

KEY INFORMATION

Ward Riverside

Proposal

Erection of a 20m high slimline monopole with 3 antenna and associated equipment cabinets and compound

Address

394 Perth Road
Dundee
DD2 1JQ

Applicant

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Agent

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Registered 2 Dec 2002

Case Officer D Gordon



Proposed Phone Mast in Perth Road

The erection of a 20m high slimline monopole with 3 antenna and associated equipment cabinets and compound is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed telecommunications equipment is to be located in a prominent location within a conservation area. It is considered that the development will not compliment or enhance the character of the surrounding area by virtue of design, location, scale and adverse impact on the local environment. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- The application seeks planning permission for the erection of a 20 metre high slimline monopole telecommunications ground based mast with ancillary equipment.
- The site is located on the south side of Perth Road within the West End Lanes Conservation Area. The surrounding area accommodates a variety of uses with the predominant characteristic being a mixture of residential building styles. The site is contained within the curtilage of a petrol filling station with tenemental property located 2m. distant to the east and commercial offices premises located to the west
- The mast is required to improve service coverage within the area. The applicants have submitted a letter in support of their proposals.
- The proposal has attracted 5 letters of objection from local residents and an objection from the West End Community Council. The main issues raised relate to the adverse impact the proposal will have on the conservation area and environmental qualities of the local residents.
- It is considered that the details of the application fail to accord with the requirements of the relevant development plan policies and national advice on the provision of telecommunications equipment by virtue of the impact that the facilities will have on the local area.

DESCRIPTION OF PROPOSAL

The proposal involves the installation of a 20 metre high telecommunications slimline monopole with 3 antenna and associated equipment cabinets and compound at a petrol filling station at 394 Perth Road. The monopole and the associated equipment cabinets are to be positioned to the south side of the jet wash structure located on the east side of the site. The west gable of the adjacent tenement building is located approximately 2 metres away and the proposed monopole will project 5 metres above the ridge height of this building.

SITE DESCRIPTION

The site is located on the south side of Perth Road approximately 100 metres to the west of its junction with Windsor Street and within the West End Lanes Conservation Area. The surrounding area contains a wide variety of building ages and styles, ranging from the highly ornate Victorian villas set in large mature gardens that face the site across Perth Road, to the small scale, modern infill housing that is built at a much lower level to the south. To the east of the site there are Victorian tenement buildings and to the west is a modern, flat roofed, stone faced office block that is 2 storeys high at the front and at least 3 at the back, by virtue of the significant drop in ground levels. Uses also vary throughout the vicinity, with offices such as those located adjacent and other commercial uses interspersed by flats and houses. Away from the Perth Road residential use predominates.

The application site is a petrol filling station that accommodates a sales kiosk, petrol pumps and canopy, car/jet wash facilities and other associated services. Access to the site is from Perth Road.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policy is of relevance:

Environmental Resources Policy 5 A: Historic Environment

Dundee Local Plan 1998

The following policies are of relevance:

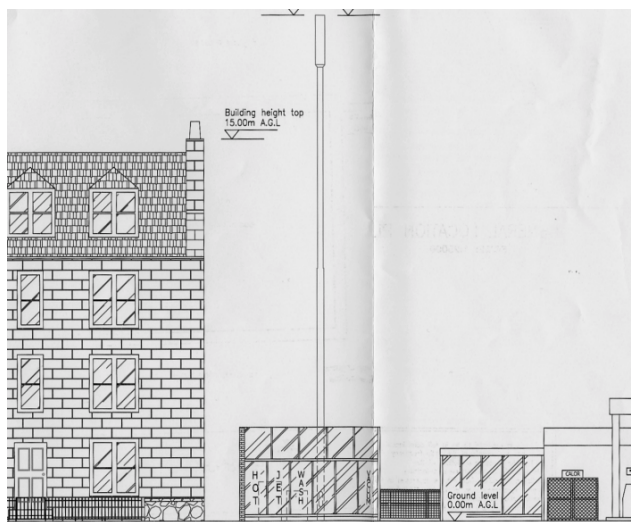
Policy H1

Policy BE11

Policy BE31

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application



Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities

Policy 61: Development in Conservation Areas

Policy 78: Location of Telecommunications Equipment

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline 19: "Radio Telecommunications" (NPPG 19)

Planning Advice Note 62: "Radio Telecommunications" (PAN 62).

Non Statutory Statements of Council Policy

The following policy statement is of relevance:

Planning Policies in Relation to Telecommunications Masts and Other Apparatus.

LOCAL AGENDA 21

The proposal requires to be considered against the following Agenda 21 Key Themes:

- Places, spaces and objects combine meaning and beauty with utility
- Access to facilities, services, goods and people are not achieved at the expense of the environment and are accessible to all.

SITE HISTORY

The site has been the subject of 11 recent applications for planning permission and advertisement consent. It is considered that none of the approved applications are of relevance to the current proposal. However, the Members will recall that the site has been the subject of 2 recent planning application for residential development. Both of these applications have been withdrawn by the applicants prior to formal determination by the Council (02/00236/FUL and 02/00672/FUL refer).

The Members may also recall that an application to install telecommunication equipment behind a glass reinforced plastic chimney on the adjacent office building to the west (400 - 410 Perth Road) was refused permission, contrary to recommendation, by the Committee on 3 December 2001. This decision was the subject of an appeal to Scottish Executive and this appeal was upheld i.e. permission granted, on 23 April 2003. To date, this telecommunication equipment has not been installed.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been undertaken by the applicants. In addition, the application was advertised as Development Affecting the Setting of a Conservation

Area in the local press on 10 December 2002.

The proposal has attracted 5 individual letters of objection and a letter of objection from the West End Community Council. The main issues raised relate to:

- 1 the proposal will adversely impact on the character of the conservation and the setting of the listed buildings
- 2 the proposals are contrary to the relevant Dundee Local Plan Policies
- 3 the availability of alternative sites within the local area
- 4 the proposals are contrary to the Councils non-statutory policies on telecommunication developments.

Copies of the objections are available for inspection in the Members Lounges. The various issues that have been raised by the objectors are discussed in full in the 'Observations' section below.

CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals. No adverse comments have been received (apart from West End Community Council as outlined in 'Public Participation' above)

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations including the Council's non-statutory telecommunication policy

The proposal involves the installation of a 20 metre high slimline monopole with 3 antenna and associated telecommunication equipment within a petrol filling station located to the south side of Perth Road. The site is located within the West End Lanes Conservation Area. The conservation

area contains a variety of building ages and styles, ranging from grand Victorian villas set in large gardens to tenements and modern infill flats, plus small areas of unexceptional, modern infill developments. Along the main Perth Road uses also vary and include offices and other commercial uses including the petrol filling station of the application site, all interspersed with flats. Away from the main road, residential use predominates. Consequently, in terms of the character there is no obvious overall uniformity across the whole conservation area.

The application site sits on the Perth Road frontage that is possibly within the most varied part of the conservation area. On the north side ie opposite the application site, there are good examples of Victorian villas, to the east there are tenemental flats, to the west a two storey, flat roofed office building. The rear (south) the ground drops steeply to small-scale modern housing. The position of the proposed telecommunication equipment is set back from the Perth Road frontage towards the back of the site which rises far above the housing and is extremely prominent as viewed from the north and particularly from the south. It is considered that the introduction of a 20 metre high monopole on the site, which would project 5 metres above the ridge height of the adjacent tenement to the east, would be inappropriate in this instance. The site is highly visible, especially from the south and from the residential properties located immediately on the north side. The proposals is obviously a telecommunication development which could not be viewed as being in the context of the petrol filling station or indeed the surrounding commercial and residential properties. The height of the monopole would protrude significantly into the skyline, again due to the varying surrounding ground levels and this should be avoided in the conservation area. It is concluded that, while the ground based associated equipment of the proposal would be of little visual concern within the context of the garage forecourt, the monopole would be dominant and intrusive and would not compliment or enhance the character or setting of the conservation area.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

While there are no relevant structure plan policies relating specifically to telecommunication developments, there are a range of that relate generally to environmental improvement and the protection of conservation areas and listed buildings (Environmental Resources Policy 5A; Historic Environment refers). However, the undernoted summarised policies from the adopted Dundee Local Plan 1998 are of direct relevance to the proposals.

Policy H1 - in predominantly residential areas developments will be permitted that do not adversely affect local environmental quality, including in terms of design and noise, and where they accord with the other policies and proposals of the local plan. The residential character of the local area confirms that this policy is of relevance in this instance. It was concluded above that the proposed development would adversely impact on the appearance and the character of the surrounding area. It follows that the same conclusions apply when considered against the adverse affect the development will have on the environmental qualities of the local residents by virtue of the inappropriate design and the consequent detrimental impact on the visual amenity of the area. The proposal is considered to be contrary to Policy H1 of the Plan.

Policy BE11 - within conservation areas, all developments will be expected to compliment and enhance the character of the surrounding area. The site is located within the West End Terraces Conservation Area. In this respect, the conclusions reached above that the proposal neither compliments nor enhances the character of the surrounding area apply. Consequently, the application is considered to be contrary to Policy BE11 of the Plan.

Policy BE31 - specifically relates to telecommunication developments and outlines criteria to be assessed against proposals for such uses. It is accepted that the installation would form part of a commercial network established and operated by a licensed operator and that the area has a service deficiency in

the latest technology. Therefore, it follows that an operational justification exists. It is also clear that the applicants have pursued several alternative sites ie Seymour House (Perth Road), Shaftsbury Hotel, High Mill (Shepherds Loan), Clark Thompson Building (Perth Road), Property at 271 Perth Road and Tennis Club (Grosvenor Road). These sites have discounted by the applicants these for the reasons as stated in their planning submission. However, the proposal does not comply with other relevant development plan policies as the development would amount to a major visual intrusion in the area. It is considered that the demonstrated need submitted by the applicants is not sufficient in weight, in this instance, to set aside the requirements of the policy and consequently, the proposal is considered to be contrary to Policy BE31.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

The applicants have submitted a letter in support of the proposed development, a copy of which can be viewed in the Members Lounges.

Other Material Considerations

The other material considerations to be taken into account are as follows:

National Planning Policy Guideline 19 "Radio Telecommunications" sets out the Scottish Executive's policy on telecommunications developments. Planning authorities must recognise the economic and social implications of not having full coverage, and valid material considerations for planning applications would include: siting; design; scale; alternatives; national planning policies; public concern about siting and design and the potential effects on built heritage. In terms of siting and design, the NPPG recommends that more environment sensitive solutions can be achieved through the use of smaller, less visually intrusive equipment, possibly concealed or disguised and with less conspicuous fittings. Site sharing is encouraged where it represents the best environmental solution and in conservation areas, masts must always be sited sensitively. It is considered that the application fails to meet to the requirements of NPPG 19 by virtue of

siting, design and impact on the surrounding area.

Planning Advice Note 62 (PAN 62) supplements NPPG 19 and advises that visual impact depends on how equipment relates to its immediate setting or background, and that efforts should be made to minimise the contrast between equipment and people's aspirations. The equipment should be balanced and in proportion with the surroundings. Order, regularity and symmetry should be used in positioning equipment, with the smallest possible items and site sharing used to positive advantage, especially bearing in mind the potential for cumulative impact. The above conclusions on the proposal apply.

The Council's Non-Statutory Planning Policies in Relation to Telecommunications Masts and Other Apparatus. Policy 2 presumes against the siting of freestanding masts, similar structures and ground base apparatus within or immediately adjacent to existing residential areas. However, exceptions may be made where the proposal is considered to be sensitively located and designed and where the operator has demonstrated that the proposal is the most appropriate from the other options investigated. In terms of Policy 2, the site is in a mixed character area containing a significant amount of residential properties. The site is also positioned beside (2 metres distant) a tenemental building currently in residential use. It is considered that, for reasons described above, the installation would be inappropriate in design, impact and appearance in this area. While the operator has advised that this is most appropriate solution from the other options investigated, this is not considered sufficient in weight to justify setting aside the adverse impact the proposal will have on the surrounding area. Policy 11 presumes against the location of ground based masts and apparatus within conservation areas where by virtue of their location and design, they are considered likely to adversely affect the setting of the conservation area. It follows that the conclusions reached on this matter above apply. Policy 15 inter alia encourages innovative approaches to mast, antenna and apparatus design. It is considered that the proposal does not constitute an innovative design approach and indeed

would appear to represent a standard slimline monopole solution only.

Finalised Draft Local Plan Review

Policy 1: Vibrant and Sustainable Communities - The terms of this policy reflects Policy H1 of the Dundee Local Plan 1998 as discussed above. It is concluded that the proposal is also contrary to this draft policy

Policy 61: Development in Conservation Areas - The terms of this policy is reflected in Policy BE11 of the Dundee Local Plan 1998 as discussed above. It is concluded that the proposal also contravenes the requirements of this policy.

Policy 78: Location of Telecommunications Equipment - The terms of this policy reflects Policy BE31 of the Dundee Local Plan 1998 as discussed above. It is concluded that the proposal also fails to meet the requirements of this policy.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

The site is highly visible within a conservation area, particularly when viewed from the south. The proposed monopole will project 5 metres above the adjacent tenement building, would be a dominant structure in the area resulting in a significant and obtrusive feature in the local skyline. The equipment is also out of context with the surrounding uses and building characteristics.

CONCLUSION

The application to install telecommunications equipment of the type proposed fails to meet the requirements set by the relevant development plan policies by virtue of design, scale, appearance and the adverse impact the structure would have on the environmental qualities of the area. There are no material considerations of sufficient weight that

would justify the setting aside of these policies and approving the application.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

Reason

- 1 The development adversely impacts on the character and setting of the West End Lanes Conservation Area and the environmental qualities of the local residents by virtue of the inappropriate siting, design, scale and appearance of the proposed ground based mast which is contrary to Policies H1, BE11 and BE31 of the Dundee Local Plan 1998.
- 2 The development adversely impacts on the character and setting of West End Lanes Conservation Area and the environmental qualities of the local residents by virtue of the inappropriate siting, design, scale and appearance of the proposed ground based mast which is contrary to Policies 1, 61 and 78 of the Finalised Dundee Local Plan Review; Policies 2, 11 and 15 of the Council's Non-Statutory Policies in Relation to Telecommunications and Other Apparatus and the advice contained in both National Planning Policy Guideline 19 and Planning Advice Note 62