

KEY INFORMATION

Ward North East

Proposal

Fixing 3 antennae face mounted to brick chimney associated housing and ancillary development

Address

1 Heron Rise
Dundee
DD4 9DH

Applicant

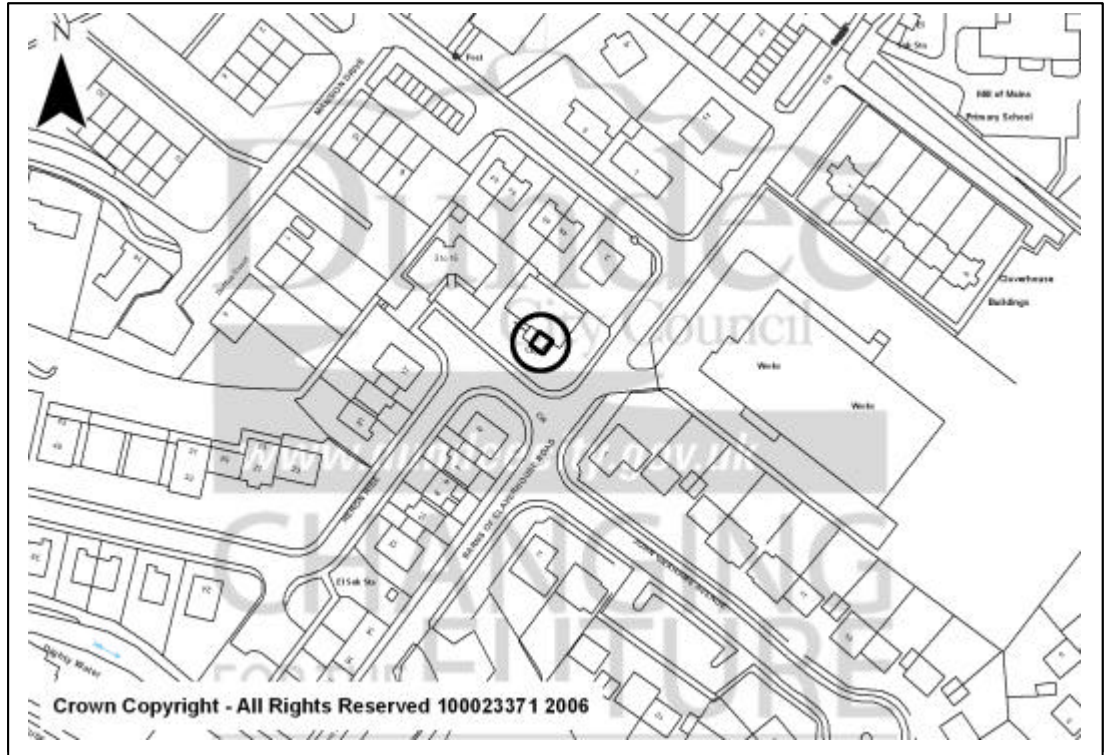
T Mobile (UK) Ltd
Hatfield Business Park
Hatfield
Herts AL10 9BW

Agent

Daly International
Dalziel House
Lark Way
Strathclyde Business Park
Bellshill MO4 3RB

Registered 11 Feb 2008

Case Officer Stephen Page



Proposed Mobile Telephone Antennae in Heron Rise

The installation of 3 antennae to a brick chimney is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed antennae and ground equipment does not comply with Policies 60,61 and 78 of The Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the development plan to approve planning permission. Therefore the application is recommended for REFUSAL.

SUMMARY OF REPORT

- The application seeks permission for the installation of three externally mounted antennae and associated cable trays on the Category A listed Chimney at the northern end of Heron Rise, and for the installation of ground mounted equipment to the north of the building.
- The Chimney lies within the Trottick Conservation Area.
- Nine letters of objection were received concerned about the effect of the proposal on the character of the listed building, the effect on the conservation area, visual appearance, potential impact on health and interference with television signals
- The proposal has been found not to comply with Policies 60, 61 and 78 of The Dundee Local Plan Review 2005 and the grounds of the objections are partially supported.

DESCRIPTION OF PROPOSAL

The proposal involves the installation of three antennae on the brick chimney above the premises occupied by the Select Fireplaces Company in Heron Rise. The three antennae, each of approximately 1.3metres in height with an associated horizontally installed 150mm cable tray are to be fitted to the south-west, south-east and north-east elevations, at a height of approximately 25 metres, with an associated 300mm wide cable tray to run the full height of the chimney on its north-east side. The cable trays and antennae are to be painted to match the colour of the structure.

A ground based equipment cabinet is to be placed at a bin store area to the north of the building.

SITE DESCRIPTION

The site lies to the north east end of Heron Rise within the Trottick Conservation Area. The chimney is a Category A Listed building associated with the former mill buildings in the area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

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.

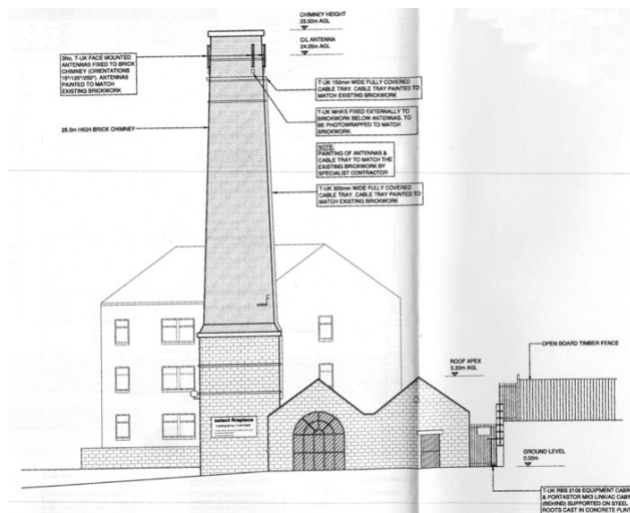
Dundee City Council's supplementary guidance (as amended August 2003) will be a material consideration in the determination of applications for telecommunications developments.

Policy 60: Alterations to Listed Buildings - The alteration of a listed building will only be acceptable where

the proposals have regard to the preservation or enhancement of its architectural or historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.

The City Council will provide specific supplementary guidance on the following: window and door alterations, advertisements, shopfronts, roller shutters, treatments to masonry and painting and use of materials.

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.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance to this application:

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, including advice for listed buildings and conservation areas.

Non Statutory Statements of Council Policy

The following policy statement is of relevance - Telecommunications Developments: Non Statutory Planning Policies, revised 2007.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

The building was originally part of the Claverhouse Bleachfield and Mill, which dates from before 1843. More recently the area was redeveloped for residential use with the building at the base of the chimney being converted for retail use.

An associated application has been received for Listed Building Consent and may be found elsewhere on this agenda (reference 08/00097/LBC).

PUBLIC PARTICIPATION

The applicant has carried out the statutory neighbour notification procedure. An error in the initial neighbour notification was discovered and renotification undertaken by the applicant, with the period for accepting objections extended accordingly.

Nine letters of objection were received concerned about the effect of the proposal on the character of the listed building, the effect on the conservation area, visual appearance, potential impact on health and interference with television signals.

CONSULTATIONS

Comments have been received from Historic Scotland indicating that the proposal conflicts with the Memorandum of Guidance on Listed Buildings and Conservation Areas (1998) and in their opinion would have a detrimental impact on the character of the listed building.

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 - the applicant has indicated that the potential for mast sharing was considered but found to be impossible in this area of Dundee. Accordingly, in keeping with the policy, some seven other sites were considered and discounted. The seven alternative sites considered lie exclusively to the east of the application site, and do not include the industrial areas to the north and north-east which would be the preferred location for such equipment. Reasons for the identified sites being discounted including land ownership, insufficient coverage potential, the need for high masts and potential for generating objections. On this basis it is not considered that the alternative search was exhaustive and the reasons for discounting those identified do not comply with the policy that requires such sites be assessed with the objective of minimising the environmental impact on the city.

Accordingly the proposal does not comply with the terms of Policy 78

Policy 60: Alterations To Listed Buildings - the applicant has indicated that they have attempted to minimise the impact on the Listed Building through the use of finishes to blend the

equipment to the chimney structure, however the policy requires that development have regard to the preservation or enhancement of such buildings. The addition of two exterior cable trays and three protruding antennae is not in keeping with the historic design of the category A listed building by introducing vertically orientated equipment and trays on what is a largely horizontally detailed building.

An admission by the applicant that the building is structurally weak, and therefore impossible to place the equipment internally, denies an obvious opportunity to minimise the visual effect of the proposal and would potentially further indicate that the fixing of equipment to the structure is inadvisable in terms of the long term preservation of the structure. The proposal offers no beneficial effect on the building and is considered detrimental to its appearance and character. Accordingly the proposal does not comply with the terms of Policy 60.

Policy 61: Development in Conservation Areas - in accordance with this policy, development proposals are expected to preserve or enhance the character of the surrounding area. The chimney lies at the exposed northern end of Heron Rise and as such is a clearly visible landmark building in the conservation area. The introduction of modern design antennae to the top of this structure will not offer any improvement to the preservation or enhancement of this conservation area. As such the proposal is not considered to comply with policy 61.

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:

Telecommunications Developments: Non Statutory Planning Policies, Revised 2007

This piece of supplementary guidance supports the local plan policies and provides specific policies for their siting on listed buildings.

In accordance with Policy 9, the applicants have indicated that the

equipment is fully removable and in such a case would have no significant lasting effect on the building.

In respect of Policy 10, the applicant has considered a limited range of other sites. However the proposal is regarded by Historic Scotland as having an unacceptably detrimental visual impact on the listed building. The siting of ground based equipment at the former bin storage area is considered to be acceptable as it remains largely unseen from the nearby housing.

Objections

Nine Letters of objection were received in respect of this application, concerned about the effect of the proposal on the character of the listed building, the effect on the conservation area, visual appearance, potential impact on health and interference with television signals.

Character Of Listed Building and effect on Conservation Area and Appearance: These matters have already been considered in respect of policies 60 and 61 of the Dundee Local Plan Review and the concerns of the objectors are supported.

Potential impact On Health: whilst the fear of health risk is a public concern, the applicants have stated that the proposed antennae is designed to comply with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP) - accordingly there is no proven risk to health from the installation and the concerns of the objectors cannot be supported on this point.

Interference with Television signals - there is no evidence to suggest that the antennae will interfere with television signals and accordingly the concerns of the objectors cannot be supported.

Planning Advice Note 62: Radio Telecommunications

Pan 62 offers advice concerning the installation of such facilities on listed buildings and conservation areas. It includes examples of sensitively designed installations which predominantly include the hiding of antennae behind structures or inside buildings. Had this proposal included the mounting of antennae inside the chimney then it could be concluded

that the proposal complied with that advice, however the external mounting arrangement fails to comply with the advice that the installations should be sensitive to the design and appearance of the building.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This matter has already been considered in the assessment of the proposed development under Policies 60 and 61 of the adopted Local Plan and it was considered that the proposal would not preserve the setting of the listed building.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications in conservation areas to have special regard to the desirability of preserving or enhancing the character or appearance of that area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted Local Plan and it was considered that the proposal would not preserve the character and appearance of the conservation area.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the refusal of planning permission in accordance with the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

The proposal involves the addition of three exterior antennae to the top of a category A listed chimney. Each antennae is approximately 1.2metres in height, placed in a vertical fashion and painted to match the existing paintwork. In addition an associated exterior mounted cable tray is required to run the full vertical height of the chimney on its north side with a second tray wrapping round the chimney on three sides, The cable trays are to be painted to match the existing paintwork.

It is considered that the cable trays and antennae would detract from the large plain finish of the chimney and wall and interrupt the horizontal detailing and string courses of the chimney.

The proposal also involves the installation of ground mounted cabinets at a bin store. These cabinets are of a standard industrial design and offer no positive design features for the conservation area, however, they are mounted in a location which renders them largely unseen from the public areas and nearby housing, except from the roadway/footway to the immediate south west.

CONCLUSION

It is considered that the cable trays and antennae would detract from the large plain finish of the chimney and wall and interrupt the horizontal detailing and string courses of the chimney.

The proposal also involves the installation of ground mounted cabinets at a bin store. These cabinets are of a standard industrial design and offer no positive design features for the conservation area, however, they are mounted in a location which renders them largely unseen from the public areas and nearby housing, except from the roadway/footway to the immediate south west.

RECOMMENDATION

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

Reasons

- 1 The proposed development would have a detrimental impact on the character and appearance of the Trottick Conservation Area because it would be located on a prominent highly visible centrally located site and disrupt views of the principal elevations of the chimney. As such it is contrary to Policy 61 of the adopted Dundee Local Plan Review 2005 and the Statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify the approval of the application contrary to the provisions of the Development Plan.

- 2 The proposed development would have a detrimental impact on the setting of the Category A listed building because it would be mounted on the exposed and highly visible faces of the chimney. As such it is contrary to Policy 60 of the adopted Dundee Local Plan Review 2005 and the Statutory duty set out in Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify the approval of the application contrary to the provisions of the Development Plan.