

KEY INFORMATION**Ward** Riverside**Proposal**

Installation of 18m high "Cyprus tree" telecommunications mast with 3 no 3G antennae's and 2 no transmission dishes and 2 no equipment cabinets

Address

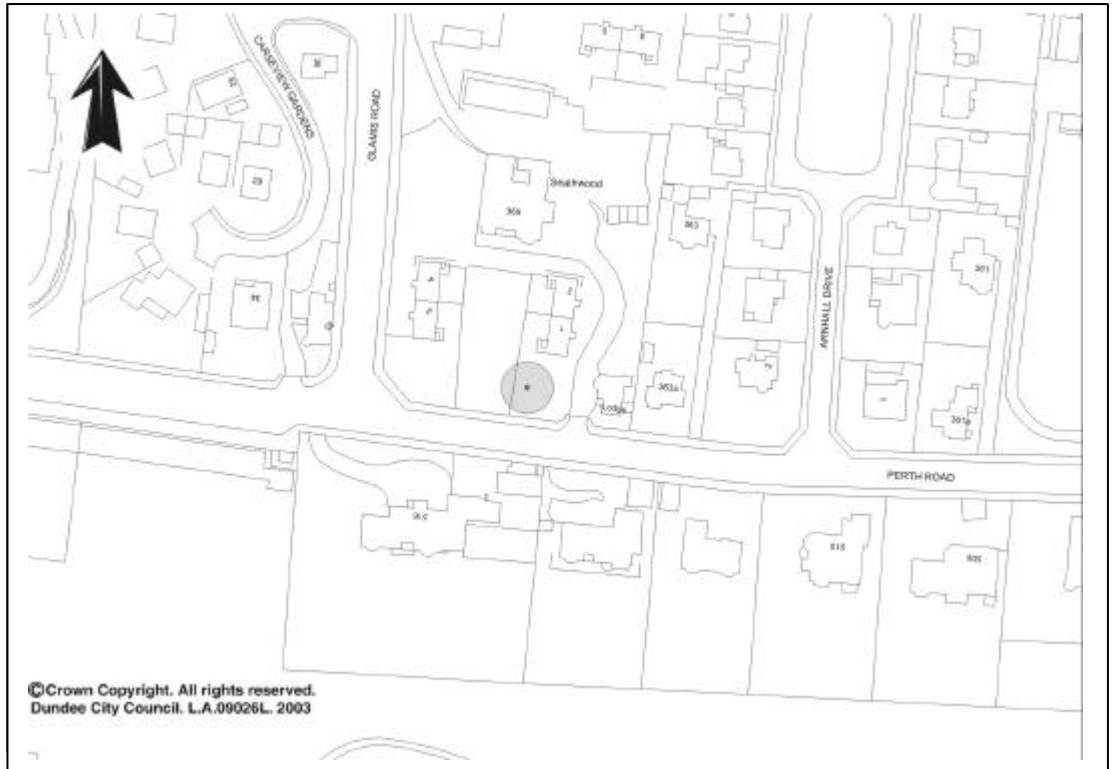
Territorial Army
Seathwood
365 Perth Road

Applicant

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Agent

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Registered 1 Dec 2006**Case Officer** Eve Jones

Proposed Telecoms Mast in Perth Road

The installation of a telecommunications mast is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation.

RECOMMENDATION

The proposal fails to comply with Policy 61: Development in Conservation Areas and Policy 72: Trees and Urban Woodland of the Dundee Local Plan Review 2005 and Policy 11 of the Council's Non Statutory Planning Policies in relation to Telecommunications and other Apparatus. The application is therefore recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the erection of an 18 metre high telecommunications mast in the form of a cypress tree. The mast will have 3 antenna and 2 dishes located between 14.5 and 17 metres on the mast. The structure will require a concrete base 4.8 metres square and 2 equipment cabinets.
- The site lies within a small copse of trees at the south east corner of the grounds of Seathwood, a large stone mansion house on the north side of Perth Road. The copse contains trees up to 15 metres high and there are other mature trees in the garden ground to the west.
- Policy 78: Location of Telecommunications Equipment and National Planning Guidance support the use of innovative designs for such masts. Policy 61 and Policy 72 seek to protect the character of Conservation Areas and Trees.
- The operator has advised that it has proven to be difficult to locate a mast in this area due to the topography, the scale of buildings and trees and other services. However, it is considered that the proposal will adversely affect the character of the Conservation Area and that the operator has failed to demonstrate that the mast, surrounded by mature trees, will not require repeated pruning of those trees to maintain clear line of sight for its successful operation. Pruning of the trees is likely to adversely affect their appearance to the detriment of the character of the area.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the installation of a telecommunications mast in the form of a cypress tree. The mast will be 18 metres high and will have 3 antenna and 2 dishes located between 14.5 metres and 17 metres. The mast will require a concrete base 4.8 metres square with 2 equipment cabinets. The mast will be located within a small copse of trees which will be bounded by a 1.7 metre high chain link fence. The applicant's agent has submitted the necessary ICNIRP Certificate with regard to the operation of the mast and a detailed statement of justification in support of the application. The alternative sites investigated and considered unsuitable by the operator are:

- a Invercarse Hotel - unsuitable due to structural issues with the roof to accommodate the required antenna and unwillingness of hotel operator.
- b Streetworks in Perth Road - overground and underground services limit options, proximity of residential properties and unsuitable for traditional streetworks mast due to aesthetic and historic character of area.
- c Duncarse House - would provide coverage but less well screened than this site.
- d Botanical Gardens - sloping site would require tall structure and DCC have advised that the site has high recreational and open space value, the application site was preferred.
- e Wright Avenue - existing mast, too remote for effective coverage.
- f Technology Park - too remote for effective coverage.

SITE DESCRIPTION

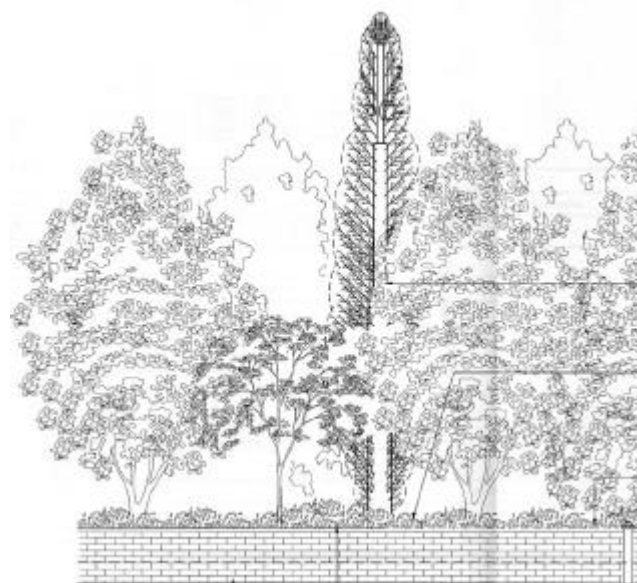
The proposed site is within a small copse of trees at the south east corner of the grounds of Seathwood, a large stone mansion house on the north side of Perth Road. The copse is 16 metres by 12.5 metres and is bounded by a 1.8

metre stone retaining wall to the south, a mature hedge to the east and a 1 metre high wire mesh fence to the north and west. The mast site will be 7 metres from the boundary wall. Within the copse there are 10 trees of varying size and species and two, a holly and a sycamore, are proposed to be felled to accommodate the mast. To



the west of the copse are other mature trees including a beech and horse chestnut, the canopies of which overhang the site. The trees form part of the wooded character of Perth Road at this point.

The grounds of Seathwood have been developed and the land to the south of



the main building contains two pairs of semi-detached houses. The nearest house is 7.2 metres from the proposed mast site. The lodge house lies across the drive to the east of the site. There are similar large traditional houses along the south side of Perth Road.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

The following policies are of relevance:

- Policy 1: Vibrant and Sustainable Communities.
- Policy 61: Development in Conservation Areas.
- Policy 72: Trees and Urban Woodland.
- 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

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.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Non Statutory Statements of Council Policy

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

Policies 1, 2, 11 and 15 are of particular relevance and are considered in respect of Policy 78 below.

LOCAL AGENDA 21

The application does not comply with Key Theme 7 which requires that access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all.

SITE HISTORY

There is no relevant site history.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and 3 objection letters were received, 2 from neighbours and 1 from employees who work at the site. The grounds of objection include public consultation, Conservation Area, Listed Building, health, security, policy, loss of view. Copies are available in Members' lounges and will be considered in the Observations below.

CONSULTATIONS

The Forestry Officer has visited the site and expressed concerns with regard to the impact of the development on the existing trees and the future pruning which will be required to maintain the operation of the mast.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy 1: Vibrant and Sustainable Communities. New development should seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise and smell. Design and layout are the only relevant issues. The mast will require a large concrete base, 4.8 metres square requiring the removal of two trees and it will be an artificial tree close to the Perth Road, visible to passers by. The design is less obtrusive than a mast in the footway and provided the works can be carried out and operated without further damage to the surrounding trees, the proposal is acceptable in terms of this policy.

Policy 61 - Development in Conservation Areas.

Within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.

It is considered that the proposed installation which involves the provision of a large concrete pad as a base for the mast will not preserve or enhance the character of the Conservation Area. The requirement for the repeated pruning in the future of significant trees to enable the equipment to operate also has the potential to affect the character of the area. Beech and Cypress trees are difficult to prune successfully in order to lower their height whilst maintaining their shape and appearance. It is considered that the application fails to demonstrate that the proposed development meets the requirements of Policy 61.

Policy 72 - Trees and Urban Woodland

New developments must have regard to existing healthy mature trees, the survival and retention of which will be strongly encouraged through sensitive site layouts and both during and after construction.

The original application was for the installation of this "tree" mast in a more central position where it would

directly affect more of the trees on the site. Following the submission of a requested tree survey, the consultant appointed by the agent revised the position of the proposed mast requiring the felling of 2 trees and the pruning of another. The consultants report does not fully detail the trees, their age and condition or their height. The consultant has recommended a change in the position of the mast on the basis of reducing the impact on the trees during the construction. There is no evidence to demonstrate that the new site will be acceptable in operational terms.

As noted above, the proposal is considered to pose a risk to the future health and appearance of the surrounding trees when pruning is required to enable the equipment to operate above the canopy of the trees. It is considered that the proposal does not demonstrate to the Council's satisfaction that it has had sufficient regard to the survival and retention of existing mature trees and fails to comply with Policy 72.

Policy 78: Location of Telecommunications Equipment.

Operators are encouraged to share existing masts in order to minimise the environmental impact on the city. Where the operator can demonstrate to the satisfaction of the 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.

Policy 78 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 consideration of other material considerations.

The submitted justification details the difficulties faced by the telecommunications operators in identifying suitable sites for masts in Perth Road due to the residential nature of the area, the large buildings, the sloping sites and the landscaping. In addition there are existing services below and above the footways which restrict options.

There are no available mast sharing sites which would serve the area. The site is identified as one of the few mixed land use sites as it incorporates non residential uses. The site has been chosen to provide the necessary signal but screen the proposed mast. The statement declares this to be a sharable mast option however the agent has confirmed that the location of any additional antenna to be added to the structure would be at a height of 12 metres above ground level. The surrounding trees are at a current height of 15 metres and therefore mast sharing on this site would not be practical without the removal of the screening trees.

Five specific alternative sites including 2 existing masts on Riverside Drive were considered and rejected for various technical, visual and legal reasons. General sites along Perth Road and the Technology Park were also unsuitable as detailed in the Description of Development.

It is considered that the applicant's agent has satisfied the requirements of Policy 78.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan in respect of Policy 61 and Policy 72.

Other Material Considerations

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

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

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

This has been provided and is acceptable.

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.

It is considered that the operator has demonstrated the difficulties of locating a telecommunications mast in this area and has justified the site selection and mast selection process in accordance with this policy.

Policy 11: Conservation Areas. There will be a presumption against the location of ground based masts and apparatus within Conservation Areas where by virtue of their location and design, they are considered likely to adversely affect the setting of the conservation area.

For the reasons stated above, it is considered that the operator has not demonstrated that the construction of the mast and its operation in future will not have an adverse impact on the character of the Conservation Area in particular the trees surrounding the site which contribute to the character of the area.

Policy 15: Mast Sharing and Design Issues. The policy encourages mast sharing and innovative design.

As noted above, the mast could not be shared without the removal of trees and the design is acceptable in a more appropriate location.

It is concluded that the proposal fails to meet Policy 11 of the Dundee City Council "Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus".

Objections

The application was the subject of statutory Neighbour Notification and 3 objection letters were received, 2 from neighbours and 1 from employees who work at the site.

One objection relates to loss of view which is not a valid planning objection. The objection from the employees mainly refers to health matters but also objects to the loss of trees in the Conservation Area. The third objection raises a large number of issues, some of which are not planning matters such as informal use as a play area, television reception, distraction to motorists and legal restrictions. Health matters are addressed in detail and the response is in the following paragraph. The planning issues raised by the objector are as follows: Conservation Area: the concerns are agreed as detailed above although it is noted that the site is not covered by a Tree Preservation Order.

Listed Building: the main building and the lodge are listed but the proposal is not considered to affect the building or its setting. Mast sharing: the operator has demonstrated that mast sharing of existing structures is not an option. Inaccurate plans: the plans as submitted are to an accurate scale. Contrary to Council policy: the assessment of the proposal against Dundee City Council's Non-Statutory Policies is considered above and it is agreed that the proposal does not comply with Policy 11, but Policy 7 does not apply to this site.

As detailed above, the main objections relate to health matters. Concerns about health matters have been widely discussed by Government and other bodies. However NPPG 19 clearly advises that it is not necessary for planning authorities to treat radio frequency emissions as a material consideration. To demonstrate to planning authorities that the known health effects have been properly addressed, applications for planning permission involving antennas must be accompanied by a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radio frequency radiation. The applicant has submitted the appropriate certificate in these circumstances.

The Scottish Executive published a report in early July 2004 entitled "Evaluation of Revised Planning Controls over Telecommunications Development". The report acknowledges that the issue of health concerns would inevitably arise, but specified that the research should not be directed into an extensive discussion of health issues. Whilst the Scottish Executive 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 objections on health grounds cannot be supported in this case. However the objections on the specific planning grounds of impact on the Conservation Area and contrary to Council policy as detailed above are supported.

It is concluded from the foregoing that there are no material considerations of

sufficient weight 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 design of this artificial tree providing support for telecommunications equipment is considered to be acceptable in specific appropriate locations where the structure is viewed from a distance against a landscaped background.

CONCLUSION

It is acknowledged that it has proven to be particularly difficult to locate telecommunications equipment within this part of the west of the City due to the residential nature of the area, the large buildings, the considerable amount of tree cover and the existence of services within the footways. This application seeks a "stealth" solution with the location of a mast to replicate the appearance of a Cypress tree within a small copse of trees at the entrance to this headquarters building which also has residential units within its grounds. The site is heavily landscaped which contributes to the overall appearance of this part of the Perth Road Suburbs Conservation Area. It is considered that the operator has failed to comply with Policies 61 and 72 in respect of the protection of trees and Policy 78 in respect of its relevant Non-Statutory Policies. The planning grounds in respect of impact on trees and the Conservation Area and Council policy raised in the objections are supported. There are no material considerations of sufficient strength to support of the application contrary to the Development Plan policies. Accordingly the application is Recommended for REFUSAL.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

Reasons

- 1 The proposed development is contrary to Policy 61: Development in Conservation Areas of the Dundee Local Plan Review 2005 as the installation of an artificial "tree" mast on a large concrete base will not

preserve or enhance the character of the Conservation Area and the operator has failed to demonstrate that the continued operation of the mast will not require repeated pruning of the surrounding mature trees in future years to the detriment of their shape and appearance which will also have a detrimental impact on the character of the Conservation Area. 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 72: Trees and Urban Woodland of the Dundee Local Plan Review 2005 as the installation of an artificial "tree" mast on a large concrete base does not have regard to the survival and retention of existing healthy mature trees and it is considered that the operator has failed to demonstrate that the continued operation of the mast will not require repeated detrimental pruning of the surrounding mature trees in future years. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.
- 3 The proposed development is contrary to Policy 11 of the Council's Non-Statutory Policies in Relation to Telecommunications and Other Apparatus as detailed in Policy 78: Location of Telecommunications Equipment of the Dundee Local Plan Review 2005 as the site lies within a Conservation Area where there is a presumption against the location of ground based masts which are considered likely to adversely affect the setting of the Conservation area.