

**KEY INFORMATION**

**Ward** Strathmartine

**Proposal**

Installation of a 22.8m high telecommunications tower and associated equipment to expire on 31 December 2007

**Address**

Land North of  
534 Strathmartine Road  
Dundee

**Applicant**

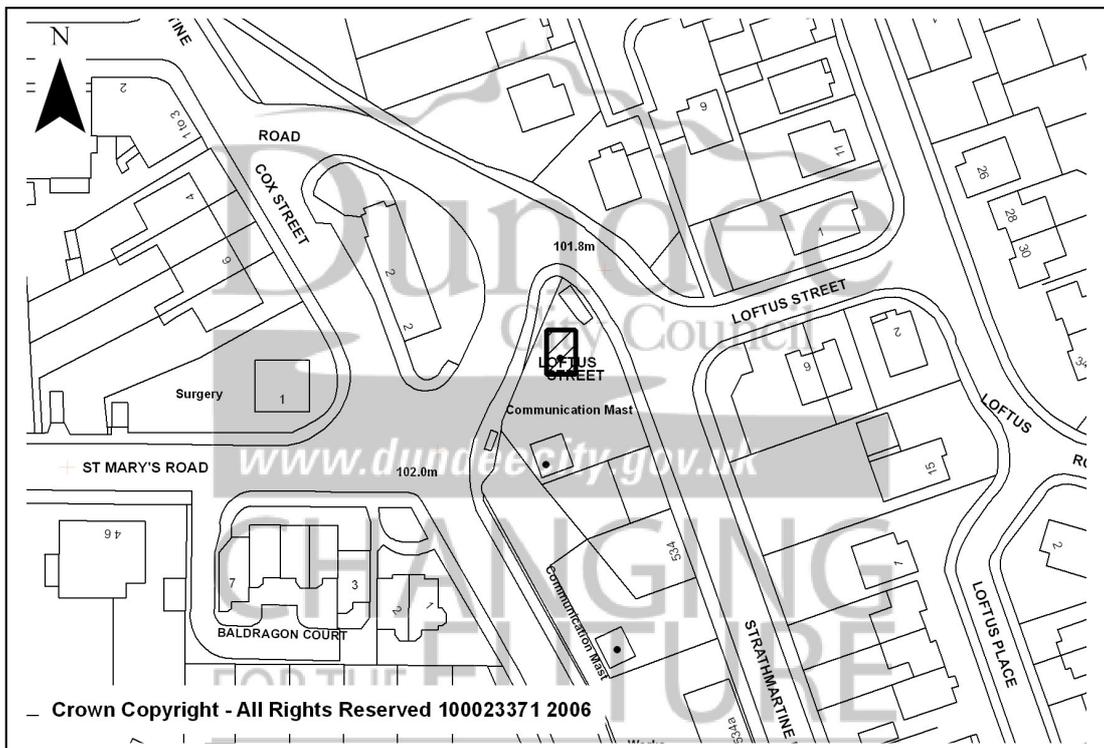
T Mobile UK Ltd  
c/o Wilkinson Helsby  
St James Court  
Wilderspool Causeway  
Warrington  
Cheshire WA4 6PS

**Agent**

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**Registered** 10 Sep 2007

**Case Officer** Eve Jones



# Proposal for Temporary Phone Mast in Strathmartine Road

The installation of a 22.8m high telecommunications tower until 31 December 2007 is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

In January 2007, this temporary structure was installed but the consent has expired. The submitted justification for the location of the temporary mast and its retention until 31 December 2007 does not meet Policy 78 or the Council's Non-Statutory Policies 1, 2, 3 and 15. The application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Temporary planning permission is sought for the installation of a 22.8m high telecommunications tower and associated equipment to expire on 31 December 2007. T mobile seeks consent to retain the temporary mast currently on the site in order to provide coverage to the surrounding area until a permanent replacement solution is approved. The mast was erected in January 2007 as permitted development for a period of 6 months.
- The site lies on a corner between Strathmartine Road and Cox Street, to the west of the junction with Loftus Street. There are two existing telecommunications masts within 50 metres to the south of the site.
- Alternative solutions of location and design have not been submitted as part of this application for the temporary mast which does not meet the requirement of Dundee Local Plan 2005 Policy 78 - Location of Telecommunications Equipment. The proposal also fails to comply with the Council's Non-Statutory Policies 1, 2, 3 and 15.
- The application attracted 31 written objections and a petition with 213 signatures. The objections on the grounds of height and appearance are generally supported in this prominent location and there has been no assessment of the cumulative impact of a 3rd mast on the immediate area.
- Statement of Justification. The applicant's agent advises that there have been difficulties in identifying suitable sites for a permanent structure to replace the equipment which was on Baberton Court.
- Due to the time taken by the applicant to carry out this process, the consent under the emergency legislation has expired. The applicant seeks permission until 31st December 2007 and hopes to have a permanent structure in place by that time, although the planning application for that structure was only submitted on 2 October 2007.

## DESCRIPTION OF PROPOSAL

Temporary planning permission is sought for the installation of a 22.8m high telecommunications tower and associated equipment to expire on 31st December 2007. The structure is temporary and has a tripod of legs on foundation blocks with supporting guy wires. It has three antenna and a transmission dish with 2 ground based cabinets and a generator.

The City Council was notified on 04 January 2007 by T Mobile that they intended to utilise their emergency powers under Class 67(1) of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 as amended to station and operate moveable telecommunications apparatus. The mast was installed as permitted development and its consent under the terms of these emergency powers lapsed after 6 months. There is no provision under the legislation for the emergency period to be extended.

T mobile seeks temporary consent to retain the temporary mast currently on the site in order to provide coverage to the surrounding area until a permanent replacement solution is approved. The agent has submitted justification which explains that the timescales involved in finding a site for a permanent structure has resulted in the need to retain the temporary structure in place for an extended period.

Supporting justification in the form of an analysis of the site selection process for the proposed permanent site has also been submitted but as this application is for the temporary mast only, this information is not relevant other than in demonstrating the process which has been carried out since the temporary mast was installed. Copies are available in Members' Lounges.

## SITE DESCRIPTION

The site lies on a corner between Strathmartine Road and Cox Street, to the west of the junction with Loftus Street. There is a local general store to the west on an island site where local bus services turn and the bus stop is on the footway adjacent to the application site. The remainder of the surrounding area to the east, north and west is residential. To the south there is a small complex of workshops and yards

which are mainly vehicle repair premises. There are two existing telecommunications masts within 50 metres to the south of the site.

## POLICY BACKGROUND

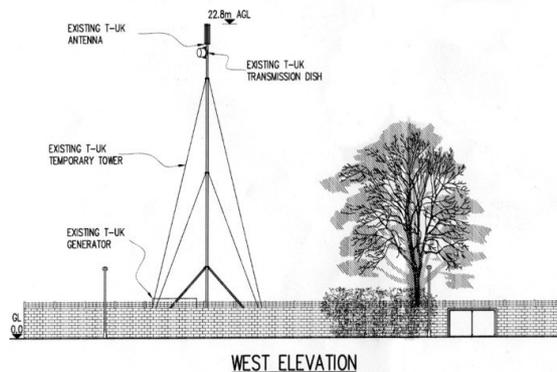
### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan 2005

The following policies are of relevance:

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 Planning Policies in Relation to Telecommunications and Other Apparatus".

## SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application

## SITE HISTORY

01/30332/FUL 12m high telecommunications mast for 3G approved subject to conditions 20/11/2001. This mast is approximately 10 metres south of the application site.

04/00680/FUL 14.5m high telecommunications mast for Vodafone, approved on appeal, subject to conditions, on 24/05/2005. This mast is approximately 50 metres to the south of the application site.

An application by T Mobile for planning permission for a 12m high telecommunications mast on the site to the south of this application site was submitted on 2 October 2007.

## PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and attracted 31 written objections and a petition with 213 signatures. The objections include: height and appearance; too close to houses and school; total of 3 masts within this area; health concerns; devaluation of property; impact on TV reception; residents ignored when temporary mast installed and more extensions likely; installation not an emergency and will encourage more masts to this site.

Copies are available in Members' Lounges and the issues raised will be considered in the Observations below.

## CONSULTATIONS

There were no adverse comments from 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 Development Plan

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

Policy 78: Location of Telecommunications Equipment - "Where appropriate, proposals for telecommunications equipment will be encouraged to mast share. Where the operator can demonstrate to the satisfaction of Dundee 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.

Dundee City Council's supplementary guidance (as amended August 2003) will be a material consideration in the determination of applications for telecommunications developments. This guidance complies with National Planning Policy Guideline 19 and Planning Advice Note 62."

This is a temporary structure which is not designed for mast sharing and the application seeks retention of the mast only until 31 December 2007.

The original notification served on the City Council in January 2007 did not include any site selection information. A further notice was issued on 19th January 2007 which included a brief justification for the selection of this site as follows:

- 1 A site at Harestane House, Harestane Road was too low.
- 2 Tayside Police Station, insufficient space for a temporary mast.
- 3 Site chosen due to industrial nature and existing telecommunications equipment.

The height of the mast at 22.8 metres was required to achieve line of sight for the dish antenna to the next site.

Alternative solutions of location and design have not been submitted as part of this application for the temporary mast. Supporting justification in the form of an analysis of the site selection process for the proposed permanent site has been submitted. The proposed permanent site will be the subject of a separate planning application and this information is not relevant other than to demonstrate the process which has been carried out by the applicant's agent since the temporary mast was installed.

Accordingly it is considered that the application does not meet the requirement of Policy 78 to provide alternative solutions in terms of location and design with the objective of minimizing the environmental impact on the City.

### Other Material Considerations

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

The Council's Non Statutory Policies, are a material consideration in terms of Policy 78 and comply with NPPG19 and PAN62. However as with Policy 78, they are designed to address the issue of permanent telecommunications equipment and this is an application for the retention of a temporary mast for a specified period. However, they will provide guidance as to the acceptability of this structure on a short term basis.

N/S Policy 1 requires applicants to provide details for all applications for planning permission as follows:

- an operational justification for the location and design.
- a justification for the proposal against alternative sites considered and rejected and the prospects for mast sharing.
- an assessment of the cumulative impact where other telecommunications developments are present or proposed nearby.
- an assessment of possible building location to minimise impact.

As noted above, no justification for the location, design and alternative site

assessment has been submitted. No cumulative impact has been assessed.

It is considered that the proposal fails to meet Non-Statutory Policy 1.

N/S Policy 2: Residential Areas - there will be a general presumption against the siting of free-standing masts . . . within or immediately adjacent to existing residential areas. "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."

Whilst it is recognised that the initial siting was under the permitted powers, the mast has been retained and planning permission is now being sought. It is considered that the location of the mast at the corner of the site, close to the bus stop and shop does not take advantage of any of the screening capability of the trees or seek to locate the mast further away from surrounding houses. It is considered that the mast has not been sensitively located and designed and it is not demonstrated that the proposal is the most appropriate.

It is considered that the proposal fails to meet the requirements of this policy.

N/S Policy 3: Industrial Areas - is also relevant. The site is in small scale commercial use although it is not an existing industrial estate or site allocated for industrial development in the Local Plan. It is immediately adjacent to a residential area. The policy 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 not designed or located to minimize its visual impact as noted above. It is unlikely that it will have a negative impact on employment objectives in this area of small workshops and yards engaged in car related businesses. The proposal does not comply with this guidance in respect of its visual impact.

N/S Policy 15; Mast Sharing and Design Issues. The policy states that the Council will encourage a partnership approach between itself and operators and their agents in respect of the "roll-out" programmes of

proposed works. The Council operates such a partnership in seeking to gain advance information on the proposed network provisions and giving pre-application advice in respect of specific sites. Opportunities for mast sharing will be maximised subject to satisfactory location and design controls except where specified in the Non-Statutory Guidelines.

It is noted that the applicant was given notice to quit Baberton Court in November 2005. The temporary mast was installed as permitted development in January 2007. The first preliminary enquiry to the Council for feedback on the options for the proposed permanent mast to serve this area was in April 2007 and site visits were carried out at the end of June 2007. The applicants have been encouraged since January 2007 to submit an application for the permanent replacement site but the application was lodged on 2 October 2007.

It is considered that the applicant has failed to match the Council's commitment to maintain the partnership approach, has failed to progress the identification of a replacement permanent site and has failed to submit a planning application for the replacement permanent structure in sufficient time to obtain planning permission and ensure that the temporary mast was removed within the statutory period available by legislation.

## Statement of Justification

The T Mobile's agent advises that the temporary mast is required to provide coverage to the surrounding area until 31 December 2007 "when it is hoped that a replacement permanent solution will be in place to facilitate the removal of this temporary structure".

The operators have advised the Council of their particular difficulties in identifying suitable sites for a permanent structure in the Downfield area which will meet technical requirements and satisfy Council policies as detailed in the Dundee Local Plan Review and the approved Non-Statutory Policies. In identifying potential sites the following processes take place:

- 1 Site surveys.
- 2 Contact all owners.

- 3 Analyse responses and prepare report.
- 4 Check technical suitability and identify options.

As noted above, the first preliminary enquiry to the Council for feedback on these options was in April 2007 and site visits were carried out at the end of June 2007. A preferred option was identified and consultations and negotiations have been carried out. Following advice from the Council, T Mobile volunteered to carry out a Drop in Scheme for the local residents to ensure that all of their feedback was included for the proposal. This was carried out at the beginning of September. There is no information available, at the time of writing this report, on the results of this consultation.

Following all of these processes, the operator has only submitted a planning application for the permanent replacement site on 2 October 2007. This site selection for a permanent site is only considered to be relevant in demonstrating the extent of the site search which has been carried out.

## Objections

The application was the subject of statutory Neighbour Notification and attracted 31 written objections and a petition with 213 signatures. The objections include: height and appearance; too close to houses and school; total of 3 masts within this area; health concerns; devaluation of property; impact on TV reception; residents ignored when temporary mast installed and more extensions likely; installation not an emergency and will encourage more masts to this site.

- height and appearance: this is a slimline temporary structure designed to be easily deployed. The height is required to allow line of sight to another site. However it is located on a very prominent site close to a busy local shop and bus stop, with little screening from nearby trees.
- proximity to housing and school. This is a small commercial area within a predominantly residential area. It is difficult for such a structure to be located very far from the housing.
- total of 3 masts within this area. As noted above site selection is

difficult and as the site has previously been considered to be acceptable for such equipment, the applicant has taken this as justification for a further mast.

- health concerns. 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. Whilst the Scottish Government 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.
- devaluation of property and TV reception. These are not regarded as material grounds for objection to a planning application.
- lack of consultation with residents. The emergency powers as detailed above only require the operator to notify the Council of their intentions and this was done very shortly before the mast was erected. The notification was carried out correctly in accordance with the legislation.
- future extensions likely. The operator has advised that following the submission of an application for a permanent structure, they hope to be able to

remove the temporary structure by 31st December 2007, if planning permission is granted.

- not an emergency. The installation under the permitted development criteria in January 2007 was carried out in accordance with the legislation and the Council could not challenge the applicants use of these powers. There is no basis for the 6 month period to be extended and the applicant seeks to provide a continued service to customers pending the determination of the planning application for the permanent site.
- setting a precedent for more masts. This is a temporary solution and full justification for the site selection for any permanent structure will form part of its planning application. That can then be tested as part of the consideration of the application.

It is considered that the objections on the grounds of height and appearance are generally supported and that the location is very prominent. The location of a 3rd mast in this area is not acceptable as there has been no assessment of the cumulative impact of these structures. The other objections are not supported.

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

## Design

This is a temporary slimline mast designed to be easily deployed. However by reason of its height and location, it is a prominent feature in the street scene and is detrimental to the visual appearance of the area.

## CONCLUSION

Following the demolition of the previous site, which provided a service over a wide area, a temporary solution to maintain T Mobile phone services to individuals and businesses in the Downfield area was required. The operators were notified of the proposed

demolition of the building in November 2005. In January 2007, the operators exercised their rights under the legislation to install this temporary structure and have been engaged in trying to identify a site for a permanent structure which can be the subject of a planning application.

Due to the time taken by the applicant to carry out this process, the consent under the emergency legislation has expired and the only way this can be extended is by means of a temporary planning permission. The applicant seeks permission until 31st December 2007 and hopes to have a permanent structure in place by that time, although the planning application for that structure was only submitted on 2 October 2007.

It is considered that the submitted justification for the location of the temporary mast and its retention until 31 December 2007 does not meet the requirements of Policy 78 and fails to comply with the Council's Non-Statutory Policies 1, 2, 3 and 15 for the reasons given above. The objections on the grounds of height and appearance are generally supported in this prominent location and there has been no assessment of the cumulative impact of a 3rd mast on the immediate area. It is concluded that the material considerations are insufficient to support the granting of planning permission contrary to the terms of the Dundee Local Plan Review 2007.

## RECOMMENDATION

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

### Reasons

- 1 The proposed development is contrary to Policy 78 Location of Telecommunications Equipment of the Dundee Local Plan Review 2005 as alternative solutions in terms of location and design have not been submitted. 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 1 of Dundee City Council's adopted Non-Statutory Planning Policies in Relation to Telecommunications Masts and Other Apparatus as an operational justification for the

location and design of the structure has not been submitted and no assessment has been made of the cumulative impact of other telecommunications masts located nearby.

- 3 The proposed development is contrary to Policy 2 - Residential Areas of Dundee City Council's adopted Non-Statutory Planning Policies in Relation to Telecommunications Masts and Other Apparatus as the operator has not demonstrated that the mast is sensitively located and designed and is the most appropriate option.
- 4 The proposed development is contrary to Policy 3 - Industrial Areas of Dundee City Council's adopted Non-Statutory Planning Policies in Relation to Telecommunications Masts and Other Apparatus as the mast is not located and designed to minimise its visual impact.
- 5 The proposed development is contrary to Policy 15 - Mast Sharing and Design Issues of Dundee City Council's adopted Non-Statutory Planning Policies in Relation to Telecommunications Masts and Other Apparatus as the operator has failed to match the Council's partnership approach and submit a planning application for the replacement permanent structure in sufficient time to obtain planning permission and ensure that the temporary mast was removed within the statutory period available by legislation.