

KEY INFORMATION

Ward Barnhill

Proposal

Erection of 22m high cypress tree mast with 6 antennas and associated equipment and erection of 2.1m high palisade fence

Address

Land in Playing Field South of Ceres Crescent
Broughty Ferry

Applicant

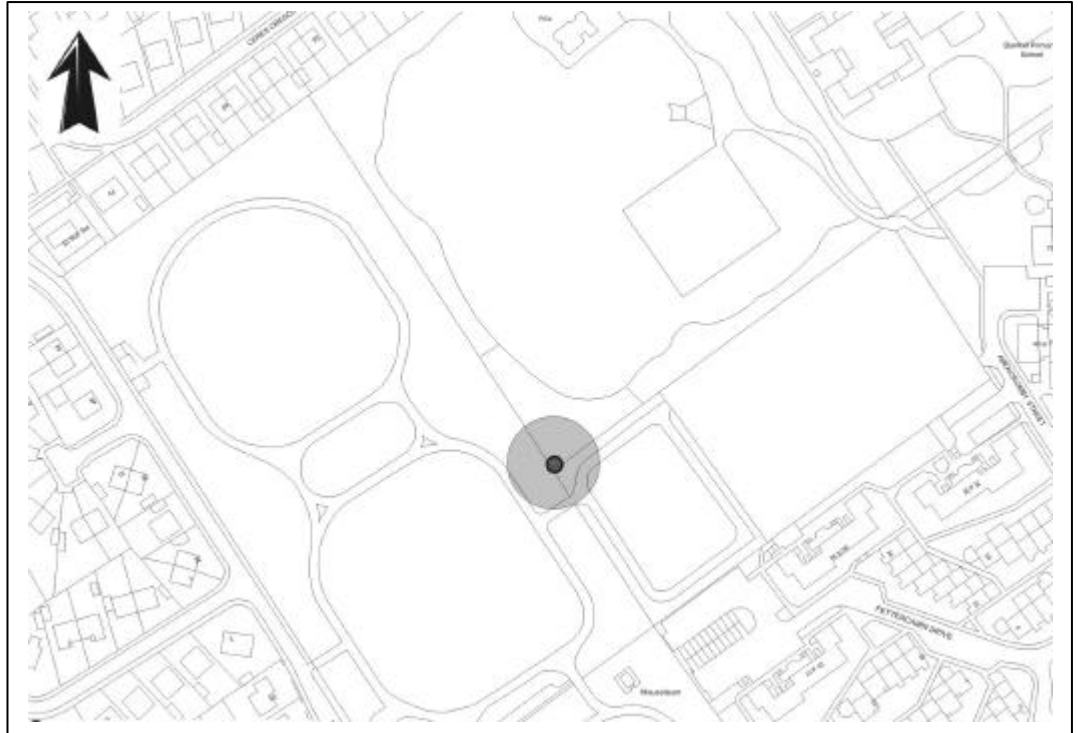
Vodafone (UK) Ltd
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Agent

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Registered 7 Feb 2006

Case Officer J Young



New Telecommunications Mast Proposed next to Barnhill Cemetery

The erection of a mast and associated equipment is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation.

RECOMMENDATION

The proposal complies with the policies in the Dundee Local Plan Review 2005 and with National Planning Guidance and Advice. Although objections were received, it is considered that they do not carry sufficient weight to merit refusal of the application. The application is recommended for **APPROVAL** subject to conditions

SUMMARY OF REPORT

- Planning permission is sought for the erection of a 22 metre high telecommunications mast in the form of a replica cypress tree in a wooded area adjacent to playing fields to the south of Ceres Crescent, Broughty Ferry. Other equipment will include two ground based cabinets and six antennae which will be located on the structure concealed by the branches. The mast is to be located within a group of conifer trees located in the south west corner of the playing fields and is separated from the adjacent cemetery by a 2m high stone wall.
- The application is accompanied by the required technical certificates and a detailed justification demonstrates the lack of 3G signals in this area and the difficulty experienced in identifying suitable locations for masts to ensure that adequate coverage is achieved.
- Policy 78 of the Dundee Local Plan Review 2005, NPPG 19 and PAN 62 are of relevance to the determination of the application.
- 49 objections were received and a petition with 353 signatures from neighbours and interested parties, including the MSP and an MP for the area. The grounds of objection include adverse impact on visual amenity; damage to trees and playing fields; close proximity to school, housing and cemetery; contrary to Local Plan and National Policy; potential health risks to children, residents and park users; traffic, access and parking problems.
- It is considered that the proposal complies with Local and National Policy and the objections are not supported in these circumstances.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a 22 metre high telecommunications mast in the form of a replica cypress tree. Three antennae and two transmission dishes will be located on the structure. There will be one outdoor cabinet and one electrical meter located at ground level and both will be painted green. All of the proposed equipment will be placed within a 7m by 6m compound and enclosed by a 2.1 metre high palisade fence.

The mast is required to provide third generation coverage for Vodaphone and plans have been submitted indicating that it will fill gaps in coverage in Broughty Ferry East.

The applicants have submitted a supporting statement with plans to justify the proposed development. They state that the design and siting of the proposed structure will appear congruent with the existing natural coniferous planting within the area. Although the structure will protrude above these existing features (required for operational reasons) it has been kept to a minimum height. They consider that this visually removed, recreational setting offers the best available location for a sensitive telecommunications development and the structure will not be shareable.

They have considered 7 alternative proposals in the surrounding area as follows:

- 1 Rooftop structure at Iceland Store, Campfield Square - landlord is unwilling to accommodate Vodaphone;
- 2 Ground based mast at Campfield Square - landlord unwilling to accommodate Vodaphone;
- 3 Existing Orange mast at Campfield Square - design solution inappropriate and application withdrawn. Therefore this solution was deemed inappropriate;
- 4 O2 streetworks at Nursery Rd - heightening of mast required and ruled out on visual amenity grounds;
- 5 Streetworks solutions at various locations (Edzell St, Fettercairn Drive, Abercromby St, Strathcro Terrace, Strathmore St, Nursery Rd, Abertay St, Abertay

Crescent, Camphill Rd, Hamilton St, Hamilton Terrace, Dornoch Place, Campfield Rd) - cumulative impact of a number of streetwork masts within a dense residential area where there is little or no screening available;

non statutory policies on telecommunications development (now Policy 78 of the Dundee Local Plan Review 2005). Finally they have submitted an ICNIRP certificate indicating that the proposed equipment is in full compliance



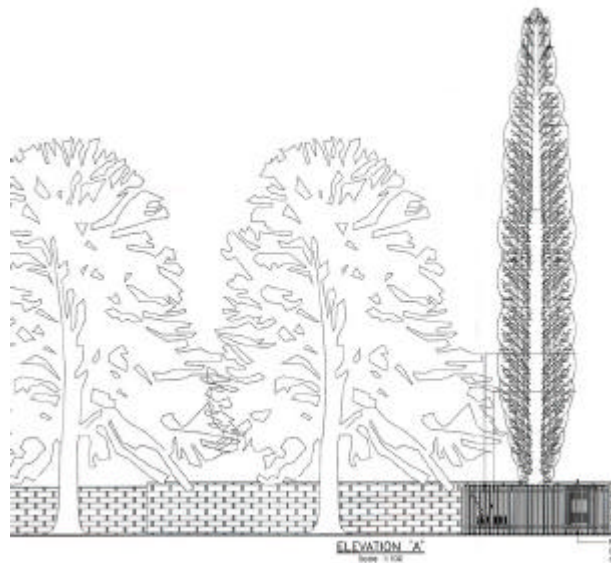
SITE DESCRIPTION

The proposal site is located within a small group of trees on the south west boundary of playing fields, which are located to the south of Ceres Crescent, Broughty Ferry. The trees in the immediate area are coniferous and approximately 16m in height and there are other deciduous trees along the west boundary of the playing fields. There is evidence of graffiti on the stone boundary wall and some damage and graffiti on trees at this location. Barnhill

Primary School is located approximately 170m to the east of the application site. Barnhill Cemetery (which is C1isted) is immediately to the west and south and there is a 2m high stone boundary wall between the two sites. A public car park is located to the north east of the playing fields and there is a play area to the east of the car park. The playing fields have been laid out with soft and hard pitches.

The nearest residential properties are located approximately 90m to the south and 170m to the north.

- 6 Barnhill Cemetery - adverse visual impact on setting of cemetery, main road network and properties at Edzell St;



- 7 Barnhill Primary School - Due to topography of the land and existing trees, an even higher mast than that proposed would be required. This proposal would also be closer to residential properties.

The applicant states that there is no mast sharing opportunity in this area and concludes that the current proposal is the best possible solution in the circumstances.

The applicants state that the proposals comply with Policy BE31 of the former Dundee Local Plan 1998 and

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 78: Location of Telecommunications Equipment. In general, operators are encouraged to share existing masts in order to minimise 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 section on "Non Statutory Statements of Council Policy".

Policy 1: Vibrant and Sustainable Communities. New development should seek to minimise any affect on the environmental quality enjoyed by local residents.

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 Planning Policies in Relation to Telecommunications and Other Apparatus".

Policies 1, 2 and 7 are of particular relevance and are considered in respect of Policy 78 below.

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 relevant planning history for this particular site. However, Members may recall that a similar

application by Vodaphone for a 24 metre high cypress tree-type mast was granted approval on 26th September 2005 at Panmurefield Screening Chambers, which has not yet been built.

PUBLIC PARTICIPATION

The agent for the proposed operator carried out pre-application consultations in the local area and the application was the subject of statutory Neighbour Notification. 49 formal objections have been received to the planning application from neighbours and interested parties together with a petition with 353 signatures.

Objections are on the grounds of the adverse impact on visual amenity; damage to trees and playing fields; close proximity to school, housing and cemetery; contrary to Local Plan and National Policy; potential health risks to children, residents and park users; traffic, access and parking problems.

Copies are available for inspection in the Members' Lounges. These issues are considered in the Observations section of this Report.

CONSULTATIONS

The Council's Forestry Officer has stated that more details are required as the submitted tree report refers to BS5837: 1991, whereas this has been updated to BS5837: 2005. The updated version requires more detailed and different information particularly regarding tree protection. Concerns have also been highlighted regarding future tree growth of the surrounding conifers, which may affect future signal reception for the mast. A condition requesting details of future maintenance of the trees to be agreed with the Council and comply with BS3998 should be attached, if Members are minded to approve the application.

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

The criteria set out in Policy 78 of the Dundee Local Plan Review 2005 focus on visual amenity matters and in particular promote mast sharing and masts on buildings. Difficulties are increased by the fact that Third Generation coverage is based on much smaller cells involving more masts much closer to each other. In this case, the cell area is characterised by low rise residential development in undulating topography with no opportunities for mast sharing. The few non residential uses are also low rise and very close to housing. Any ground based mast in this area would be visually intrusive, and for this reason the applicants have chosen a tree type solution, designing the mast as an artificial cypress tree.

The siting of the mast within a small wooded area means that the mast will appear congruent with the existing landscape features and vegetation and the proposed site will benefit from a significant degree of seclusion from public viewpoints. It also means that the proposed mast will be physically separated from the nearest houses by a considerable distance (around 90 metres).

In terms of the details of Policy 78, the proposal has an operational justification and alternative sites have been considered by the applicants but these have had to be rejected because they were less visually acceptable. It therefore complies with Policy 1 of the Council's Non Statutory Policies, which are a material consideration in terms of Policy 78.

Policy 2 contains a general presumption against the siting of free standing masts within or adjacent to sites allocated for residential development in the Local Plan. In this case the nearest houses to the south are approximately 90m away and those to the north are approximately 170m, which is considered a reasonable distance to protect the amenity of residents. Although the artificial tree will be higher than surrounding vegetation, it is sited in an area where it will not be visually dominant against the backdrop of trees.

Policy 7 states that there will be a presumption against the location of telecommunications masts and related apparatus within existing public parks, existing or proposed public open spaces, play areas, and areas of designed or historic landscape. The mast will be located within a group of trees, which is not used by the public as recreational ground. Given the difficulties in trying to achieve a satisfactory solution in this dense residential area, the proposal is considered the most appropriate solution. Pre-application meetings took place with various Council Departments and this particular site was discussed for a proposed tree-type mast.

It is concluded from the foregoing that the proposal complies with the provisions of the Development Plan.

Other Material Considerations

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

NPPG 19 and PAN 62

These documents give good general advice on the siting and design of masts and the Council's own Non Statutory Policies have similar themes. The documents advise that the siting and design of telecommunications development are the key issues to be addressed through the planning system. The proposal completely conceals the function of the mast and is located in an area where the majority of the mast is screened. Dundee City Council has been engaged in pre-application meetings with the applicant and so this complies with the advice in NPPG19.

Objections

There have been 49 letters of objection which focus on concerns about health risk. 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.

It is for this reason that 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 and an operational justification for their proposed mast. Therefore insufficient weight can be placed on the concerns about health matters in this case.

Other objections are discussed below:

Adverse impact on visual amenity

The proposed cypress tree-type mast will be located within a group of conifer trees in a remote corner of playing fields to the south of Ceres Crescent. The mast will extend 6m above the existing trees but given the backdrop, it is considered visually acceptable. Given the difficulties in finding a suitable site within this dense residential area, the proposal is considered the most visually appropriate solution.

Damage to trees and playing fields

The Council's Forestry Officer has asked that conditions are imposed requesting further details, to ensure the retained trees are not damaged during future maintenance work. The submitted tree report does not take into account future growth of the existing trees and this may impact on future signal reception.

Close proximity to school, housing and cemetery

The proposed mast is approximately 170m from Barnhill Primary School and 90m from the nearest housing to the south. The general area is densely covered in residential properties and this proposed solution locates the mast a reasonable distance from housing and schools. The mast is adjacent to Barnhill Cemetery, but being disguised as a tree it will have least visual impact on the area and users of the cemetery.

Contrary to Local Plan and National Policy

It has been discussed above that the proposal complies with both Local and National Policy.

Traffic, access and parking problems

The applicant has submitted information about proposed access across the playing fields for erection and maintenance of the mast and associated equipment. A condition will be attached to ensure that any damage to the playing fields is made good and in agreement with the Council and full details of the programme of work will be sought.

It is concluded from the foregoing that insufficient weight can be accorded to the grounds of objection such as to justify the refusal of planning permission of the proposal which it is considered complies with the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The proposed mast is designed to appear like a cypress tree and contains no visible antennae. All ground based equipment will be screened by the existing trees and cemetery walls. It is therefore considered that the proposed structure is the most visually acceptable solution for this location.

CONCLUSION

It is concluded that the proposal complies with the relevant policies in the Dundee Local Plan Review 2005 and National Policy. Although objections were received, it is considered that they do not carry sufficient weight to justify refusal of the application.

RECOMMENDATION

It is recommended that planning permission 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 development hereby permitted ceases to be used for the purposes for which it was designed, it shall be removed from the site within 2 months of

the date it ceased to be used, and the site shall be reinstated to its state prior to implementation of the proposal or such other state as may be agreed in writing with the Council

- 3 Full details of the proposed tree removal, retention and protection as per BS5837: 2005 shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 4 details of a programme for future maintenance of the trees in accordance with BS3998 shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 5 details of the proposed programme of work for construction and maintenance of the telecom mast and associated equipment, including dates, times, exact access route and proposed equipment to be used, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure the site is satisfactorily reinstated if the equipment becomes redundant
- 3 To ensure the existing trees are satisfactorily protected during construction and maintenance work
- 4 To ensure there is no unnecessary damage to existing trees on site
- 5 To ensure there is no unnecessary damage to the playing fields and minimal disruption is caused for users of the playing fields and park