the A862 public road (Great North Road) and the industrial estate road, west of the railway line and due north of the bridge over the railway line on the northern approach into Muir of Ord village centre. The site lies

opposite and off set from Gleaner Oils petrol filling station, Ord Motors garage and Ordwood Timber yard; and opposite the detached houses 'Fernvale' and 'Beechwood', which are set back over 20m from the A862 on the west side of the public road. At present this area is occupied by a compound and portable buildings established in association with the construction works for the replacement road bridge over the railway.

3. PLANNING HISTORY

3.1 None

4. PUBLIC PARTICIPATION

4.1 Advertised : Schedule 3 and Unknown Neighbour
Representation deadline : 13.01.2017

Timeous representations : 0

Late representations : 0

5. CONSULTATIONS

5.1 **Transport Planning:** No objections. No significant roads or transport issues are anticipated. The applicant should be advised that a road opening permit will be required prior to any works commencing on or adjacent to the public road.

5.2 **Muir of Ord Community Council:** Objects on the following grounds:

- Unsuitable in terms of design, height and scale, considered inappropriate for a village centre location (too tall and industrial in scale);
- Not necessarily the preferred location for a telecommunications mast to provide phone services to the community;
- The site is opposite the filling station and shop, which is one of the potential sites for a relocated post office and with the development of the railway bridge is becoming part of the village centre High Street environment;
- The Community Council and Community Association proposed to the applicant that a public meeting be held to discuss the various options and collectively select a preferred site and design prior to a planning application being made. This invitation has not been taken up by the applicant.

5.3 **NATS:** No objections.

5.4 **MOD:** No objections

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Policy 28 Sustainable Design

Policy 29 Design Quality and Place Making

Policy 34 Settlement Development Areas

Policy 45 Communications

Policy 46 Siting and Design of Communications Infrastructure

6.2 **Inner Moray Firth Local Development Plan 2015**

Within Muir of Ord Settlement Development Area

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Not applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

Sustainable Design Guide (Jan 2013)

7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (2014)

8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

8.31 The application site lies within Muir of Ord Settlement Development Area and therefore falls to be assessed against Policy 34 of the Highland-wide Local Development Plan. The proposal meets with this policy in that it conforms with existing land uses, situated immediately adjacent to established industrial buildings, on the edge of the village centre where there is a mix of commercial and residential uses. It lies within the narrow corridor of land between the main road and the railway, adjacent to the new road bridge over the railway and will therefore be seen in the context of this infrastructure corridor.

8.32 The proposal also complies with Policies 45 (Communications) and 46 (Siting and Design of Communications Infrastructure) in that it contributes to the expansion of the electronic communications network; it does not adversely affect any designated nature conservation or built heritage sites; and the lattice design has been selected to appear recessive adjacent to established industrial buildings within an urban location. There are no existing masts or structures which could accommodate shared apparatus.

8.33 In terms of communications infrastructure, Scottish Government Planning Policy states that advanced, high quality electronic communications infrastructure is an essential component of economic growth across Scotland.

8.4 **Material Considerations**

8.41 **Visual and Townscape Impact**

The concerns of the Community Council relate mainly to the visual appearance of the proposed structure and its impact on the village centre. The fundamental concerns expressed are that it is too high at 18m (including headframe and antennae) and is industrial in appearance. In response, the applicant notes that the design proposed is slim line and simplistic, with the lattice style offering a degree of transparency when viewed in the context of the skyline and adjacent trees.

8.42 It is acknowledged that the tower will be visible in short range views in and around this section of Great North Road but existing and proposed trees within the landscaping strip adjacent to the site will help to reduce such impact. It has also to be recognised that the site lies next to established industrial buildings and the railway line; and opposite the filling station, garage and wood yard. The application site, which is in Council ownership, is situated due north of a parcel of land due to be re-landscaped with tree planting on completion of the new bridge works. The landscape plan drawn up in association with the bridge project (due for completion in September this year) shows gentle bunding and planting of twenty mixed birch, rowan, oak, cherry and scots pine standard trees, together with ground cover shrubs, in the area of ground between the application site and the new bridge, contained between the A862 and the railway line. This tree planting, when established will mature to provide additional screening of the tower and ground based equipment.

8.43 With regard to the design and height of the proposed development, the agents advise that the proposed tower and associated apparatus has been limited to a minimum operational size and design for the job in hand, i.e. the provision of 2G, 3G and 4G network services to those living, working and travelling in the Muir of Ord area. A lesser mast height is not operationally feasible as surrounding trees would render the transmission from the antennae and dishes to be unviable.

8.44 **Alternative Sites**

The Community Council has also expressed concerns that there has been little community engagement and that the applicant did not agree to hold a public meeting where alternative sites could be assessed. In response, the applicant's agent notes that this is a relatively minor application and it is considered unreasonable to engage in a degree of community consultation more akin to a major application. They note that twelve other sites in the village were considered but discounted for various reasons as explained in the supporting information. It is pointed out that the Community Council has not made any suggestion of a better alternative site.

8.5 **Matters to be secured by Section 75 Agreement**

None

9. CONCLUSION

- 9.1 Having effective mobile connectivity across Highland is of critical importance and while good progress is being made to improve coverage, there are still significant areas which have no or limited coverage, which has a negative effect on individuals, businesses and communities. Mobile Network Operators are making progress towards the commitment to providing 4G to 90% of Scotland by the end of 2017. This current proposal is made on behalf of the Telefonica and Vodafone networks.
- 9.2 Whilst it is acknowledged that the height of the tower will have some visual impact in the existing streetscape, it is not considered that this will be significantly detrimental to the established amenity of the area. It is set back approximately 18m from the heel of the footpath alongside the A862, immediately adjacent to established industrial buildings. This approach to the village centre contains an eclectic mix of buildings, structures and uses and it is considered that in such context the single tower and associated compound proposed are appropriate and do not pose any adverse issues visually and overall, are considered to be acceptable in this location. Furthermore, the established trees along side the road and the railway to be reinforced by additional tree planting to be carried out as part of the replacement bridge works will help soften, obscure and screen the works.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action required before decision issued No

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. Notwithstanding the provisions of Class 67 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, or any Order revoking and re-enacting that Order, with or without modification, no development of a type identified in the aforementioned class, shall take place on the development hereby approved without planning permission being granted on an application made to the Planning Authority.

Reason : In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area.

2. The telecommunications tower and attached apparatus hereby approved shall be finished in a non-reflective grey colour and the compound fence and equipment cabins hereby approved shall be finished in a non-reflective grey or dark green colour.

Reason : To ensure that the development is sensitive to, and compatible with, its context.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

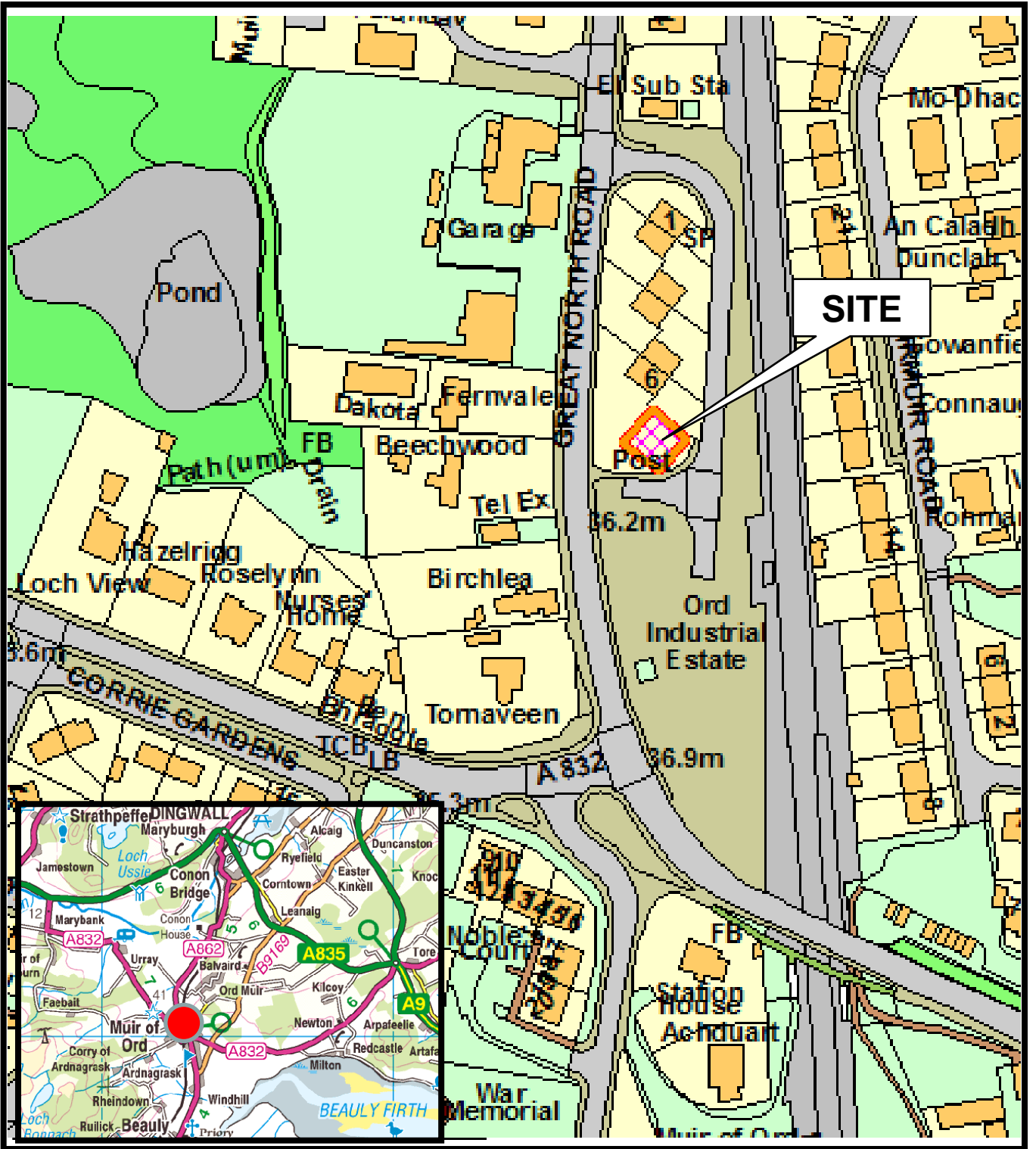
Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature:	Dafydd Jones
Designation:	Area Planning Manager - North
Author:	Dorothy Stott
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan 100 Rev A Plan 2 – Site Layout Plan 201 Rev A Plan 3 – Elevations 301 Rev A

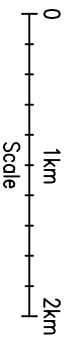
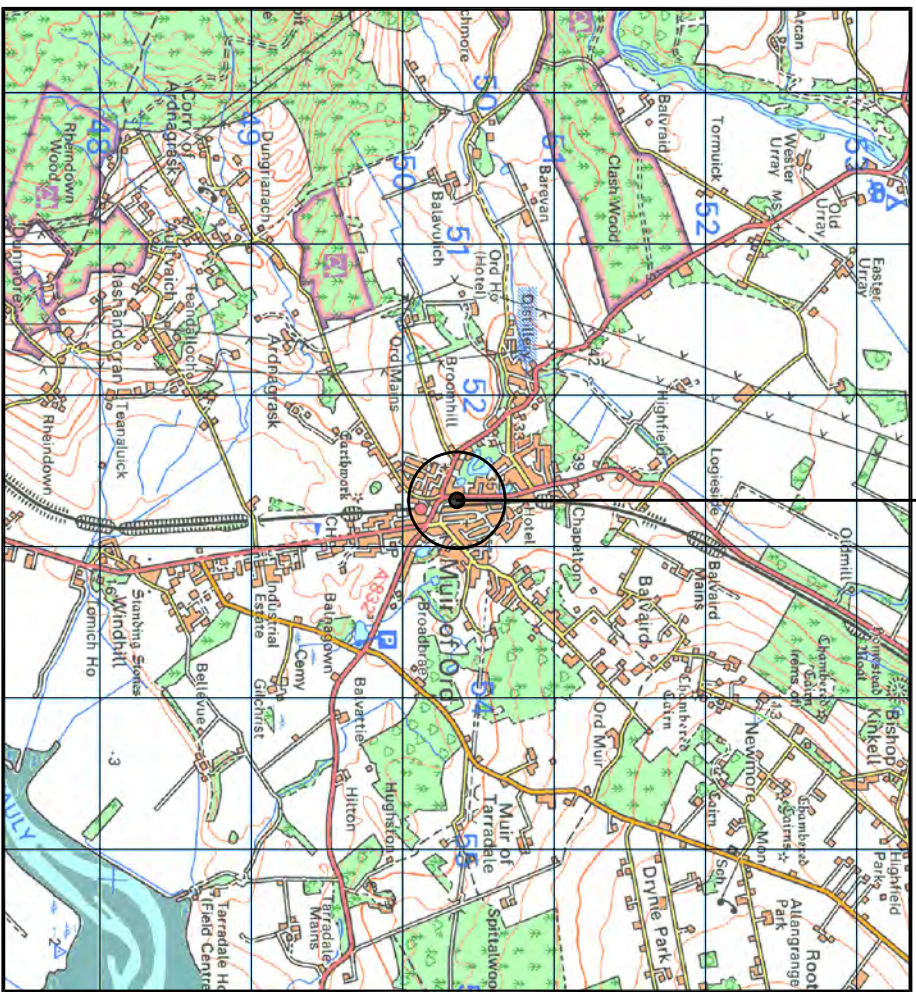


Planning & Development Service

16/05402/FUL
Erection of telecoms mast
at Land to South of Ord Industrial Estate,
Muir of Ord



SITE LOCATION



SITE LOCATION

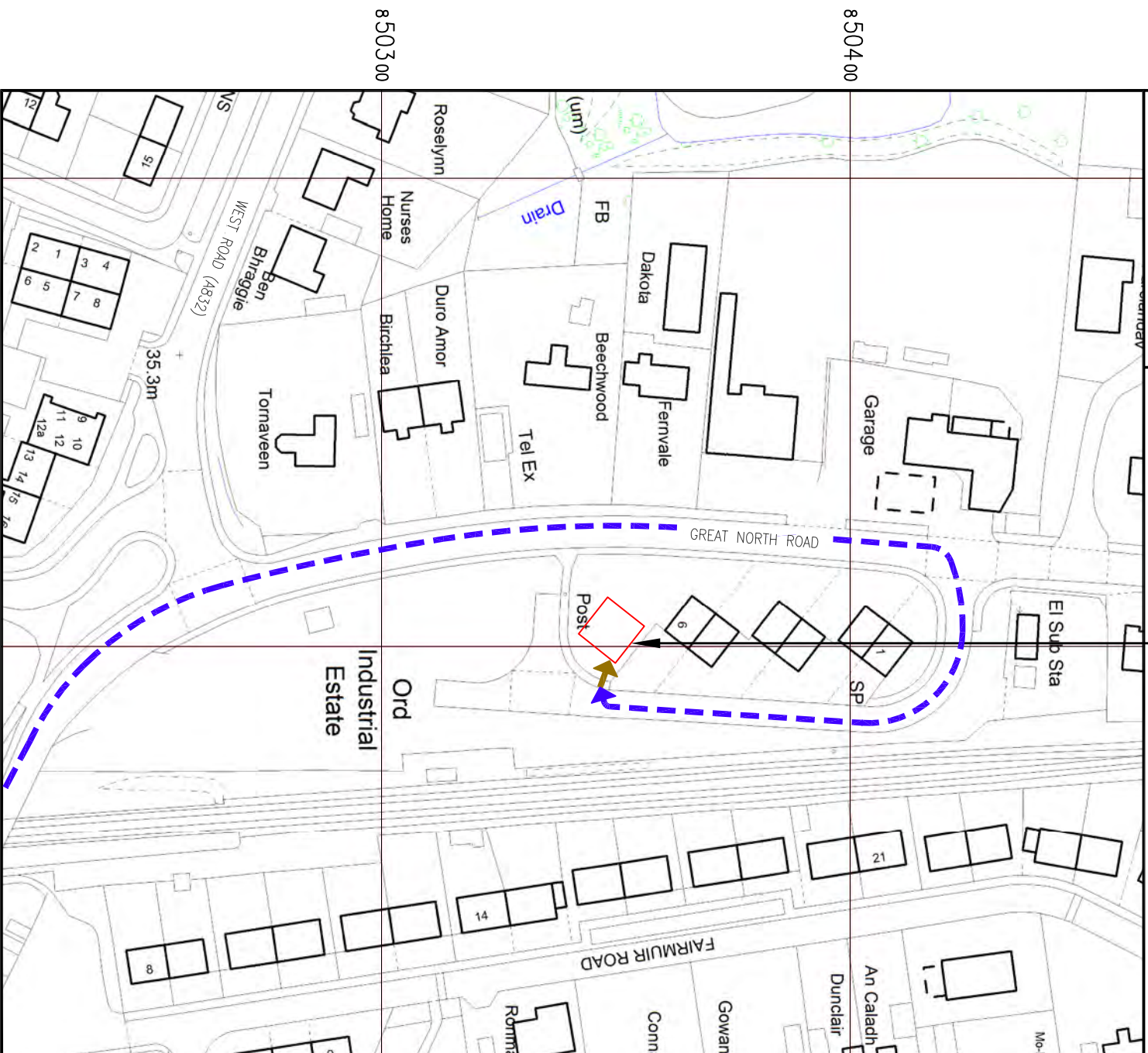
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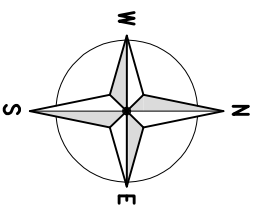


SITE PHOTOGRAPH

= Site Access
 = Access Route



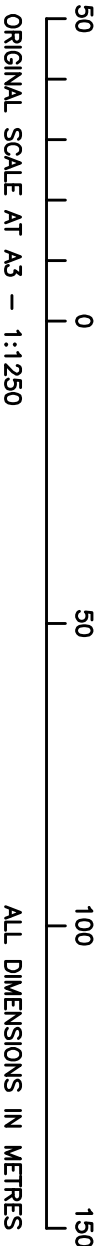
SITE LOCATION



DETAILED SITE LOCATION

(Scale 1:1250)

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ORIGINAL SCALE AT A3 - 1:1250

ALL DIMENSIONS IN METRES

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 252698 N: 850350

CONCESSION REQUIRED NO

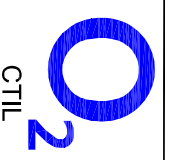
DIRECTIONS TO SITE:

TAKE THE A9 NORTH TO INVERNESS, CONTINUE PAST INVERNESS ON THE A9 AND TAKE THE TURN OFF FOR A832 FOLLOW THIS UNTIL YOU REACH MUIR OF ORD. CROSS THE RAIL BRIDGE AND TAKE THE NEXT RIGHT ONTO GREAT NORTH ROAD, CONTINUE APPROX 100m UP THE ROAD TO THE PETROL STATION ON THE LEFT. TURN RIGHT HERE INTO COUNCIL OWNED UNITS. PROPOSED SITE LOCATED AT END OF UNITS ON GRASS VERGE.

NOTES:

REV	Issued for Approval	MODIFICATION	FLGS	NDS	DATE
A					11.11.16

WOLVEY - HINCKLEY - LEICESTERSHIRE - LE10 3JF
Tel: +44 (0)1455 222792 Fax: +44 (0)1455 222758



Cell Name	MUIR OF ORD	Opt.	C
Cell ID No	CTIL	TEF	VF
CTIL	206151	075456	N/A

Site Address / Contact Details

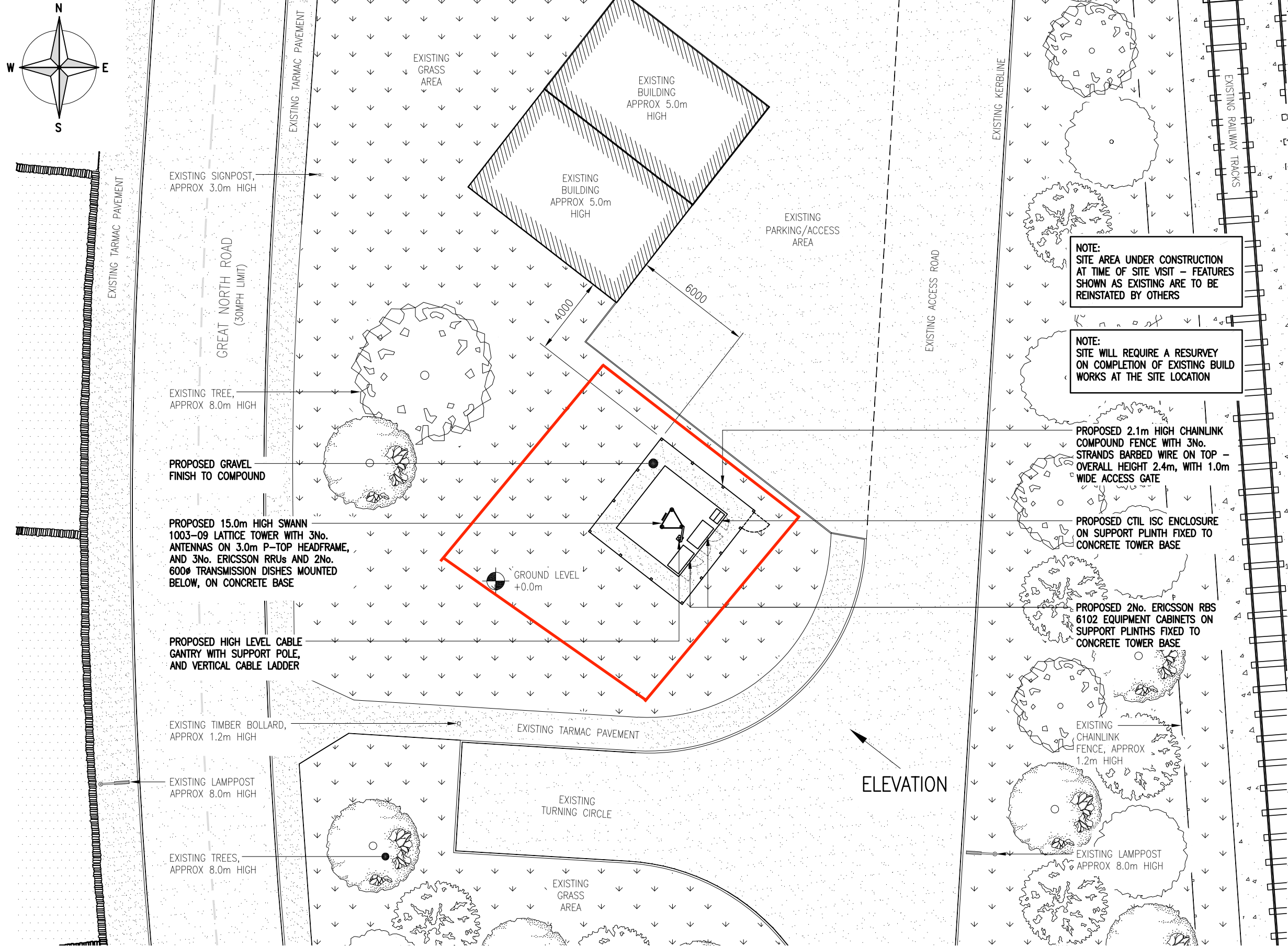
GREAT NORTH ROAD
MUIR OF ORD
ROSS-SHIRE
INVERNESSSHIRE
IV6 7TB

Drawing Title: SITE LOCATION MAPS

Purpose of Issue: PLANNING

Drawing Number: 100

Survived By:	NDS	Original Sheet Size:	A3	Issue:	A
Drawn:	FLCS	Date:	11.11.16	Checked:	NDS
		Date:	11.11.16		



NOTE:
SITE AREA UNDER CONSTRUCTION
AT TIME OF SITE VISIT - FEATURES
SHOWN AS EXISTING ARE TO BE
REINSTATED BY OTHERS

NOTE:
SITE WILL REQUIRE A RESURVEY
ON COMPLETION OF EXISTING BUILD
WORKS AT THE SITE LOCATION

PROPOSED 2.1m HIGH CHAINLINK
COMPOUND FENCE WITH 3No.
STRANDS BARBED WIRE ON TOP -
OVERALL HEIGHT 2.4m, WITH 1.0m
WIDE ACCESS GATE

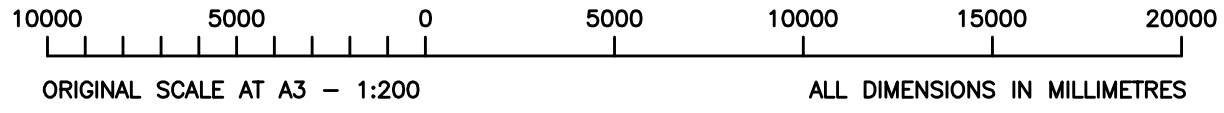
PROPOSED CTIL ISC ENCLOSURE
ON SUPPORT PLINTH FIXED TO
CONCRETE TOWER BASE

PROPOSED 2No. ERICSSON RBS
6102 EQUIPMENT CABINETS ON
SUPPORT PLINTHS FIXED TO
CONCRETE TOWER BASE

EXISTING
CHAINLINK
FENCE, APPROX
1.2m HIGH

EXISTING LAMPOST
APPROX 8.0m HIGH

PROPOSED SITE PLAN
(1:200)



The drawings comply with CTIL Beacon Standard ICNIRP guidelines.
Designed in accordance with CTIL Beacon documents: SDN0008 & SDN0009 'ICNIRP Compliance Summary'

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R | E: 252698 N: 850350
CONCESSION REQUIRED | NO

NOTES:
- GEOTECH REQUIRED

REV	Issued for Approval	FLCS/NDS	11.11.16
	MODIFICATION	BY	CH
			DATE

GallifordTry
WOLVEY - HINCKLEY - LEICESTERSHIRE - LE10 3JF
Tel: +44 (0)1455 222792 Fax: +44 (0)1455 222758

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CTIL

Cell Name | Opt.
MUIR OF ORD | C

Cell ID No

CTIL	TEF	VF
206151	075456	N/A

Site Address / Contact Details
GREAT NORTH ROAD
MUIR OF ORD
ROSS-SHIRE
INVERNESSHIRE
IV6 7TB

Drawing Title: PROPOSED SITE PLAN
Purpose of issue: PLANNING

Drawing Number: 201

Surveyed By: NDS	Original Sheet Size: A3	Issue: A
Drawn: FLCS	Date: 11.11.16	Checked: NDS
		Date: 11.11.16

TOP OF PROPOSED ANTENNAS
+18.0m A.G.L.

U/S OF PROPOSED ANTENNAS
+16.1m A.G.L.

C/L OF PROPOSED TRANSMISSION DISHES
+14.5m A.G.L.

PROPOSED 3No. ERICSSON RRU's
(NO FANS) ON SUPPORT
BRACKETS FIXED TO TOWER LEGS

PROPOSED 15.0m HIGH SWANN 1003-09
LATTICE TOWER WITH 3.0m P-TOP
HEADFRAME, ON CONCRETE BASE

NOTE:
SITE WILL REQUIRE A RESURVEY
ON COMPLETION OF EXISTING BUILD
WORKS AT THE SITE LOCATION

PROPOSED HIGH LEVEL CABLE
GANTRY WITH SUPPORT POLE,
AND VERTICAL CABLE LADDER

PROPOSED 2.1m HIGH CHAINLINK
COMPOUND FENCE WITH 3No. STRANDS
BARBED WIRE ON TOP - OVERALL HEIGHT
2.4m, WITH 1.0m WIDE ACCESS GATE

EXISTING TIMBER BOLLARD,
APPROX 1.2m HIGH

G.L.

PROPOSED 2No. ERICSSON RBS
6102 EQUIPMENT CABINETS ON
SUPPORT PLINTHS FIXED TO
CONCRETE TOWER BASE

TOP OF PROPOSED HEADFRAME
+18.0m A.G.L.

PROPOSED 3No. ANTENNAS ON
HEADFRAME SUPPORT POLES

TOP OF PROPOSED TOWER
+15.0m A.G.L.

PROPOSED 2No. 600Ø
TRANSMISSION DISHES FIXED TO
TOWER LEGS BELOW ANTENNAS

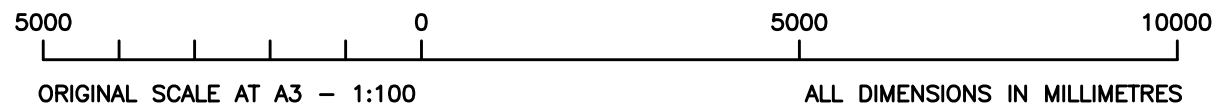
NOTE:
SITE AREA UNDER CONSTRUCTION
AT TIME OF SITE VISIT - FEATURES
SHOWN AS EXISTING ARE TO BE
REINSTATED BY OTHERS

EXISTING TREE HEIGHT
+8.0m A.G.L. APPROX

PROPOSED CTIL ISC ENCLOSURE
ON SUPPORT PLINTH FIXED TO
CONCRETE TOWER BASE

EXISTING BUILDING HEIGHT
+5.0m A.G.L. APPROX

PROPOSED SOUTH-EAST ELEVATION
(1:100)



ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R | E: 252698 N: 850350

CONCESSION REQUIRED | NO

NOTES:

- GEOTECH REQUIRED

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REV	MODIFICATION	BY	CH	DATE

Cell Name	Opt.
MUIR OF ORD	C

Cell ID No		
CTIL	TEF	VF
206151	075456	N/A

Site Address / Contact Details
GREAT NORTH ROAD
MUIR OF ORD
ROSS-SHIRE
INVERNESSHIRE
IV6 7TB

Drawing Title:
PROPOSED SITE ELEVATION

Purpose of issue:
PLANNING

Drawing Number:
301

Surveyed By: NDS	Original Sheet Size: A3	Issue: A
Drawn: FLCS	Date: 11.11.16	Checked: NDS Date: 11.11.16

The drawings comply with CTIL Beacon Standard ICNIRP guidelines.
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