

KEY INFORMATION

Ward The Ferry

Proposal

Erection of 17.5m tall monopole supporting Vodafone and Telefonica antenna and 1 No 300mm dia transmission dish plus 2 ground level cabinets

Address

Footway Opposite
28 Panmure Street
Broughty Ferry

Applicant

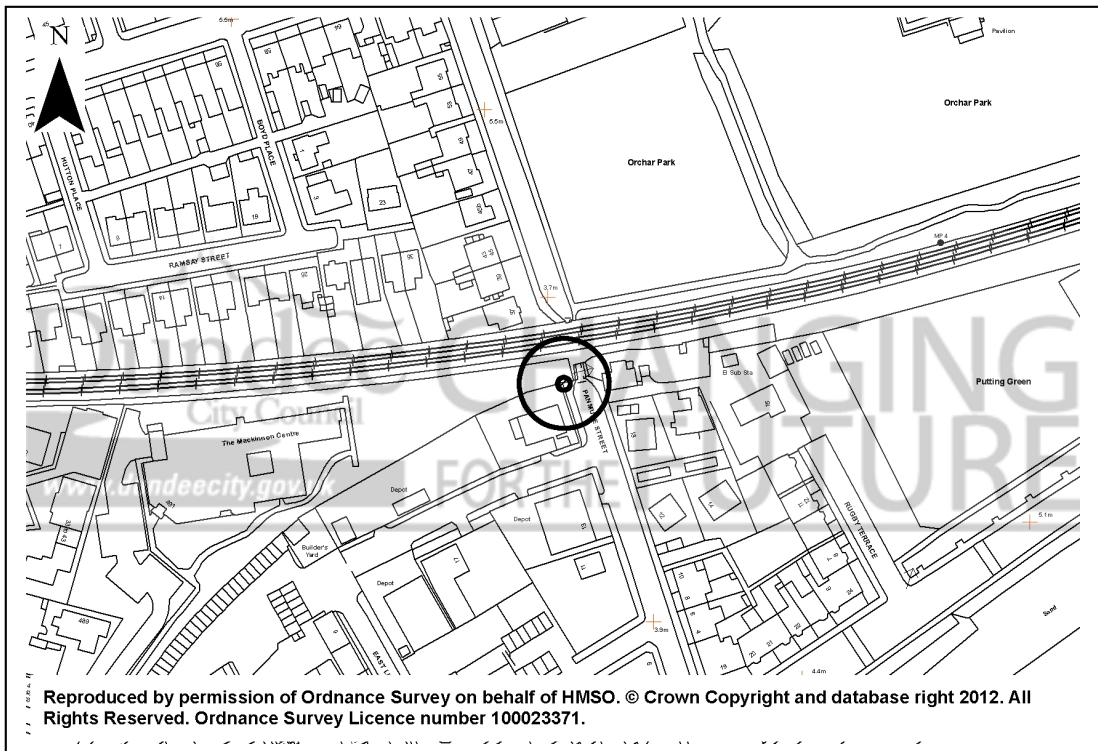
Vodafone Ltd
The Connection
Newbury
Berkshire RG14 2FN

Agent

A and K Solutions Ltd
FAO Andrew Swain
31 Churchill Drive
Bishopton PA7 5HF

Registered 1 June 2012

Case Officer Paul Macari



Telecom Mast Proposed at Panmure Street

The erection of a 17.5m tall monopole supporting Vodafone and Telefonica antenna and 1 No 300mm dia transmission dish plus 2 ground level cabinets is **RECOMMENDED FOR REFUSAL**. Report by Director of City Development.

RECOMMENDATION

The proposals fail to satisfy the requirements of the Development Plan. The material considerations support refusal of planning permission. The application is therefore recommended for **REFUSAL**.

SUMMARY OF REPORT

- This application seeks planning permission for the installation of a 17.5m tall telecoms mast supporting 3 Vodafone and 3 Telefonica 3G antenna, 1no 300mm diameter transmission dish and 2 ground based equipment cabinets on the footway opposite 28 Panmure Street, Broughty Ferry, Dundee.
- Policies 1 and 78 of the Dundee Local Plan Review 2005 and the Council's Non-statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007 are relevant to the outcome of this application.
- 14 letters of objection have been received from neighbouring residents and businesses. The concerns raised include impact on visual amenity, impact on conservation area, overbearing impact, out of character, impact on accessibility of Panmure Street, proximity to residential properties - proposals are invasive and intrusive, inappropriate design, loss of property values, health hazard, Stewart Report - psychological impact on neighbouring residents/employees and contrary to Development Plan Policies and Non-statutory policies.
- The concerns of the objectors are largely supported.
- The proposals are contrary to the requirements of the Development Plan, the Council's Non-statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for the installation of a 17.5m tall telecoms mast supporting 3 Vodafone and 3 Telefonica 3G antenna, 1no 300mm diameter transmission dish and 2 ground based equipment cabinets on the footway opposite 28 Panmure Street, Broughty Ferry, Dundee.

The proposals involve a dual operator telecommunications installation whereby Vodafone is systematically removing and upgrading their existing installations across the City.

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 scheme of delegation this application requires to be reported to the Development Management Committee as the applicants have certified that the Council is the owner of the application site.

SITE DESCRIPTION

The application site is located on the north western side of Panmure Street to the south of the railway bridge and pedestrian underpass.

To the west the site lies adjacent to a small enclave of industrial and commercial properties. Opposite the application site on the eastern side of Panmure Street there are several houses. On the northern side of the underpass there are houses on the western side of Panmure Street and a commercial car garage on the eastern side.

The site is also surrounded by several mature trees.

POLICY BACKGROUND

TAYplan Strategic Development Plan 2012

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).

Policy 78 (Location of Telecommunications Equipment).

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 planning history relevant to this application.

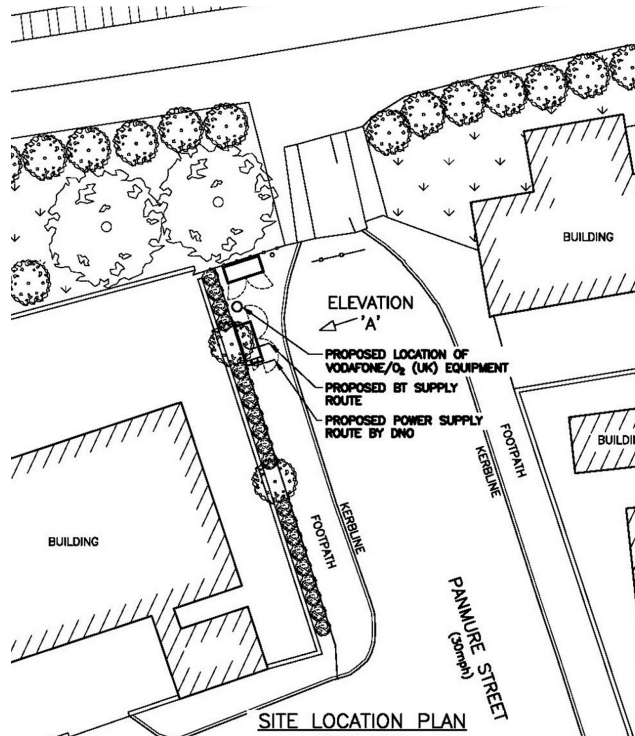
PUBLIC PARTICIPATION

The Council has followed the statutory neighbour notification procedures stipulated by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. This application was also advertised in the Dundee Evening Telegraph.

14 valid letters of objection have been received from neighbouring residents concerned about:

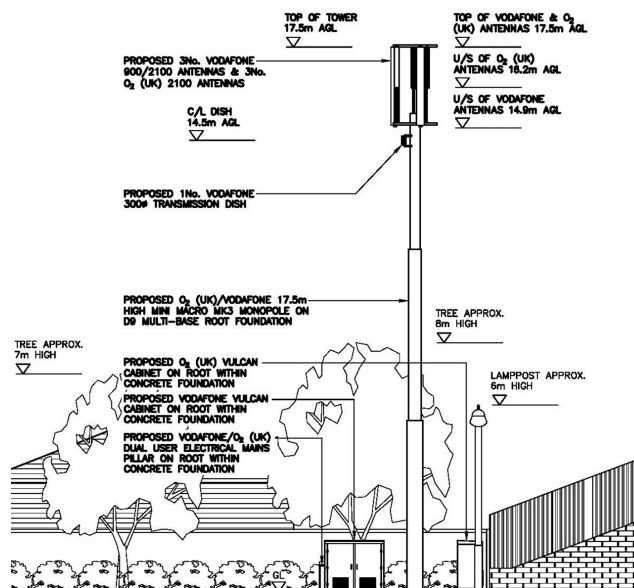
- Impact on visual amenity.
- Impact on conservation area.
- Overbearing impact.
- Out of character.
- Impact on accessibility of Panmure Street.
- Proximity to residential properties - proposals are invasive and intrusive.
- Inappropriate design.
- Loss of property values.
- Health hazard.
- Stewart Report - psychological impact on neighbouring residents/employees.
- Contrary to Development Plan Policies and Non-statutory policies.

In addition, several of the valid letters of objection also noted concerns that were not valid relating to loss of property value.



Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:



The Scottish Planning Policy 2010 - PAN 62: Radio Telecommunications.

Members will already have had access to these submissions and the points raised are considered in the "Observations" Section of this Report below.

CONSULTATIONS

No adverse comments have been received from Consultees.

OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with 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 - This policy requires proposals to minimise any affect on the environmental quality enjoyed by local residents by virtue of:

Design - the proposed mast is a 17.5 metre tall mast with an open head frame which allows for the installation of 3 antennae for Vodafone and Telfonica UK Ltd. The mast will have a galvanised steel finish. The proposed cabinets are of a standard form and will be coloured green (RAL 6009). Although located adjacent to a commercial area of Broughty Ferry the site is located in a predominantly residential area that is in close proximity to Broughty Ferry and Reres Hill Conservation Areas. The industrial appearance, excessive scaling and resulting massing of the proposed installation is at odds with the residential character and appearance of the immediate area surrounding the application site.

The proposed mast by virtue of scale, massing, design and proximity to neighbouring properties will have an overbearing impact that will adversely affect the level of environmental quality afforded to neighbouring

properties. In addition the proposed mast by virtue of scale, massing and insensitive design will be very visible from surrounding streets and therefore can be considered to be visually intrusive. In this respect the proposed mast will adversely impact on the level of environmental quality afforded to properties located in the vicinity of the application site.



Layout - the proposed telecommunications installation will not impact on the free flow of vehicles or pedestrians along Panmure Street. This is because the proposed installation has been designed so as not to obstruct the pedestrian footpath on the western side of Panmure Street.



In terms of parking and traffic movements; noise or smell; the proposed mast will not affect these issues.

It is considered that the location and form of the proposed mast will have an adverse impact on the level of environmental quality enjoyed by neighbouring residents. There are no mitigation measures which would minimise the visual intrusion of the proposed mast on the area surrounding the application site. Therefore the

proposed development fails to satisfy the requirements of Policy 1 of the Dundee Local Plan Review 2005.

Policy 78: Location of Telecommunications Equipment - This 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 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).

The proposed development complies with the requirements of Policy 78 but does not satisfy the requirements of Policy 1 of the Dundee Local Plan Review 2005. The proposals therefore fail to satisfy the provisions of 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 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.

The Supporting Statement and coverage plots submitted as part of this planning application 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.

Prior to the submission of this application, a number of alternative sites were investigated and the application property was chosen as the preferred site. The remaining sites which were discounted by the applicant for the reasons described by them were:

- a Bughties Road, Broughty Ferry - The site lies within the Reres Hill Conservation Area and any solution would inevitably require a shrouded antenna solution. Given the constraints imposed by a shroud and the fact that the identified site lies within an industrial area and outside any conservation area this site option was rejected in favour of the application site.
- b Camphill Road, Broughty Ferry - This site was subject to planning application 10/00734/FULL which was refused by the Council on 24 February 2011.
- c Monifieth Road, Broughty Ferry - The site lies within the Reres Hill Conservation Area and any solution would inevitably require a shrouded antenna solution. Given the constraints imposed by a shroud and the fact that the identified site lies within an industrial area and outside any conservation area this site option was rejected in favour of the application site.
- d Orchar Bowling Club, Monifieth Road, Broughty Ferry - This site lies within an area designated as open space and therefore any proposal would at first examination be contrary to Non-statutory Planning Policies, September 2001. Notwithstanding this issue the site lies within the Reres Hill Conservation Area and any solution would inevitably require a shrouded antenna solution.

Given the constraints imposed by a shroud and the fact that the identified site lies within an industrial area and outside any conservation area this site option was rejected in favour of the application site.

- e Orchar Park Auto Centre, Monifieth Road - Although this site was identified and detailed drawings prepared the site provider ultimately withdrew from negotiations and therefore this site had to be discounted. Notwithstanding this issue the site lies within the Reres Hill Conservation Area.
- f Robertson McCabe, Panmure Street, Broughty Ferry - Although planning consent was granted for an installation in this location (11/00412/FULL), this option failed in acquisition

It is clear from the applicants reasoning above why alternative sites are not suitable for the proposed development and the operational requirements of the operators involved. However, the applicant has clearly misinterpreted the character of the area surrounding the application site as industrial when the predominant land use in the area is housing. It is therefore evident that the applicant has failed to assess the true impact of the proposals on the level of environmental quality afforded to the area surrounding the application site. Consequently the applicant has also failed to justify the form, design, massing and location of the proposed development.

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 Adopted Local Plan, 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 on the level of environmental quality afforded to neighbouring residential properties. 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 November 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 to mast share on the application site. However, given the Council's concerns relating to the scale, massing and design of the proposed mast in relation to surrounding residential properties, 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 November 2007.

B - National Policy and Guidance

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

The supporting information accompanying planning application ref: 12/00338/FULL does not demonstrate that the design of the proposed telecommunications installation is the most suitable for the location chosen. In addition the supporting information fails to demonstrate that the application site is the most suitable location for the proposed telecommunications installation given the proximity of the site to housing.

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

C - Supporting Information

The applicant submitted site specific supplementary information as well as a Supporting Statement.

The supporting statement provides a general background to the 2G and 3G operational context between Telefonica 3G and Vodafone and how this relates to the proposed telecommunications development and the site selection process. However, as demonstrated by the assessment of the proposals against the relevant provisions of the Development Plan, National Policy and Guidance and the Council's Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007, the supporting statements do not demonstrate that the design of the proposed telecommunications development or the location of the application site are the most suitable options given the surrounding environment.

D - Impact on Reres Hill and Broughty Ferry Conservation Areas

Although the application site is not located within either Broughty Ferry or Reres Hill Conservation Areas, the prominent location of the application site in combination with the intrusive design and scale of the proposed mast will intrude on the historic Panmure Street vista which gives uninterrupted views to the Tay Estuary. In addition the mast will appear higher than any surrounding structure and will be clearly visible above the existing housing from the Esplanade, surrounding streets and the historic Orchar Park.

The proposed development is therefore considered to adversely impact on the character of the surrounding conservation areas.

E - Views of Objectors

14 valid letters of objection have been received from neighbouring residents concerned about:

Residential Amenity

- Impact on visual amenity.
- Overbearing impact.
- Out of character.

- Impact on accessibility of Panmure Street.
- Proximity to residential properties - proposals are invasive and intrusive.
- Inappropriate design.

These concerns have been addressed in the assessment of the application under Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005 and the Council's Non-statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007. In this instance the concerns of the objectors listed above are supported.

Conservation Area

- Impact on Conservation Area

These concerns have been assessed in the Other Material Considerations section of this report. It has been concluded that the proposed telecommunications installation by virtue of location, design and scale will adversely impact on the historic character and historic streetscapes of the Broughty Ferry and Reres Hill Conservation Areas. In this instance the concerns of the objectors are supported.

Health Concerns

- Health hazard.
- Stewart Report - psychological impact on neighbouring residents/employees.

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.

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.

Policy Issues

- Contrary to Development Plan Policies and Non-statutory policies.

It has been concluded above that the proposals fail to satisfy the requirements of the Development Plan and the Council's Non-statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007.

Concerns relating to loss of property values are not material planning considerations and as such have not been taken into account in the assessment of the proposals against the Development Plan.

The concerns of objectors are largely supported.

It is concluded from the foregoing that the material considerations outlined above support refusal of planning permission. It is therefore recommended that planning permission is refused.

Design

The scale, massing and design of the proposed telecommunications mast in combination with the location of the application site will adversely affect the visual amenity of the local area as well as the level of environmental quality afforded to neighbouring residential properties.

CONCLUSION

The proposals fail to satisfy the requirements of the Development Plan. The material considerations support refusal of planning permission. It is therefore recommended that planning permission is refused.

RECOMMENDATION

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

Reasons

- 1 By virtue of scale and design the proposed 17.5m high telecommunications mast shall

- have an adverse impact on the visual amenity of the area surrounding the application site and the outlook of residential properties on Panmure Street and the surrounding Reres Hill and Broughty Ferry Conservation Areas. The proposals are therefore contrary to the requirements of Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission.
- 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 applicant has failed to provide sufficient justification for the proposed development in terms of location and design. There are no material considerations that would justify approval of planning permission.
 - 3 The proposed development is contrary to Policy 2 - "Residential Areas" of the Council's adopted Non-statutory Planning Policies in Relation to Telecommunications and Other Apparatus as there is a general presumption against the siting of free standing masts in residential areas unless the mast is sensitively designed and sufficient justification is provided. The proposals do not demonstrate that the proposed mast has been sensitively designed or located to minimise the impact on the surrounding residential environment.
 - 4 The proposed development is contrary to Policy 15 "Mast Sharing and Design Issues" of the Council's adopted Non statutory Planning Policies in relation to Telecommunications Masts and Other Apparatus as the scale and design of the shared mast is considered to be out of character with the surrounding area and would adversely impact on the level of environmental quality afforded to neighbouring residential properties.