

**KEY INFORMATION****Ward** The Ferry**Proposal**

Proposed erection of 14.8m tall monopole to accommodate Vodafone/ Telefonica antenna plus ground level cabinet

**Address**

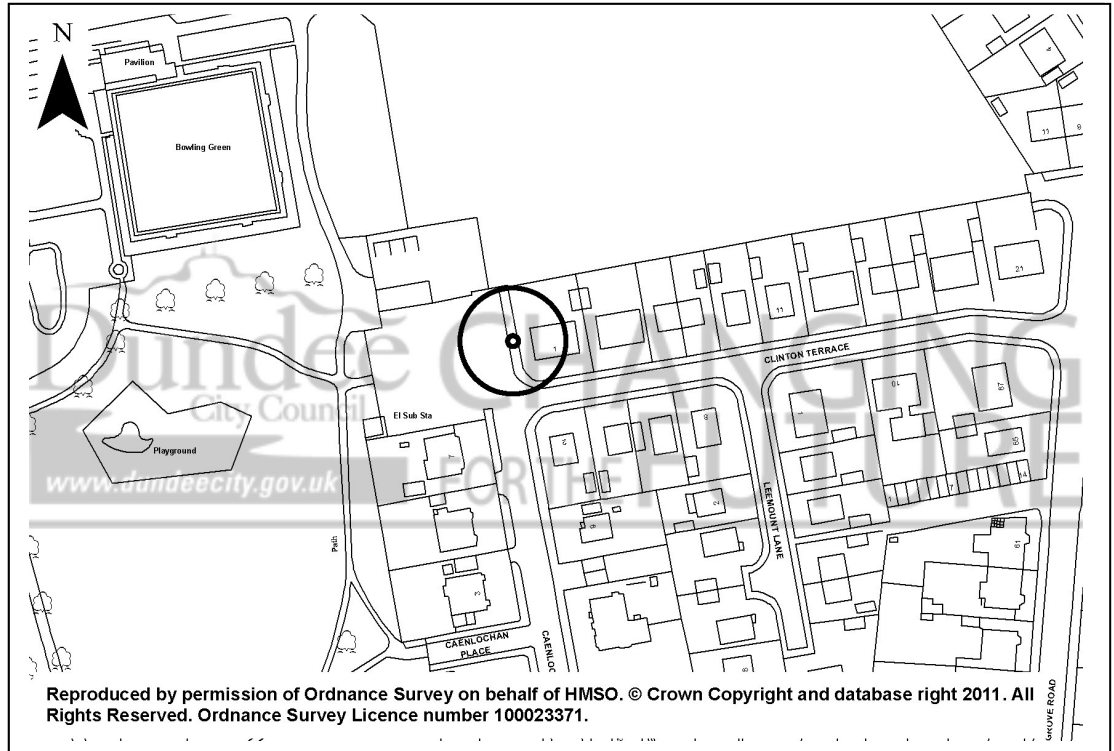
West of 1 Clinton Terrace  
Caenlochan Road  
Broughty Ferry  
Dundee

**Applicant**

Vodafone/Telefonica  
The Connection  
Newbury  
Berkshire RG14 2FN

**Agent**

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A & K Solutions Ltd  
31 Churchill Drive  
Bishopton PA7 5HF

**Registered** 20 Oct 2011**Case Officer** Eve Young

## Proposed Telecom Mast at Clinton Terrace

The proposed erection of 14.8m tall monopole to accommodate Vodafone/Telefonica antenna plus ground level cabinet is **RECOMMENDED FOR REFUSAL**. Report by Director of City Development.

**RECOMMENDATION**

It is considered that the application should be refused in accordance with the Dundee Local Plan Review 2005 and the material considerations of the Council's Non-statutory Policies and the objections as detailed in this report. The supporting information and the representation in support of the application are not considered to be sufficiently strong material considerations to support approval of the application. The application is therefore recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the installation of a 14.8m tall telecoms mast supporting 3 Vodafone and 3 Telefonica 3G antenna within a GRP shroud and 2 ground based equipment cabinets. The site lies on the adopted footway to the west of 1 Clinton Terrace, east of the car park off Caenlochan Road which serves Dawson Park. The land to the east and south is residential.
- The applicant has submitted a supporting planning statement, site specific supplementary information, coverage plots and the required ICNRP certification. A previous appeal decision, which suggested this site be investigated, is given great weight by the applicant but this is not supported by the Council.
- 22 neighbouring residential properties were notified of the proposed development. 17 objections and 1 representation in support of the development were received. The objections are supported in respect of the adverse impact of the development which is out of character with the residential area.
- It is considered that the design and location of this proposed mast would have an adverse impact on the environmental quality enjoyed by local residents and there is no mitigation which will minimise this impact. It therefore does not comply with the Dundee Local Plan 2005 or the relevant Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007.
- The supporting information and the representation in support of the application are not considered to be sufficiently strong material considerations to support approval of the application.
- In accordance with the Council's mandatory scheme of delegation this application requires to be reported to the Development Management Committee following a request by an elected Member.

## DESCRIPTION OF PROPOSAL

This application seeks planning permission for the installation of a 14.8m tall telecoms mast supporting 3 Vodafone and 3 Telefonica 3G antenna within a GRP shroud and 2 ground based equipment cabinets on the footpath to the west of 1 Clinton Terrace, Caenlochan Road, Broughty Ferry, Dundee.

The applicant has submitted supporting information in the form of a planning statement, site specific supplementary information, coverage plots and the required ICNRP certification.

In accordance with the Council's mandatory scheme of delegation this application requires to be reported to the Development Management Committee following a request by an elected Member.

## SITE DESCRIPTION

The site lies on the adopted footway to the west of 1 Clinton Terrace, east of the car park off Caenlochan Road which serves Dawson Park. One of the entrances to the park is served by this footway. The site lies on the boundary between residential areas to the south and east and Dawson Park to the north and west. The residential area comprises of bungalows immediately to the east and south and two storey houses to the south east. There is a parks maintenance yard to the immediate north of the car park. Within the park, there is a play area to the west and a wide range of sports facilities interspersed with trees and formal gardens. The whole area is generally flat.

In the distance to the north, the 2 wind turbines at the Michelin site dominate the skyline.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

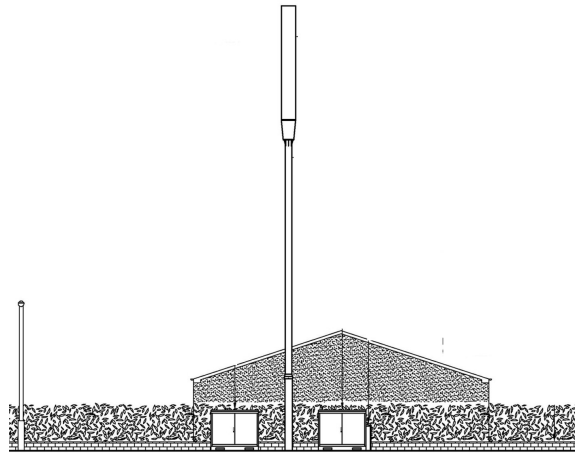
There are no policies relevant to the determination of this application.

### Dundee Local Plan 2005

The following policies are of relevance:

Policy 1: (Vibrant and Sustainable Communities).

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New



ELEVATION 'A'

development should be in accordance with other policies in the Plan and 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.

Policy 78: (Location of Telecommunications Equipment) - this policy encourages, amongst other things, Operators to share existing masts in order to minimise the environmental impact on the city. This Policy 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.

Policy 66A: Protection of Playing Fields and Sports Pitches.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

The Scottish Planning Policy 2010.

PAN 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 November 2007.

## SUSTAINABILITY ISSUES

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

## SITE HISTORY

There is no relevant planning history.

## PUBLIC PARTICIPATION

The Council has followed the statutory neighbour notification procedures stipulated by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. This resulted in 22 neighbouring residential properties, which were located within the statutory distance of 20 metres from the application site, being notified of the proposed development.

17 objections and one representation in support of the development were received.

The grounds of objection were as follows:

- 1 out of character, loss of visual amenity, too close to houses;
- 2 will obstruct the pavement and access to the park;
- 3 will attract vandalism and/or graffiti;

- 4 too close to the park and does not meet Non Statutory policies re park location;
- 5 should be further from houses/in the park or depot;
- 6 site suggested by a Reporter which is not his remit; and
- 7 health concerns.

The representation in support is from a local resident who works from home and experiences poor telephone service from one of the proposed operators.

Members will already have had access to these representations from local residents and they will be considered in the Observations below.

## CONSULTATIONS

Scottish Water had no objections to the application.

## OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) will be determined in accordance the development plan unless other material considerations indicate otherwise.

### 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 - Vibrant and Sustainable Communities - the policy as detailed above, requires the development to seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of:

- a Design - the proposed mast is a 14.8m tall standard street works monopole with a GRP shroud containing the 6 antenna, 3 for each of the two operators. It will be green in colour. The agent confirms that this is the smallest structure which could be used. Two smaller equipment cabinets are now proposed rather than one larger cabinet.

The agent justifies this design as similar masts have been approved at a number of locations throughout the City. However the four locations cited in support of this application are on busier, wider roads where this style and

scale of mast is less visually obtrusive. This is a relatively flat area on the edge of a large park where the housing in the immediate vicinity is single storey and where the housing in the general area is two storey, relatively low density development. The proposed mast will be visible from a wide area and will have no nearby trees or tall street furniture against which it could be viewed. The adjacent street light is 5m high. Only in one direction, when viewed from the south, with the Michelin wind turbines directly in line does the mast appear less obtrusive. This is insufficient justification to approve a mast at this location.

- b Layout - the 14.8m high mast will be located less than 5 metres from the western gable of the nearest house to the east, which is a bungalow with a ridge approximately 4 metres high. The structure will totally dominate this property to an unacceptable degree. The four other locations cited by the agent in support of this application are not on quiet residential streets and are not as close to residential properties.

As noted a revised plan has been submitted proposing two separate ground based cabinets each 1.58m wide x 0.38m deep one being 1.35m high located at the rear of the footway on either side of the proposed mast. These replace the original proposal for a single cabinet 1.9m wide x 0.8m deep x 1.65m high. The installation of the mast and cabinets will result in the footway being narrower than the minimum required for pedestrian use over a distance of more than 5 metres which is not acceptable.

The two equipment cabinets are proposed to be located directly adjacent to the boundary of the garden of 1 Clinton Terrace which is formed by a 1.6m high hedge. The cabinets will be close to the level of the boundary hedge and have the potential to attract anti-social behaviour, which would be likely to adversely affect the residents of the house.

- c Parking and Traffic Movement issues and d) Noise or Smell - the

proposed mast will not affect these issues.

It is considered that the design and location of this proposed mast would have an adverse impact on the environmental quality enjoyed by local residents and there is no mitigation which will minimise this impact. Accordingly it is considered that the development fails to meet Policy 1 of the Dundee Local Plan Review 2005 for these reasons.

Policy 78: Location of Telecommunications Equipment - the policy encourages operators to mast share. The proposed mast will accommodate antenna from two operators providing 3G network coverage to this area of the city.

Where mast share is not a feasible proposition, applications will be assessed with the objective of minimising the environmental impact on the city. As this is a mast share proposal, the environmental impact is not assessed under Policy 78.

This Policy 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 of this report headed Other Material Considerations.

It is considered that the applicant's agent has satisfied the relevant requirements of Policy 78 (Location of Telecommunications Equipment) of the Dundee Local Plan Review 2005.

Policy 66A - Protection of Playing Fields and Sports Pitches.

The policy is not supportive of proposals that would effectively remove designated sports pitches and playing fields. The application site is adjacent to the car park for Dawson Park but is not located within the park. Therefore, Policy 66A does not apply.

It is concluded from the foregoing that the proposal complies with Policy 78 but does not comply with Policy 1 of the Dundee Local Plan Review 2005. It therefore does not comply with the development plan.

## Other Material Considerations

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

### a Supplementary Planning Guidance

Non-statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007.

Policy 1: there should be an assessment of the operational justification, alternative sites, the options for mast sharing or use of buildings and the cumulative impact of individual proposals where other telecommunications developments are present nearby.

The agent has provided an assessment of alternative sites as follows:

- 1 Northwood House, Northwood Court. A replica flagpole mast was proposed on the tower of this listed building. The application was refused and the subsequent appeal was also refused. (Ref 10/00723/FULL)
- 2 Northwood Court. A ground based mast at this housing complex was considered would have greater impact than this application site.
- 3 Strathern Road. The width of the footway and underground services restrict options and the site will be viewed directly by a number of residential properties. It also lies within the Conservation Area.
- 4 Dawson Park and depot. The agent states that a formal approach was made to the City Council in 2010 in respect of a site close to the depot but no formal response was received. It is discounted because the Council has not pursued this option and because of previous Council stance on telecommunications development on or close to public open spaces.
- 5 Streetworks, Caenlochan Road. The application site has been selected because the above sites have been discarded for the reasons given and because of a reference to this site by the Reporter in the consideration of the appeal at Northwood House (see 1 above ref: 10/00723/FULL) which stated

that this option was an alternative site that should have been properly investigated.

The agent considers that the comments by the Reporter indicate support for this site at Clinton Terrace and the Council would be unreasonable if it refused this application.

In the determination of the appeal against the refusal of planning permission for the installation of a replica flagpole at Northwood House (Ref 10/00723/FULL) to serve this cell, the Reporter noted that the agent had not provided any documentary support for dismissing the site which is now the subject of this application. He considered the site as follows:

"The site is shown on the map at the north end of Caenlochan Road adjoining a car park at the entrance to Dawson Park. It is outside the conservation area, and in a location where wind turbines are visible in the northward view. It could thus be regarded as less visually sensitive than the appeal site. It adjoins a residential area, and Policy 2 of the council's Non-statutory Planning Policies indicates a presumption against freestanding masts in such locations. The policy does, however, allow for exceptions where the proposal is sensitively located and designed and where the operator has demonstrated that it is the most appropriate option."

The Reporter considered that the appellants had too readily dismissed this site without sufficient grounds for doing so and had therefore failed to comply with the requirements of the Development Plan.

The Reporter dismissed the appeal at Northwood House because of the adverse impact of the scale and design of the proposed replica flagpole on the architectural and historic character of the building and because all of the alternatives had not been properly assessed. The Reporter did not support this site in his determination of the appeal. That is a matter for this planning application taking into account the development plan and all material considerations. This would include not only the factors listed by the Reporter but also the development plan. As noted above, it is considered that the proposed development fails to comply with the development plan.

One alternative site which is not considered in this list of options is a

site within Dawson Park, 62 metres to the north west of this application site, in the trees to the east of the Bowling Club. In the planning application for Northwood (10/00723/FULL), it was included within the discounted options with a statement that;

"Although Dundee City Council would be willing to enter into an agreement, following a technical assessment it was discovered that a site in this location would not provide the required coverage. This area has therefore been discounted as would not provide the necessary technical requirements."

However, the assessment of site option 4 above, which lies within 20 metres of the above discounted site within the park, makes no mention of technical unsuitability. It is not clear if the technical issues which made the Dawson Park site unsuitable in 2010 have changed in the interim. This lack of consistency in the selection or discarding of alternative sites makes assessment of the supporting statements more difficult and suggests that there may be alternative sites which have not been included in the assessment.

The agent considers that all options have been assessed and this site, with the support of the Reporter's view, should be sufficient to over-ride the policy findings and any other material considerations. While the applicant has submitted reasoning why some alternative sites are not suitable for the proposed development it is considered from the assessment of the proposals against the requirements of Policy 1 of the adopted Local Plan above that the applicant has failed, in the Council's opinion, to justify the location or design of the proposed 14.8m high telecommunications mast on the application site. The interpretation of the Reporter's comments is not agreed as detailed above.

It is considered that the proposals therefore fail to satisfy the requirements of Policy 1 of the Council's Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007.

Policy 2: "there will be a general presumption against free standing masts and ground based apparatus within or immediately adjacent to residential areas. However, exceptions to the general presumption may be made where the proposal is sensitively

sited and designed and where the operator has demonstrated that it is the most appropriate location."

As considered under Policy 1 of the Dundee Local Plan Review 2005, the mast is of a design and scale that is out of character with the surrounding area. Consequently the proposed telecommunications installation would adversely impact the level of environmental quality afforded to neighbouring residential properties. The proposed mast is not considered to be sensitively sited and designed. The proposals therefore fail to satisfy the requirements of Policy 2 of the Council's Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus Nov 2007.

Policy 15: Mast Sharing and Design Issues. The Council will encourage opportunities for mast sharing subject to satisfactory location and design.

The proposals seek planning permission for mast sharing apparatus on the application site. However, given the Council's concerns, as detailed above, relating to the scale and design of the proposed mast in relation to the surrounding residential area, the proposed telecommunications mast is not considered appropriate for the application site.

The proposals therefore fail to satisfy the requirements of Policy 15 of the Council's Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007.

The proposed development does not comply with the relevant policies contained within the Council's Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus Nov 2007.

#### b National Policy and Guidance

SPP 2010 and PAN 62 require telecommunications equipment to be designed and positioned as sensitively as possible.

It is considered that the preceding observations demonstrate that this requirement has not been met in this particular case.

The proposals therefore fail to adhere to the guidance contained within the Scottish Planning Policy 2010 and PAN 62.

#### c Supporting Information

The applicant's agent has submitted the necessary ICNIRP Certificate with regard to the operation of the mast and a statement of justification in support of the application.

Coverage plots have been submitted as part of this planning application in order to demonstrate that within the vicinity of the application site there is an operational requirement for a telecommunications installation involving the erection of 3G antennas to provide effective network coverage for Telefonica 3G and Vodafone. Mobile phone use is a fact of modern life and 3G coverage requires masts to be located between 500m and 1000m apart. Where they can be located closer to busy road with taller street furniture, larger buildings or can be partly screened by trees, they can be less obtrusive. However, in this location, a mast 14.8m will be very obtrusive for the reasons given earlier in this report.

#### d Representations from the Public.

17 objections were submitted and 1 representation in support.

The grounds of objection are noted above and it is considered that the following points have already been discharged elsewhere in this report:

- out of character, loss of visual amenity, too close to houses;
- will obstruct the pavement and access to the park;
- too close to the park and does not meet Non Statutory policies regarding park location;
- site suggested by a Reporter which is not his remit;

Health concerns. A number of objectors also included concerns about the health impact of mobile phone masts in their letters. These issues have been widely discussed by Government and other bodies. However the SPP 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.

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.

Will attract vandalism and/or graffiti. This is accepted only in respect of the potential impact on residents of the house immediately adjoining the site where the proposed cabinets and the boundary hedge are approximately the same height. Generally the risk of anti social behaviour is not a valid reason to refuse an application for development.

Should be further from houses/in the park or depot. The applicant can investigate alternative sites which are further from houses and may afford more screening than the application site.

The representation in support is from a local resident who works from home and experiences poor telephone service from one of the proposed operators. It is recognised from the submitted coverage plots that there are large areas of suburban Broughty Ferry where 3G coverage is less than the optimum sought by the operator.

It is concluded that the objections are supported in respect of the adverse impact on the visual amenity by a development which is out of character with the character of the residential area as noted elsewhere in the Report. The potential loss of residential amenity to the nearest resident is also supported. Other matters have been taken into account in the preparation of this report.

It is therefore recommended that planning permission be refused.

## Design

The design issues are addressed in the report. In brief, a 14.8m high mast with antenna in a GRP shroud is proposed to be located less than 5 metres from the western gable of the nearest house to the east, which is a bungalow with a ridge approximately 4 metres high. The structure will totally dominate this property to an

unacceptable degree. The proposed mast will be visible from a wide area and will have no nearby trees or tall street furniture against which it could be viewed. The adjacent street light is 5m high. The Council considers that the proposed mast will be out of character and out of scale in this residential area.

## CONCLUSION

The importance of mobile telephone services to the economic and social life of the community is recognised, and the difficulties of locating telecommunications masts in suburban areas are a recurring feature of recent planning applications. This area comprises significant areas of low density residential development interspersed with parks and schools. The need to upgrade the services to provide 3G coverage for modern smart phones adds increased difficulties as masts must be between 500m and 1,000m apart. In this particular case, 4 alternative sites have been considered and discarded for technical or other reasons.

The opinion of the Reporter in determining an appeal on another site to serve this general area has been given considerable weight by the applicant's agent and this has been taken into account but the Council does not agree with the agent's conclusion. The Council does agree with the objectors who consider that the proposed mast will be out of character and out of scale in this residential area which will have an unacceptable adverse impact on the amenities enjoyed by residents. On balance therefore, it is considered that the application should be refused in accordance with the development plan and the material considerations of the Council's Non-Statutory Policies and the objections as detailed in this report. The supporting information and the representation in support of the application are not considered to be sufficiently strong material considerations to support approval of the application.

## RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

### Reasons

- 1 The proposed development is contrary to Policy 1 - "Vibrant and Sustainable Communities" of the Dundee Local Plan Review 2005 as it is considered that the design and location of this proposed mast would have an adverse impact on the environmental quality enjoyed by local residents and there is no mitigation which will minimise this impact. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.
- 2 The proposed development is contrary to Policy 1 of Dundee City Council's adopted Non-Statutory Planning Policies in Relation to Telecommunications Masts and Other Apparatus as the justification for the location and design against alternative locations is not accepted.
- 3 The proposed development is contrary to Policy 2 "Residential Areas" of Dundee City Council's adopted Non-Statutory Planning Policies in Relation to Telecommunications Masts and Other Apparatus as there is a general presumption against the siting of free standing masts in residential areas and the proposal is not considered to be an exception to that policy as it is not sensitively located and designed.
- 4 The proposed development is contrary to Policy 15 "Mast Sharing and Design Issues" of Dundee City Council's adopted Non-Statutory Planning Policies in Relation to Telecommunications Masts and Other Apparatus as the proposal for mast sharing apparatus on the application site is not considered appropriate by reason of location and design.