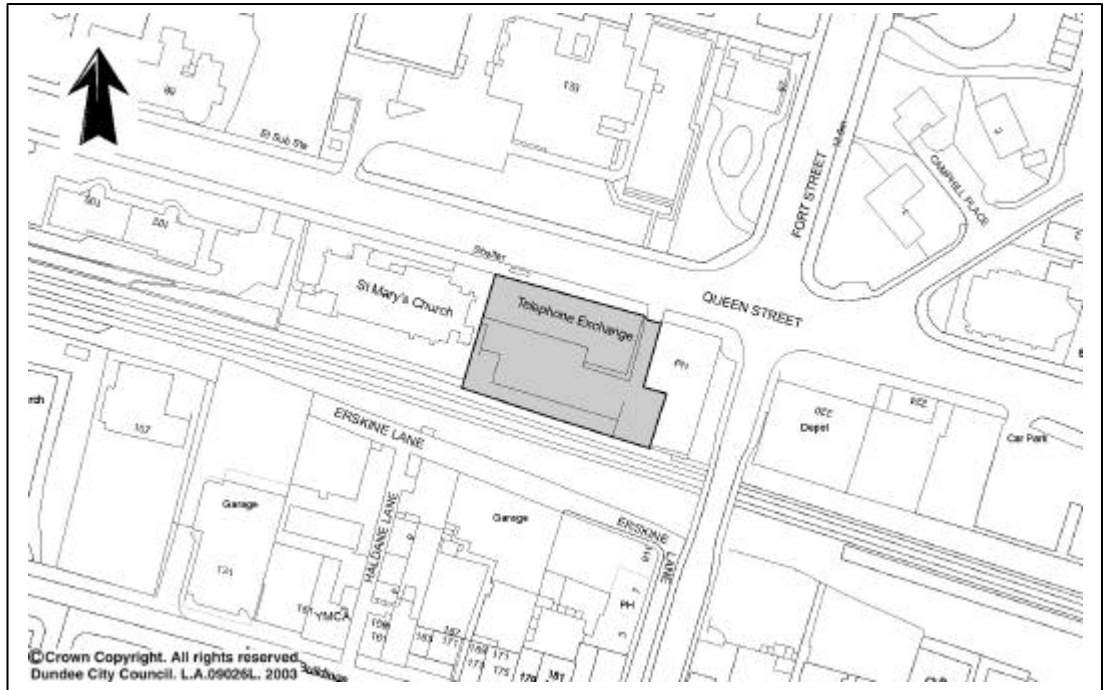


KEY INFORMATION**Ward** Broughty Ferry**Proposal**
Temporary 18m high
moveable mast**Address**
Telephone Exchange
Queen Street
Broughty Ferry
Dundee DD5 1AD**Applicant**
Crown Castle (UK) Ltd
C/o Stappard Howes
122 Dundyan Road
Coatbridge ML5 1DE**Agent**
Stappard Howes
122 Dundyan Road
Coatbridge
ML5 1DE**Registered** 7 September
2004**Case Officer** J Finlay

Temporary Phone Mast proposed at Telephone Exchange at Queen Street

The Temporary 18m high moveable mast is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed mast would detract from the setting of a listed building, from the Grove Conservation Area and from the amenities enjoyed by nearby residents, thereby contravening Policies of the adopted and Finalised Local Plans. The application is therefore recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought to erect an 18m high temporary, moveable telecommunications mast to the rear of the telephone exchange building at Queen Street, Broughty Ferry. The equipment is for Airwave mmO2 and is designed to meet the needs of the police and other public safety organisations.
- The site is in the Grove Conservation Area and there are listed buildings to the east and west. There are 2 existing sets of telecommunications antennae on the roof of the telephone exchange building, which have been shrouded to resemble chimneys.
- 9 letters of objection and one petition with 12 signatures were received from members of the public raising mainly health concerns, visual impact of the mast on the adjacent listed buildings and surrounding area and insufficient search for alternative sites. Broughty Ferry Community Council objected regarding the adverse effect on the listed buildings and conservation area.
- NPPG19 advises that it is not necessary for planning authorities to treat radio frequency emissions as a material consideration. An appropriate ICNIRP certificate must accompany any planning application and this has been correctly submitted in this case.
- It is considered that the proposed development will have an adverse impact on the visual amenity of the conservation area, the setting of the B-listed St Mary's church, and the adjacent C(s) listed building. It fails to comply with Policy 1 of the Finalised Plan and with some of the Council's Non Statutory Planning Policies on Telecommunications Apparatus for similar reasons.

DESCRIPTION OF PROPOSAL

Temporary planning permission is sought to erect an 18m high telecommunications mast to the rear of the telephone exchange building. The structure will be in the form of a slimline monopole guyed to a base with the entire structure being mobile. It will accommodate 2no. airwave antennas and 1no. GPS antenna. This will be accompanied by a temporary equipment cabinet to the north of the mast. The cabinet will be 3m high and the base will be 2.8m wide by 2.8m long. It is proposed to paint all the antennas and cabinet light grey.

The equipment is for Airwave mmO2 and is designed to meet the needs of the police and other public safety organisations. Among the principal benefits of the service are:

- Digital voice qualifier (superior to that achievable on current analogue systems), much faster call connection and the filtering out of ambient noise;
- Encryption facilities designed to prevent unauthorised monitoring of police calls;
- A one-touch HELP button to summon assistance;
- Extensive geographical coverage (in car coverage on all metalled roads and hand-portable coverage in areas of population density), including previously hard to reach locations.

It is anticipated that the new benefits will provide more effective use of control room resources when dealing with complex incidents within and between forces. 100% geographical coverage is required across the country by 2005.

The applicants have submitted additional supporting information including their consideration of 8 alternative sites. Four of these sites were not technically feasible, three were not acceptable in planning terms and the owner at the 8th site did not wish to enter into negotiations.

SITE DESCRIPTION

The site comprises Broughty Ferry Telephone Exchange including a rear

service yard and car park. The telephone exchange is a modern building with a flat roof and appears as a 2 storey building on a plinth from Queen Street and a 3 storey building from the rear. There is a split level with the stair tower sitting at a half level below the main building. The principal finishing material is a white smooth render.

There is a chimney and some roof plant on the roof above the stair tower. There is telecommunications equipment on the building in the form of 3 antennae strapped to the chimney and 3 separate antennae on the roof, which have been shrouded to resemble chimneys.

To the east of the site is the Post Office Bar, a 2 storey stone and slate building which is Category C listed. To the



west is the Category B listed St Mary's Church. To the north, on the opposite side of Queen Street, is a dwelling at 97 Fort Street and new housing at the site of the former Limb Fitting Centre. To the south of the site is the Dundee to Aberdeen railway and then commercial premises on Erskine Lane.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

Policy BE31

Application No 04/00739/FUL

Proposals for telecommunications developments will be assessed against the following criteria:

- a Proposals will be assumed to carry an operational justification, but in cases where there is good reason to anticipate a general proliferation and resultant clutter in the local landscape, the planning authority retains discretion to explore this justification.
- b There are no satisfactory alternative sites available.
- c There is no reasonable prospect of sharing existing facilities.
- d For radio masts there is no reasonable possibility of erecting antennae on an existing building or other structure
- e The development should avoid conflict with other policies or proposals of the Local Plan, Structure Plan etc.

The site is in a conservation area and Policy BE11 of the Local Plan requires development proposals to complement and enhance the character of the surrounding area.

Policy H1: Within areas where residential uses predominate, developments will be permitted where they do not adversely affect the environmental quality

enjoyed by local residents by reason of design, layout, parking and traffic movement issues, noise or smell.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities. New development should seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of a number of factors including design.

Policy 78: Location of Telecommunications Equipment.

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".

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 (referring to PAN62) and states that proposals affecting the setting of listed buildings and conservation areas need very careful consideration.

Planning Advice Note 62: Radio Telecommunications

This provides best practice advice on the process of site selection and design and illustrates how the equipment can be sensitively installed. It states that in conservation areas and at sites affecting the setting of listed buildings it is particularly necessary to take steps to disguise or conceal equipment.

Non Statutory Statements of Council Policy

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

The following are of particular relevance:

Policy 1: There should be an assessment of the cumulative impact of individual proposals where other telecommunications developments are present nearby and there should be an analysis of the proposals environmental impact in relation to statutorily designated protection (such as conservation areas).

Policy 2: There will be a general presumption against free standing masts and ground based apparatus within or immediately adjacent to residential areas. However exceptions to the general presumption may be made where the proposal is sensitively sited and designed and where the operator has demonstrated that it is the most appropriate location.

Policy 4: Within District Centres there will be a general presumption against the erection of free standing mast structures and associated ground based apparatus.

Policy 9: There will be a presumption against proposals which are considered to

adversely affect the setting of a listed building.

Policy 11: There will be a general presumption against the location of ground based masts and apparatus within conservation areas where by virtue of their location and design, they are considered likely to adversely affect the setting of the conservation area.

Policy 12: Rooftop structures in conservation areas will be acceptable where the character of the building and the surrounding area is complemented and enhanced and residential amenity is not compromised.

LOCAL AGENDA 21

Key Theme 7 requires that access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all.

SITE HISTORY

Planning permission was granted for 3 BT Cellnet antennae on the chimney in February 2000 - application ref. no D24320 refers. This consent has been implemented.

Planning permission was granted for 3 antennae to be concealed as small chimneys in April 2002 - application ref. no 02/00273/FUL refers. The

poles have been erected and the shrouds to mask them as chimneys.

An application was made by Crown Castle in October 2003 for three antennae on the rooftop. It was being referred to Committee with a recommendation for refusal and was subsequently withdrawn by the applicant.

Planning permission was refused on 30th August 2004 for the erection of 3 antennas on the rooftop of the telephone exchange by Crown Castle.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as affecting the setting of listed buildings and the conservation area. 9 letters of objection were received and one petition with 12 signatures (copies available for inspection in the Members Lounges). The objectors are concerned about the visual impact of the mast on the surrounding conservation area and listed buildings, health issues and the visual amenity enjoyed by nearby residents.

These concerns are considered in the Observations section of this Report.

CONSULTATIONS

Broughty Ferry Community Council object to the application as they consider that the mast will detract from the setting of the adjoining listed buildings and conservation area as it will be almost 3m higher than the existing 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.

In terms of Policy BE31 the proposal has an operational justification and alternative sites have been considered and rejected by the applicants. The Policy encourages mast/site sharing where possible. In this case the proposal is for a free-standing mast adjacent to the building. Although temporary permission is sought, it is considered contrary to the policy.

The site is located within a conservation area and between two listed buildings. Policy BE11 requires developments to complement and enhance the character of the surrounding area. Policy H1 specifies that developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by reason of design.

In this case it is considered that the proposed development will have an adverse impact on the visual amenity of the conservation area and, as such, is contrary to Policy BE11. It is further considered that it will detract from the setting of St Mary's Church which is a category B-listed building and will detract from the visual amenity enjoyed by nearby residents and is therefore contrary to Policy H1. Although there are existing antennas on the rooftop of the telephone exchange building, three of these have been shrouded to imitate chimneys and the proposed antennas will extend approximately 3m above the existing rooftop. It is considered that the cumulative impact of the existing and proposed antennas would have an adverse impact on the visual amenity of the conservation area, setting of the listed buildings and visual amenity enjoyed by neighbouring residents.

It is concluded from the foregoing that the proposal is contrary to Policies BE31, BE11 and H1 of the adopted Local Plan.

Other Material Considerations

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

Finalised Dundee Local Plan Review

Policy 1 reiterates the advice in Policy H1 of the Adopted Local Plan and it is considered that the proposal is contrary to this Policy for the same reasons.

Policy 78 encourages mast sharing and as discussed above, the proposal is for a free standing mast. The Policy also

says that alternative locations and design should be investigated. The applicant considered eight other locations as discussed in the "description of the proposal" and these were ruled out for technical reasons, planning reasons and an inability to acquire the site. The applicant previously submitted information to prove that they considered other mast designs within the grounds of the Telephone Exchange building. At that stage they concluded that there is not enough space within the site to accommodate a ground based lattice mast, ground based monopole, ground based timber monopole or ground based flagpole.

The proposal was assessed in terms of the Council's Non Statutory Policies, which are a material consideration in terms of Policy 78. The proposal is contrary to Policy 1 as there will be an adverse, cumulative visual impact of the existing and proposed antennas.

Policies 2 and 4 specify that there will be a general presumption against the siting of free-standing masts within residential areas and District Centres. Although the current planning application is for a temporary period, it is contrary to these policies.

Policy 9 is relevant and the proposal does not comply as it will have an adverse visual impact on the setting of the adjacent listed buildings. Furthermore, it is contrary to Policies 11 and 12 as it will have an adverse effect on the conservation area.

It is concluded that the proposal is contrary to Policies 1 and 78 of the Finalised Dundee Local Plan Review.

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. More environmentally sensitive solutions can be achieved through the greater use of smaller and less visually intrusive equipment with less conspicuous fittings. All the components of the proposed development should be considered together, and sited and designed to minimise visual impact. It is considered that this advice has not been taken on board with this proposal.

The two documents also set out a series of options for operators to consider when locating apparatus. It is considered that the proposal does not comply with the options outlined.

Objections

Many of the points of objection have already been addressed within the report such as the visual impact of the proposed mast on the immediate and surrounding area and it has been concluded that such impact will be unacceptable.

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. Therefore concerns about health matters are not considered valid planning matters in this case.

The equipment is for Airwave mm02 and is designed to meet the needs of the police and other public safety organisations. Whilst the importance of this service within Broughty Ferry is acknowledged, the adverse visual impact of the proposal on the area is considered to carry more weight in these circumstances.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations to justify the refusal of planning permission. It is therefore recommended that planning permission be refused.

DESIGN

The design of the proposal is considered to be visually prominent at this location and unacceptable as it is adjacent to listed buildings and within a conservation area.

CONCLUSION

It is concluded that the proposal is contrary to the relevant policies in the Dundee Local Plan 1998, Finalised

Local Plan Review and National Policy. A substantial number of objections were received and it is considered that they carry sufficient weight to justify refusal of the application. Therefore the application is recommended for REFUSAL.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):-

Reason

- 1 The proposed mast would be visually prominent above this building and would detract from the setting of St Mary's Church, a Category B listed building, from the Grove Conservation Area and from the amenities enjoyed by nearby residents, thereby contravening Policies BE31 (E), BE11 and H1 of the adopted Dundee Local Plan 1998 and there are no material considerations which would justify the approval of this application contrary to the provisions of the development plan.
- 2 The proposed mast would be visually prominent above this building and would detract from the setting of St Mary's Church, a Category B listed building, from the Grove Conservation Area and from the amenities enjoyed by nearby residents, thereby contravening Policy 1 of the Finalised Dundee Local Plan Review, Policies 1,9 and 10 of the Councils "Non Statutory Planning Policies in Relation to Telecommunications and Other Apparatus" and the statutory duties under Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the protection of the setting of listed buildings and the character or appearance of conservation areas.