

PLANNING COMMITTEE – 24 July 2012

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION) RE: APPEALS LODGED AND DETERMINED



WARDS AFFECTED: BURBAGE, SKETCHLEY AND STRETTON WARD; RATBY, BAGWORTH & THORNTON WARD

1. PURPOSE OF REPORT

To inform Members of appeals lodged and determined since the last report.

2. RECOMMENDATION

That the report be noted.

3. BACKGROUND TO THE REPORT

Appeals Lodged

Appeal by Sachkhand Nanak Dham against the refusal to grant full planning permission for the change of use of residential to mixed use of premises to provide accommodation and teaching facilities, extensions and alterations, alterations to access and provision of associated car parking (11/00915/FUL) at Stretton House, Watling Street, Burbage *Written Representation*

Appeal by Mrs Margaret Ashby against conditions 4, 6 & 7 to planning permission (11/00755/FUL) on land at Markfield Lane, Thornton *Written Representation*

Appeals Determined

Appeal by Vodafone (UK) Ltd / Telefonica (UK) Ltd against the refusal to certify a prior notification of proposed development by telecommunications code system operators for telecommunications installation (11/00793/GDOT) at Three Pots Road, Burbage.

The main issue was the effect of the proposal on the character and appearance of the area as well as neighbours amenities, and whether alternative sites have been fully considered. The appellant indicates that there is a lack of acceptable coverage over this part of Burbage. This need was considered by the Planning Inspector to weigh in favour of the appeal.

With regards to the masts design and appearance, the Planning Inspector noted that a brown GRP finish would reflect a normal telegraph pole. However the scale of the mast at 15 metres in height is almost twice as high as that of nearby telegraph poles and adjacent street lights.

It was also noted that the mast would be partially screened from the southern side of the highway. It would have no affective screening and would be viewable from the properties sited around the junction of Three Pots Road, Wolvey Road and Herald Way as well as the rear of the properties on the opposite side of the road. Given the size of the mast and the lack of

appropriate screening, the Planning Inspector was therefore of the view that the proposal would appear a prominent feature within the street scene and would have a poor visual relationship to existing street furniture. In addition the Planning Inspector also commented that the associated equipment cabinet sited close to the highway verge would stand out as a distinct street furniture feature at the edge of the carriageway that would not be screened or assimilated into the street scene.

Given the above reasons, the Planning Inspector stated that the proposal would harm the character and appearance of the local area and impinge on neighbours amenities contrary to saved Local Plan Policy BE1 and the NPPF.

The Planning Inspector refers to the section within the NPPF that evidence should be submitted showing that the appellants have explored the possibility of erecting antennas on existing buildings, masts or other structures. The evidence submitted shows sites that are outside the coverage area and no coverage plots have been submitted. The Council argued that additional structures and areas have not been specifically referred to by the appellant.

The Inspector stated that alternative suggestions were made by the Council but these were dismissed by the appellant for not providing an acceptable level of coverage to the targeted residential area. Overall the Planning Inspector did not consider that the appellants gave suitable and proper consideration to other reasonable options for providing the required degree of coverage.

The Planning Inspector then considered other matters principally local concerns about health risks associated with the development. It has been confirmed by the appellant that the proposed equipment would comply with the International guidelines for public exposure to the mast and therefore not necessary to further consider the health aspects of the development.

In summary, the harm that would be caused to the character and appearance of the local area and neighbours amenity as well as the lack of evidence to fully consider alternative options outweighs the need for the proposal. The Planning Inspector therefore concludes that the appeal should be dismissed.

Inspector's Decision

Appeal dismissed (committee decision)

4. FINANCIAL IMPLICATIONS (AB)

None arising directly from the report.

5. LEGAL IMPLICATIONS [EP]

There are no legal implications arising from this report as it is for noting only.

6. CORPORATE PLAN IMPLICATIONS

This document contributes to Strategic Aim 3 of the Corporate Plan

- Safer and Healthier Borough.

7. CONSULTATION

None

8. RISK IMPLICATIONS

None

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

None

10. CORPORATE IMPLICATIONS

By submitting this report, the report author has taken the following into account:

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| - Community Safety implications | None relating to this report |
| - Environmental implications | None relating to this report |
| - ICT implications | None relating to this report |
| - Asset Management implications | None relating to this report |
| - Human Resources implications | None relating to this report |
| - Voluntary Sector | None relating to this report |

Background papers: Appeal Decisions

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