

KEY INFORMATION

Ward East Port

Proposal

Installation of a replica
flagpole accommodating 3
No tri-sector antennas

Address

Eagle Mill
1 Dens Road
Dundee

Applicant

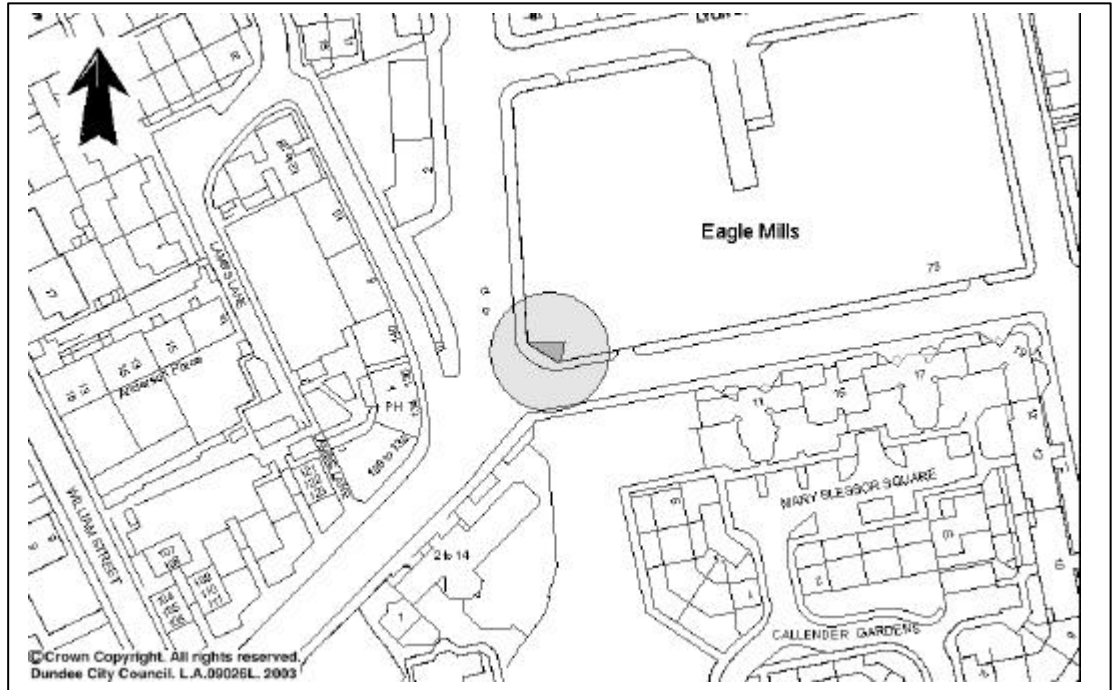
Vodafone (UK) Ltd
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Coatbridge
ML5 1DE

Agent

Stappard Howes
122 Dundyvan Road
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ML5 1DE

Registered 13 July 2005

Case Officer S Cooper



Proposed Telephone Mast in Dens Road

The installation of a replica flagpole accommodating three antennas is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with Policies 1 and 78 of the Dundee Local Plan Review 2005 and with National Policy Guidance and Advice. The objection does not carry sufficient weight to justify refusal of the application. The application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought for a replica telecommunication flagpole to be installed in place of the existing flagpole on the roof of the Eagle Mills building at 1 Dens Road, Dundee.
- Policies 1 and 78 of the Dundee Local Plan Review 2005 are of relevance as well as the Government guidance and advice contained in NPPG19 and PAN62.
- One letter of objection has been received. The grounds of objection are health issues and possible interference with TV reception.
- The proposed development has an operational justification and several alternative sites were considered but had to be discounted as they were no better in terms of visual amenity. It is considered that the proposed telecommunications development complies with the relevant policies in the Dundee Local Plan Review 2005 and with National Policy Guidance and Advice. It is considered that the letter of objection does not carry sufficient weight to justify the refusal of the application.

DESCRIPTION OF PROPOSAL

It is proposed to install a replica flagpole accommodating 3 no tri-sector antennas to replace an existing flagpole on the Eagle Mill building at 1 Dens Road, Dundee. The proposed replica flagpole would be positioned on the roof of the building and at its highest point would be some 15.5 metres above ground level. The proposed replica flagpole would be some 3.6 metres in height and 200mm in width. As such its dimensions would be similar to those of the existing flagpole on the roof of the building.

As part of their strategy for providing 3G coverage throughout the City the applicant has worked with the Council in selecting suitable sites for the proposed telecommunications development and has completed pre-application consultations prior to the submission of this application. The applicant's agent has submitted a supporting statement with plans to justify the proposed telecommunications development. They state that replacing the existing flagpole with a similar sized replica flagpole incorporating telecommunications antennas on the roof of the building would have a minimal visual impact on the area.

The applicant has submitted coverage plot maps with the application which identify a clear 3G coverage deficit in the East Port area of Dundee. The coverage maps show that the proposed telecommunications replica flagpole would provide indoor and outdoor 3G coverage to this area.

The applicant has assessed a number of alternative sites to provide 3G coverage to the area. The applicant lists and comments on the alternative sites as follows:

- 1 Rooftop of the Trinity Parish Church – This was discounted as sufficient coverage could not be provided to target area without the installation of additional equipment at another location.
- 2 Rooftop of former church on Victoria Street – This option was discounted as there is insufficient space on the building to

accommodate the existing '3' equipment in addition to the additional Vodafone equipment without interference between the operators equipment occurring.

- 3 Site share lattice mast on East Dock Street – Option discounted as it could only provide coverage to the southern half of the search area. An additional mast would be required to provide coverage of to the northern half.
- 4 Mast at Erskine St/Dura St Industrial Yard – Discounted as there is insufficient space to locate a mast and associated equipment within the yard without infringing on the workings of the yard.



- 5 Mast at Dundonald Street Industrial Yard – This option was discounted due to shortage of available space in the yard. In any case a high mast would be required which would have a high visual impact on the surrounding area.
- 6 Streetworks installation on Dundonald St, Dura St, Lyon St, Victoria St, Princess St, Victoria Rd, Dens Rd and all connecting streets – all these options within these residential areas were discounted as a high mast would be required which would have a high visual impact. Furthermore any such mast would unacceptably reduce the width of the footpaths on which they would be erected.

SITE DESCRIPTION

The application relates to the eastern part of the Eagle Mill building at 1 Dens Road, Dundee. The building is located at the junction of Victoria Street with Dens Road. The building is listed as being of special architectural or historic interest, Category B. The eastern part of the building is presently in use as a plumbing and kitchen supplies outlet. There is an existing flagpole located on the roof of the building behind a stepped pediment on the Victoria Street/Dens Road junction frontage.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 78 Location of Telecommunications Equipment.

In general, operators are encouraged where practicable to mast share. Where mast sharing is not practicable, alternative solutions in terms of location and design, will be assessed with the objective of minimising the environmental impact on the City.

Policy 1 Vibrant and Sustainable Communities.

New development should seek to minimise any affect on the environmental quality enjoyed by local residents.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline 19 Radio Telecommunications

NPPG 19 emphasises the importance of establishing good communication and trust between operators and planning authorities and encourages pre-application discussions to determine 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 PAN 62.

Planning Advice Note 62 Radio Telecommunications.

PAN 62 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

The following policy statements are of relevance:

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

Policies 1 and 3 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. It is considered that the proposed development meets with the aims of Key Theme 7.

SITE HISTORY

There is no site planning history relevant to this application.

PUBLIC PARTICIPATION

The applicant's agent carried out pre-application consultations in the local area and the application was the subject of statutory Neighbour Notification. One letter of objection has been received.

The grounds of objection relate to health issues and interference with television reception.

A copy of the letter is available for inspection in the Members' Lounges. It is intended to comment on the issues raised by the objector in the "Observations" section of this report.

CONSULTATIONS

No comments on the proposed development were received from any 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.

Policy 1 of the Dundee Local Plan Review 2005 states that developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by reason of design. The proposed flagpole would be similar in appearance and dimensions to the existing flagpole that it would replace and contains no visible antennas or dishes. It is therefore considered that the proposed replica flagpole will not be visually intrusive and would not have a detrimental impact on the amenity of the area by reason of its design.

Policy 78 encourages mast sharing. Where the Council is satisfied that this is not a feasible proposition, alternative solutions will be assessed by their location and design with the aim of minimising the environmental impact on the City. In this case the applicant has demonstrated that mast sharing is not a feasible proposition. The only site sharing option would only provide limited coverage to part of the cell area and thus would require the installation of an additional mast to provide coverage to the rest of the area. This would have a higher visual impact than the proposed replica flagpole.

The proposed telecommunications replica flagpole would be a similar size and form and would occupy a similar position on the building to the existing flagpole. In such circumstances the proposed replacement replica flagpole

would not have an appreciable impact on the character and appearance of the building or that of the surrounding area. Therefore it is considered that the proposed replica flagpole offers the most visually acceptable design solution for the area.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

The Council's Non Statutory Policies are a material consideration in terms of Policy 78 of the Dundee Local Plan Review 2005.

The proposed development accords 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 of the proposal is acceptable.

It is therefore considered that the proposed telecommunications development accords with the Council's Non-Statutory Policies.

The guidance and best practice on the siting and design of telecommunications apparatus given in NPPG 19 and PAN 62 is a material consideration in the determination of this application. The documents advise that the key issues to be addressed through the planning system are the siting and design of telecommunications developments. The proposal involves the replacement of an existing flagpole with a replica flagpole incorporating 3 antennas. Other options considered by the operator would involve the erection of new telecommunications apparatus with a high visual impact. It is considered that the proposed replica flagpole would have a minimal visual impact on the area and is therefore acceptable in terms of siting and design.

Objections

One letter of objection has been received. The grounds of objection relate to health issues and television interference.

As stated in paragraph 53 of NPPG 19 the planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of

radiofrequency radiation are controlled and regulated under the appropriate legislation by the DTI and the Radio communications Agency. The Health and Safety Executive also have responsibilities. 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 radiofrequency radiation. With these measures in place the Scottish Executive concludes that it is not necessary for Planning Authorities to treat radiofrequency emissions as a material consideration. The applicant has confirmed in writing that the proposed installation would conform to the ICNIRP guidelines for public exposure to radiofrequency radiation.

A report entitled "Evaluation of Revised Planning Controls over Telecommunications Development" was published by the Scottish Executive in July 2004. 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 further research into the matter, the current position is that there is insufficient evidence that mobile telecommunications development causes a health risk. Therefore the objection on health grounds cannot be supported.

In respect of television interference the applicant states that in order to regulate and minimise any potential interference between different radio wave systems including mobile phone operators, the European Commission issued a directive (89/336/EEC) governing all forms of electronic equipment in 1989. The applicant confirms that all of their transmitting equipment complies with the above directive. In any case potential television interference is not a material consideration in the determination of this planning 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 proposed mast would be similar in size and form to the existing flagpole it would replace and contains no visible antennae or dishes. It is considered that the proposed apparatus is the most visually acceptable solution for the area.

CONCLUSION

The proposed mast would be similar in size and form to the existing flagpole it would replace and contains no visible antennae or dishes. It is considered that the proposed apparatus is the most visually acceptable solution for the area.

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 12 months of the equipment ceasing to be used.

Reasons

- 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.