

KEY INFORMATION

Ward Broughty Ferry

Proposal

Installation of pole mounted antennas on the rooftop and associated ancillary equipment.

Address

Telephone Exchange
Queen Street
Broughty Ferry
Dundee DD5 1AD

Applicant

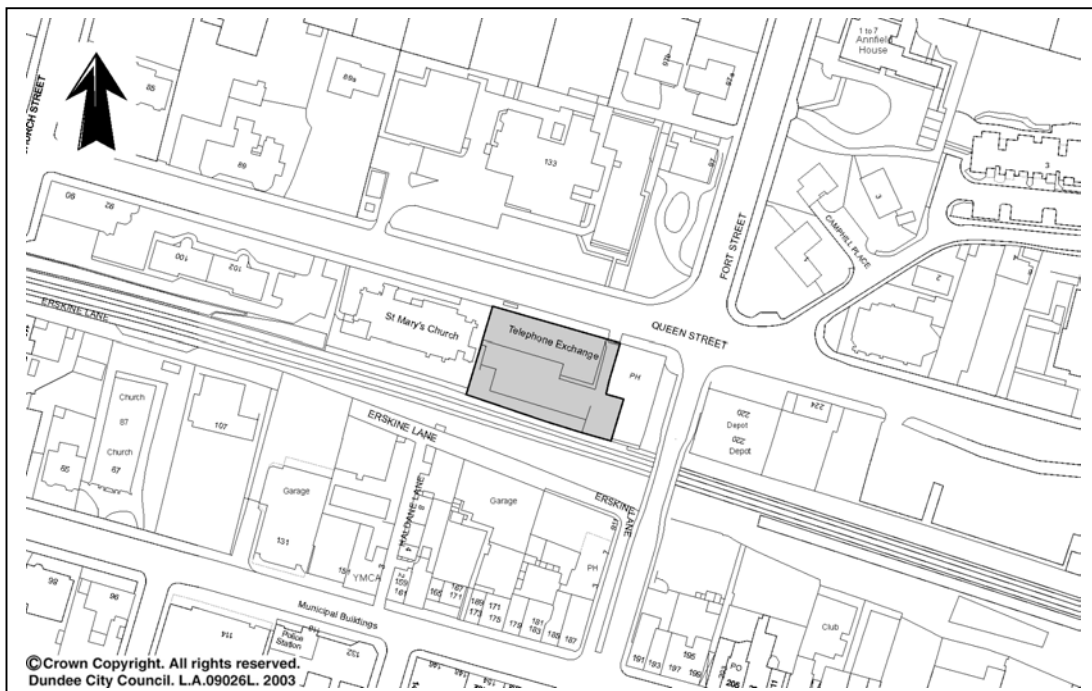
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Registered 2 March 2004

Case Officer J Finlay



Proposed Antennas on Roof at Telephone Exchange in Queen Street

The Installation of pole mounted antennas on the rooftop and associated ancillary equipment is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposal complies with the Adopted and Finalised Local Plan Policies and there are no material considerations that would justify refusal of the application. It is recommended that the application is approved subject to conditions. The application was deferred from the June Committee to allow consideration of a report by the Scottish Executive published in July 2004.

SUMMARY OF REPORT

- Planning permission is sought to erect telecommunications equipment on the roof of the building, including 3 slimline aerial style antennae. The equipment is for Airwave mmO2 and is designed to meet the needs of the police and other public safety organisations
- The site is in the Grove Conservation Area and there are listed buildings to the east and west. There are 2 existing sets of telecommunications antennae on the roof of the building, which have been shrouded to resemble chimneys.
- 67 letters of objection were received from members of the public raising mainly health concerns, visual impact of the antennae on the building, adjacent listed buildings and surrounding area and insufficient search for alternative sites. Network Rail was initially concerned about the possible impact of the transmitters on Network Rail's operational infrastructure, but they have since withdrawn their objection. Broughty Ferry Community Council objected regarding the adverse effect on the listed buildings and conservation area.
- National Planning Policy Guideline 19 advises that it is not necessary for planning authorities to treat radio frequency emissions as a material consideration. An appropriate ICNIRP certificate must accompany any planning application and this has been correctly submitted in this case
- It is considered that the proposed development is very slimline and it will have minimal impact on the visual amenity of the conservation area, the setting of St Mary's church, a category B listed building and the adjacent C(s) listed building. For similar reasons the proposal complies with Policy 1 of the Finalised Plan and with a number of the Councils Non Statutory Planning Policies on Telecommunications Apparatus

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect telecommunications equipment on the building. The equipment comprises 2 slimline aerial style antennae to a height of some 5.3 metres (including supporting pole) on the roof of the building. It is proposed to site both aerials at the western end of the building (closest to St Mary's Church), 1 setback 3m from the front (north elevation) and 1 set back some 8 metres from that elevation. In addition it is proposed to site a smaller (some 2.8 metres high) antenna on the roof close to one of the taller aerials and an equipment cabin at ground level to the rear of the building beside an existing cabin. It is proposed to paint all the antennae white.

The equipment is for Airwave mmO2 and is designed to meet the needs of the police and other public safety organisations. Among the principal benefits of the service are:

- Digital voice qualifier (superior to that achievable on current analogue systems), much faster call connection and the filtering out of ambient noise;
- Encryption facilities designed to prevent unauthorised monitoring of police calls;
- A one-touch HELP button to summon assistance;
- Extensive geographical coverage (in car coverage on all metalled roads and hand-portable coverage in areas of population density), including previously hard to reach locations

It is anticipated that the new benefits will provide more effective use of control room resources when dealing with complex incidents within and between forces. 100% geographical coverage is required across the country by 2005

The applicants have submitted plans indicating that without the proposed facility there would be a lack of coverage in most of the centre of Broughty Ferry from Abertay Street to Fairfield Road. They have considered 6 alternative sites but 4 were not technically feasible, one at

Woolworths was not acceptable in planning terms and the owner at the 6th site did not wish to enter into negotiations.

SITE DESCRIPTION

The site comprises Broughty Ferry Telephone Exchange including a rear service yard. The telephone exchange is a modern building with a flat roof and appears as a 2 storey building on a plinth from Queen Street and a 3 storey building from the rear. There is a split in level with the stair tower sitting at a half level below the main building. The principal finishing material is a white smooth render.

There is a chimney and some roof plant on the roof above the stair tower.



There is telecommunications equipment on the building in the form of 3 antennae strapped to the chimney and 3 separate antennae on the roof.

To the east of the site is the Post Office Bar, a 2 storey stone and slate building which is Category C listed. To the west is the Category B listed St Mary's Church. To the north, on the opposite side of Queen Street, is a dwelling at 97 Fort Street, some 55 metres from the site. Also on this side of the road is the former Limb Fitting Centre which is currently being developed for housing. To the south of the site is the Dundee to Aberdeen railway and then commercial premises on Erskine Lane.

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:

Policy 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 For radio masts there is no reasonable possibility of erecting antennae on an existing building or other structure
- E The development should avoid conflict with other policies or proposals of the Local Plan, Structure Plan etc

The site is in a conservation area and Policy BE11 of the Local Plan requires development proposals to complement and enhance the character of the surrounding area.

Policy H1: within areas where residential uses predominate, developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by reason 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. New development

should seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of a number of factors including design.

Policy 78: Location of Telecommunications Equipment. This policy has recently been modified in advance of the inquiry on the Plan. In general, operators are encouraged to share existing masts in order to minimise the environmental impact on the city. This development is for site sharing as the antennas are to be located on an existing site for telecommunications equipment.

Policy 78 also states that the Council's supplementary policies ("Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus") will be a material consideration in the determination of planning applications for telecommunications developments. These policies are referred to below in the section on "Non Statutory Statements of Council Policy".

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. It states that health issues are covered by other legislation. It gives advice on the siting and design of masts (referring to PAN62) and states that proposals affecting the setting of listed buildings and conservation areas need very careful consideration.

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 states that in conservation areas and at sites affecting the setting of listed buildings

it is particularly necessary to take steps to disguise or conceal equipment.

Non Statutory Statements of Council Policy

"Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus".

The following are of particular relevance:

Policy 1: there should be an assessment of the cumulative impact of individual proposals where other telecommunications developments are present nearby and there should be an analysis of the proposals environmental impact in relation to statutorily designated protection (such as conservation areas).

Policy 2: There will be a general presumption against free standing masts and ground based apparatus within or immediately adjacent to residential areas. However exceptions to the general presumption may be made where the proposal is sensitively sited and designed and where the operator has demonstrated that it is the most appropriate location.

Policy 9: there will be a presumption against proposals which are considered to adversely affect the setting of a listed building.

Policy 12: Rooftop structures in conservation areas will be acceptable where the character of the building and the surrounding area is complemented and enhanced and residential amenity is not compromised.

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

Planning permission was granted for 3 BT Cellnet antennae on the chimney in February 2000 - application ref. no D24320 refers. This consent has been implemented.

Planning permission was granted for 3 antennae to be concealed as small chimneys in April 2002 - application ref. no 02/00273/FUL refers. The poles have been erected and the shrouds to mask them as chimneys

An application was made by Crown Castle in October 2003 for three antennae on the rooftop. It was being referred to Committee with a recommendation for refusal and was subsequently withdrawn by the applicant.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as affecting the setting of listed buildings and the conservation area. 67 letters of objection were received. An initial objection was received from Network Rail but this has since been withdrawn (copies available for inspection in the Members Lounges).

The objectors are concerned mainly about health issues and some have objected about the visual impact of what is referred to as a "forest" of masts on the building, particularly taking into account the residential nature of the area and the proximity to St Mary's church.

These concerns are considered in the Observations section of this Report

CONSULTATIONS

Broughty Ferry Community Council object to the application as they consider that this additional telecommunications development on the roof of the telephone exchange will detract from the setting of the adjoining listed buildings and will have an adverse impact on the conservation area. Two of the new antennas will be significantly higher than the existing ones and this makes their cumulative presence even more detrimental.

OBSERVATIONS

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

- whether the proposals are consistent with the provisions of the development plan; and if not
- whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

The provisions of the development plan relevant to the determination of

this application are specified in the Policy background section above

In terms of Policy BE31 the proposal has an operational justification and alternative sites have been considered and rejected by the applicants. By using an existing building with telecommunications equipment the proposal can be seen as a form of mast sharing.

In terms of Policy BE31 the proposal has an operational justification and alternative sites have been considered and rejected by the applicants. By using an existing building with telecommunications equipment the proposal can be seen as a form of mast sharing.

The site is located within a conservation area and between two listed buildings. Policy BE11 requires developments to complement and enhance the character of the surrounding area. The antennae are very slimline in nature and will be located on top of a modern, unsympathetic building (in the conservation area) and it is not considered that their impact will be any greater than the existing telecommunications equipment.

Policy H1 specifies that developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by reason of design. Again, it is argued that the antennae will not greatly increase the visual impact of existing telecommunications equipment on top of the telephone exchange building. Indeed, the proposed antennae are much more slimline in nature and will be less intrusive when viewed individually.

It is concluded from the foregoing that the proposal complies with Policies BE31, BE11 and H1 of the adopted Local Plan.

Other Material Considerations

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

Finalised Dundee Local Plan Review

Policy 1 reiterates the advice in Policy H1 of the Adopted Local Plan and it is considered that the proposal complies with this Policy for the same reasons.

Policy 78 encourages mast sharing and as discussed above, the apparatus will

be sharing a rooftop location and this can be considered as sharing. The Policy also says that alternative locations and design should be investigated. The applicant considered six other locations as discussed in the "description of the proposal" and this were ruled out for technical reasons and an inability to acquire the site. The applicant submitted information to prove that they considered other mast designs within the grounds of the Telephone Exchange building. In summary, there is not enough space within the site to accommodate a ground based lattice mast, ground based monopole, ground based timber monopole or ground based flagpole. Face mounted antennae were considered but ruled out as it is likely they would not be ICNIRP compliant due to the location of the windows of the building. A rooftop based stub tower was considered and it was concluded that it would not be an appropriate visual solution. A rooftop based chimney solution was ruled out for the same reason.

The proposal was assessed in terms of the Council's Non Statutory Policies, which are a material consideration in terms of Policy 78. The proposal complies with Policy 1 as the applicant has provided a justification for the location and design of the proposal, alternative sites were assessed and the visual impact is minimal.

Policy 4 indicates that roof mounted antennae within District Centres will be acceptable provided measures are taken to maximise opportunities for the sharing of such facilities and to ensure that locations and designs are selected which minimise their visual impact on the built environment. It is considered that the proposal complies with this policy as discussed above.

Policy 9 is relevant and the proposal complies as it will not have an adverse visual impact on the setting of the adjacent listed buildings as the antennae are very slimline in nature. It complies with Policy 12 for the same reason.

It is concluded that the proposal complies with Policies 1 and 78 of the Finalised Dundee Local Plan Review.

NPPG 19 and PAN 62

These documents give good general advice on the siting and design of masts and the Council's own Non Statutory Policies have similar themes.

The documents advise that the siting and design of telecommunications development are the key issues to be addressed through the planning system. The proposal is located on a rooftop where telecommunications apparatus is already located. It is considered that the proposed apparatus is in keeping with that already on the building and makes use of existing pole-mounted structures. Following discussion with planning officers (prior to submitting this application), the proposed antennae have been setback from the edge of the roof and therefore minimising their visual impact onto Queen Street.

The two documents also set out a series of options for operators to consider when locating apparatus. It is considered that the proposal has taken all these on board to present the most viable and less visually intrusive solution for the location of Airwave antennae in Broughty Ferry.

Objections

As previously discussed, the main objections relate to health matters. Concerns about health matters have been widely discussed by Government and other bodies. However NPPG 19 clearly advises that it is not necessary for planning authorities to treat radio frequency emissions as a material consideration. To demonstrate to planning authorities that the known health effects have been properly addressed, applications for planning permission involving antennas must be accompanied by a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radio frequency radiation. The applicant has submitted the appropriate certificate in these circumstances. Therefore concerns about health matters are not considered valid planning matters in this case.

Other objections relate to the adverse visual impact of the proposal on the adjacent listed buildings, conservation area and surrounding residential area. These have been fully discussed under the Policy section above.

Deferral of Application

The planning application was deferred from the June Development Quality Committee so that the applicant can assess the application against the findings of a report, particularly in

terms of health impact, published by the Scottish Executive in early July 2004 entitled "Evaluation of Revised Planning Controls over Telecommunications Development".

The report acknowledges that the issue of health concerns would inevitably arise, but specified that the research should not be directed into an extensive discussion of health issues. Whilst the Scottish Executive supports research into the subject of health impacts of mobile telecommunications and recognises the need for more research into the matter, the current position is that there is insufficient evidence that mobile telecommunication development causes a health risk. On this basis, it is considered that there is no further supporting information that the applicant can add to the application.

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

Design

The design of the proposed antennae are very slimline and extend 5.3m above the parapet of the roof. When viewed individually it is considered that the design is acceptable at this location and provides the most visually acceptable solution for its requirements.

CONCLUSION

It is concluded that the proposal complies with the relevant policies in the Dundee Local Plan 1998, Finalised Local Plan Review and National Policy. Although a substantial number of objections were received it is considered that they do not carry sufficient weight to justify refusal of the application. Therefore the application is recommended for APPROVAL subject to conditions.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be commenced

within five years from the date of this permission

- 2 In the event that equipment becomes obsolete or redundant it must be removed and the site reinstated to the satisfaction of the planning authority within 6 months.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard