

KEY INFORMATION

Ward Strathmartine

Proposal

Erection of 12m high slimline monopole telecommunications mast with 4 cabinets

Address

Land North of 534
Strathmartine Road
Dundee

Applicant

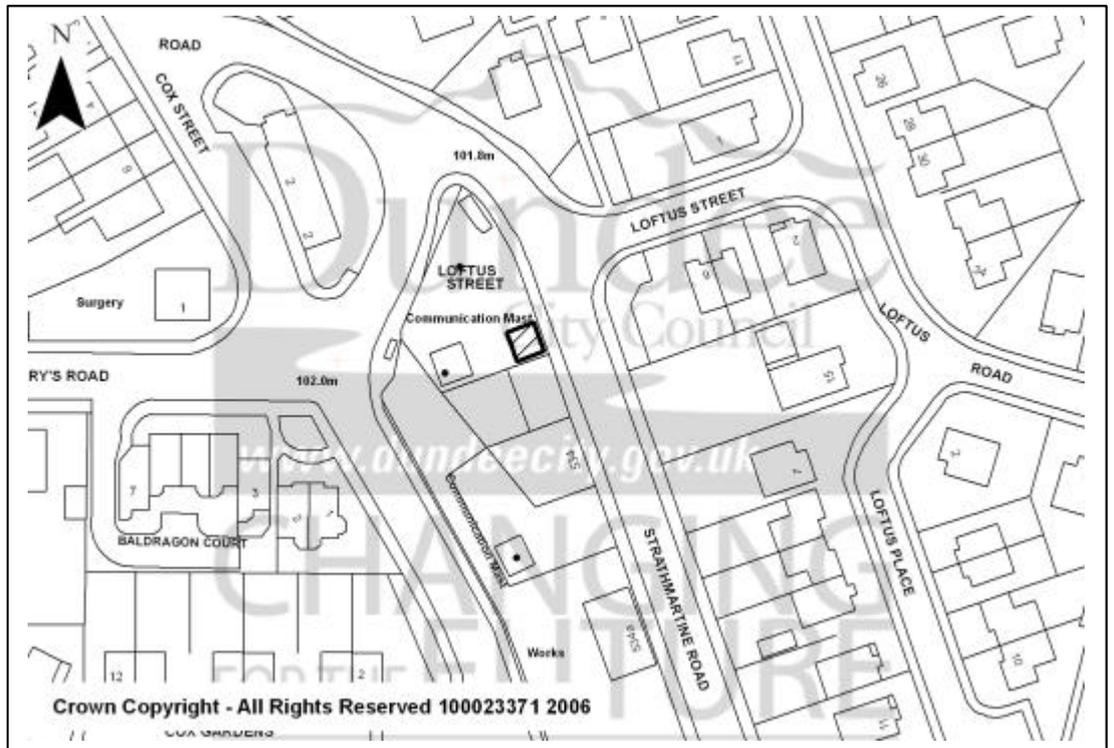
T Mobile UK Ltd
c/o Wilkinson Helsby
St James Court
Wilderspool Causeway
Warrington
Cheshire WA4 6PS

Agent

Wilkinson Helsby
St James Court
Wilderspool Causeway
Warrington
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Registered 25 Oct 2007

Case Officer Eve Jones



Telecommunications Mast Proposed in Strathmartine Road

The erection of a slimline monopole telecommunications mast with 4 cabinets is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

SUMMARY OF REPORT

- Planning permission is sought for a 12 m high slimline telecommunications monopole and 4 associated equipment cabinets. T mobile seeks consent to replace the temporary mast which is currently on the site. 16 alternative sites were considered as part of the site selection process and the alternatives were rejected, in favour of the application site, for a number of reasons. Members may recall that permission for the retention of the temporary mast was refused by the Committee on 15 October 2007.
- The operators have advised the Council of their particular difficulties in identifying suitable sites for a permanent structure in the Downfield area which will meet technical requirements and satisfy Council policies
- The application includes the required certificate confirming compliance with the ICNIRP guidelines on emissions from base stations.
- The site lies on a corner between Strathmartine Road and Cox Street and the surrounding area is residential. To the south there is a small complex of workshops with 2 existing masts of other telephone operators within 50 metres.
- The application attracted 52 written objections and a petition with 251 signatures. The objections include too many masts; cumulative impact; health; appearance; close to houses and school; devaluation of property; TV reception.
- It is considered that the application meets the requirement of Policy 78 - Location of Telecommunications Equipment and the Council's Non Statutory Policies. The strongly held views of the local residents have been exacerbated by the installation of the temporary mast which is such a prominent feature. It is considered that on planning grounds, the objections are not supported for the reasons given above.

RECOMMENDATION

This site has been selected from 16 alternatives. The proposal complies with Policy 78 - Location of Telecommunications Equipment in the Dundee Local Plan Review 2005; the City Council's "Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus" and follows guidance in NPPG 19: Radio Telecommunications and PAN 62: Radio Telecommunications. It is considered that the objections on planning grounds are not supported and accordingly, the application is Recommended for APPROVAL subject to conditions.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the installation of a 12 m high slimline telecommunications monopole and 4 associated equipment cabinets. The mast has three vertical antenna and a transmission dish. It will have a galvanised finish. The equipment will be within a 6m by 6m compound enclosed by a 2.1 m high palisade fence.

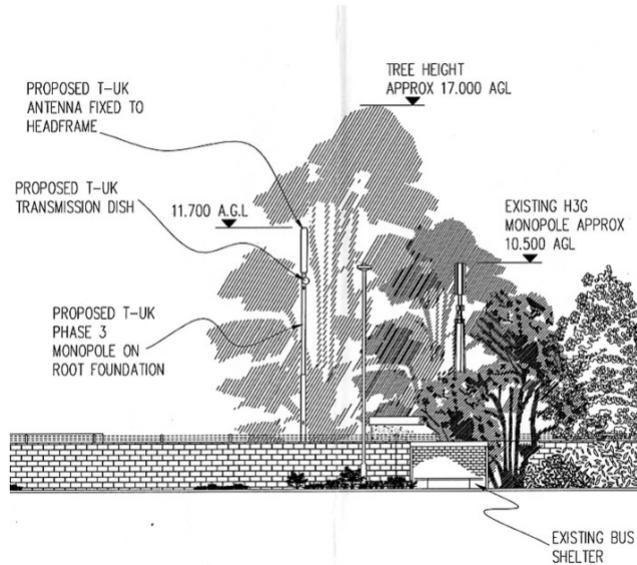
The application includes the required certificate confirming compliance with the ICNIRP guidelines on emissions from base stations. The supporting statement confirms that "When determining compliance the emissions from all mobile phone network operators on the site are taken into account".

T mobile seeks consent to replace the temporary mast which is currently on the site in order to provide coverage to the surrounding area. Service coverage plans have been submitted to demonstrate the lack of effective coverage in the area which is proposed to be served by this mast.

The agent has submitted justification which explains the timescales involved in finding a site for a permanent structure in this area. The first preliminary request for comments from the City Council under the agreed pre-application procedures was on 14 April 2007. A list of potential sites was the subject of a site visit with an officer at the end of June 2007. No preferred site was identified by the City Council but information was given on several of the potential sites. The applicant then selected a preferred site and carried out a range of pre-application consultations. This included a 3 hour long Drop-In session for local residents at the beginning of September. The session was advertised by over 100 letters to residents. However, only 4 people attended.

The agent advises that the necessary legal agreements are in place to permit quick deployment of the mast and removal of the temporary structure if planning permission is granted for this application.

The following 15 alternative sites were considered as part of the site selection process and were rejected, in favour of



the application site, for the reasons given.

Option B Macalpine Road, opposite Farmfoods - potential for adverse visual impact along this main route.

Option C Macalpine Road, opposite Lidl - recent environmental improvement works and detrimental to visual character of the area.

Cell 65360 Strathmartine Road



Existing North West Elevation

Option D Mast share of either of the existing masts on the adjacent sites at Strathmartine Road - in order to ensure there was no potential interference between operators, the required separation between the systems would require the mast to be approximately 15m high with two sets of external antenna. It is considered that this would generate a far more adverse visual impact on the character and visual amenity of the area.

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Option E Balgowan Avenue, pavement site at 338980 733800 - site more open, more adverse visual impact and close proximity to school would generate more adverse community reaction.

Option F Open countryside - due to slope of land, mast would require to be 25 - 30 m high in an area of green belt. (note there is no Green Belt around Dundee)

Option G Downfield Park Football Ground - due to lower ground level, a higher mast would be required and site is too far to provide coverage to the deficient area.

Option H Strathmartine Parish Church - would require an intrusive stub mast approx 6 - 8 m high on the roof.

Option I Pitempton Dairy Farm 338019 734040 - due to slope of land, mast would require to be 20 - 25m high in an area of green belt and is also outside the required coverage area. (note this site is in Angus Council area)

Option J Home Farm 339240 734473 - situation on the northern edge of the coverage area, in a more prominent position than the previous option, there is a presumption against location in green belt. (note this site is in Angus Council area)

Option K Junction St Mary's Road and St Leonards Rd - consideration given to a street works pole but site rejected due to more open nature of area, and proximity to school would generate more adverse community reaction.

Option L Open Space St Leonards Road - consideration given to a street works pole but site rejected due to more open nature of area, and proximity to school

would generate more adverse community reaction.

Option M Amenity space Harestone Road - lower ground levels would require a mast approx 15m in height sited in a very open area with no screening resulting in a more intrusive solution.

Option N St Leonards House, off St Leonards Terrace - location in the adjoining yard was considered but

would require a taller mast, in an area without tree screening and closer to houses generating a more adverse impact on the residential character and appearance of the area.

Option O City Council depot, off Haldane Street - owing to the constraints of the yard, there is insufficient space to accommodate the equipment and the land is far more open lacking any form of screening.

Option P Tayside Police Mast - a mast share was considered but the provider is unwilling to allow any installations.

SITE DESCRIPTION

The site lies on a corner between Strathmartine Road and Cox Street, to the west of the junction with Loftus Street. There is a local general store to the west on an island site where local bus services turn and the bus stop is on the footway adjacent to the application site. The remainder of the surrounding area to the east, north and west is residential. To the south there is a small complex of workshops and yards which are mainly vehicle repair premises. There are two existing telecommunications masts providing service for other telephone operators within 50 metres to the south of the site.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 78 - Location of Telecommunications Equipment.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guidance 19: Radio Telecommunications

Planning Advice Note 62: Radio Telecommunications.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

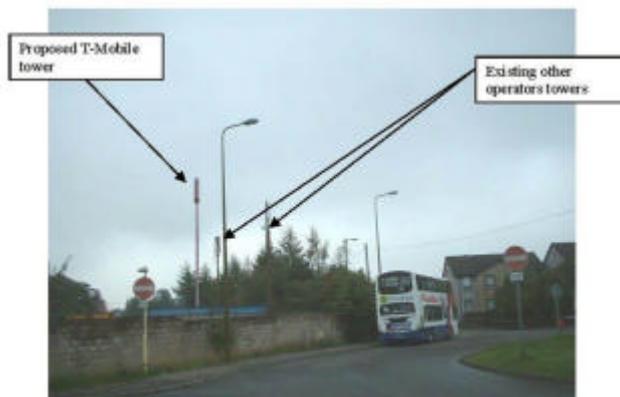
"Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus".

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

01/30332/FUL 12m high telecommunications mast for 3G approved subject to conditions 20/11/2001. This mast is approximately 10 metres south of the application site.



Elevation Showing Proposed T-Mobile Equipment

04/00680/FUL 14.5m high telecommunications mast for Vodafone, approved on appeal, subject to conditions, on 24/05/2005. This mast is approximately 50 metres to the south of the application site.

07/00780/FUL an application for temporary consent for the retention of the existing 22.8m high temporary mast on the adjacent site was refused by Committee on 15 October 2007. A Planning Contravention Notice was served on the operator and the site owner by the City Council. The site operator has responded with the requested information on 16 October 2007. As this application is for a permanent replacement for this temporary mast, enforcement action is considered to be unreasonable until the current application has been determined. This is in line with government advice contained in Planning Advice Note 54 "Planning

Enforcement" and Circular 4/1999 "Planning Enforcement".

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and attracted 52 written objections and a petition with 251 signatures. The objections include: proposals would result in a total of 3 masts within this area; cumulative impact of emissions; health concerns; appearance; too close to houses and school; devaluation of property; impact on TV reception.

Copies are available in Members' Lounges and the issues raised will be considered in the Observations below.

CONSULTATIONS

There were no adverse comments from 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 78: Location Of Telecommunications Equipment - where appropriate, proposals for telecommunications equipment will be encouraged to mast share. Where the operator can demonstrate to the satisfaction of Dundee City Council that mast share is not a feasible proposition, then alternative solutions in terms of location and design, will be assessed with the objective of minimising the environmental impact on the City.

Dundee City Council's supplementary guidance (as amended August 2003) will be a material consideration in the determination of applications for telecommunications developments.

This guidance complies with National Planning Policy Guideline 19 and Planning Advice Note 62."

As noted above, provision of service for this operator in this area of the City has been the subject of consultation with the City Council as required by the protocols agreed between the telecommunications operators and the Scottish Government. The Council was invited to comment on all of the site options which are detailed above and where relevant these are noted. Whilst an officer did visit all of the sites, no preference was expressed on behalf of the City Council as it is for the applicant to determine their preferred site. The supporting information lists a number of sites which were considered in the pre application consultation and these have been refined and in some cases, the reference letters have been changed. In many cases, the alternative sites are not acceptable to the operator on technical grounds with regard to the area which can be covered from each particular site. Other sites would require very tall masts in order to achieve coverage and the operator has taken the view that such structures, especially in the open countryside, have a greater visual impact.

The opportunity for mast share with either of the existing masts has been addressed in the alternatives considered and this option has been discounted for the reason given.

Accordingly it is considered that the application meets the requirement of Policy 78 to provide alternative solutions in terms of location and design with the objective of minimizing the environmental impact on the City. Compliance with Policy 78 will depend upon compliance with the Council's Non Statutory Policies.

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 and comply with NPPG19 and PAN62.

N/S Policy 1 requires applicants to provide details for all applications for planning permission as follows:

- an operational justification for the location and design.

- a justification for the proposal against alternative sites considered and rejected and the prospects for mast sharing.
- an assessment of the cumulative impact where other telecommunications developments are present or proposed nearby.
- an assessment of possible building location to minimise impact.

This information has been provided as detailed above and it is considered that the proposal meets Non-Statutory Policy 1.

N/S Policy 2: Residential Areas - there will be a general presumption against the siting of free-standing masts . . . within or immediately adjacent to existing residential areas. "Exceptions to the general presumption may be made where the proposal is considered to be sensitively located and designed and where the operator has demonstrated that the proposal is the most appropriate from other options investigated."

The operator has demonstrated that the application site is the most appropriate from the alternatives which were considered. The justification states that the site "will be viewed in the context of the existing masts and will benefit from tree screening around the site." When viewed from the east or the west, the proposed mast is likely to be viewed against or behind the existing tree belt. The view from the south sets the mast in the context of the buildings on the larger site, the existing two telecommunications masts and the existing lighting columns. When viewed from the north, in the vicinity of the shop and the bus stop, the mast will not be screened by the trees.

However, if it is accepted that this small industrial area is the preferred location, the proposed mast has been sited in a position which is as far as possible from the surrounding houses with the nearest house being 31.5 metres east of the mast position. If the mast is located closer to the trees, it will be closer to houses than the submitted position.

It is considered that the proposed site is acceptable in terms of N/S Policy 2.

N/S Policy 3: Industrial Areas - is also relevant. The site is in small scale

commercial use although it is not an existing industrial estate or site allocated for industrial development in the Local Plan. It is immediately adjacent to a residential area. The policy states that there is a general presumption in favour of industrial locations if the proposal is located and designed to minimise its visual impact and does not prejudice employment objectives.

The submitted proposal designed to minimize its visual impact by the slimline profile of the mast and the relatively low height of 12 metres which matches the existing masts and is similar to the lighting columns. It is unlikely that it will have a negative impact on employment objectives in this area of small workshops and yards engaged in car related businesses.

It is considered that the proposed site is acceptable in terms of N/S Policy 3.

N/S Policy 15; Mast Sharing and Design Issues. The policy states that the Council will encourage a partnership approach between itself and operators and their agents in respect of the "roll-out" programmes of proposed works. The Council operates such a partnership in seeking to gain advance information on the proposed network provisions and giving pre-application advice in respect of specific sites. Opportunities for mast sharing will be maximised subject to satisfactory location and design controls except where specified in the Non-Statutory Guidelines.

The temporary mast was installed as permitted development in January 2007. The first preliminary enquiry to the Council for feedback on the options for the proposed permanent mast to serve this area was in April 2007 and site visits were carried out at the end of June 2007. The applicants have been encouraged since January 2007 to submit an application for the permanent replacement site but the application was not lodged until 2 October 2007.

It is unfortunate that the applicant failed to match the Council's commitment to maintain the partnership approach; did not submit this planning application for the replacement permanent structure in sufficient time to obtain planning permission to replace the temporary mast within the statutory period available by legislation. However, it is recognised that the applicant has faced

considerable difficulties in identifying an appropriate operational site to serve this part of the City.

The submitted justification states that in order to carry out mast sharing with either of the existing monopoles on the adjacent sites at Strathmartine Road the mast would require to be approximately 15m high with two sets of external antenna in order to maintain the required separation between the systems and ensure there was no potential interference between the operators. It is considered by the applicant that this would generate a far more adverse visual impact on the character and visual amenity of the area and this is accepted in this context.

National Planning Policy Guidance

The applicant's supporting statement refers to the National Planning Policy Guidance which applies in England and Wales and the Code of Best Practice issues by the Office of the Deputy Prime Minister in 2002. The relevant Scottish Planning Policies, Planning Advice Notes and Circulars which are of relevance are:

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.

It is considered that these have broadly been followed but the Council regrets the delay in submission of this application as noted above.

Statement of Justification

The agent advises that T Mobile require the mast to provide 2G and 3G coverage to the surrounding area under the terms of their licence obligations

following the removal of their equipment from a previous site.

The operators have advised the Council of their particular difficulties in identifying suitable sites for a permanent structure in the Downfield area which will meet technical requirements and satisfy Council policies as detailed in the Dundee Local Plan Review and the approved Non-Statutory Policies. In identifying potential sites the following processes take place:

- 1 Site surveys
- 2 Contact all owners.
- 3 Analyse responses and prepare report
- 4 Check technical suitability and identify options.

As noted above, the first preliminary enquiry to the Council for feedback on these options was in April 2007 and site visits were carried out at the end of June 2007. A preferred option was identified and consultations and negotiations have been carried out. Following advice from the Council, T Mobile volunteered to carry out a Drop in Scheme for the local residents to ensure that all of their feedback was included for the proposal. This was carried out at the beginning of September. It is reported that 4 residents attended during the 3 hour session which was advertised to more than 100 households.

Objections

The application was the subject of statutory Neighbour Notification and attracted 52 written objections and a petition with 251 signatures. The objections include: proposals would result in a total of 3 masts within this area; cumulative impact of emissions; health concerns; appearance; too close to houses and school; devaluation of property; impact on TV reception.

- total of 3 masts within this area. As noted above site selection is difficult in this part of the City and as the site has previously been considered to be acceptable for such equipment, the applicant has taken this as justification for a further mast. It is considered that the site is better on balance than many of the alternative sites which have little or no screening and the justification put forward

by the applicant for the selection of this site is accepted.

- cumulative impact of emissions. 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 submitted statement advises that, "When determining compliance the emissions from all mobile phone network operators on the site are taken into account." The agent has advised that the maximum cumulative impact of emissions from the existing and proposed installations is estimated to be 0.42% of the ICNIRP public exposure limit.
- health concerns. The concerns about health matters are considered to be potentially capable of constituting a valid objection. 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. Whilst the Scottish Government 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 the objection on health grounds cannot be supported in this case.
- appearance: this is a slimline structure designed to minimise its visual impact. As noted, the site has less screening than the other two masts from the nearby trees when viewed from the busy local shop and bus stop. However it is as far as possible from the surrounding houses. The submitted photomontage

demonstrates that there is only a limited visual impact from this additional mast when viewed from certain directions and when the existing masts, lighting columns and trees are taken into account.

- proximity to housing and school. This is a small commercial area within a predominantly residential area. It is difficult for such a structure to be located very far from the housing in this part of the City.
- devaluation of property and TV reception. These are not regarded as material grounds for objection to a planning application.

The strongly held views of the local residents have been exacerbated by the installation of the temporary mast which is such a prominent feature. It is considered that on planning grounds, the objections are not supported for the reasons given above.

Design

The design is a slimline monopole structure to minimise its visual impact. The cabinets and the palisade fence are enclosed within the walls of the yard.

CONCLUSION

The applicant's agent has demonstrated that the process of site selection for the location of a telecommunications mast for T-mobile has taken some considerable time and this site has been selected from 16 alternatives. It is concluded that the proposal does comply with Policy 78 - Location of Telecommunications Equipment in the Dundee Local Plan Review 2005; the City Council's "Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus" and follows guidance in NPPG 19: Radio Telecommunications and PAN 62: Radio Telecommunications. It is considered that the objections on planning grounds are not supported and accordingly, the application is Recommended for APPROVAL subject to conditions.

RECOMMENDATION

It is recommended that consent 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 equipment becomes obsolete or redundant, it must be removed and the site reinstated to the satisfaction of the Planning Authority within 6 months of the redundancy.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of the amenities of the occupiers of nearby properties.