

## Item No. 13

<b>APPLICATION NUMBER</b>	<b>CB/15/01762/FULL</b>
<b>LOCATION</b>	<b>Leighton United Football Club, Stanbridge Road, Tilsworth, LU7 9PL</b>
<b>PROPOSAL</b>	<b>Installation comprising 1no. 17.5m Column A Mast, 3no. antennas, 2no. 0.6m dia dishes, 6no. cabinets and ancillary equipment thereto, enclosed within 2.2m high chainlink fence around 5x7m compound, with 1no. meter cabinet within fenceline.</b>
<b>PARISH</b>	<b>Tilsworth</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>18 May 2015</b>
<b>EXPIRY DATE</b>	<b>13 July 2015</b>
<b>APPLICANT</b>	<b>EE Ltd</b>
<b>AGENT</b>	<b>Harlequin Group</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Called in by Councillor Versallion on the grounds of concerns about health effects of mast on people and animals.</b>
	<b>Full Application - Recommended for Approval</b>

### **Summary of Recommendation**

The principle of the erection of the telecommunications mast and associated equipment is considered to be acceptable. The proposal would comply with the International Commission guidelines for public exposure and thus paragraph 46 of the NPPF instructs local planning authorities not to consider health safeguards. The proposal would have an acceptable impact on the Green Belt and the character and appearance of the area. The proposal is therefore considered to be in accordance with the National Planning Policy Framework, policy BE8 of the South Bedfordshire Local Plan Review, policies 21, 22, 36 and 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

### **Site Location:**

The application site comprises land at Leighton United Football Club, located on the south side of Stanbridge Road in the village of Tilsworth. The football club consists of a number of small scale junior grass pitches and a small clubhouse / changing facility. The site is located on the west side of the football club, approximately 265m from Stanbridge Road, around 6m from the tree belt that marks the western boundary of the grounds of Leighton United Football Club. The site is located approximately 250m from the nearest residential properties.

The site is washed over by the South Bedfordshire Green Belt.

### **The Application:**

The application seeks planning permission for the erection of a telecommunications

mast of 17.5m high with 3 antennas, 2 dishes each measuring 0.6m in diameter, 6 cabinets and associated ancillary equipment, all to be enclosed within a compound of 5m x 7m by a 2.2m high chain link fence.

The proposed mast is to replace an existing 15m high mast and associated equipment currently located at Green Hill Farm, some 900m to the north east of the application site.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF) (March 2012)**

Section 3: Supporting a prosperous rural economy

Section 5: Supporting high quality communications infrastructure

Section 8: Promoting healthy communities

Section 9: Protecting Green Belt land

### **South Bedfordshire Local Plan Review Policies**

BE8 Design Considerations

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policy BE8 is still given significant weight.)*

### **Emerging Development Strategy for Central Bedfordshire 2014**

Policy 21: Provision for Social and Community Infrastructure

Policy 22: Leisure and Open Space Provision

Policy 36: Development in the Green Belt

Policy 43: High Quality Development

Policy 59: Woodlands, Trees and Hedges

*The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.*

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History**

#### Application Site

CB/14/03521/PAPP - Pre-application advice given on Relocation of mast from Green Hill Farm - 25/09/2014 - Advice given that the site is within the Green Belt and therefore very special circumstances will be required to accompany the application.

SB/03/00406 - Planning permission granted for erection of clubhouse, equipment store and replacement tank bases - 24/07/2003.

SB/91/00637 - Change of use from arable land to junior football pitches - 25/09/1991.

### Green Hill Farm

CB/14/01141/VOC - Variation of condition application granted to remove condition 7 to planning permission CB/13/03471/FULL - 15/05/2014.

CB/13/03471/FULL - Planning permission granted for demolition of commercial buildings, erection of 11 dwellings with associated hardstanding and landscaping and change of use of land to paddocks - 24/01/2014 - condition 7 read as follows:

"No development shall commence until a timetable and programme of works for the removal of the existing telecommunications mast from the site have been submitted to and approved in writing by the Local Planning Authority – the timetable shall secure the removal of the mast within 12 months of the date of planning permission or before the occupation of the first house whichever is the later. The removal of the mast shall proceed in accordance with the agreed timetable and programme of works.

Reason: In the interest of visual amenity and to improve the openness of the Green Belt location.

(Policies BE8 S.B.L.P.R and 36, 43 & 50 D.S.C.B)."

SB/97/00608/TD - Prior Approval not required for the erection of telecommunications tower measuring 15m high and associated equipment - 26/03/1997.

### **Consultee Responses**

Tilsworth Parish Council

#### **OBJECT to the above proposed siting of a radio Mast**

Despite initial thoughts that this would be acceptable it has been brought to our attention that although not proven there may be serious Health and Safety Issues relating to the siting of such Masts when in close proximity to residents and livestock which can result in increased numbers of cancer diagnosis.

The siting of this mast at the Football club would place it close to residential housing, a recreational ground used by hundreds of children regularly and also near grazing of valuable livestock.

We feel we cannot ignore these possible Health and safety issues and would urge CBC to investigate thoroughly before deciding this planning application.

We also believe this mast is being moved from its current site, close to a new housing development, as they don't want it near to their homes and that an alternative more acceptable site has been found at Granary Farm which we would ask CBC to consider when discussing and evaluating this planning request.

Stanbridge Parish Council

#### **Objection to the above proposed siting of a radio Mast**

Despite initial thoughts that this would be acceptable we have now had it brought to our attention, the potential

hazards of these types of masts and the risk of higher cancer rates in those communities where masts have been sited.

We would therefore object to such a mast being placed at the football club which could impact on people and livestock in the area. The mast would be in very close proximity to houses, areas used by children and adults including our very busy community hall and sports area and livestock grazing in adjacent fields.

We would request that CBC look at the safety issues on this matter with some urgency and take into account when discussing the planning request.

Buckingham and River  
Ouzel Internal Drainage  
Board

The Board has no comments to make.

Trees & Landscape  
Officer

It is noted that the application intends to position the apparatus adjacent to the treeline to the west side of Leighton United Football Club. These trees are 15m in height running north to south from Stanbridge Road, along the football clubs land. It is assumed that the trees and the apparatus are entirely compatible in terms of avoiding any form of poor interference, but in recognition that the compound is being positioned only 5.7m from the eastern edge of the tree belt, I would like it confirmed that there would be no pressure to prune these trees at a later date as their growth increases.

Public Protection Officer

No comments.

**Other Representations:**  
Andrew Selous MP

Requests that the Committee takes into account the concerns of the occupier and proprietor of Tilsworth Stud Farm Stud and the occupier of 13 Dunstable Road, Tilsworth (see below) when determining the application.

Proprietor of Tilsworth  
Stud Farm and occupier  
of Hunters Barn,  
Stanbridge Road,  
Tilsworth

These representations have been made by a qualified veterinary surgeon and the owner of Tilsworth Stud Farm. Objects to the proposal on the following basis:

- The mast will emit levels of radio frequency radiation, which is an electromagnetic transmission of energy, which is capable of causing cancers and a whole host of ill health effects in humans and animals, especially to young humans and animals.
- The UK government does not require mobile phone operators to prove the safety of masts as they are a relatively new phenomenon. However, evidence exists in Europe that mobile phone companies are having to relocate masts due to high incidents of

cancer related deaths.

- The radio frequency radiation would upset the sensitive hearing of the horses at Tilsworth Stud Farm, causing behavioural changes that will increase their levels of stress, which could lead to changes in their breeding behaviour and a reduction in their fertility, having a detrimental impact on the Stud business. Also a risk of young stock developing growth abnormalities and cancer.
- The site is situated directly in a football ground frequented by hundreds of young children. It is also within close proximity of the Stanbridge and Tilsworth Recreation Ground.
- Other sites are available which are more isolated, including at Granary Farm.
- The proposal will breach the Human Rights of surrounding residents as the Human Rights Act, Article 1 of the First Protocol gives an individual the right to enjoyment of their property and will bring into play Article 8 which states that the environmental impacts of a planning decision on a neighbouring property brings into play the right for respect for home, privacy and family life.
- Reference to Newport Borough Council v Secretary of State for Wales (1998), which states that "genuine public fear, even if that fear is irrational and not based on evidence is a material planning consideration."

Mr Ng supplied the following articles in support of his concerns:

- War on Mobile Phone Mast by Nilufer Atik, Daily Mail
- Phone Mast Cancer Fear by Davi Wiles, Daily Mail
- Why mobile phone masts can be more dangerous than the phones by Andrew Goldworthy, March 2008
- Cornwall Council mobile phone masts position statement
- Article on Mobile Phone Radiation and Health
- The influence of being physical near to a cell phone transmission mast on the incidence of cancer by Horst Eger
- Possible effects of electromagnetic fields from phone masts on a population of white stork by Alfonso Balmori
- Increased incidence of cancer near a cell-phone transmitter station by Ronni Wolf
- Health effects of mobile phone transmitter masts and the planning application by orange plc for a mast in St Michael's Church, Aberystwyth by Chris Busby
- RF EMFs produce clear co-carcinogenic effects by Powerwatch News 08/03/2015

Occupier and employee of Tilsworth Stud Farm, Stanbridge Road and 13 Dunstable Road, Tilsworth. Mere Cottage, Tilsworth Road, & 2 Lords Close, Stanbridge.

Object to the proposal for the following reasons:

- The mast could have harmful effects on the health of the children who play football at the club and the animals at Tilsworth Stud Farm;
- Alternative, more isolated sites are available;
- CBC's policy for the siting of new schools excludes sites near to telephone masts because of concerns about health risks;
- For precautionary reasons, the mast should be sited in a more isolated location;
- These masts cause cancer;
- People living in the immediate vicinity have existing medical conditions which pre-dispose them to lung and liver disease and other cancers. Any exposure to those with these predispositions is unacceptable.

Petition received with 105 signatures against the proposal of which 30 live in Tilsworth and 7 live in Stanbridge

Object to the application on the grounds that it poses a possible health and safety risk, especially to Children and young animals.

Leighton United Football Club

- Claims within the village that the mast will damage health are scientifically proven to be false. Links provided to NHS and government websites stating that there is no clear evidence of adverse health effects from the use of mobile phones or from phone masts;
- The mast is being relocated from elsewhere within the village due to housing construction;
- Similar masts are located in the grounds of nearby football and rugby clubs and in school grounds across the country;

The following facts are provided in relation to Leighton United Football Club:

- Founded in 1985 with a single team we are now home to 26 teams of girls and boys ranging from 4-18 years old. Nearly 350 children and over 500 parents are part of our community, not to mention all the coaches and volunteers;
- All our coaches are unpaid and we fund all their accreditations from level 1 up to 3, over 20 of these are under 20 years old and have started coaching after finishing playing for us. A number of these young people also volunteer abroad helping various sports charities;
- We are one of the first of 90 registered Charter Standard Community Clubs in the country and were awarded the honour of opening the refurbished Wembley Stadium;
- Existing strong relationships with township and local

schools as well as regularly sending kit and training equipment to clubs and schools in Africa;

- A partner of Cedars Upper School in Leighton Buzzard where we have helped them secure funding for their pitches.

Everything we do for the club and the local community is self-funded, so this mast will not only give us a guaranteed revenue stream year on year, but in turn, allow us to fund more coaches from the local community.

Chiltern Youth Football League Supports the application as it will provide a revenue stream for a strong, local community organisation and will improve mobile signal within the Tilsworth area.

33 letters of support from Leighton Buzzard, Dunstable, Luton, Flitwick, Wing, Fareham, Hemel Hempstead, Edlesborough, Padbury, Markyate, Houghton Regis, Eaton Bray,

- The proposal will improve mobile phone signal within the area;
- The proposal will support a non-profit, community-based organisation that provides grass roots football to young people, in accordance with the requirements of the FA.

### **Determining Issues**

The main considerations of the application are;

- 1. Principle of Development**
- 2. Health Considerations**
- 3. Impact on the Character and Appearance of the Area**
- 4. Other Issues**

### **Considerations**

#### **1. Principle of Development**

1.1 The application seeks planning permission to erect a telecommunications mast to replace an existing mast at Green Hill Farm.

1.2 It is noted that the existing mast is located approximately 150m from existing dwellings within Tilsworth village and 50m from the new housing at Green Hill Farm. It is some 550m from Tilsworth Recreation Ground and 600m from Tilsworth Stud Farm. The proposed mast would be located some 250m away from the nearest residential dwelling (including the dwelling on Tilsworth Stud Farm). It would be located within 100m of the boundaries of Tilsworth Stud Farm and 270m from the recreation ground.

1.3 The existing mast is 15m high and did not require full planning permission as it comprised permitted development secured through a prior determination process. The proposed mast only requires planning permission as it would be 17.5m high, 2.5m above the height allowed for new masts under the current permitted development regulations. This increase in height is necessary to provide adequate replacement signal coverage within the area.

- 1.4 The application is accompanied by a site selection exercise which considered 11 alternative options, including sites at Granary Farm. These were discounted for a number of reasons, including closer proximity to residential properties, close proximity to overhead power lines, proximity to the Grade I Listed All Saints Church, unacceptable access, lack of screening and technical considerations.
- 1.5 The application site is located within the Green Belt and therefore Section 9 of the National Planning Policy Framework (NPPF) and policy 36 of the emerging Development Strategy for Central Bedfordshire (which is considered to accord with Section 9) are key policy considerations in the determination of this application.
- 1.6 Section 9 of the NPPF states that, with certain exceptions, all development is inappropriate within the Green Belt. Only one of these exceptions is potentially relevant, that is in paragraph 90, which states that engineering operations that preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. In this case, it is considered that the development would not meet this criteria as it is a structure of some height and as such would have an impact, albeit limited, on the openness of the Green Belt.
- 1.7 Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
- 1.8 The agent has submitted a very special circumstances case as follows:
  - a. Government policy supports high quality communications infrastructure and systems as essential for sustainable economic growth;
  - b. Government policy is to minimise the inevitable environmental impact associated with electronic communications development and to avoid the unnecessary proliferation of new radio masts and sites. The proposed replacement phone mast is necessary to supply the vital services they carry and no sites that are not in the Green Belt are available within close proximity to support these services;
  - c. Great weight should be given to conserving landscapes and scenic beauty in certain specified designated landscapes such as National Parks, Areas of Outstanding Natural Beauty and Conservation Areas, the site is not located within any of these areas;
  - d. The proposed location would site the mast sensitively away from residential properties close to a bank of trees in a well screened location;
  - e. The phone mast will replace an existing phone mast within the village;
  - f. The proposal would not conflict with the purposes of including land within the Green Belt;
  - g. The proposal would provide a funding stream for Leighton United Football Club, supporting the continuation of this important local facility.
- 1.9 Government Policy  
Section 5 of the NPPF is entitled "Supporting high quality communications



infrastructures". It sets out points 1 and 2 above. Furthermore sections 11 and 12 of the NPPF set great weight on the protection of National Parks, Areas of Outstanding Natural Beauty and Conservation Areas and it is acknowledged that the site is not located within any of these areas and therefore is less sensitive to development. Points 1 to 3 above therefore do contribute towards a case for very special circumstances.

#### 1.10 Impact on openness

As noted by point 4, the proposal would be screened by the neighbouring tree belt, which would reduce the visual impact of the proposed mast on the Green Belt in contrast to other, less well-screened sites in the vicinity. The mast would be slender and thus its impact on the openness of the Green Belt would be limited. Furthermore, as noted by point 5, an existing mast would be removed within the Green Belt around Tilsworth, which itself would have a limited beneficial impact on the openness of the Green Belt in the location around the existing mast. The impact of the proposal on the openness of the Green Belt would therefore be neutral overall and it is considered that this would contribute towards a case for very special circumstances.

#### 1.11 Purposes of including land within the Green Belt

Paragraph 80 of the NPPF sets out the five purposes of including land within the Green Belt, which are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is considered that the proposal does not conflict with the purposes of including land within the Green Belt and therefore point 6 does contribute towards a case for very special circumstances.

#### 1.12 Benefits to Leighton United Football Club

Leighton United Football Club is a self-funded, not-for-profit community football organisation which provides opportunities for controlled recreation for hundreds of children within the local vicinity. The proposal would provide a guaranteed income stream for the facility, which will provide it with security and additional opportunities. Both Section 8 of the NPPF and policies 21 and 22 of the emerging Development Strategy for Central Bedfordshire encourage proposals which would provide or support the provision of recreation and sport opportunities. It is therefore considered that point 7 also contributes towards a case for very special circumstances.

#### 1.13 Having due consideration to the substantial weight that should be given to harm to the Green Belt and the comprehensive very special circumstances case that has been set out above, it is considered that in this case very special circumstances do exist that would outweigh the harm that would be caused to the Green Belt by reason of inappropriateness and the limited harm to openness. The proposal is therefore considered to be in accordance with Section 9 of the NPPF and policy 36 of the emerging Development Strategy for Central Bedfordshire.

1.14 In accordance with Section 5 of the NPPF, the principle of the development is therefore considered to be acceptable.

## **2. Health Considerations**

2.1 It is noted that the consultations have revealed a significant level of concern within local residents, Tilsworth and Stanbridge Parish Councils and the owner of the adjoining Tilsworth Stud Farm in relation to the likely health impacts of the proposed mast on village residents, the children who play at Leighton United Football Club and the Recreation Ground and the animals at Tilsworth Stud Farm.

2.2 Articles have been submitted in support of the argument that telephone masts can result in health problems to animals and children. Articles have also been submitted (from the NHS and government websites) that state that there is no clear evidence of adverse health effects from masts which comply with International Commission guidelines for public exposure.

2.3 Paragraph 46 of the National Planning Policy Framework is the key policy consideration in this situation. It states that Local Planning Authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for telecommunications systems, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

2.4 The application has been submitted with a Declaration of Conformity with ICNIRP Public Exposure Guidelines which confirms that the proposed mast would be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) as expressed in EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields.

2.5 Significant weight should be given to paragraph 46 of the National Planning Policy Framework in this respect. Nevertheless, weight should also be given to previous Case Law, including the decision referenced by the owner of Tilsworth Stud Farm, Newport Borough Council v Secretary of State for Wales (1998), which states that "genuine public fear, even if that fear is irrational and not based on evidence is a material planning consideration."

2.6 Therefore, the perception of local people that the mast could give rise to health concerns is material planning consideration.

2.7 However, it should be noted that the existing mast which is to be replaced is within closer proximity of existing dwellings (even excluding the new development at Green Hill Farm) than the proposed mast. Furthermore, as noted above, the erection of a 15m high mast in this location would be permitted development. The agent has confirmed that there would be no difference in the level of electromagnetic field emitted from a 15m mast or a 17.5m high mast.

2.8 One of the objectors advised that the Council's policy in regards to the erection of new schools is to locate them away from existing telephone masts. Officers

are unaware of any policies that state that new schools should be located away from telephone masts.

- 2.9 Given due consideration of the significant weight that must be attributed to paragraph 46 of the NPPF, the proximity of the existing mast to residential properties and the fall back position that are provided by permitted development rights, it is considered that the proposal should not be refused on the basis of health concerns.

### **3. Impact on the Character and Appearance of the Area**

- 3.1 The proposed mast would be positioned within 6m of a tree belt approximately 15m high. In response to the concerns of the Trees & Landscape Officer, the agent has confirmed that there will be no future requirement to trim or lop the trees and that they will provide important screening to the local landscape. Furthermore, the mast will be read from the village against the background of significantly taller electricity pylons located to the south of the application site. It is therefore considered that the proposed mast would not have a material detrimental impact on the character and appearance of the area and thus would be in conformity with policy BE8 of the South Bedfordshire Local Plan Review, policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

### **4. Other Issues**

- 4.1 Due to the separation distances, the proposal would not have a detrimental impact upon the amenity of neighbouring residents.

#### **4.2 Human Rights issues**

Protocol 1, Article 1 of the Human Rights Act provides persons with the rights to the peaceful enjoyment of their property. Neighbouring residents are concerned that the proposed mast would interfere with their Human Rights for peaceful enjoyment of their property as they will be anxious that the proposed mast would give rise to future health problems. However, Protocol 1, Article 1 must be weighed against the public interest. In this case, the proposal would be in the public interest as it will support high quality infrastructure and therefore the proposal would not be contrary to the Human Rights Act.

#### **4.3 Equality Act 2010**

The proposal raises no issues under the Equality Act 2010.

### **Recommendation**

That Planning Permission be GRANTED subject to the following:

### **RECOMMENDED CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with 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 hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers GA 01 Rev A, GA 02 Rev B, GA 03 Rev A, GA 04 Rev A, .

Reason: To identify the approved plans and to avoid doubt.

**Notes to Applicant**

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

It is recommended that planning permission be granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
  
.....