

KEY INFORMATION

Ward Strathmartine

Proposal

Erection of a 15m high slimline telecoms monopole with 3 antenna and 1 microwave dish (0.3m in diameter) and associated equipment cabinets

Address

Land to the north of
242 Kingsway
Dundee

Applicant

Hutchison 3G UK Ltd
c/o Montagu Evans
302 St Vincent Street
Glasgow
G2 5RY

Agent

Montagu Evans
302 St Vincent Street
Glasgow
G2 5RY

Registered 12 Dec 2002

Case Officer J Finlay



Erection of Phone Mast Proposed next to Kingsway

The erection of a 15m high slimline telecoms monopole with 3 antenna and 1 microwave dish (0.3m in diameter) and associated equipment cabinets is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed telecommunications equipment is to be located adjacent to a predominantly residential area and it is considered it will adversely affect the residential amenity enjoyed by local residents. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the installation of a 15m high slimline telecommunications monopole supporting 3 antennae, one microwave dish and associated equipment cabins on a public footpath to the north of 242 Kingsway, Dundee.
- The site is located along an ambassador route and adjacent to a predominantly residential area and the relevant statutory and non-statutory policies should be considered.
- The mast is required to improve coverage within the area and the applicants submitted a justification in support of their proposal.
- One letter of objection was received from an agent and on behalf of two neighbouring residents.
- It is considered that the proposal does not comply with the development plan policies due to the likely adverse impact on the amenity of local residents.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the installation of a 15m high slimline telecommunications monopole, supporting 3no. antennae for Hutchison 3G UK Limited, one microwave dish and associated equipment cabins on a public footpath to the north of 242 Kingsway. There will be a Hutchison Nokia Outdoor Optima Unit within a 1750 x 950 x 1500 high vandal resistant cabinet and H3G MHA cabinet measuring 720 x 450 x 1160 high adjacent and to the west of the telecoms monopole. The applicant has indicated that the existing street lighting underground cables will be re-routed around the proposed cabinets. A location to the north east of the mast has been indicated for access by a cherrypicker to construct and maintain the proposed equipment.

SITE DESCRIPTION

The application site is located to the east of a roundabout and junction between Strathmartine Road and the Kingsway. There are a series of ramps, steps and a 7m high footbridge over the Kingsway at the same location. The mast will be situated on a public footpath on the south side of the Kingsway. There is a corner shop with associated post office facilities located approximately 9m to the south of the proposal site. The surrounding area is predominantly residential with the nearest dwelling being just over 10m away.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

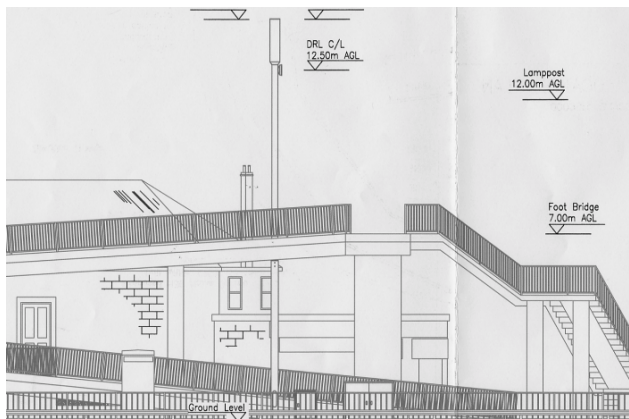
BE31: Proposals for telecommunications developments will be assessed against the following criteria:

- a Proposals will be assumed to carry an operational justification, but in cases where there is good reason

to anticipate a general proliferation and resultant clutter in the local landscape, the planning authority retains discretion to explore this justification.

- b There are no satisfactory alternative sites available.
- c There is no reasonable prospect of sharing existing facilities.
- d The development should avoid conflict with other policies or proposals of the Local Plan, Structure Plan etc.

H1: Within areas where residential use predominates developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.



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

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any effect on the environmental quality enjoyed by local

residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Policy 57: Visual Impact on Major Routes

The City Council in association with other agencies will seek to further the implementation of the major routes concept, subject to finance being available, where the objectives will be to:

- a improve the image of Dundee; and
- b create a memorable image on arrival to Dundee that will have an imposing presence both day and night; and
- c improve the quality of the environment. In relation to visual amenity, highly visible primary frontages, and certainly those within 25 metres of the kerb line will be required to abide by the guidelines within the Ambassador Route Design Guide.

Policy 78: Location of Telecommunications Equipment

In general, applications for the location of telecommunications equipment will be encouraged to mast share where appropriate and to minimise the environmental impact on the City.

Planning permission will normally only be granted where the proposals are in accordance with the Council's more detailed existing supplementary policies relating to this issue. These supplementary policies are the Council's "Non-Statutory Planning Policies in Relation to Telecommunications Masts and Other Apparatus" and are a material consideration under the Dundee Local Plan Review. The following policy statements are of relevance:

Non-Statutory Policy 2: Residential Areas

There will be a general presumption against the siting of free-standing masts, similar structures and ground-based apparatus within or immediately adjacent to existing residential areas or within or immediately adjacent to sites allocated for residential development in the Dundee Local Plan 1998. However exceptions to the general presumption 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 other options investigated.

Non-Statutory Policy 8:
Traffic/Transportation

There will be a presumption against telecommunications proposals which would:

- a prejudice the implementation of the Council's proposals for the management of traffic and the promotion of public transport, cycling and walking; and
- b be prejudicial to the free and safe movement of vehicles, pedestrians and cyclists and impede the safe and convenient access to land and buildings.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guidance 19: Radio Telecommunications

This national guidance emphasises the importance of establishing good communication and trust between operators and planning authorities and encourages pre-application discussions to determine the most appropriate siting and design approaches. It acknowledges the benefits of modern telecommunications and seeks to encourage such development as being essential to a modern economy and contributing to sustainable objectives.

Planning Advice Note 62: Radio Telecommunications

This provides best practice advice on the process of site selection and design and illustrates how the equipment can be sensitively installed. It also explains why additional mast stations are needed to serve the growth in customer demand and in response to changing technical requirements, including the third generation of mobile phones.

LOCAL AGENDA 21

Key Theme 7 requires access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all.

SITE HISTORY

There is no planning history of relevance to this application.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection was received from an agent acting on behalf of two adjacent residents and shopowners. The main points of objection relate to visual intrusion on the environment and for neighbouring residents. Other points raised are that they consider that alternative sites were not fully investigated and dismissed. Health risks were also raised by the objector, but in these circumstances it is not a valid planning objection.

CONSULTATIONS

The Scottish Executive (as Trunk Road Authority): The Scottish Executive Development Department - Road Network Management and Maintenance Division (RNMD) were notified about the application and no adverse comments were received. The applicant should consult RNMD regarding the siteworks necessary to erect the proposed telecom apparatus.

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 Policies on telecommunications.

The proposal involves the installation of a 15m high slimline telecommunications monopole supporting 3 antennae, one microwave dish and associated equipment cabins on a public footpath to the north of 242 Kingsway. The equipment will be sited at a prominent location, immediately to the east of a roundabout, which provides a junction between the Kingsway and Strathmartine Road. The surrounding area is predominantly residential in

nature with a small local shop and post office to the south.

The Development Plan

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

Policy H1 of the Local Plan seeks to protect the residential amenity enjoyed by local residents in predominantly residential areas. It is considered that the proposed mast will have an adverse impact on the visual amenity of neighbouring residents due to the close proximity of the structure to windows of the dwelling. Therefore the proposal is contrary to Policy H1.

Policy BE31 of the Dundee Local Plan 1998 specifies criteria to assess the application against and these are as follows:

- a The applicant submitted additional supporting information and this included a coverage plan which indicates that the proposed mast is to fill an existing gap along the Kingsway and surrounding area. The proposal is operationally justified and will not lead to a proliferation of equipment.
- b In terms of alternative sites, the agent investigated some other sites but these were all rejected as they were unable to acquire the necessary agreements from site providers. The agent was asked to investigate further sites as the inability to acquire an alternative site is not considered sufficient reason in planning terms to justify a proposal. Other reasons provided for not choosing another site is that there would be an overlap in cell coverage.
- c Smaller cell areas are required for this phase of Hutchison 3G coverage and no sites with potential for site sharing were identified.
- d This part relates to radio masts only and is not relevant.
- e The proposal site is located within a predominantly residential area and it is considered that the proposed mast will have an adverse impact on the residential amenity enjoyed by neighbouring

residents in terms of the visual impact of the 15m high structure within close proximity to windows of the nearest dwelling. Therefore the proposal does not accord with other policies in the development plan.

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

Other Material Considerations

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

NPPG 19 seeks to encourage the development of the telecommunications industry. Paragraph 65 states that:

"Where applicants demonstrate that they have given proper regard to siting and design issues, including the consideration of options, and have minimised any environmental effects, it is unlikely that refusal would be warranted."

Further information was submitted by the agent to indicate the reasons for other sites being dismissed and to prove that all sites, which would give the required coverage, have been fully investigated. It is considered, however, that proper regard was not given to the siting of the mast as it is within close proximity to residential dwellings and would subsequently have an adverse impact on the visual amenity enjoyed by local residents. Therefore the proposal does not fully accord with the advice provided in NPPG 19.

PAN 62 advises that the fundamental principle in siting and designing equipment is to minimise the contrast between the equipment and its surroundings. It is evident that the applicant has attempted to make use of existing structures on the site to minimise the visual intrusion. The existing bridges, steps and ramps are all horizontal in nature, whereas the mast is vertical but the bridge does help disguise the mast to some degree. However there are 12m high lampposts within the vicinity and they would contribute to disguising the proposed development to a degree. To this extent, the proposal accords with the advice provided in PAN 62.

Finalised Dundee Local Plan Review

Policy 1 repeats Policy H1 in the Dundee Local Plan 1998 and it is concluded that the proposal is contrary to this policy for the same reasons as previously discussed.

Policy 78 repeats Policy BE31 of the Dundee Local Plan 1998, which was discussed above. It follows that the proposal is contrary to this policy and for additional reasons as discussed below in relation to supplementary planning guidance on telecommunication masts.

Non-Statutory Policy 2 presumes against masts and other apparatus within or immediately adjacent to residential areas. There may be exceptions if the applicant has demonstrated that this is the most appropriate from other options. The nearest dwelling is only 10m from the proposed mast and it is considered it would have an adverse impact on the visual amenity enjoyed by those residents. The second part of the policy indicates that there may be exceptions to this rule, 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 other options investigated.

Non-Statutory Policy 8 presumes against telecommunications proposals that would prejudice the free and safe movement of vehicles, pedestrians and cyclists. The applicant sought advice from the Planning and Transportation Department about the proposed location for the mast and equipment prior to submitting the planning application. They were advised that the footpath is wide enough at this location to allow safe and free movement of pedestrians and other users. Therefore the proposal accords with Non-Statutory Policy 8.

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 a prominent location along the Kingsway and the monopole will project some 15m and some 8m above the footbridge. There are existing structures such as lampposts which project 12m and the pedestrian overbridge with its associated steps and ramps. It is considered the proposed mast will add to the clutter, which is already present at this location and will adversely affect the visual amenity of the area.

CONCLUSION

The proposal fails to comply with development plan policies H1 and BE31 in terms of the adverse visual impact on the amenity enjoyed by local residents. It also fails to comply with advice in NPPG19, Policy 1 and supplementary planning guidance to Policy 78 of the Finalised Dundee Local Plan Review. There are no material considerations that would justify approval of the application contrary to these policies.

RECOMMENDATION

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

Reason

- 1 The proposal is contrary to Policies H1 and BE31 of the Dundee Local Plan 1998 due to the adverse visual impact on the amenity enjoyed by local residents and the failure to present opportunities to mast share. There are no material considerations that would justify approval contrary to these policies.
- 2 The proposal is contrary to Policy 1 and supplementary guidance to Policy 78 of the Finalised Dundee Local Plan Review in terms of the visual impact on local residents. There are no material considerations that would justify approval of the application contrary to these policies.