

KEY INFORMATION

Ward Barnhill

Proposal

Installation of a 12.5 high streetworks style mast and 2 equipment cabinets

Address

Land North of Campfield Square
Nursery Road
Broughty Ferry
Dundee
DD5 3BT

Applicant

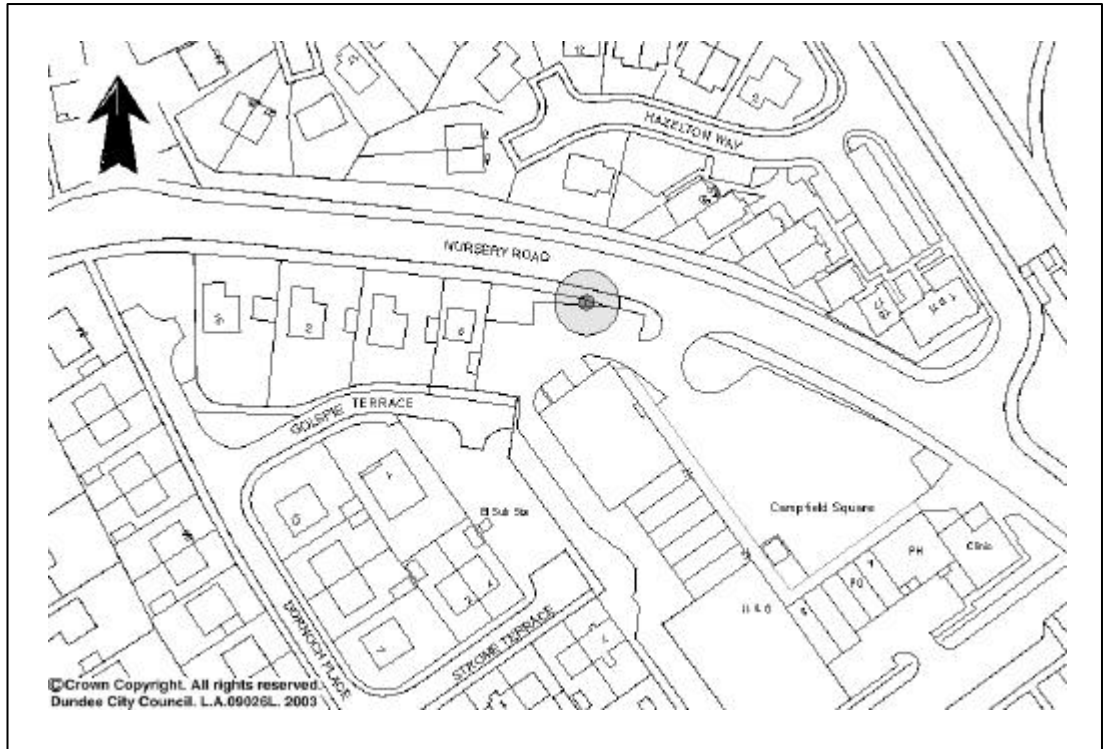
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Case Officer C Walker



Proposed Telecoms Mast in Nursery Road

The installation of a 12.5 high streetworks style mast and 2 equipment cabinets is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with the relevant policies in the Dundee Local Plan 1998, Finalised Local Plan Review and National Policy. Although a substantial amount of objections were received, primarily on health grounds, it is considered that they do not carry sufficient weight to justify refusal of the application. The application is recommended for **APPROVAL**.

SUMMARY OF REPORT

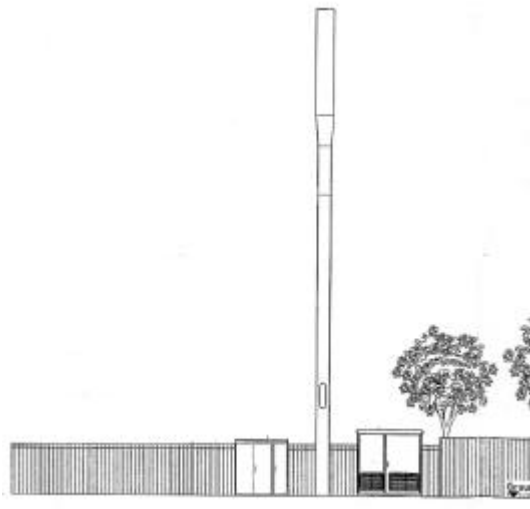
- Planning permission is sought to erect a 12.5 metres high telecommunications mast with 2 equipment cabinets on the public footway on the south side of Nursery Road just to the west of the entrance to Campfield Square shopping centre. The pole has an appearance not dissimilar to a street lighting column. The nearest houses are some 25 metres distant on the opposite side of Nursery Road
- Policies in the Adopted and Finalised Local Plans relating to telecommunications developments and residential amenity are of relevance, as well as Government advice in NPPG19 and PAN62.
- The applicants withdrew an application for planning permission for a mast on this site in February 2005 and there is a current proposal for a shared mast at the nearby Campfield Square shopping centre.
- 12 individual letters of objection and a letter from the Community Council were received along with a petition of objection containing 765 signatures. The primary concern of the objectors relates to health matters, but concerns are also raised about the visual impact of the proposed mast, the cumulative impact of the proposed mast and the existing mast nearby at Campfield Square, the lack of an operational justification for the mast and obstruction of the pavement.
- The proposal has an operational justification and 15 alternative sites have been considered by the applicants but these have had to be rejected either because they were no better in terms of visual amenity and proximity to houses. Although there is the possibility of sharing a nearby existing mast at Campfield Square (see the report on application 05/00257/FUL elsewhere in this agenda), this is one of the few cases where a new free standing mast would be preferable to a mast share.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a telecommunications mast in the form of a 12.5 metres high streetworks style pole with 2 equipment cabinets at ground level. The pole has an appearance not dissimilar to a street lighting column although it widens out at the top. The 2 cabinets are 1.5 and 1.7 metres high respectively and will have the appearance of metal boxes. The pole is required to provide second and third generation coverage for O2.

The applicants have submitted a supporting statement with plans to justify the proposed development. They state that the design and siting of the mast will blend in with street lighting in the area, and comply with the requirements set out in NPPG19 and PAN 62. They have considered 15 alternative sites, including sharing the existing mast at Campfield Square, but conclude that the proposal is the best possible in the circumstances. The applicants list and comment on these alternative sites as follows:

- 5 Fire Station - The Fire Department are not willing to accommodate telecommunications apparatus.
- 6 Corner of Football Pitch - This location was considered generally acceptable. Following discussions with Economic Development Department of



- development, and is not considered to be supported by the local planning policies.
- 9 Cemetery Area - No site within the Cemetery areas was identified as being appropriate to acquire and receive planning permission.
- 10 Area to south of proposed site - The dense residential area to the south of the proposed site is not considered appropriate in planning terms to accommodate a telecommunications installation.
- 11 Iceland Rooftop - This is considered to be generally appropriate. A substantial height increase would be required to progress this site. This height increase is considered to be unacceptable due to the visual impacts likely.
- 12 Forthill Primary School - The school was considered inappropriate in planning terms, due to the current Telecommunications legislation in Dundee.

- "1 Campfield Square Off Nursery Road Barnhill - The proposal involves the redevelopment, which may cause additional height and width, which may not be considered acceptable by Dundee City Council Planning Department. This may prove to be the preferable option however. If so, O2 are willing to progress this site.
- 2 Vodafone Mast (5574) - The rooftop site was discounted, as it was not considered suitable for a site share. The site is located close to Barnhill Primary School and residential properties and is therefore unlikely that the planning department would support a proposal at this location.
- 3 Strathmore Street - This option is located on Council Park Land. The Council did not support the site location.
- 4 Barnhill Primary School - The school was considered inappropriate in planning terms due to the current Telecommunications legislation in Dundee.

- Dundee City Council this site was discounted due to the proximity to the local school.
- 7 Panmure Terrace - The chimney was considered as a possibility.



- Due to the building use, however, this option was discounted as it is unlikely to be supported by the local planning policies.
- 8 Best Western Woodland Hotel - This Hotel was considered. An installation on the rooftop would require to be substantially higher. This would therefore create a visually intrusive

- 13 Area to North of site - The dense residential area to the south of the proposed site is not considered appropriate in planning terms to accommodate a telecommunications installation.
- 14 Reres Hill - this site was discounted due to the location, topography and trees surrounding the site.
- 15 Campfield Square Car Park - The site provider is not willing to entertain an additional telecommunications installation within the Campfield Square car park area."

They state that the proposals comply with the relevant Council Local Plan and non statutory policies on telecommunications development and have submitted coverage plans demonstrating that the mast will serve a gap in 2G and 3G coverage in an area approximately bounded by Forthill Road, just south of Balgillo Road, Abercrombie Street and Monifieth Road. Finally they have submitted an ICNIRP certificate indicating that the proposed equipment is in full compliance.

SITE DESCRIPTION

The site comprises the public footway on the south side of Nursery Road just to the west of the entrance to Campfield Square shopping centre. The footway widens at this location from an average width of 2.5 to 3 metres to a maximum width of some 4 metres at the application site.

The site sits above the shopping centre car park level and is separated from it by a brick retaining wall topped by metal railings. There is a small area of shrub landscaping to the immediate west of the site.

To the south is the shopping centre car park and an existing Orange mast. To the north are houses some 25 metres distant on the opposite side of Nursery Road. To the west are houses at Golspie Terrace, the nearest of which is some 26 metres from the application site.

POLICY BACKGROUND

Dundee & 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.

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.

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

An application for planning permission for a mast on this site was withdrawn by the applicants in February 2005 - application ref no 04/00930/FUL refers. This mast was designed to achieve 3G coverage in the area but

the applicants subsequently required additional 2G coverage in this area necessitating a thicker (although not higher) mast and larger equipment cabinets and so withdrew that application and submitted the current proposals.

There is a current proposal for a shared mast at the nearby Campfield Square shopping centre (some 20 metres from the site of the current application), with the current applicants (O2) being one of the parties involved - application 05/00257/FUL refers. The report on that application appears elsewhere in this agenda.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 12 individual letters of objection were received along with a petition of objection containing 765 signatures. The primary concern of the objectors relates to health matters, but concerns are also raised about the visual impact of the proposed mast, the cumulative impact of the proposed mast and the existing mast nearby at Campfield Square, the lack of an operational justification for the mast and obstruction of the pavement.

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

CONSULTATIONS

Broughty Ferry Community Council objected to the proposal development on visual amenity and health grounds.

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 and in particular promote mast sharing and masts on buildings. However there is a particular problem in the Broughty Ferry area because residential development predominates and it is impossible to find a site that is not close to houses. The area does not contain any significant areas of industrial or commercial development that could accommodate masts and the only significant areas of non residential development are Forthill and Barnhill primary schools, Barnhill Cemetery and Reres Park, which are either controversial for the siting of masts or have impediments to the erection of masts. Difficulties are increased by the fact that Third Generation coverage is based on much smaller cells involving more masts much closer to each other.

In terms of the details of Policy BE31, the proposal has an operational justification and 15 alternative sites have been considered by the applicants but these have had to be rejected either because they were no better in terms of visual amenity and proximity to houses.

There is the possibility of sharing a nearby existing mast at Campfield Square (see the report on application 05/00257/FUL elsewhere in this agenda) but only by significantly increasing the height (and therefore the visual intrusiveness) of that mast. It is considered that this is one of the few cases where a new free standing mast would be preferable to a mast share. Finally, for reasons considered below, the proposed new mast will not conflict with other policies in the Plan.

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. The proposed mast is designed to appear not unlike a street lighting column, and contains no visible antennae or dishes. It is also close to existing lighting columns in the Campfield Square shopping centre car park. It is therefore considered that the proposed structure will not be visually dominant and were it not for the concerns of local residents about health issues would be a perfectly acceptable structure at this location.

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, this is one of the few cases where a free standing mast would be preferable to mast sharing. The Policy also says that alternative locations and design should be investigated. The applicant considered 15 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 acceptable.

Policy 2 contains a presumption against free standing mast or ground based apparatus within or immediately adjacent to residential areas. However it goes on to state that an exception may be made where the proposal is considered to be sensitively located and where the operator has demonstrated that the proposal is the most appropriate from the other options investigated. As has been previously stated, it is considered that the design of the proposed structure is satisfactory, its siting is appropriate close to a car park with lighting columns and proposals for mast sharing at Campfield Square would be visually much more obtrusive.

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 completely conceals the function of the mast (there are no visible antennae or dishes) and is located in an area where there are a number of lighting columns nearby.

Objections

There has been a considerable amount of objection to the proposal, with signatories of the petition coming from a wide area. The letters and petition focus on concerns about health matters and the Community Council also refer to this matter. The objectors point out the close proximity of the proposed mast to houses and the presence of an existing mast at the adjacent shopping centre. 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.

The other concerns about visual matters have already been considered in assessing the proposed development against Local Plan policies and it has

been concluded that the siting and design of the mast are satisfactory. The applicants have provided an operational justification for their proposed mast. The proposed mast and cabinets will not obstruct the public footway as its width will not be diminished below 2.4 meters which is more than adequate and indeed is wider than the existing section of this pavement closer to the entrance to the shopping centre.

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 proposed mast is designed to appear not unlike a street lighting column, and contains no visible antennae or dishes. It is also close to existing lighting columns in the Campfield Square shopping centre car park. It is therefore considered that the proposed structure 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 a substantial amount of objections were received, primarily 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 reinstate the site to a satisfactory condition in the interests of visual amenity.