

KEY INFORMATION

Ward Baxter Park

Proposal

Relocation of antenna to pole mount and installation of 3 antennas

Address

Baxter Park Telephone Exchange
East of 77 Dalkeith Road
Dundee
DD4 7HF

Applicant

Crown Castle (UK) Ltd
c/o Stappard Howes
122 Dundyan Road
Coatbridge
ML5 1DE

Agent

Stappard Howes
122 Dundyan Road
Coatbridge
ML5 1DE

Registered 2 Sep 2004

Case Officer C Walker



The relocation of an antenna and the installation of 3 new antennas is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

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 objections were received on health grounds, 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.

SUMMARY OF REPORT

- Planning permission is sought to erect 3 additional antennae on existing poles on the roof of this building on behalf of O2(UK) Ltd. The additional antennae are required to provide third generation (3G) cover in the surrounding area and will be no higher than the existing antennae.
- Although the tops of the existing poles and antennae are just visible from adjoining streets, they do not form a prominent feature on the landscape.
- 5 letters were received in connection with the proposal, 4 from nearby occupiers and the fifth from the Sustainability Enquiry Point. All 5 are concerned about health matters.
- The proposal complies with Policies BE31 and H1 of the adopted Local Plan and Policies 1 and 78 of the Finalised Dundee Local Plan Review, as well as Government Guidance and the Council's Non Statutory Policies.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect telecommunications equipment on existing poles on the roof of this building on behalf of O2(UK) Ltd. At present there are 3 antennae, 2 on the pole in the south west corner and 1 on the north west pole, serving O2. The current proposal seeks to put 3 additional antennae of a similar size on the building so that there would be 2 antennae on each of the poles on the north west, south east and south west corners. The additional antennae are required to provide third generation (3G) cover in the surrounding area.

The applicants have submitted plans indicating that without the proposed facility there would be a lack of coverage in the Broughty Ferry Road area from Baxter Park/Dalkeith Road to just east of Stannergate. They have considered 4 alternative sites. Two of these sites, the Orange mast and the O2 monopole off Old Craigie Road were not technically feasible because they were too far from search area to give adequate coverage. The other 2 sites, the TA Centre at Dalkeith Road and the church on Bingham Terrace were discounted because they would have a much greater visual impact than the current proposals and because the church authorities were not interested in the proposal.

The applicants have also submitted a letter in support of their proposals which states that the development will comply with Local Plan and Government guidance on telecommunications apparatus. Finally an ICNIRP certificate has been submitted indicating that the existing and proposed antennae will comply with the requirements of the radio frequency public exposure guidelines.

SITE DESCRIPTION

The site comprises the Baxter Telephone Exchange. The telephone exchange is a modern building with a flat roof. On the higher western section of the roof there are 4 poles approximately 4.4 metres high, 1 on each corner. At present there are 3 antennae on the building, 2 on the pole in the south west corner and 1 on the north west pole, serving O2.

Immediately to the west of the building is a parking area and to the north and south are landscaped grounds enclosed by fencing. The site is in a secluded location which is surrounded by housing on all sides apart from the north west where the TA premises are. The nearest houses to the south at 4 and 6 Bingham Terrace and to the west at 77 Dalkeith Road are between 22 and 25 metres distant from the existing and proposed antennae. The houses to the south at 6 Bingham Terrace and to the south east at 8 Bingham Terrace are category B listed buildings. The site is accessed by a narrow road off Dalkeith Road.

Although the tops of the existing poles and antennae are just visible from adjoining streets, they do not form a prominent feature on the landscape.

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.

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. 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 operational justification for the location and design of the proposal including an assessment of the cumulative impact of individual proposals where other telecommunications developments are present nearby.

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.

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

The existing antennae on the building were erected under permitted development rights.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 5 letters were received, 4 from nearby occupiers and the fifth from the Sustainability Enquiry Point. All 5 are concerned about health matters.

Copies of these letters are available for inspection in the Members Lounges and the concerns raised are considered in the Observations section of this Report

CONSULTATIONS

No adverse comment on the proposal was received from Statutory Consultees.

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.

The Development Plan

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

The criteria set out in Policy BE31 focus on visual amenity matters. In this case it is considered that it would be difficult to find a less obtrusive site. The support poles for the new antennae already exist and the 3 new antennae will be the same size as the existing 3 on the site. There will be no new

structure at a level any higher than the existing structures on the site.

In terms of the details 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.

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 increase the visual impact of existing telecommunications equipment on top of the telephone exchange building. Although 2 of the houses close to the site are listed buildings, the minor and unobtrusive nature of the proposed development means that there will be no adverse impact on the setting of these listed buildings.

It is concluded from the foregoing that the proposal complies with Policies BE31 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 four other locations as discussed in the "description of the proposal" and these were ruled out either for technical reasons or because they would be more obtrusive than the current proposals.

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 2 is not contravened because the proposal is not for a free standing mast or ground based apparatus within or immediately adjacent to residential areas.

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.

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 these antennae.

Objections

The letters submitted in connection with the proposed development relate to concerns about health matters. The objectors point out the close proximity of the proposed antennae to houses and 1 objector suggests that the coverage provided by this site is not particularly good and that customers should be encouraged to use alternative providers. Concerns about the health implications of telecommunications antennae have been considered by Government and other bodies.

The Scottish Executive published a report 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.

It is for this reason that 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 insufficient weight can be placed on the concerns about health matters in this case.

It is concluded from the foregoing that insufficient weight can be accorded to the grounds of objection 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 is identical to the existing antennae on the roof. The secluded location of the application site coupled with the minor nature of the proposed changes to the building result in a development that is the most visually acceptable solution for this location.

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 objections were received on health grounds, it is considered that they do not carry sufficient weight to justify refusal of the application.

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 to the satisfaction of the planning authority within 6 months.

Reasons

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