

KEY INFORMATION

Ward Craigiebank

Proposal

Erection of a 12.5m high ultra slimline monopole with 3 antenna and associated equipment cabinets

Address

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Dundee DD4 7JU

Applicant

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Agent

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Registered 19 Feb 2003

Case Officer J Finlay



PROPOSED TELECOMMUNICATIONS MAST IN ARBROATH ROAD

The Erection of a 12.5m high ultra slimline monopole with 3 antenna and associated equipment cabinets is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed telecommunications equipment is to be located adjacent to a predominantly residential area and it is considered it will adversely affect the residential amenity enjoyed by local residents. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a 12.5m high ultra slimline monopole with 3 antennae and associated equipment cabinets for H3G.
- The site is located immediately adjacent to residential properties and the relevant statutory and non-statutory policies should be considered.
- Seven letters of objection were received from neighbouring residents stating concerns about the adverse impact on residential amenity and the visual amenity of the area.
- The mast is required to improve coverage within the area and the applicant submitted a justification in support of their proposal.
- It is considered that the proposal does not comply with the development plan policies due to the likely adverse impact on the amenity of local residents and the visual amenity of the area.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a 12.5m high ultra slimline monopole with 3 antennae and associated equipment cabins for Hutchison 3G. There will be a H3G MHA cabinet measuring 720mm x 450mm x 1160mm high adjacent to the telecommunications monopole. The site will also consist of an H3G Nokia Outdoor Unit within a 1750 x 950 x 1500mm high vandal resistant cabinet. A location to the north end of the site has been indicated for access by a cherry picker to construct and maintain the proposed equipment.

SITE DESCRIPTION

The application site is located on the south side of Arbroath Road and there is a small garage at the east end of the site and the proposed mast will be located within ground belonging to the garage owner. A bus stop is located some metres to the west. The surrounding area is predominantly residential in nature on the south side of Arbroath Road and there is a large cemetery on the north side of Arbroath Road. The garden ground of 41 Dalgleish Road is immediately adjacent and to the south of the site for the mast. The nearest dwellings are 10m to the west and 18m to the east.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

BE31: Proposals for telecommunications developments will be assessed against the following criteria:

- a Proposals will be assumed to carry an operational justification, but in cases where there is good reason to anticipate a general proliferation and resultant clutter in the local landscape, the planning authority retains

discretion to explore this justification.

- b There are no satisfactory alternative sites available
- c There is no reasonable prospect of sharing existing facilities.
- d The development should avoid conflict with other policies or proposals of the Local Plan, Structure Plan etc

H1: Within areas where residential use predominates developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the



determination of this application.

Finalised Dundee Local Plan Review

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 development should be in accordance with other policies in the Plan and seek to minimise any effect 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

In general, applications for the location of telecommunications equipment will

be encouraged to mast share where appropriate and to minimise the environmental impact on the City.

Planning permission will normally only be granted where the proposals are in accordance with the Council's more detailed existing supplementary policies relating to this issue. These supplementary policies are the Council's "Non-Statutory Planning Policies in Relation to Telecommunications Masts and Other Apparatus" and are a material consideration under the Dundee Local Plan Review. The following policy statements are of relevance:

Non-Statutory Policy 2: Residential Areas

There will be a general presumption against the siting of free-standing masts, similar structures and ground-based apparatus within or immediately adjacent to existing residential areas or within or immediately adjacent to sites allocated for residential development in the Dundee Local Plan 1998. However 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.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guidance 19: Radio Telecommunications

This national guidance emphasises the importance of establishing good communication and trust between operators and planning authorities and encourages pre-application discussions to determine the most appropriate siting and design approaches. It acknowledges the benefits of modern telecommunications and seeks to encourage such development as being essential to a modern economy and contributing to sustainable objectives.

Planning Advice Note 62: Radio Telecommunications

This provides best practice advice on the process of site selection and design

and illustrates how the equipment can be sensitively installed. It also explains why additional mast stations are needed to serve the growth in customer demand and in response to changing technical requirements, including the third generation of mobile phones.

LOCAL AGENDA 21

Key Theme 7 requires access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all

SITE HISTORY

There is no site history of direct relevance to the application site in these circumstances.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and seven letters of objection were received from neighbouring residents. The main points of objection relate to visual intrusion on the environment and surrounding area; adverse impact on residential amenity for neighbouring residents; failure to fully consider other sites and other invalid objections in planning terms such as devaluation of property and television interference.

CONSULTATIONS

No adverse comments were received from statutory 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 proposal involves the installation of a 12.5m high ultra slimline telecommunications monopole supporting 3 antennae and associated equipment cabinets and it will be sited at a prominent location, immediately adjacent to Arbroath Road.

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 H1 of the Local Plan seeks to protect the residential amenity enjoyed by local residents in predominantly residential areas. It is considered that the proposed mast will have an adverse impact on the residential amenity enjoyed by neighbouring residents due to the close proximity of the structure to dwellings and private garden ground. The garden ground of 41 Dalglish Road is immediately adjacent and to the south of the site for the mast. The nearest dwellings are 10m to the west and 18m to the east. Therefore the proposal is contrary to Policy H1.

Policy BE31 of the Dundee Local Plan 1998 specifies criteria to assess the application against and these are as follows:

- a The applicant submitted additional supporting information and this included a coverage plan which indicates that the proposed mast is to fill an existing coverage gap in the area. The proposal is operationally justified and will not lead to a proliferation of equipment.
- b In terms of alternative sites, the agent investigated some other sites but these were rejected for various reasons such as construction difficulties, difficulty in providing the desired coverage, radio frequency interference problems and inability to acquire the necessary agreements from site providers. The agent was asked to give reasons for not considering other sites such as the cemetery on the north side of Arbroath Road, which is not close to residential properties.
- c The agent considered existing masts and structures for sharing but none were identified in the area to be suitable as smaller cell areas are required for this phase of Hutchison 3G coverage.
- d This part relates to radio masts only and is not relevant.

- e The proposal site is located within a predominantly residential area and it is considered that the proposed mast will have an adverse impact on the residential amenity enjoyed by neighbouring residents in terms of the visual impact of the 12.5m high structure within close proximity to the private rear garden of 41 Dalglish Road and dwellings to the east and west.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

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

NPPG 19 seeks to encourage the development of the telecommunications industry. Paragraph 65 states that:

"Where applicants demonstrate that they have given proper regard to siting and design issues, including the consideration of options, and have minimised any environmental effects, it is unlikely that refusal would be warranted."

Further information was submitted by the agent to indicate the reasons for other sites being dismissed and to prove that all sites, which would give the required coverage, have been fully investigated. It is considered, however, that proper regard was not given to the siting of the mast as it is within close proximity to residential dwellings and would subsequently have an adverse impact on the visual amenity enjoyed by local residents. Therefore the proposal does not fully accord with the advice provided in NPPG 19.

PAN 62 advises that the fundamental principle in siting and designing equipment is to minimise the contrast between the equipment and its surroundings. H3G have sought to minimise the issues of environmental and visual impact by proposing a slimline monopole with the least intrusive supporting structure currently available, as well as seeking to sensitively site the structure adjacent to a heavily used local transport corridor. However there are no other vertical structures of this scale in the

immediate vicinity and subsequently it is considered to have an adverse visual impact on the area. To this extent, the proposal does not accord with the advice provided in PAN 62.

Finalised Dundee Local Plan Review

Policy 1 repeats Policy H1 in the Dundee Local Plan 1998 and it is concluded that the proposal is contrary to this policy for the same reasons as previously discussed.

Policy 78 repeats Policy BE31 of the Dundee Local Plan 1998, which was discussed above. It follows that the proposal is contrary to this policy and for additional reasons as discussed below in relation to supplementary planning guidance on telecommunication masts.

Non-Statutory Policy 2 presumes against masts and other apparatus within or immediately adjacent to residential areas. There may be exceptions if the applicant has demonstrated that this is the most appropriate from other options. The nearest dwelling is only 10m from the proposed mast and it is considered it would have an adverse impact on the visual amenity enjoyed by those residents. The second part of the policy indicates that there may be exceptions to this rule, 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. Although the mast is a slimline design, it is still very prominent at this location compared to the surrounding streetscape.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

The site is a prominent location along Arbroath Road and the mast will project some 12.5m into the skyline. There are no similar vertical structures immediately adjacent to the site, although there are some relatively close by. It is considered the mast will

adversely affect the visual amenity of the area.

CONCLUSION

The proposal fails to comply with the development plan policies H1 and BE31 in terms of the adverse visual impact on the amenity enjoyed by local residents. It also fails to comply with advice in NPPG19, PAN 62 and supplementary planning guidance to Policy 78 of the Finalised Dundee Local Plan Review. There are no material considerations that would justify approval of the application contrary to these policies.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):-

Reason

- 1 The proposal is contrary to Policies H1 and BE31 of the Dundee Local Plan 1998 due to the adverse visual impact on the amenity enjoyed by local residents. There are no material considerations that would justify approval contrary to these policies.
- 2 The proposal is contrary to Policy 1 and supplementary guidance to Policy 78 of the Finalised Dundee Local Plan Review in terms of the visual impact on local residents.
- 3 The proposal is contrary to advice in NPPG 19 and PAN 62 due to its close proximity to residential properties and adverse visual impact on the immediate and surrounding area. There are no material considerations that would justify approval contrary to this advice.