

KEY INFORMATION

Ward Broughty Ferry

Proposal

Erection of Flagpole
Telecommunications mast
with 3 antennae

Address

36 Albert Road
Broughty Ferry
Dundee

Applicant

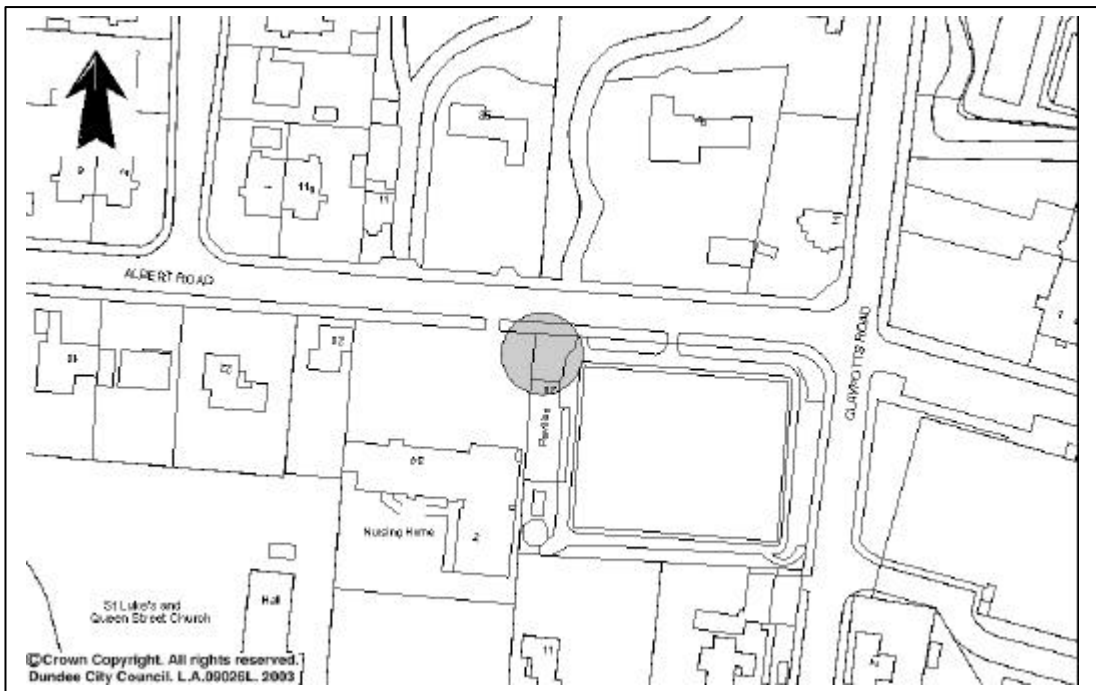
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Registered 23 Nov 2005

Case Officer C Walker



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.

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 Council's 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

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 accommodating 3 mobile 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

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

- 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.