#### Application No 05/01010/FUL

**Broughty Ferry** 

# **KEY INFORMATION**

#### Ward

#### Proposal

Erection of Flagpole Telecommunications mast with 3 antennae

Address

36 Albert Road Broughty Ferry Dundee

#### Applicant

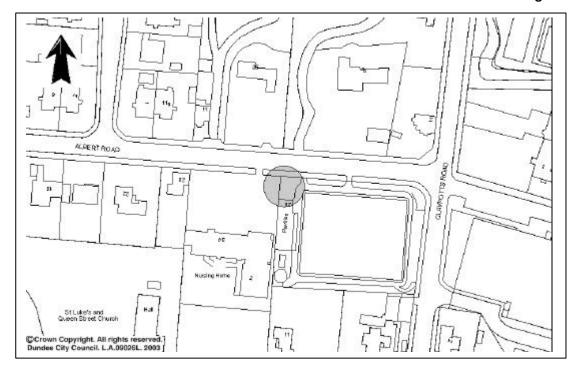
Vodafone c/o Stappard Howes 122 Dundyvan Road Coatbridge ML5 1DE

#### Agent

Vodafone c/o Stappard Howes 122 Dundyvan Road Coatbridge ML5 1DE

Registered 23 Nov 2005

Case Officer C Walker



Item 1

# Proposed Phone Mast in Albert Road

The erection of a flagpole telecommunications mast with 3 antennae is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

# RECOMMENDATION

The proposed flagpole mast complies with the Development Plan and National Policy. It is considered that the objections submitted do not carry sufficient weight to justify refusal of the application. Therefore the application is recommended for APPROVAL.

# SUMMARY OF REPORT

- Planning permission is sought to erect a 14 metres high flagpole telecommunications mast with 3 antennae (within the pole) and 2 ground based equipment cabinets. The mast is for Vodafone, and is proposed in the north west corner of the Broughty Ferry Bowling Club premises on Albert Road.
- 4 letters of objection were received, 3 from local residents and 1 from the owner of Westbay Nursing Home. The letters of objection state concerns about the visual and health implications of the mast.
- An operational justification has been provided and nine alternative sites have been considered and rejected. It is considered that there are no mast sharing opportunities available for this proposal.
- The proposed mast is designed as a flagpole. There are already 4 flagpoles within the bowling club premises and the replacement of 1 of these with the current proposal will not appear visually incongruous and will not adversely affect the appearance of the conservation area.
- It is not considered that there are any exceptional circumstances here that would justify refusing the proposed development on health grounds.

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# DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a flagpole telecommunications mast with 3 antennae and 2 ground based equipment cabinets in the north west corner of the Broughty Ferry Bowling Club premises on Albert Road.

The proposed mast will look like a flagpole in all respects, will be coloured white and will be capable of taking a flag. The flagpole will be 14 metres high and the 3 antennae within the pole will provide third generation coverage for Vodafone. The proposed equipment cabinets are 2 metres high, will be painted green and will not be visible from outwith the site

The applicants have submitted a supporting statement in which they refer to pre application consultations. They suggest that the flagpole has been sensitively designed and will blend in with the existing flagpoles within the bowling club premises and street lighting columns on Albert Road and will also be screened by trees and shrubs.

They set out the benefits of mobile communications and illustrate by maps the gaps in coverage that would be remedied by the proposed mast (effectively an area of Broughty Ferry from Fairfield Road in the west to Panmure Street in the east and as far north as Fintry Place and Strathern Road).

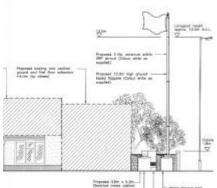
They suggest that their proposals are in compliance with National and Development Plan policy, and that the site was carefully selected and the equipment designed to minimise any impact on the surrounding area. They list 9 alternative sites that they considered but which were rejected for various reasons including technical difficulties, greater obtrusiveness, proximity to a school and owner reluctance. These sites are the Gullistan Restaurant, St Stephen's and West Church, St Aiden's Church, a street works monopole, Woolworths, Broughty Ferry Library, Grove Academy, Broughty Ferry Telephone Exchange and St Marys Church.

Finally the applicants have submitted an ICNIRP certificate indicating that the proposals comply with the relevant guidelines on public exposure to emissions.

## SITE DESCRIPTION

The site comprises the Broughty Ferry Bowling Club on the south side of Albert Road. The 2 storey club house sits at the

western boundary of the site and the site is enclosed by walls approximately 2 metres high. There is an existing storage cabin in the north west corner of the site (which will need to be removed to accommodate the flagpole mast). There are 4 flagpoles on the site, approximately 1 in each corner, with the flagpole in the north western corner being sited on top of the clubhouse building.





FLAGPOLE MAST IN GLASGOW

The surrounding area is predominantly residential in character and the bowling club premises are surrounded by housing with other uses including a nursing home (recently destroyed by fire) to the west and Grove Academy to the east on the opposite side of Claypotts Road. The bowling club is situated within the Grove Conservation Area.

## 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

Policy 1: Vibrant and Sustainable Communities - The site is in an existing housing area and this policy seeks to protect the environmental quality enjoyed by local residents.

Policy 61: Development in Conservation Areas - Proposals should preserve or enhance the character of the surrounding area.

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Policy 78:  $\mathbf{of}$ Location Telecommunications Equipment - In general, operators are encouraged to share existing masts in order to minimise the environmental impact on the city. Where mast share is not feasible alternative solutions will be assessed with the objective of minimising the environmental impact on the city. The policy adds that the Councils supplementary guidance on masts will be a material consideration.

#### 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 of modern the benefits 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; a justification against alternative proposals considered and the prospects for mast sharing; and a justification for free standing proposals as opposed to siting apparatus on buildings.

Policy 2: There will be a general presumption against the siting of free standing masts in residential areas. However exceptions can be made where it is considered that the proposal is

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sensitively located and designed and is the appropriate from other options investigated.

Policy 11: There will be a presumption against the location of ground based masts in conservation areas where by virtue of their location and design, they are considered likely to adversely affect the setting of the conservation area.

# LOCAL AGENDA 21

Key Theme 7 requires that 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 an extension to the clubhouse building in May 2005 - application 05/00259/FUL refers.

# PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 4 letters of objection were received, 3 from local residents and 1 from the owner of Westbay Nursing Home which was recently destroyed by fire. The letters of objection state concerns about the visual and health implications of the mast, suggesting that the proposal contravenes the Local Plan and the Councils supplementary guidance on masts. These concerns are considered in the Observations section of this Report.

# CONSULTATIONS

No adverse comment on the proposal was received.

## **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 is a general policy protecting residential amenity and the issues set out in this policy are fully considered in the

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assessment of the development against Policy 78 of the Plan (including the supplementary guidance). Similarly Policy 61 on development in Conservation Areas can be more fully considered in the assessment of the development against Policy 78.

Policy 78 gives general guidance on the location of telecommunications equipment as well as more specific guidance by the incorporation of the Council's supplementary guidance on masts as a material consideration.

Policy 78 encourages mast sharing but adds that where mast share is not feasible alternative solutions will be assessed with the objective of minimising the environmental impact on the city. As this proposal is not for a mast share its impact on the environment of the city needs to be carefully assessed.

In terms of the Council's Non Statutory Policies, which are a material consideration in terms of Policy 78, an operational justification has been provided as required by Policy 1 and nine alternative sites (listed in the Description of Proposal section of this Report) have been considered and rejected.

The difficulty with third generation mobile phone masts is that they serve small cell areas and therefore need to be sited in relatively close proximity to each other. This problem is exacerbated by the fact that in Broughty Ferry there are no large areas of non residential uses, so inevitably masts are proposed in residential areas. The only possibility of a mast share for this proposal is the Broughty Ferry Telephone Exchange. However this building has already got facilities for 3 different mobile phone operators and a fourth set has recently been approved. It is not considered that the building could accommodate more facilities without a negative visual impact. It is therefore concluded that there are no mast sharing opportunities available for this proposal.

Policy 1 adds that there should be a justification for the location and design of the proposal and a justification for free standing proposals as opposed to siting apparatus on buildings. In this case the proposed mast is designed as a flagpole. There are already 4 flagpoles within the bowling club premises and the replacement of 1 of these with the current proposal will not appear visually incongruous. The equipment cabins will be well screened by the existing boundary walls. The design and scale of the proposed flagpole completely conceals its primary function of mobile accommodating 3 phone

antennae. It should be possible to site this pole on top of the club house building (either the existing building or the proposed extension to this building) but it is considered that a free standing flagpole would be visually more acceptable.

Policy 2 contains a general presumption against the siting of free standing masts in residential areas. However exceptions can be made where it is considered that the proposal is sensitively located and designed and is the appropriate from other options investigated. For the reasons mentioned above it is considered that the proposed flagpole mast will not have a negative visual impact on this area and that there are no alternative options that would be preferable.

Policy 11 contains a presumption against the location of ground based masts in conservation areas where by virtue of their location and design, they are considered likely to adversely affect the setting of the conservation area. The proposed flagpole mast will not have an adverse impact on the setting of the conservation area and is therefore acceptable.

It is concluded that the proposal complies with the Development Plan.

## Other Material Considerations

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

(A) Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications in conservation areas to have special regard to the desirability of preserving or enhancing the character or appearance of that area.

This matter has already been considered in the assessment of the proposed development under Policies 61 and 78 of the adopted Local Plan and it was considered that the proposal would preserve the character and appearance of the adjoining conservation area.

(B) The Concerns of the Objectors

The concerns about the visual impact of the proposed mast have already been considered in the assessment of the proposed development under Policies 1, 61 and 78 of the adopted Local Plan and it was considered that the proposal would not detract from the amenities enjoyed by neighbours or from the setting of the conservation area.

Concerns about health have been submitted by neighbours and the owner of the adjoining nursing home states that he wishes to re-establish his business and

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that his clients, being elderly and inform, would be particularly vulnerable to health risk from the proposed development. He accepts that in the normal course of events that mobile phone masts do not pose a significant health risk but suggests that this is an exceptional case where there are sufficient grounds to justify the refusal of the proposed mast on health grounds. He suggests that the approval of this proposal will jeopardise the reestablishment of the nursing home and could affect the operation of medical equipment.

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.

NPPG19 does not suggest that there are any grounds for avoiding siting mobile phone masts close to nursing homes. It recognises that there can be a degree of public concern about the siting and design of base stations and therefore stresses the importance of good siting and design and the need to consider alternative sites. This process has been undertaken in this case and the degree of public objection has not been significant. On the particular issue of the mast affecting the operation of medical equipment, the applicants were contacted and they have provided information suggesting that there is no evidence of any significant levels of interference to medical devices from radio base stations (although the use of mobile phone handsets close to some sensitive electronic devices can possibly result in interference).

Therefore although the Council is entitled to take concerns about health matters into account, in this case an ICNIRP certificate has been submitted and it is not considered that there are any exceptional circumstances here that would justify refusing the proposed development on health grounds.

Objections relating to non compliance with the Local Plan and the Councils supplementary guidance have already been considered and it has been concluded that the proposal complies with these documents. Objections about the extent of the search for alternative sites suggest that industrial areas north of the A92 should have been considered. However these locations would not fill the gaps in coverage in this area of Broughty Ferry. Finally an objector has stated that no application for advertisement consent has been submitted for the proposed flag on the flagpole. This is a matter that can be considered should planning permission be granted for the proposed flagpole mast.

#### (C) 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. For the same reasons as set out in the assessment of the proposals under Policy 78 of the adopted Local Plan it is considered that the proposals also comply with Government guidance on the siting and design of masts.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of the objectors such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted.

#### Design

The mast is designed as a flagpole and due to the presence of flagpoles on the bowling club premises, it will not be visually prominent and will appear as a natural feature within the conservation area.

# CONCLUSION

It is concluded that the proposal complies with the Development Plan and National Policy. It is considered that the objections submitted do not carry sufficient weight to justify refusal of the application. Therefore the application is recommended for APPROVAL.

# 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

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2 In the event that the development hereby permitted ceases to be used for the purposes for which it was designed, it shall be removed from the site within 2 months of the date it ceased to be used, and the site shall be reinstated to its state prior to implementation of the proposal or such other state as may be agreed in writing with the Council.

#### Reasons

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