

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 3rd July 2013

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APPLICATION REF. NO:	13/00330/FUL
STATUTORY DECISION DATE:	28 June 2013
WARD/PARISH:	NORTHGATE
LOCATION:	Jamia Mosque And Islamic Society Of Darlington 25 - 26 North Lodge Terrace
DESCRIPTION:	Installation of a 7.5m high wall-mounted radio transmitter antenna to rear of the building (with 3.5m projection above roof ridge) (Resubmitted application)
APPLICANT:	Jamia Mosque Trustees

APPLICATION AND SITE DESCRIPTION

No. 25-26 North Lodge Terrace is a Mosque in the middle of a Victorian terrace of houses within Northgate Conservation Area. The Conservation Area is designated for its links with the birth of the railways, primarily Victorian development. The surrounding area is predominately residential with North Lodge Park located to the east of the application site.

This application proposes a wall-mounted radio transmitter antenna to the rear of the building to allow the call to prayer to be transmitted to receivers placed within the houses of the subscribing members of the community. The call to prayer would be transmitted at various times and members can then either attend the mosque or participate at home. The transmitter would be used five times a day for a period of approximately ten minutes with the earliest call to prayer occurring at approximately 02:15 with the last call being at 22:30. These calls to prayer occur at present and are based on the lunar calendar. During the month of Ramadan, there may be a need to use the transmitter on a Friday at midday for a time period of 30 minutes. The transmitter would have a radius of 2 to 3 miles and would not be used for any purpose other than the use being proposed.

The transmitter would not emit any noise and the volume of the receivers at the individual dwellings is only audible within the dwelling where it is located. There is no requirement to install a transmitter on any of the dwellings that have a receiver.

The transmitter consists of a 75mm diameter aluminium pole topped with a plastic section (25mm diameter) securely fixed to the rear of the existing building. The overall transmitter

would measure approximately 7.5m in height with 3.5m being visible above the roofline of the Mosque when viewed from North Lodge Park.

PLANNING HISTORY

12/00673/FUL An application for the installation of a 7.5m high radio transmitter was WITHDRAWN at the request of the Local Planning Authority to enable the applicant to obtain further information on transmitter.

PLANNING POLICY BACKGROUND

The relevant guidance relating to the impact of development on conservation areas is found within the National Planning Policy Framework 2013.

The relevant local development plan policies are

Darlington Core Strategy Development Plan Document 2011

CS2 – Achieving High Quality Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS16 – Protecting Environmental Resources, Human Health and Safety

RESULTS OF CONSULTATION AND PUBLICITY

Five letters of objection have been received and the concerns can be summarised as follows:

- *What is to be transmitted through this antenna and at what frequency? Will this affect digital signal we receive?*
- *I am seriously concerned about the radiation levels affecting the surrounding area and the possible effects on public health and safety. This is far too close to the public open space used by children, elderly people and the public attending events in the Park. The installation will have a negative impact upon the conservation area. Who would be granted the transmitter license and what is the power of the transmitter?*
- *The antenna is situated directly next to my rear garden/yard and would have a direct impact on our use of this area. It will be both unsightly and overbearing. It will also have an impact on the North Gate conservation area. My main concern is still the equipment being installed. Although stated as a low power transmitter it is to be operated at 25w and with a maximum power rating of 50w. All radio transmitters produce hazardous radiation and with my Grand Daughters bedroom being so close to the proposed antenna this is a serious concern. The reason given for the requirement is to call the local community to prayer as with a Minaret. The equipment being installed would have a range that would far exceed that of a Minaret. I believe at full power this equipment could transmit in excess of 50Km. This fact alone makes me believe the antenna and transmitter do not match the requirement given for planning permission.*
- *This would be an inappropriate development for such a residential setting. To reduce the potential for problems the antenna should be located as far away as possible from neighbouring houses, away from telephones, cable TV or TV antennas. This should not be allowed in a conservation area. This could be used 24 hours a day with noise from cars in the early hours.*
- *I strongly object to this application as it would be an unsightly blot on a conservation area and would not be beneficial to the local area in general*

A second letter of objection has been received from the occupier of 27 North Lodge Terrace and the concerns can be summarised as follows:

- *Far from reassuring me the letter received from the Health Protection Agency highlights many of my fears. Firstly it is a theoretical assessment not a factual test that relies on information solely provided by the supplier of the equipment to be installed. It also concedes that if the transmitter was operated on full power it would exceed the International Commission on Non-Ionizing Radiation Protection reference level for the general public at a distance of 3.25m. This I consider to be far too close to my home, in particular my granddaughter's bedroom. The conclusion in the last paragraph states that we will not be exposed to emission levels of radiation in excess of the ICNIRP guidelines for the general public, I can only assume from this statement that we will be exposed to a level of radiation and as other objectors state rightly state, even now there are still questions and research revealing new concerns about radiation damage. I do not believe anyone would welcome this equipment being installed next to their home.*
- *The antenna is too be sited directly next to my rear garden which is used as a play area for my granddaughter and recreation area for my family. If the proposed elevation is to scale the structure would stand approximately 50ft (13.75m) tall. Far from being unobtrusive it will be both overbearing and unsightly. This would have a direct impact on our use of this cherished area of my property. I strongly believe that this installation is inappropriate for a residential area.*
- *Also noted was the change in use of the transmitter from a few minutes a day stated in the heritage & design assessment statement to a few minutes a day and one hour a day once a week to enable Friday prayers and sermon to be transmitted to subscribing members as stated in document covering letter from M H Chaudhri Dip Arch ARIBA. This also appears to be different from the transmission times given in the full application form which states the transmitter will be operated for five times a day for ten minutes a time. This is inconsistent with the transmission times quoted in the letter received from the Health Protection Agency bringing into question the validity of the assessment. Any further extensions to the transmission time would also be of greater concern to me. Once installed will this be extended to include other prayers and sermons? Also what is the intended use of the transmitter during Ramadan?*
- *The Jamia Mosque has been sited at 24-26 North Lodge Terrace forty years now. As stated in Heritage & design statement the Muslim community has grown and the Mosque required a new floor to accommodate the current congregation. It would appear to me that the Mosque is thriving. This all has happened without the use of a radio transmitter to call the congregation to prayer.*
- *The reason in the heritage & design assessment statement given for the requirement is to call the local community to prayer as with a Minaret. Although stated as a low power transmitter this is not the case, it is to be operator at 25w and with a maximum power rating of 50w. The equipment being installed would have a transmission range of up to 50Km far exceeding that of a minaret. There is no reason I can think of to install a transmitter of this capacity to call the local community to pray. This fact alone makes me believe the antenna and transmitter do not match the requirements given for planning permission.*
- *I would like the Mosque to read my concerns and as a good neighbour withdraw the planning application. If this is unacceptable to the Mosque I would ask them to look at the possibility of remotely mounting the antenna at a suitable facility such as the roof of Northgate house where similar antennas are situated away from residential areas.*

Failure to either of the above I would ask the planning committee to refuse planning permission.

- *The petition has a list of residents supporting the planning application. Having looked at the signatories on the petition I can only see two with addresses further two miles from the Mosque. Again I cannot see any justification to install a radio transmitter of the capacity being requested.*

A letter of support has been submit by the Islamic Society of Darlington which has been signed by 91 signatories

Consultee Responses

The **Council's Environmental Health Officer** has raised no objections to the proposal

PLANNING ISSUES

The main issues to be considered here are the impact of the proposal upon the visual appearance and character of the Northgate Conservation Area, residential amenity and upon human health

Impact upon the Northgate Conservation Area

Whilst it will be visible from areas within the Conservation Area it will have no different impact than other radio antennae in the area, which exist within other conservation areas such as the Town Centre Conservation Area, for example.

In the opinion of the Local Planning Authority this proposal is a reasonable modern addition that will have only a minor impact on the Conservation Area, not considered to be harmful. The proposal would sustain the significance of the conservation area in accordance with the National Planning Policy Framework 2012 and Policy CS14 of the Darlington Core Strategy Development Plan Document 2011.

Residential Amenity

It is considered that the proposed transmitter would not have an adverse impact upon the amenities of the neighbouring dwellings in terms of its location on the building, design and overbearingness when viewed from a neighbouring property.

Impact upon Human Health

The aforementioned prayer times, which have been confirmed by the Agent, already occur and it can be argued that the use of the transmitter could reduce the number of people attending the mosque as those who wish to can pray in their own homes. The transmitter would not result in any noise emissions.

The application has been supported by a Report from the Health Protection Agency who has independently considered the type and location of the transmitter and they state that it is not possible for persons worshipping at the mosque or persons occupying the loft dormers of the neighbouring dwellings to be exposed to radiation levels that exceed the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for the general public. The HPA conclude that direct exposure to radio waves from the proposed transmitter will not adversely affect human health.

Following the submission of the objections, the HPA provided further comments:

The discrepancy in the operating times of the antenna is unfortunate for the clarity of the application, but has no significant bearing on my assessment. The reason for this is that my assessment is based on instantaneous exposures and concluded that it was not possible for people to be exposed in excess of the ICNIRP guidelines for the general public. For the operating parameters stated in my theoretical assessment, the antenna could operate continuously, all day every day, and still the guidelines would not be exceeded.

If the antenna is operated at its maximum rated input power (50 W), my assessment indicates that the guidelines could be exceeded in the main beam at 3.25 m from the antenna. However this main beam will propagate horizontally outwards above the ridge of the terrace roof and is consequently inaccessible. (The occupier of No 27 North Lodge Terrace) is correct in his assumption that he and his granddaughter living in the house will be exposed to radio waves from the antenna when it is transmitting, however these emissions will be at very low levels relative to the guidelines. The executive summary of the independent Advisory Group on Non-ionising Radiation in its report on the 'Health Effects from Radiofrequency Electromagnetic Fields' (Docs of the HPA RCE-20 April 2012) concluded as follows: "In summary, although a substantial amount of research has been conducted in this area, there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children

The Council's Environmental Health Officer has assessed the submission, including the assessment of emissions produced by the HPA and the further submitted comments by the HPA. The Officer has commented

These additional comments show that any change to the operating times of the antenna would not alter the conclusions of the original assessment, which were that it is not possible for persons worshipping at the mosque, or occupying loft dormers or other rooms in adjacent houses to be exposed in excess of the ICNIRP guidelines for the general public. It was also concluded that direct exposure to radio waves from the proposed antenna will not adversely affect human health. Dr Lowe has also quoted from an authoritative report on this issue which states that "there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children". In conclusion, the assessment and additional comments provided by Public Health England do not raise any health concerns regarding this application and hence I would not raise any objections

The proposal would comply with policy CS16 of the Darlington Core Strategy Development Plan Document 2011.

Other Matters

The Agent, acting on behalf of the applicant has confirmed that the frequency allocated for the proposed transmitter will be solely for its own use. In other words, no other transmitter, whether analogue or digital will be able to use the allocated frequency. The frequency used for the proposed transmitter will not interfere with any other existing frequencies.

With regard to obtaining an operators licence, this is not a material planning consideration but the applicant would need to accord with the requirements of the Wireless Telegraphy Act 2006, which is regulated by Ofcom.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to

exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

It is considered that the proposal would sustain the significance of the Northgate Conservation Area in accordance with the requirements of the National Planning Policy Framework 2012. The application has been supported by a Report from the Health Protection Agency which concludes that direct exposure to radio waves from the proposed transmitter will not adversely affect human health. The following local development plan policies have been taken into consideration:

Darlington Core Strategy Development Plan Document 2011

CS2 – Achieving High Quality Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS16 – Protecting Environmental Resources, Human Health and Safety

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

It is considered that the proposal would sustain the significance of the Northgate Conservation Area in accordance with the requirements of the National Planning Policy Framework 2012. The application has been supported by a Report from the Health Protection Agency which concludes that direct exposure to radio waves from the proposed transmitter will not adversely affect human health. The following local development plan policies have been taken into consideration:

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