

KEY INFORMATION**Ward** Riverside**Proposal**

Installation of 15m cypress tree telecommunications mast, 2 equipment cabins and associated ancillary development

Address

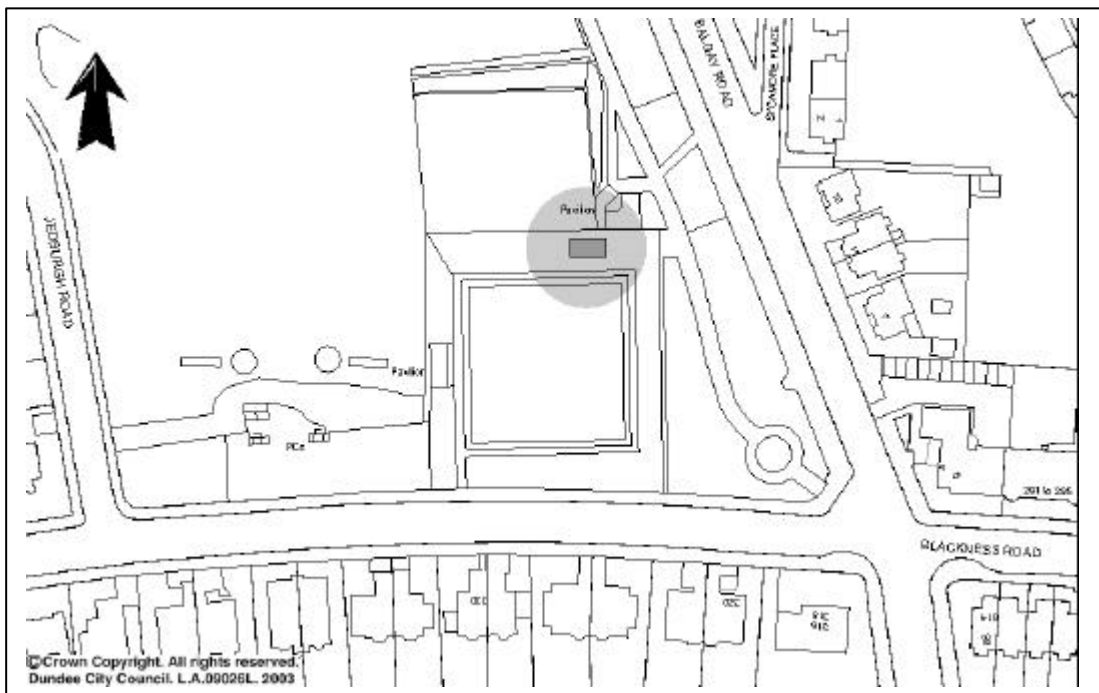
Land to North of Bowling Club
Balgay Road
Dundee

Applicant

Vodafone
c/o Stappard Howes
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Coatbridge
ML5 1DE

Agent

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Registered 21 April 2005**Case Officer** Eve Jones

Proposed Telephone Mast in Victoria Park

The installation of a cypress tree telecommunications mast is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with the policies in the Dundee Local Plan and the Finalised Dundee Local Plan Review and with National Planning Guidance and Advice. The objections are not supported. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a 15 metre high telecommunications mast in the form of a replica cypress tree and two ground based cabinets. The three antenna will be located on the structure concealed by the branches. The mast is to be located between the tennis courts and bowling green at Balgay Park. The site is partly screened by a 2.2 metre hedge, two conifers of 12 metres and the tennis pavilion.
- The application is accompanied by the required technical certificates and a detailed justification demonstrates the lack of 3G signals in this area and the difficulty experienced in identifying suitable locations for masts.
- The proposal complies with the relevant Council policies in the Dundee Local Plan and the Finalised Dundee Local Plan Review and with National Planning Guidance and Advice for methods of construction to conceal masts and antenna.
- Seventeen objections were received from neighbours and interested parties and also from the West End Community Council on grounds of loss of visual amenity, unsuitable development in a park, unacceptable artificial design, contrary to Local Plan, as well as potential health risks to residents and park users particularly children. The objections are not supported.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a 15 metre high telecommunications mast in the form of a replica cypress tree. The three antenna will be located on the structure, concealed by the branches and will not be visible. The mast will be contained within a 1.8 metre high palisade fence. Two ancillary cabinets will be located at ground level, 8 metres from the mast and enclosed by a 1.8 metre high chainlink fence.

SITE DESCRIPTION

The site lies within Victoria Park between the bowling green, to the south, and the tennis courts, to the north, at the junction of Blackness Road and Balgay Road. The tennis court pavilion lies to the north and the site is bounded, to the south, by a hedge approximately 2.2 metres high. There are two conifer trees 11 metres and 23 metres to the west of the proposed site. The trees are approximately 12 metres high. There is a pavilion at the side of the bowling green 35 metres to the south west, and beyond, there are other scattered trees around the children's play area and public toilets.

The surrounding area is residential with substantial traditional dwellings to the west, south and east with a block of newer flats to the south east. The remainder of the park extends to the north towards Balgay Hill. The nearest residential property is 60 metres to the east.

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 criteria in the policy.

Policy H1: Existing Residential Areas, within areas where residential uses predominate, developments will be

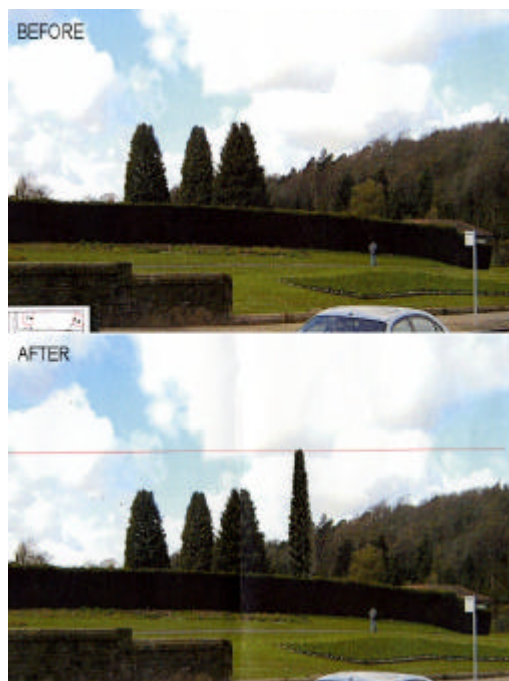
permitted where they do not adversely affect the environmental quality enjoyed by local residents by reason of design, layout, parking and traffic movement issues, noise or smell.



Policy OS1 Existing Open Space, there is a presumption in favour of retaining area of open space of recreational, amenity or nature conservation value.

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 78: Location of

Telecommunications Equipment. In general, operators are encouraged to share existing masts in order to minimise the environmental impact on the city. 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".

Policy 1: Vibrant and Sustainable Communities. New development should seek to minimise any affect on the environmental quality enjoyed by local residents.

Policy 66: Expanding and Enhancing the Open Space Network. The policy supports the extension and improvement of the existing open space.

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. Planning Advice Note 62: Radio Telecommunications. This provides best practice advice on the process of site selection.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

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

Policies 1 and 7 are of particular relevance and are considered in respect of Policy 78 below.

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 relevant planning history for this particular site. However, Members may recall that an application by O2 for a 12.5 metre high monopole mast proposed to be located on the footway of Blackness Road, 25 metres to the west of the Bowling Green, was refused by Committee on 25 October 2004. Planning permission was granted on appeal on 13 June 2005.

PUBLIC PARTICIPATION

The agent for the proposed operator carried out pre-application consultations in the local area and the application was the subject of statutory Neighbour Notification. Seventeen objections were received from neighbours and interested parties.

Objections are on the grounds of potential health risks to residents, particularly children, using the play park; loss of visual amenity and the artificial nature of the proposals; the unsuitability of the park for such a development; the impact on the Conservation Area; impact on residential amenity; contrary to Local Plan and the lack of information on potential mast sharing. Copies are available for inspection in the Members' Lounges. These issues are considered in the Observations section of this Report.

CONSULTATIONS

The West End Community Council also objected on grounds of visual intrusion and development contrary to

the Council's Non-Statutory Policies 7 and 11. (Policy 11 is not relevant as the site is not in a Conservation Area.) The other two grounds of objection will be considered in the Observations below.

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 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, an application should comply with 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, National Guidance etc.

Comments

- 1 The proposal has an operational justification and the site is required to provide third generation coverage for the existing Vodafone telephone network as required by the terms of their licence. Detailed coverage maps have been provided to justify the selection of this location. It is considered

that the supporting justification does demonstrate that there is a lack of 3G coverage in this area there are problems in the identification of a suitable site.

- 2 Seven alternative locations for the siting of the mast have been investigated and rejected as follows:

- a Balgay Road, various sites on the public footpath, not acceptable to Dundee City Council on grounds of pedestrian safety due to restricted pavement width.
- b City Road various sites on the public footpath, not acceptable to Dundee City Council on grounds of pedestrian safety due to restricted pavement width.
- c Downfield Church, Haldane Terrace, within the Church Tower: another operator has secured this site and for technical reasons, the site cannot accommodate other apparatus. It is also at the northern extremity of the area which is currently deficient in 3 G coverage and if feasible would probably still require the provision of additional equipment to provide full coverage.
- d Disused petrol filling station, City Road: this is a potential development site and the owner did not wish to jeopardise any development.
- e Tullideph Road: various sites on the public footpath, not acceptable to Dundee City Council on grounds of pedestrian safety due to restricted pavement width. The only area where the footpath is wide enough is currently occupied by a mast operated by another operator and the cumulative visual impact of two masts would be unacceptable in a predominantly residential area.

- f Site share at Tullideph Road: the existing mast is a monopole which would require to be strengthened and increased in height to accommodate another user. The visual impact of the resulting larger structure would be unacceptable in this location.
- g Site share at Blackness Road/Seymour Street: there is telecommunications equipment in the form of pole mounted antenna at each corner of the roof of the telephone exchange at this location. Any new equipment for another operator would require to be located on the roof and would be visible from adjacent residential properties. Proposals to install additional equipment in this location have already been the subject of a pre application submission in April 2002 but the City Council advised that it was contrary to Council policy and unlikely to be supported.
- 3 It is considered that there are limited options for mast share for the reasons stated in 6 above.
- 4 The submitted justification states that no suitable buildings were located. It is agreed that options for location on buildings are limited in this area as the majority of properties are residential in nature.
- 5 The proposed development complies with the guidance in PAN 62 and NPPG 19 with regard to the attempts to screen the mast visually.

It is considered that the proposal complies with Policy BE31.

Policy H1 specifies that 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

and they are in accordance with other policies in the Plan.

It is considered that the mast will not detract from the visual appearance of the existing site because of the location and the design. The two trees which are 11 metres and 23 metres away to the side of the proposed mast are approximately 12 metres high and the adjacent hedge is 2.2 metres high and runs along the south and east side of the site. The fencing of the tennis court lies along the north side of the site and it is partly screened by the tennis pavilion. The hedge and the pavilion will help to screen the fences, one a 1.8 metre high palisade fence, the other a 1.8 metre high wire mesh fence which will surround the mast and the cabinets.

The mast will be not be obtrusive when viewed from the surrounding streets as demonstrated by the photomontages submitted by the applicant's agent. Given the adjacent trees, the hedge and the pavilion, it is considered that a mast of this design can be successfully located at this site with very limited visual impact on the surrounding park.

It is considered that the proposal complies with Policy H1.

Policy OS1. The policy relates to the potential redevelopment of existing open space. It is considered that the location of a mast and cabinets in a narrow grassed area between the tennis courts and bowling green does not constitute redevelopment of open space in relation to this policy. It is therefore considered that the policy is not relevant to this application.

Other Material Considerations

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

Finalised Dundee Local Plan Review

Policy 78. The proposal was assessed in terms of the Council's Non Statutory Policies, which are a material consideration in terms of Policy 78.

Policy 1: "There should be an assessment of the operational justification, alternative site and the options for mast sharing or use of buildings". This has been provided and is acceptable.

Policy 7: "There will be a presumption against the location of

telecommunications masts and related apparatus within existing public parks, existing or proposed open spaces, play areas and areas of designated or historic landscapes". The policy does not prohibit masts and certainly a conventional monopole or lattice mast would not have been acceptable in this location. However, the design of the proposed replica tree does give the opportunity to provide coverage in this part of the City where there are few opportunities for masts to be located without affecting the visual appearance of the area. Whilst the site is between the tennis courts and bowling green it is partly screened by hedges, trees and a pavilion.

The agent has provided photomontages of the proposed site and also photographs of a mast of this type at the Grange Spots Club in the Stockbridge area of Edinburgh. That site is within a Conservation Area, close to the Botanic Gardens and bounded on all sides by parkland comprising cricket pitches, bowling green, tennis courts and play grounds. The agent states that there is unrestricted public access within 1 - 2 metres of the mast with no loss of visual quality. The design of the mast does appear to successfully integrate the structure into the landscape.

It is considered that the design of mast proposed and the location both combine to ensure that the structure will have limited visual impact on the park and will provide essential service in an area where suitable, alternative locations have proved to be difficult to identify. Accordingly it is considered that the proposal complies with Policy 78.

Policy 1 states that new development should comply with other policies in the Plan and should seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell. It is considered that the proposal does comply with this Policy.

Policy 66. The policy states that development proposals which extend and improve the existing open space network will generally be supported where they satisfy other policies in the Plan and provide for enhanced and improved leisure, environmental quality, wildlife habitat, opportunities for education, provide for sustainable drainage or provide walking and

cycling opportunities. It is considered that the location of a mast and cabinets in a narrow grassed area between the tennis courts and bowling green is not directly relevant to this policy and the policy is not therefore applicable to this application.

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 PAN gives case studies and good practice advice on the use of specialist designs of masts and antenna in order to minimise their visual impact on the environment. The use of tree styled masts for appropriate locations is recommended.

Objections

Eleven of the seventeen letters contain objections on the grounds of potential health risks to residents, particularly children, using the play park.

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.

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. Therefore objections on health grounds cannot be supported in this case.

The objections also relate to:

- the loss of visual amenity and artificial nature of the proposals.

As noted above, it is considered that the proposed mast will not have a detrimental impact on the character of the area due to its design and location.

- the unsuitability of the park for such a development.

The Non-Statutory Policy has a presumption against such a location although it does not preclude them and this recognises that there may be some circumstances where a mast could be located which would be relatively unobtrusive. It is considered that this proposal is acceptable for the reasons given above.

- the impact on the Conservation Area.

The site does lie within the Conservation Area and therefore the Non-Statutory Policy with regard to such areas does not apply in this case.

- impact on residential amenity.

It is considered that the mast will not be obvious when viewed from surrounding residential properties and will not adversely affect their residential amenity.

- contrary to Local Plan. As detailed above, it is considered that the proposal complies with the policies in the Local Plan.
- the lack of information on potential mast sharing.

The submitted justification contains acceptable reasons why existing monopole masts cannot be the subject of mast sharing without a resulting increase in both the height and the structure required, usually the provision of a lattice mast which is visually more obtrusive.

It is concluded that the objections are not supported.

Design and Justification

The proposed mast takes the form of a conifer tree with artificial branches from ground level concealing the telecommunications antenna in the central core. The site is a narrow "corridor" between the bowling green and tennis courts and is screened by a high hedge to the bowling green, tall conifer trees, the fencing to the tennis courts and the tennis pavilion. The mast will generally be viewed from surrounding streets and the remainder of the park and it is considered that it will not have a detrimental impact on the visual appearance of the park and the surrounding area.

CONCLUSION

It is concluded that the proposal complies with the relevant policies in the Dundee Local Plan 1998 and Finalised Local Plan Review and is also in accordance with the National Planning Guidance and Planning Advice Note with regard to the use of design to mask the appearance of telecommunications equipment. The objections are not sufficiently strong to justify the refusal of planning permission contrary to the policies of the Development Plan, the National Guidance and Advice and the other material considerations.

RECOMMENDATION

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

- The development hereby permitted shall be commenced within five years from the date of this permission.
- The fence around the mast shall be a minimum of 1 metre from the hedge to the south and there shall be no excavations or lowering of the ground level within that 1 metre.
- Should the mast hereby approved cease to operate or become obsolete, the mast and associated cabinets shall be removed and the site reinstated to match the condition of the surrounding land within 6 months.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect that hedging which is of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 3 To protect the amenities of the occupants/owners of nearby adjacent properties in the locality.