

**KEY INFORMATION**

Ward The Ferry

**Proposal**

The installation of a shared telecommunications base station comprising a 15 metre high slimline street furniture column, incorporating 3 No shrouded antennas, 2 No equipment cabinets and ancillary development.

**Address**

Footpath at 118 Forthill Road  
Broughty Ferry  
Dundee

**Applicant**

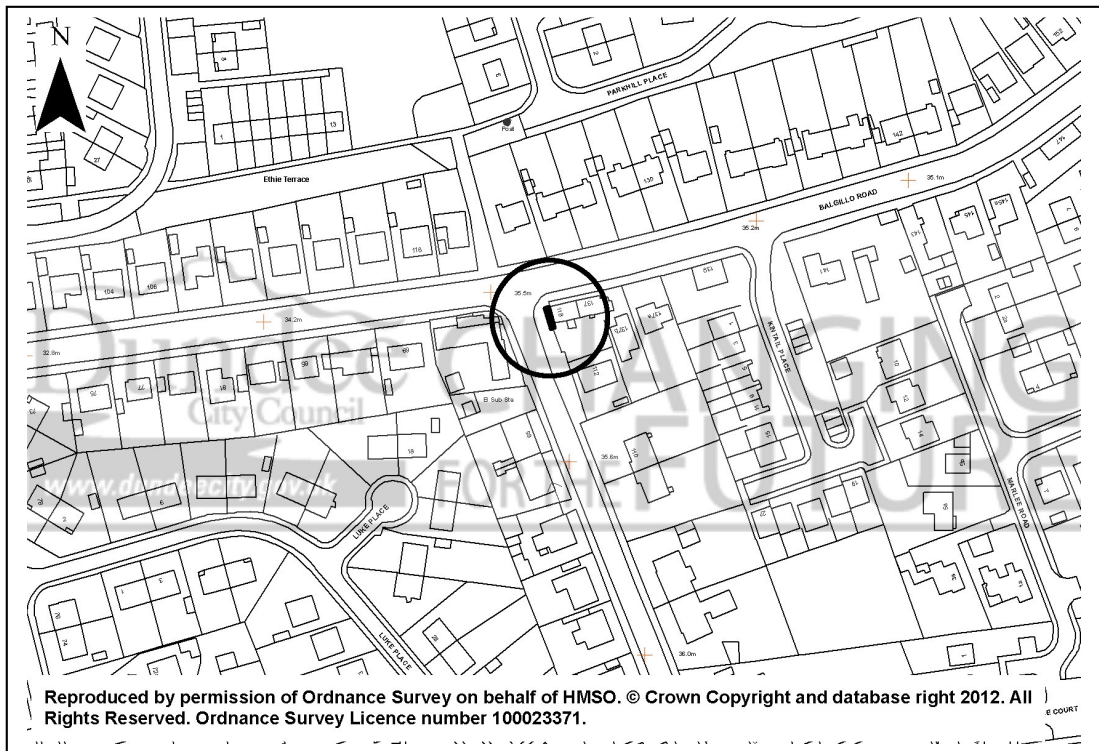
Telefonica UK Ltd  
260 Bath Road  
Slough SL1 4DX

**Agent**

Galliford Try Communication  
Paul Street  
Crab Lane  
Fearnhead  
Warrington WA2 0XR

Registered 8 March 2012

Case Officer P Frickleton



# Telecom Mast proposed at Forthill Road

The installation of a shared telecommunications base station comprising a 15 metre high slimline street furniture column, incorporating 3 No shrouded antennas, 2 No equipment cabinets and ancillary development is **RECOMMENDED FOR REFUSAL**. Report by Director of City Development.

**RECOMMENDATION**

The proposed development fails to comply with the relevant policies of the Development Plan. There are no material considerations that would justify approval of this application contrary to the provisions of the Plan. The application is therefore recommended for REFUSAL.

**SUMMARY OF REPORT**

- Planning permission is sought for the installation of a 15 metre tall telecoms mast supporting Vodafone and Telefonica 3G antenna within a GRP shroud and 2 ground based equipment cabinets. The site lies on the adopted footway to the west of 118 Forthill Road.
- The proposal falls to be considered under Policy 1 (Vibrant and Sustainable Communities) and Policy 78 (Location of Telecommunications Equipment) of the Dundee Local Plan Review 2005 and the Council's Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus.
- The Council has followed the statutory neighbour notification procedures stipulated by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and the application was advertised in the local press. As a result 24 letters of objection have been received from neighbouring residents concerned about residential amenity; traffic/pedestrian movements; health concerns and policy issues.
- In accordance with the Council's mandatory scheme of delegation this application requires to be reported to the Development Management Committee for determination as the site is owned by the City Council.

## DESCRIPTION OF PROPOSAL

This application seeks planning permission for the installation of a shared telecommunications base station comprising of a 15 metre high slimline street furniture column, incorporating 3 shrouded antenna, 2 equipment cabinets and ancillary development.

There is an existing Telefonica base station located on the north side of the A92, close to the junction with the B978 Baldovie Road. The proposal will replace the Telefonica 2G and 3G coverage that will be lost with the decommissioning of that site. In addition, it will provide the opportunity for Vodafone to provide 3G network coverage and capacity to the local area.

The existing base station is being decommissioned as part of a rationalisation of the Telefonica estate. There is an existing Vodafone site at Kolfor Plant Ltd in West Pitkerro Industrial Estate which has been upgraded to incorporate Telefonica apparatus. This upgrade, together with the application proposal will meet Telefonica's network coverage and capacity requirements for the area. With the shared base station at West Pitkerro Industrial Estate, the existing lattice tower, to the north of the A92, will not provide the necessary coverage to the area. The required coverage for both Vodafone and Telefonica will be achieved with the application proposal (together with the existing installation at West Pitkerro Industrial Estate).

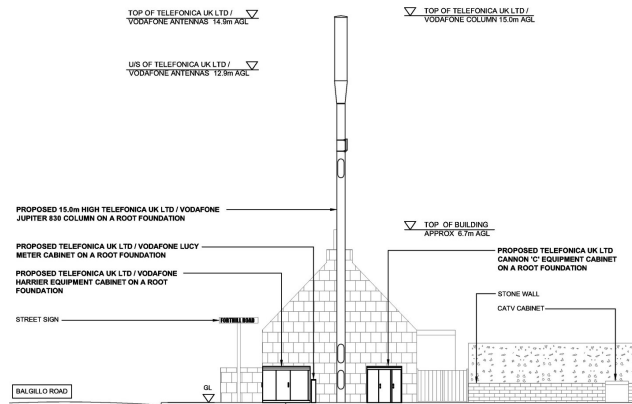
The applicant has submitted supporting information in the form of a design statement, site specific supplementary information, coverage plots and the required ICNRP certificate.

In accordance with the Council's mandatory scheme of delegation this application requires to be reported to the Development Management Committee as the applicant has certified that the site is owned by the City Council.

## SITE DESCRIPTION

The site lies on the adopted footway at the corner of Balgillo Road and Forthill Road, to the west of 118 Forthill Road. The area is predominantly residential in nature

with Forthill Primary School, a playground and tennis courts in close proximity to the south. The area is characterised by mainly single and two storey dwellings.



PROPOSED SITE ELEVATION

## 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.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

The Scottish Planning Policy 2010.

PAN 62: Radio Telecommunications.

## Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007.

## SUSTAINABILITY ISSUES

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

## SITE HISTORY

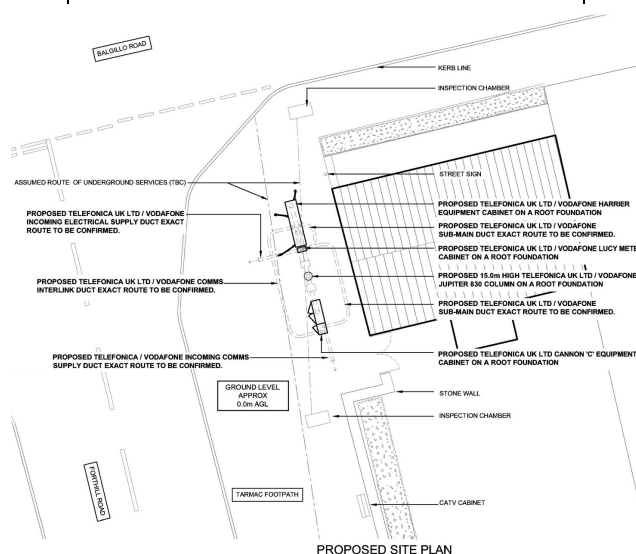
There is no relevant planning history.

## PUBLIC PARTICIPATION

The Council has followed the statutory neighbour notification procedures stipulated by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and the application was advertised in the local press. As a result 24 letters of objection have been received from neighbouring residents concerned about residential amenity; traffic/pedestrian movements; health concerns and policy issues.

An additional petition and 20 standard letters of objection were received which could not be taken into account as they did not state the planning grounds for objection.

Members will already have had access to the objection letters and the points raised are considered in the Observations Section of this Report.



PROPOSED SITE PLAN

Policy 78: Location of Telecommunications Equipment

## CONSULTATIONS

No adverse comments were received from any of the consultees.

## OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless other material considerations indicate otherwise.

### 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** - The policy requires the development to seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of:

**Design** - the proposed mast is a 15 metre tall standard street works monopole with a GRP shroud containing 3 antenna for Vodafone and Telefonica UK Ltd.

The colour of the column is not specified, but the agent has specified that it will have an unpainted galvanised finish, or alternatively can be painted any colour agreeable to the Council. The agent confirms that this is the smallest structure which could be used.

The agent confirmed that the design has been chosen on the grounds that given the absence of buildings or other structures on which to locate apparatus, a ground based installation is appropriate. In order to minimise impact, a slim column has been selected, of a design that is typically located in highway verge locations. It is a design that can be accommodated successfully in locations where screening by trees is limited or non-existent. The agents states that whilst the area is primarily residential in character, Balgillo Road is a local distributor route with tall 10 metre high street lighting columns, bus shelters and occasional non-residential uses, including the general store located opposite the application site. Having regards to these factors the agent considers the design will not look out of place in its proposed location.

It is considered by the Council that the proposal will be out of character with the area by reason of its design and scale. This is a residential area characterised by mainly single and two storey dwellings, the site is in close proximity to a traditional cottage. The proposed mast will be in a prominent location visible from a wide area and with no street furniture of a similar scale in close proximity against which it could be viewed. The justification provided by the agent is considered insufficient to approve a mast at this location.



**Layout** - the 15 metre high mast will be located 1.6 metres from the western gable of the nearest house to the east, which is a traditional cottage with a ridge approximately 6 metres high. The structure will totally dominate this property to an unacceptable degree. The mast is considered to be insensitively located in such close proximity to the residential area.

In terms of parking and traffic movements, given the width of Forthill Road there shall be no impact upon the movement of pedestrians or traffic.

With regards to noise or smell, the proposed telecommunications installation shall not impact upon the level of environmental quality afforded to neighbouring properties.

It is considered that the design and location of this proposed mast would have an adverse impact on the environmental quality enjoyed by local residents and there is no mitigation which will minimise this impact. Accordingly it is considered that the development fails to meet Policy 1 of the Dundee Local Plan Review 2005 for these reasons.

Policy 78: Location of Telecommunications Equipment - The

policy encourages operators to mast share. The proposed mast will accommodate antenna from two operators providing 3G network coverage to this area of the city.

Where mast share is not a feasible proposition, applications will be assessed with the objective of minimising the environmental impact on the city. As this is a mast share proposal, the environmental impact is not assessed under Policy 78.

This policy also states that the Council's supplementary policies ("Non Statutory 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 of this report headed Other Material Considerations.

It is considered that the applicant's agent has satisfied the relevant requirements of Policy 78 (Location of Telecommunications Equipment) of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that the proposal complies with Policy 78 but does not comply with Policy 1 of the Dundee Local Plan Review 2005. It therefore 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:

#### A - Supplementary Planning Guidance

Non-statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007.

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

The supporting information states that the proposal is to provide 3G network coverage for this part of the city. On average, 3G cells are required to be

located between 500 and 1,000m from each other.

Prior to the submission of this application, a number of alternative sites were investigated and the application site chosen as the preferred site. The agent has provided an assessment of alternative sites as follows:

- 1 Area of footpath or grass verge at Balgillo Road East - This option was identified as accommodating a slim column with good separation from dwellings and where hedges, shrubs and trees could limit visual impact from a number of viewpoints. However, it was rejected due to the greater distance to the site which is to be decommissioned meaning that a taller column than the preferred option would be necessary.
- 2 Orange Telecommunications Base Station, Campfield Shopping Centre, Nursery Road - Too far from the target area to enable coverage requirements to be met. Adjacent neighbouring Telefonica site.
- 3 Arqiva Site, Broughty Ferry TE, Monifieth Road - Too far from the target area to enable coverage requirements to be met.
- 4 Vodafone Base Station, Fettercairn Drive - Too far from the target search area to enable coverage requirements to be met for Telefonica. Vodafone's requirements in the area would also not be met.
- 5 Forthill Sports Centre, Fintry Place - A base station at this site has been discounted following the dismissal of the recent appeal in August 2011 (PPA -180-2016).
- 6 Area of Footpath, Forthill Road - This location was considered more sensitive a location than the preferred option because of the proximity to a school and play area.
- 7 Balgillo Road - Despite carrying out searches along Balgillo Road the applicants were unable to identify a suitable site.

The supporting statement refers to the slim column design designed for highway verge locations. The column will be 15 metres high and will be sited against the gable of the adjacent

dwellinghouse. Located on a local distributor route the installation will be seen along with other tall vertical structures in the street scene, namely 10 metre high street lighting columns.

The agent considers that all options have been assessed and this site should be sufficient to over ride the policy findings and any other material considerations. While the applicant has submitted reasoning why some alternative sites are not suitable for the proposed development it is considered from the assessment of the proposals against the requirements of Policy 1 of the adopted Local Plan above that the applicant has failed, in the Council's opinion, to justify the location or design of the proposed 15 metre high telecommunications mast on the application site.

This is clearly a difficult location within which to site telecommunications equipment but the applicant has not demonstrated that every possible alternative has been investigated sufficiently rigorously to support the installation of the proposed 15 metre mast in the location indicated.

It is considered that the proposals therefore fail to satisfy the requirements of Policy 1 of the Council's Non Statutory Planning Policies in relation to telecommunications and Other apparatus November 2007.

Policy 2: Residential Areas. The Policy states that there will be a general presumption against the siting of free standing masts within or immediately adjacent to existing residential areas. However, 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.

As considered under Policy 1 of the Dundee Local Plan Review 2005, the mast is of a design and scale that is out of character with the surrounding area. Consequently the proposed telecommunications installation would adversely impact the level of environmental quality afforded to neighbouring residential properties. The proposed mast is not considered to be sensitively sited and designed. The proposals therefore fail to satisfy the requirements of Policy 2 of the

Council's Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007.

Policy 15: Mast Sharing and Design Issues. The Council will encourage opportunities for mast sharing subject to satisfactory location and design.

The proposals seek planning permission for mast sharing apparatus on the application site. However, given the Council's concerns, as detailed above, relating to the scale and design of the proposed mast in relation to the surrounding residential area, the proposed telecommunications mast is not considered appropriate for the application site.

The proposals therefore fail to satisfy the requirements of Policy 15 of the Council's Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007.

The proposed development does not comply with the relevant policies contained within the Council's Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus Nov 2007.

## **B - National Policy and Guidance**

SPP 2010 and PAN 62 require telecommunications equipment to be designed and positioned as sensitively as possible.

It is considered that the preceding observations demonstrate that this requirement has not been met in this particular case.

The proposals therefore fail to adhere to the guidance contained within the Scottish Planning Policy 2010 and PAN 62.

## **C - Supporting Information**

The applicant's agent has submitted the necessary ICNIRP Certificate with regard to the operation of the mast and a statement of justification in support of the application.

Coverage plots have been submitted as part of this planning application in order to demonstrate that within the vicinity of the application site there is an operational requirement for a telecommunications installation involving the erection of 3G antennas to provide effective network coverage for Telefonica 3G and Vodafone.

Mobile phone use is a fact of modern life and 3G coverage requires masts to be located between 500m and 1000m apart. Where they can be located closer to busy road with taller street furniture, larger buildings or can be partly screened by trees, they can be less obtrusive. However, in this location, a mast 15 metres high will be very obtrusive for the reasons given earlier in this report.

## D - Representations from the Public

24 letters of objection have been received from neighbouring residents concerned about:

### Residential Amenity:

- The mast is of a design and height that will dominate the streetscene.
- It will detract from and adversely affect the amenity of the locality.
- Out of character.
- Lack of screening.
- Proximity to residential properties - proposals are invasive and intrusive.
- Loss of view.
- Noise nuisance.
- Reduction in property values.

These concerns have been addressed in the assessment of the application under Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005 and the Council's Non-statutory Planning Policies in Relation to Telecommunications and Other Apparatus November 2007.

Concerns relating to loss of view and reduction in property values are not material planning considerations and as such have not been taken into account in the assessment of the proposals against the Development Plan.

### Traffic/Pedestrian Movements:

- Busy junction.
- Limited footpath width which is already congested.
- School crossing point.

These issues have been noted and have been addressed in the assessment of the application under Policy 1 (Vibrant

and Sustainable Communities) of the Dundee Local Plan Review 2005.

### Health Concerns:

- Health hazard.
- Stewart Report - biological affects and irradiation.

A number of objectors also included concerns about the health impact of mobile phone masts in their letters. These issues have been widely discussed by Government and other bodies. However the SPP 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.

An ICNIRP certificate has been submitted and it is not considered that there are any exceptional circumstances here that would justify refusing the proposed development on health grounds.

### Policy Issues:

- Proposals contrary to PAN 62 and PPG19.
- Contrary to Development Plan Policies and Non-statutory policies.

These concerns have been discharged elsewhere in the report, however it is noted that PPG19 has been revoked.

It is concluded from the foregoing that the material considerations weigh against the proposed development. It is therefore recommended that planning permission be refused in accordance with the Development Plan.

## Design

The design issues are addressed in the report. In brief a 15 metre high mast with antenna in a GRP shroud is proposed to be located approximately 1.6 metres from the western gable of the nearest house to the east, which is a traditional cottage with a ridge

approximately 6 metres high. The structure will totally dominate this property to an unacceptable degree. The Council considers that the proposed mast will be out of character with the area by reason of its design, scale and location and will have an adverse impact on the environmental quality enjoyed by local residents by reason of design and layout.

## CONCLUSION

The importance of mobile telephone services to the economic and social life of the community is recognised, and the difficulties of locating telecommunications masts in suburban areas are a recurring feature of recent planning applications. This area is residential in nature with a playground, tennis courts and school in close proximity. The need to upgrade the services to provide 3G coverage for modern smart phones adds increased difficulties as masts must be between 500m and 1,000m apart.

The proposed mast will be 15 metres tall and contain antenna for 2 separate operators which will provide a 3G service to the local area. Alternative sites were investigated but this was considered by the applicants to be the best solution, given the location and distance from target search area of some of the surrounding sites. The application site lies within a predominantly residential area. The development fails to comply with Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005, Policies 1, 2 (Residential Areas) and 15 (Mast Sharing and Design Issues) of the Council's own Non-Statutory Policies and the National Planning Guidance in SPP 2010 and PAN 62.

## RECOMMENDATION

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

### Reasons

- 1 The proposed development is contrary to Policy 1 - "Vibrant and Sustainable Communities" of the Dundee Local Plan Review 2005 due to the unacceptable adverse environmental impact on the area by reason of the scale, design and location of the structure. There are no material considerations that would justify

- a departure to the provisions of the Development Plan in this instance.
- 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 the applicant has failed to provide sufficient justification for the proposed development and has failed to investigate all alternative sites and designs in order to minimise the visual impact of the proposals.
  - 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 there is a general presumption against the siting of free standing masts in residential areas and the proposal is not considered to be an exception to that policy as it is not sensitively located and designed.
  - 4 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 scale and design of the shared mast is considered to be out of character with the surrounding area and to be insensitively located in the residential area.