

KEY INFORMATION

Ward Riverside

Proposal

Installation of 12.5m telecommunications mast & 2 equipment cabinets

Address

Land to West of Bowling Green, Blackness Road Dundee

Applicant

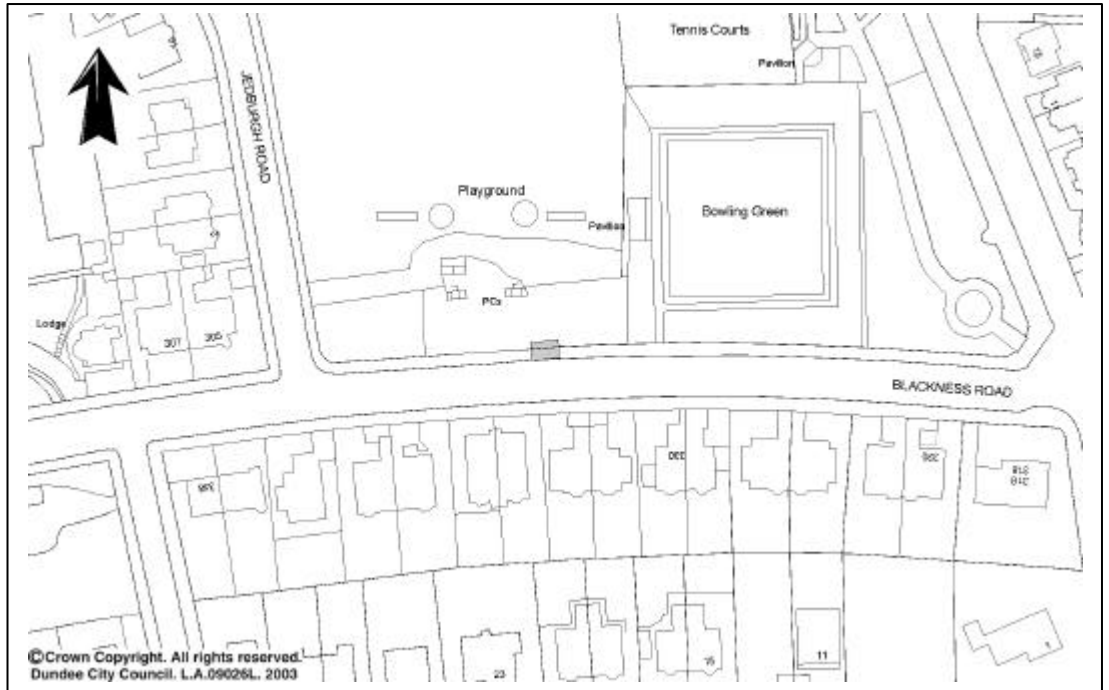
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Registered 14 September 2004

Case Officer E Jones



Proposed Phone Mast in Blackness Road

The Installation of 12.5m telecommunications mast and 2 equipment cabinets is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal fails to comply with Policy BE31 of the Dundee Local Plan 1998 and Policy 78 of the Finalised Dundee Local Plan 2003. The objections on the grounds of visual appearance are supported. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought to erect a 12.5 metre high telecommunications mast and 2 associated ground based cabinets on the footway to the west of the Bowling Green, at Blackness Road, Dundee. The proposed pole is a monopole but has the appearance of a telegraph pole.
- The mast is required to give comprehensive, third generation coverage for the existing O2 telephone network in this part of the City. The application is supported by the required technical certificate and the justification for the site selection identifies two alternative sites which were considered but rejected. There is no clarification of the technical reasons why an alternative site at a telephone exchange was refused. No other sites appear to have been considered.
- The site lies adjacent to a public park which has a children's play area and bowling green. The nearest house is 15 metres to the south. The site lies immediately adjacent to the northern boundary of the West End Suburbs Conservation Area. The site is prominent when viewed from Blackness Road.
- It is considered that the proposal fails to comply with Policy BE31 of the Dundee Local Plan and Policy 78 of the Finalised Dundee Local Plan 2003 in terms of the justification for the site selection, the visual impact of the mast and its location close to the public park and the Conservation Area.
- Four objections were received. The objections on health grounds cannot be supported. The objections on grounds of visual appearance and impact on the Conservation Area are supported.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a 12.5 metre high telecommunications mast and associated equipment on the footway to the west of the Bowling Green, Blackness Road, Dundee. The proposed mast is a monopole with the appearance of a telegraph pole. 2 equipment cabinets will be located adjacent to the pole, on the edge of the footway, between two existing trees. The application is supported by supplementary information and the necessary technical certificates.

2 alternative sites have been considered but rejected on grounds of appearance and technical difficulties.

SITE DESCRIPTION

The site lies within a residential area around Blackness Road and Victoria Park. There are substantial semi-detached houses of traditional stone construction on the south side of the road and to the west on Jedburgh Road. The nearest house is 15 metres away. The bowling green lies to the east and a pavilion, toilets and children's play area lie an average of 20 metres to the north. There is a belt of mature trees bordering the play area. Parkview School, which has residential pupils, lies 100 metres to the west.



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: Proposals for telecommunications developments will be assessed against the criteria in the policy.

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.

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".

Policies 1, 2, 7 and 11 are of particular relevance and are considered in respect of Policy 78 below.

LOCAL AGENDA 21

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.

SITE HISTORY

There is no relevant planning history.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 4 objections were received. Objections are on the grounds of potential health risks to children using the play park and to residents, loss of visual amenity and impact on the Conservation Area. Copies are available for inspection in the Members' Lounges.

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

CONSULTATIONS

The Council's Arboricultural Officer advises that the ground based cabinet is located within the canopy of the

Policy 78: Location of Telecommunications Equipment. This policy has recently been modified. In general, 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

adjacent tree and its construction is likely to have a detrimental impact on the health of the tree.

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, an application should comply with 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, National Guidance etc.

The proposal has an operational justification and the site is required to provide third generation coverage for the existing O2 telephone network as required by the terms of their licence. Two alternative sites were rejected. One was a more prominent location with less screening and tree background, although it would be further away from the play area. The other had build problems relating to the proposed site on an existing

telephone exchange but this has not been detailed. No other alternatives appear to have been considered. Detailed coverage maps have not been provided to justify the selection of this location. Given the prominence of the site it is considered that the supporting justification does not demonstrate that this site is the only location for the mast and the proposal fails to comply with Policy BE31.

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. It is considered that the mast will detract from the visual appearance of the existing site because of its height and location. The two trees on either side of the proposed mast are 5 metres and 7 metres high and there is a 10 metre high lamppost, 15 metres to the east. However, the site is on the rising ground and the mast will be clearly seen against the skyline when approached from either direction along Blackness Road. The backdrop of trees is only a partial screen when the mast is viewed from across the street.

It is concluded from the foregoing that the proposal does not comply with Policies BE31 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 does not comply with this Policy for the same reasons.

Policy 78 encourages mast sharing. There is no supporting information to explain why the existing telephone exchange is unsuitable. The proposal was assessed in terms of the Council's Non Statutory Policies, which are a material consideration in terms of Policy 78.

Policy 1: "There should be an assessment of the operational justification, alternative site and the options for mast sharing or use of buildings". This has been provided in part but is lacking detail and is not acceptable.

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". As detailed above the operator has submitted limited justification. The site is 15 metres from the nearest house, on the opposite side of Blackness Road. The mast is not considered to be sited sensitively or designed to reduce its impact.

Policy 7: "There will be a presumption against the location of telecommunications masts and related apparatus within existing public parks, existing or proposed open spaces, play areas and areas of designated or historic landscapes". The proposal lies on the footway immediately adjacent to an existing public park and close to the bowling green and children's play area. It is considered that the proposal does not comply with this policy.

Policy 11: "There will be a 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". The boundary of the West End Suburbs Conservation Area lies along Blackness Road, to the south of the application site. The mast will be viewed in the context of the setting of the Conservation Area by members of the public passing along the road. It is considered that by virtue of the height and location of the proposed mast against the skyline, it will detract from the character of the adjacent Conservation Area and is contrary to this policy.

It is considered that the proposal does not comply with these policies for the reasons stated above and therefore does not comply with Policy 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.

Objections

As detailed above, the objections relate to health matters and the visual impact of the proposed mast.

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 objections on health grounds cannot be supported in this case.

The objections also relate to the adverse visual impact of the proposal on the appearance of the area and the character of the Conservation Area. As noted above, it is considered that the proposed mast will have a detrimental impact on the character of the area. The objections are supported on this issue.

It is concluded from the foregoing that the development is not in accordance with the relevant policies in the development plan and is not supported by the material considerations of the Finalised Dundee Local Plan Review

and the Council's Non Statutory Policies. The objections with regard to the impact on the Conservation Area are supported. It is therefore recommended that planning permission be refused.

Design

The design has the appearance of a telegraph pole which is intended to reduce the visual impact of the development. However, this design is more suited to rural areas and the design is not considered to be acceptable in this location.

CONCLUSION

It is concluded that the proposal does not comply with the relevant policies in the Dundee Local Plan 1998, Finalised Local Plan Review and National Policy. The objections on health grounds cannot be supported but the objections on grounds of visual impact are supported. Therefore the application is recommended for REFUSAL.

RECOMMENDATION

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

Reason

- 1 The application is contrary to Policy BE 31 Telecommunications Developments of the Dundee Local Plan 1998 as it fails to satisfactorily justify the chosen location of the mast. There are no material considerations of sufficient strength to support the granting of planning permission contrary to the policy.
- 2 The application is contrary to Policy 78 Location of Telecommunications Equipment of the Finalised Dundee Local Plan 2003 and the Council's adopted Non-Statutory Planning Policies in Relation to Telecommunications and other Apparatus as it fails to satisfactorily justify the chosen location of the mast, the mast would be visually prominent and the site lies immediately adjacent to a public park and a Conservation Area.