

**KEY INFORMATION**

**Ward** Lochee East

**Proposal**

Installation of an 20.5m high lattice mast with 3 No telecommunications antennas, 3 No dishes, 2 No ground based cabinets within fenced compound.

**Address**

Land to the West of Old Kings Cross Road  
Dundee

**Applicant**

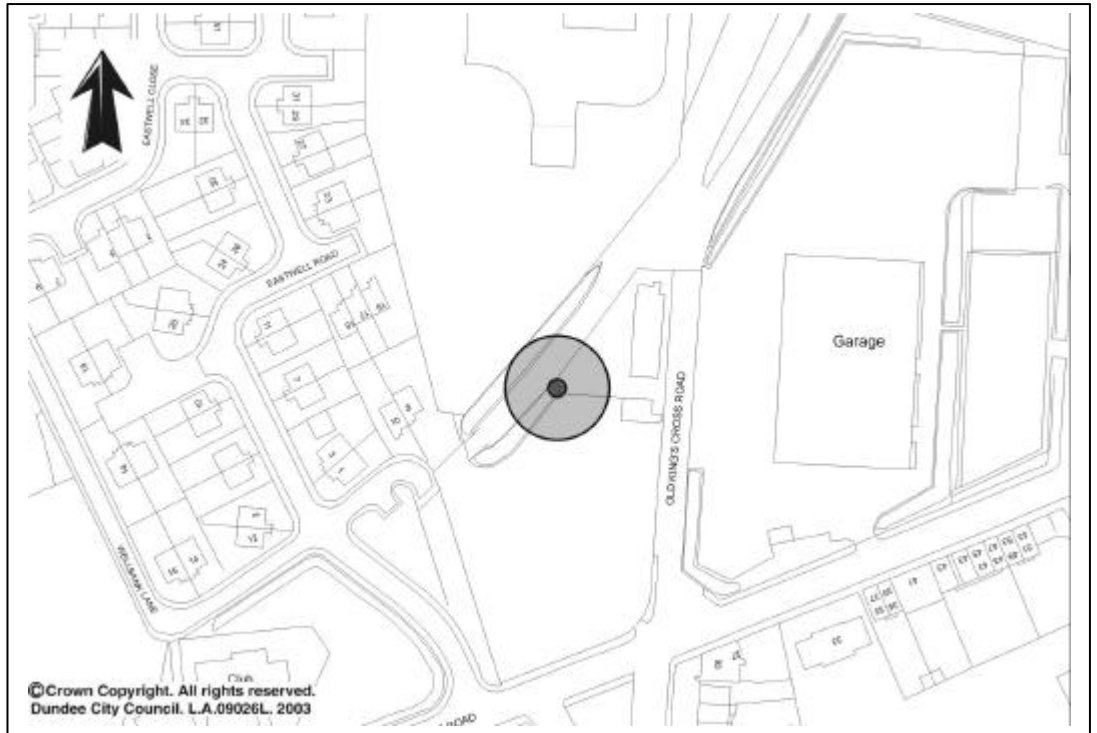
Vodafone  
c/o Stappard House  
122 Dundyvan Road  
Coatbridge  
ML5 1DE

**Agent**

Stappard Howes  
122 Dundyvan Road  
COATBRIDGE  
ML5 1DE

**Registered** 1 June 2006

**Case Officer** E Jones



## Mobile Phone Mast Proposed in Old Kings Cross Road

The installation of a mast and ground based cabinets is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is in accordance with Policy 79 "Location of Telecommunications Equipment" of the Dundee Local Plan Review 2005 and also with the Council's Non-Statutory Policy 1. One objection on grounds of health risk is not supported. Accordingly the application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Members will recall that this application was deferred at the August Committee for the agent to investigate the possible relocation of the mast within the site. The agent advises that this is the optimum site from the site operator's point of view to minimise any impact on his business use of the site.
- Planning permission is sought for the erection of a 20.5 metre high lattice tower to accommodate 3 telecommunications antenna and 3 transmission dishes with 2 associated ground based equipment cabinets, all to be located within a fenced compound.
- The proposal is to provide coverage for the Lochee area as part of Vodafone's planned 3G network. The applicant's agent has submitted the necessary ICNIRP Certificate and a detailed statement of justification. 6 alternative sites were investigated by the operator and considered unsuitable.
- The site lies in the corner of an existing motor cycle training centre to the west of Old Kings Cross, bounded to the west by the dismantled railway which is now converted to the Miley footpath. The nearest houses are 40 metres away to the west. The site is partly screened by trees from all sides, those to the west being 10 metres high.
- The proposal complies with the Policy 79 of the Dundee Local Plan Review 2005 and the relevant Non-Statutory policy. One objection on grounds of health was received and Members will be aware that objections on health grounds are not supported.

## DEFERRED APPLICATION

Members will recall that this application was deferred at the August Committee for the agent to investigate the possible relocation of the mast within the site. The agent advises that this is the optimum site from the site operator's point of view to minimise any impact on his business use of the site and seeks determination of the application as it stands.

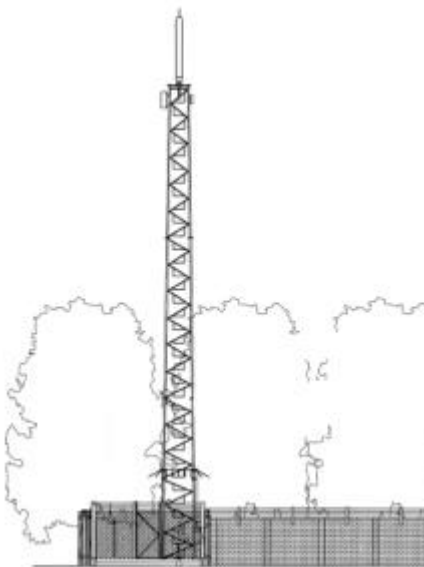
## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a 20.5 metre high lattice tower to accommodate 3 telecommunications antenna and 3 transmission dishes with 2 associated ground based equipment cabinets, all to be located within a fenced compound. The mast will be 18 metres high with the antenna on top resulting in a total height of 20.5 metres. The proposal is to provide coverage for the Lochee area as part of Vodafone's planned 3G network. 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:

- 1 Existing telecomm site on Burnside Court Flats, Whorterbank. This site has existing telecommunications equipment but it is Council policy not to site further equipment on residential properties owned by the Council. The site is also too high for effective 3G coverage and is also discounted on technical grounds.
- 2 Existing O2 lattice mast at Balfield Road. The site is 150 metres away and is on the edge of the cell which requires coverage and will not provide satisfactory service to the required target area.
- 3 Cox's Stack, Methven Avenue. It is 200 metres north west. As the proposed 3G equipment operates at a very low capacity, the base stations are required to be located within close proximity to the target coverage

area. This chimney is also on the outer edge of the target area and will not provide the necessary coverage.

- 4 Arnold Clark Garage, Balfield Road. Site owner not interested in accommodating any telecommunications developments.
- 5 High Street. A previous planning application by Vodafone for the installation of a 13.5 metre high monopole was refused by Committee and was also turned down at appeal as



the Reporter was not satisfied that alternative sites, including buildings owned by the City Council could not provide better alternative locations for such equipment.

- 6 Various locations in High Street and Loons Road have been investigated by Vodafone and discounted following the above refusal by Committee and on appeal.

## SITE DESCRIPTION

The site lies in the corner of an existing motor cycle training centre to the west of Old Kings Cross. The site is bounded to the west by the dismantled railway which is now converted to the Miley footpath. Beyond to the north is the Council Waste Management yard at Harefield Road, to the east are the car sales showrooms of Balfield Road, there is

open undeveloped land to the south and there are relatively new houses, part of the redeveloped Camperdown Works, to the west. The nearest houses are 40 metres away to the west. The site is partly screened by trees from all sides, those to the west being 10 metres high.

## 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.

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. (see below)

### 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

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

Policy 1 is of particular relevance. Policy 2 refers to sites within or immediately adjacent to residential areas and Policy 3 to sites within existing or allocated industrial sites. As the site is not within or immediately adjoining a residential area, it is considered that Non-Statutory policy 2 does not apply in this case. As the site is not within an existing industrial estate or a site allocated for industrial development, it is considered that Non-Statutory policy 3 does not fully apply in this case. However, as the site is in a commercial use, some note can be taken of the Policy 3 requirements and these are considered in the Observations below.

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### LOCAL AGENDA 21

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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.

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### SITE HISTORY

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There is no relevant planning history

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### PUBLIC PARTICIPATION

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Statutory neighbour notification was carried out and one objection was received. The objection refers to health issues and devaluation of property. Only the concerns about health matters are considered to be potentially capable of constituting a valid objection. Copies of the objection are available in Members' Lounges and will be considered in the observations below.

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### CONSULTATIONS

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There were no adverse comments from consultees.

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### OBSERVATIONS

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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 submitted justification makes reference to the previous policy in the Dundee Local Plan which is now superseded. It also makes reference to the adopted Dundee Local Plan Review 2005 which is the development plan for the City.

Policy 78: Location of Telecommunications Equipment. In general, operators are encouraged to share existing masts in order to minimise environmental impact. The applicants indicate that there are no suitable site sharing alternatives identified for the identified target coverage area and no suitable buildings or structures. Where mast sharing is not a feasible proposition, alternative solutions in terms of location and design will be assessed with the objective of minimising the environmental impact on the City.

It is considered that the applicant's agent has demonstrated that the alternative sites are unsuitable and has justified the choice of this site. They further advise that the design of the mast makes it suitable for mast sharing in future if this site is suitable, on technical grounds, for use by other operators.

It is considered that the proposal complies with the relevant policy in the development plan.

### Other Material Considerations

The proposal was assessed in terms of the Council's Non Statutory Policies, which are a material consideration in terms of Policy 78 and comply with NPPG19 and PAN62.

N/S 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. The proposal has an operational justification which states that an additional site for telecommunications equipment is required to provide for Vodafone's proposed 3G network in this area.

There are no existing masts in the area which would allow site sharing and

there were no suitable existing buildings or structures. The development is acceptable if it does not conflict with other policies in the Local Plan or National Guidance.

The proposal is considered to comply with N/S Policy 1.

However, as the site is in a commercial use, some note can be taken of the Policy 3 requirements as noted above. N/S Policy 3 states that there is a general presumption in favour of industrial locations if the proposal is located and designed to minimise its visual impact and does not prejudice employment objectives. The submitted proposal is partly screened by trees which will minimize its visual impact and it will have no negative impact on employment objectives in this location. The proposal complies with this guidance.

### Objections

As detailed above, one neighbour has objected. The objection refers to health issues and devaluation of property. Only the concerns about health matters are considered to be potentially capable of constituting a valid objection. 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 the objection on health grounds cannot be supported in this case.

It is concluded from the foregoing that the development is in accordance with the relevant policies in the development plan and is supported by the material considerations of the Council's Non Statutory Policies and the planning history of the recent appeal decision for a very similar development. The objection is not supported.

### Design

The mast is a lattice design which totals 20.5 metres in an area where the surrounding trees are approximately 10 metres high. As the design will accommodate potential mast sharing it is considered to be acceptable in this location.

### CONCLUSION

The applicant's agent has investigated the possible relocation of the mast to another part of the site but reports that this was the optimum site from the site operator's point of view in order to minimise any impact on the operation of the motor cycle training business which leases the yard. The maximum distance which the mast could be moved, to the north east end of the yard, is 35 metres which would result in the mast being approximately 66 metres from the nearest house rather than 40 metres. The agent has requested that the application be determined as it stands. However, the agent has suggested that the colour of the mast can be changed to dark green (RAL 8008) if the Committee consider this to be of benefit.

It is concluded that the proposal complies with the relevant policies in the Dundee Local Plan Review 2005, the Council's Non-Statutory Policies and National Planning Policy. The single objection is not supported. Therefore the application is recommended for APPROVAL subject to conditions.

### 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 equipment becomes obsolete or redundant, it must be removed and the site reinstated to the satisfaction of the Planning Authority within 6 months of the redundancy.

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 in the interests of visual amenity and the appearance of the surroundings.