

APPLICATION: MA/10/1601 Date: 12 September 2010 Received: 14 September 2010

APPLICANT: Mr N Dupre

LOCATION: VINE COTTAGE, WILLINGTON STREET, MAIDSTONE, KENT, ME15 8ED

PARISH: Maidstone

PROPOSAL: Erection and use of Amateur radio mast and aerial as shown on unnumbered scale 1:200 elevation plans, 1:500 block plan and applicants supporting statement received on 14 September 2010.

AGENDA DATE: 4th November 2010

CASE OFFICER: Laura Gregory

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by Downswood Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6
Government Policy: PPS1, PPG8, PPG24

1. HISTORY

1.1 None

2. CONSULTATIONS

2.1 **Downswood Parish Council** - "Wish to object to the above Planning Application and would like it reported to the Planning Committee for the following reasons:-

- Unknown implications from the increase of power/frequency, including the affect it may have on certain equipment in the area.
- Concerns for the pipistrelle bat population if there is an increase in power.
- Aesthetically, the mast may be screened by trees during the summer period but it will be visible during the winter months.
- The applicant states that his existing aerials have 'limited my experiments and activities'. If planning permission is granted, what will future experiments/activities involve?"

MBC Environmental Health Officer – No objections

3. REPRESENTATIONS

- 3.1 Six letters of representation received raising the following objections:-
- Proposed mast would interfere with T.V signals, Wi-Fi and other electrical equipment
 - The mast would result in a noise issue
 - Overshadowing of neighbouring property.
 - Possible risk to health
 - May affect local Bat population
 - Sets a precedent

4. CONSIDERATIONS

4.1 Site and Surroundings

- 4.2 The application site is located within the defined urban area of Maidstone and contains a detached dwelling otherwise referred to as Vine Cottage. Located to the east of Willington Street, just 100m south of the junction of Willington Street with Derringwood Drive, the dwelling is not listed and is not subject to any specific landscape or other designations as designated within the Development Plan.
- 4.3 The dwelling is an older property compared to its neighbours. It is constructed in what appears to have been an old quarry, approximately 2.5m below the gardens of the dwellings in Willington Street to the north and north west, and 2m below the gardens of the dwellings in Foxden Drive to the south and east, Vine Cottage is not visible from Willington Street. The garden is bounded by both deciduous and evergreen trees on the east south and west boundaries. The trees are approximately 8-10m high to the eastern boundary and around 18m high to both the south and western boundaries. The applicant's garden gradually rises towards to the southern boundary where there is a detached single storey garage and the main vehicular access into the site. The drive into the site continues to rise until it is level with Foxden Drive.
- 4.4 The surrounding area is predominantly residential with houses constructed around the trees. The significant difference in the land levels and the height of the surrounding trees means that a large number of the dwellings in Foxden Drive have television aerials which extend above the ridge of their roof. As such, the skyline is dominated by deciduous and evergreen trees and, domestic aerials.

4.5 Proposal

- 4.6 Planning permission is sought to erect a free standing 17m high radio mast and aerial to the south east corner of the site next to the garage. The applicant is a licensed amateur radio operator and already has aerials in the garden attached to a tree to the southern boundary. The proposed mast is required to enable him to continue with his hobby.
- 4.7 Constructed of fibreglass, the proposed mast would measure 17m above ground level which, is approximately 2-2.5m below the surrounding dwellings. It would taper from a diameter of 60mm at the base to 30mm at the top. The attached aerial comprises of six arms radiating from a central hub. The proposed arms are fibre glass tubes measuring 25mm in diameter at the centre tapering to 17mm at the end and would have a maximum radius of 3.3m. The hexagonal structure would then support lightweight aerial wires measuring 1.3mm in diameter.
- 4.8 The aerial is a directional and would rotate with the mast to which it is attached. The rotator mechanism would be located below the roof line of the garage and would be supported by a steel tubular column embedded in a concrete foundation. The motor would be powered by electricity from the main house

4.9 Planning Considerations

- 4.10 The main issues to consider are firstly, the visual impact the proposed mast and aerials would have on the character and appearance of the surrounding area and, secondly, the residential amenity of the neighbouring occupiers.

Visual Impact

- 4.11 When considering the visual impact of the proposed mast, PPG8 recognises that masts used by amateur radio operators can present a few potential planning problems in terms of their size and visual impact as they need to be high enough for technical efficiency and located away from other antennas to minimise interference.
- 4.12 At 17m high, the proposed mast would be a visible structure projecting above the canopy of the trees on the eastern boundary. However, given that it would be sited on land which is below the ground level of surrounding houses, and would be surrounded by trees, I do not consider that the proposed mast would significantly visually intrusive.
- 4.13 The design of the mast, with its proposed branch-like aerial is acceptable given the character of the site and the proposed position of the structure. The mast would be a narrow structure, painted dark green and surrounded by trees which is in accordance with the advice published under PPG8. Whilst the trees which

surround the mast are deciduous and therefore in winter, the mast would be more visible between the gaps in the dwellings on Foxden Drive, the design, colour and position of the mast are such that it would not appear visually dominant or significantly intrusive blending in with the surrounding trees. As these retained trees would provide a natural screen and this is in accordance with PPG8 and Policy ENV6, a condition is necessary to which ensure that these trees are retained.

- 4.14 The proposed mast would integrate well with the character and appearance of the surrounding area, appearing less intrusive than the television (T.V) aerials which are in place on the properties in Foxden Drive to south and west of the site. These aerials are unduly prominent within the street, due to their position above the rooftops and unlike the proposed mast, have not been designed to blend in with the surrounding area.
- 4.15 No visual harm to Willington Street would be caused by the development, given that the mast will not be visible from this highway and as such the character and appearance of Willington Street would be preserved as a result of this development.

Residential Amenity

- 4.16 Six letters of objection have been received stating that the proposed mast would result in an increase in the power used to broadcast and as such, would interfere with T.V frequencies, causing harm to residential amenity.
- 4.17 PPS1 actively encourages development which enhances and protects the places where people live. With regard to the increase in power and the impact it would have on the surrounding neighbouring properties, the applicant has stated that the proposed mast and aerial would not transmit on a higher level of power than his existing mast. This is due to the restrictions imposed on his licence.
- 4.18 Having contacted a technician from the Radio Society of Great Britain (RSGB), and a member of the licensing team at Ofcom, it has been confirmed that a Full UK amateur radio licence does limit operators to using a maximum of 400 watts of electricity to transmit. As the applicant is a full licence holder, he is restricted to using a maximum of 400 watts of power to the proposed mast. Considering that the applicant already has an aerial on site and therefore is already making transmissions, it is my view that it is unlikely the proposed new mast would result in a significant increase in electrical power which would be harmful to the amenity of the surrounding residents.
- 4.19 The proposed mast would not be rotating continuously. It would only rotate in the direction that radio transmission is to be made. However, whilst the rotating aerial would not be noisy, the motor powering it may be, especially given that it

would be located outside the garage. The Environmental Health Officer is satisfied that the relatively low power of the motor (approximately 100 watts) would not result in a significant noise issue. However, to safeguard the amenity of the surrounding residents, as a precautionary measure the Environmental Health Officer recommends that a condition is imposed which requires a sound proof box around the motor housing.

- 4.20 With regard to the interference with T.V radio signals, the applicant is not permitted to transmit on the same frequencies as broadcasting T.V and radio stations. The amateur radio transmitting licence clearly identifies the frequencies that amateurs are allowed to use. Knowledge of those frequencies is assessed in the formal exam that must be passed before a licence is awarded. If a transmission was made outside of the permitted frequencies, this would be a breach of the licence and the regulations of the Wireless Telegraphy Act 1949 and therefore a matter for Ofcom to enforce as the regulator.
- 4.21 Given that the site is surrounded by trees which already interfere with analogue T.V reception, and bearing in mind the conditions of the applicant's licence, I do not consider that the proposed mast would cause any significant or unacceptable interference. Therefore on this matter, I consider that the proposal is acceptable.

Health

- 4.22 With regard to the possible health risks, having contacted the Health Protection Agency, it has been confirmed the radio wave (also called radio frequency) levels emitted by the masts of amateur radio enthusiasts are relatively low and should therefore not be any cause for concern in relation to health.
- 4.23 Radio amateurs are required have a licence (foundation, Intermediate or Full) to get on the air to transmit such radio signals in addition to an understanding of the antennas and radio systems, and Ofcom imposes terms and conditions (with limitations) in order to qualify for such a licence. Any breach of these terms and conditions is a matter for Ofcom as the regulator, to deal with.

Ecology

- 4.24 With regard to the impact upon the pipistrelle bat population, bats use sound waves and not radio waves to navigate and therefore it is unlikely that the mast would cause significant harm to the bat population. The proposed mast is the same height as the surrounding trees and is of similar design to telegraph poles which are present in the area. No harm to bat roosts would be caused as a result of this proposal.

5 CONCLUSION

In conclusion, considering the above I consider that by virtue of its design and position, the proposed mast would not result in significant visual harm to the character and appearance of the surrounding area. In terms of the impact upon residential amenity, given the low power the mast would use and the limitations of the applicant's licence, I do not consider significant harm to residential amenity in terms of noise and interference, would be caused. The application is therefore considered to be in accordance with the advice contained within PPG8 and PPS1 and I recommend that the application be approved subject to the following conditions.

6 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until details of a scheme for the insulation of the rotator motor mechanism have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed in accordance with the subsequently approved details and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To safeguard the enjoyment of their properties by neighbouring residential occupiers and in accordance with advice contained within PPG24

3. The radio mast hereby permitted shall be painted dark green prior to its erection, and shall thereafter be maintained as such to the satisfaction of the Local Planning Authority .

Reason: In the interest of visual amenity and in accordance with advice contained within PPS1 and PPG8

4. When no longer in use, the radio mast and aerial hereby permitted shall be removed to the satisfaction of the Local Planning Authority.

Reason: In the interest of visual amenity and in accordance with advice contained within PPS1

5. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and advice contained within PPS1 and PPG8.