

**PLANNING COMMITTEE
17 MARCH 2011**

- Present :-* Councillor Ray Gamble* (Chairman)
Councillors Peter Chillingworth*, Helen Chuah*,
John Elliott*, Andrew Ellis, Stephen Ford,
Theresa Higgins*, Jon Manning, Philip Oxford,
Ann Quarrie* and Laura Sykes*
- Substitute Member :-* Councillor Wyn Foster for Councillor Jackie Maclean*
- Also in Attendance :-* Councillor Paul Smith

(* Committee members who attended the formal site visit.)

201. Minutes

The minutes of the meeting held on 17 February 2011 were confirmed as a correct record.

202. 102229 Dedham Vale Business Centre, Manningtree Road, Dedham, CO7 6BL

The Committee considered an application for the erection of 268 square metres of B1 business floor space comprising four single storey business starter units, associated parking and boundary planting. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

203. 110198 Corner of Parsons Heath and Welshwood Park Road, Colchester

The Committee considered an application to determine whether prior approval was required for the installation of a new street works telecommunication mast of 12.5 metres to the top with three antenna located within a GRP shroud at the top of the mast along with one ground level streetworks cabinet measuring 1.89 metres by 0.79 metres by 1.65 metres in the location indicated on plan numbers 100, 200 and 300. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Peartree addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He made reference to his medical condition which was diagnosed in 2003 when he was advised to minimise the use of mobile phones and other wireless equipment. He had removed all such equipment. When he moved into his current home next to the site he had all connections hard wired and since 2003 he had not experienced any symptoms, and scans showed that his condition had remained stable. Despite claims that these masts cause no problems his experience suggested otherwise. He was dismayed at this proposal for a mast just metres from his home and referred to other sites which had been looked at and not chosen. He identified the most suitable alternative sites either near the Bromley Road roundabout or north of the railway land.

Councillor Smith attended and, with the consent of the Chairman, addressed the Committee. He referred to the public speaker's medical condition and that it seemed ironic that such a mast should be sited next to his property when there appeared to be a very clear link between his condition and sensitivity to radio emissions. He referred to other sites which warranted further investigation but they were on private sites and would require a rental to be paid whereas this site required no rental. He believed there were serious health issues in this case.

In response to a Committee member's query regarding whether a perception of a health issue was a material planning consideration in the same way as the fear of crime is, the planning officer referred to the clear Government advice that the local authority cannot take account of health issues. She reminded the Committee that the required Declaration of Conformity with the ICNIRP certificate had been submitted with the application which confirmed that emissions from this mast and others in the area were below the guidelines and thus complied with the limits set by Government and Europe. She explained that on a prior approval application the only issues which could be taken into account were siting and design of the equipment. The applicants had investigated alternative sites and disregarded them for various reasons; some because there were more obvious in the landscape others because they were nearer to residential properties.

Members of the Committee were sympathetic towards the public speaker and his health issues but were constrained because such issues could not be taken into account in consideration of a prior approval application. However, the applicants had let it be known that they would be willing to relocate the cabinet further towards the rear of the site. The Committee considered the proposed location to be too intrusive and preferred the alternative site because they considered it to be less intrusive. The Committee were aware that there were only 56 days in which to determine the application otherwise it would be deemed to have been approved and if they refused this application they hoped that the applicant would submit another, slightly amended, application rather than appeal against a refusal on this application.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds of the unacceptable siting of the cabinet because it was too prominent in the street.