

Perth and Kinross Council
Development Control Committee – 17 February 2010
Report of Handling by Development Quality Manager

Installation of 15m monopole supporting 3 Vodafone and O2 antennas within GRP shroud and ancillary equipment on footpath opposite the junction of Firbank Road and Burghmuir Road, Perth PH1 2AE

Ref No: 09/02081/FLL
Ward No: 10 Perth City South

Summary

This report recommends approval of the application for the installation of a 15m monopole supporting 3 antennas within a GRP shroud and ancillary equipment on the footpath, as complying with the relevant policies.

SITE DESCRIPTION AND PROPOSAL

- 1 The application site is located on the public footpath on the north side of Burghmuir Road, opposite the junction of Firbank Road. The site shall be positioned adjacent to the entrance to an existing church but the surrounding area is largely residential.
- 2 A similar application for the erection of a 14.2 metre high telecommunications monopole on the same site was refused at the 17 June 2009 Development Control Committee meeting. The grounds for refusal are set out in full in the history section of this report.
- 3 Full planning consent is now being sought for the erection of a 14.8 metre high telecommunications monopole supporting 3no 3G antennas within a GRP shroud. The proposals also include the installation of 2 equipment cabinets and 1 power cabinet on the footpath. The proposed mast shall now be shared by both Vodafone and O2, hence the larger size of the GRP shroud and the increase in overall height. The applicant has submitted an ICNIRP certificate with the application. This identifies that the proposed monopole complies with government safety guidelines for public exposure to radiofrequency radiation.

NATIONAL POLICY AND GUIDANCE

NPPG 19 Radio Telecommunications

- 4 NPPG 19 states that the planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radiofrequency (RF) radiation are controlled and regulated under the appropriate legislation by the Department of Trade and Industry (DTI) and the Radiocommunications Agency (RA). The Health and Safety Executive also have responsibilities. With these mechanisms in place, together with the arrangements set out below, the Scottish Government concludes that it is not necessary for planning authorities to treat RF emissions as a material

consideration. The role of the planning system is in addressing public concerns about the siting and design of mobile phone base stations.

- 5 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 radiofrequency radiation.

PAN 62 Radio Telecommunications

- 6 Planning Advice Note 62 expands on the contents of NPPG19 and provides information on:

- How radio telecommunication systems operate
- Radio telecommunications equipment
- Minimising environmental impact through good siting and design
- Local plans and supplementary guidance
- Development control

The PAN also suggests that monopoles are appropriate in design terms within urban areas by minimising contrast with their surroundings.

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Perth Area Local Plan 1995.

Perth and Kinross Structure Plan 2003

- 8 There are no strategic issues of relevance raised in the Perth and Kinross Structure Plan 2003.

Perth Area Local Plan 1995

- 9 Under the Local Plan the site lies within an area zoned for residential and compatible uses.

- 10 Policy 41: General Residential

This policy identifies that the site lies within an area designated for residential and compatible uses, where existing amenity will be retained.

OTHER POLICIES

The Council's Review of Planning Policy for Telecommunications Masts and Other Apparatus (February 2002)

- 11 This policy states that the Council will give favourable consideration to telecommunication masts or apparatus provided the operator can

demonstrate to the satisfaction of the Council the need for development in the location and form proposed. In the case of free-standing proposals and structures the operator should also:

- consider site/mast/apparatus sharing and provide justification if it is not possible.
- consider creating a facility which could form the basis for future mast/apparatus sharing and provide justification if it would not be possible.
- consider locations near existing structures.
- provide evidence that there is no reasonable possibility of erecting antenna on any existing buildings or other structures.
- provide information on alternative sites considered and why they were rejected.

- 12 Where there are no opportunities to site telecommunications equipment on buildings and rooftops in urban areas, there will be a preference for slim-line monopoles rather than the more bulky lattice masts. Such monopoles should be sited sympathetically and should be in scale with the urban fabric.

Site History

- 13 An application for the erection of a similar telecommunications mast on the same site was recently refused by a meeting of this committee on 7 June 2009 (Planning Reference: 09/00356/FUL). The reasons for refusal were given as follows:

- The proposed telecommunications mast will lead to an over provision of masts in the immediate area thereby causing an adverse impact on visual amenity by cluttering the street scene.
- The applicant has failed to demonstrate that they have fully exhausted mast sharing opportunities.

- 14 A similar application for a telecommunications mast on the footpath approximately 30m to the west of the application site was approved by a meeting of this committee on 14 June 2007 (Planning Reference: 07/00770/FUL). This mast has however never been erected although the consent is still extant. It should be noted that this consent was for a different operator than the two proposed to share the current proposal.

Consultations

- 15 The Head of Environmental and Consumer Services has no objections subject to any approval being made subject to a noise condition.

Representations

- 17 Two letters of representation has been received from a neighbouring household. The grounds of the objection can be summarised as follows:

- Visual Impact
- Risk to Public Health
- Site Selection

APPRAISAL

Policy

- 19 The main determining issues in this particular case are whether the proposal complies with the Development Plan and whether or not there are material considerations supporting approval contrary to the Development Plan. In this instance the appropriate Local Plan policy is Policy 41: General Residential. This policy states that in residential areas existing amenity will be maintained.
- 20 The Councils Review of Planning Policy for Telecommunications Masts and Other Apparatus (February 2002) is also an important material consideration of this application. This policy states that the Council will give favourable consideration to telecommunication masts or apparatus provided the operator can demonstrate to the satisfaction of the Council the need for development in the location and form proposed.

Site Selection

- 21 In accordance with Council policy, the applicant has undertaken an assessment of the surrounding area in order to identify the most appropriate site. Whilst concerns have been raised regarding the choice of site, the supporting statement identifies various sites that were assessed but discounted due to various physical constraints and ownership issues. The applicant has also submitted 3G cell coverage plans that clearly illustrate the requirement for improved 3G coverage in the immediate area.

Mast Sharing

- 22 In instances where a freestanding mast is being proposed the Council require that the applicant investigate the potential that the structure can be shared with other operators in order to reduce the requirement for other operators to erect separate structures in that area in future. However one of the main difficulties with street works telecommunications monopoles is that their limited dimensions make it difficult to accommodate more than one operator within the GRP shroud.
- 23 The previously refused application was proposing to erect a mast that was to be solely used by Vodafone with no potential for mast sharing with any other operator. However the applicant has now come to a mast sharing agreement with O2 and they are now proposing to erect a mast that shall be shared by both operators. As such the proposed mast shall reduce any further requirement for O2 to erect a mast elsewhere within the immediate area and therefore reduce the potential visual impact of a further mast within the immediate area.

Design/Visual Amenity/Layout

- 24 A number of concerns were raised by both neighbouring residents and the Committee during the assessment of the previous application in relation to visual impact and the potential cumulative effect of two similar masts at this location.
- 25 The applicant has submitted a photomontage with this application in order to illustrate how the mast and the associated ancillary ground based equipment shall appear on the site. It is considered that this photomontage illustrates that whilst the mast will indeed stand considerably taller than the existing street furniture, the visual impact of the mast shall not be so significant as to unduly impact on the character of the area.
- 26 In addition, whilst it is acknowledged that a similar telecommunications monopole has been granted consent on the same stretch of footpath, this mast is positioned 30m to the west of this site and it is considered that there shall be sufficient distance between the two sites. It is also considered that the slender dimensions of the monopole will allow the mast to appear much like the existing street furniture without creating any significant visual clutter.
- 27 I therefore remain satisfied that the site is acceptable and that the proposed structure shall not have a significant detrimental visual impact on the surrounding area.

Health Risk

- 28 NPPG 19 sets out the Scottish Government's planning policy with regard to radio telecommunications. This document states that the key aim of the planning system is to promote development, including radio telecommunications development in suitable locations whilst minimising any adverse impacts. This is to be balanced against the Government's Telecommunication Policy of ensuring that business and domestic customers have a wide range of choice and that there is equitable access to the latest technologies. These guidelines state clearly that the siting and design of masts, not health issues, are the key issues to be addressed through the planning system.
- 29 The Scottish Government does not prohibit Local Authorities from regarding representations made on the grounds of health and safety as material considerations. However, the guidance in NPPG 19 in respect of health is that there should be no need to give weight to public concern about effects from radio frequency emissions from masts. This is due, in part, to the fact that all applications for planning permission involving antennas must be accompanied by a declaration that all equipment and installation is designed to be in full compliance with the appropriate International Commission on Non-ionising Radiation Protection (ICNIRP) Guidelines for public exposure to radio frequency radiation.

- 30 This application was accompanied by the relevant ICNIRP certification. Paragraphs 53 and 54 of NPPG 19 refer to the planning system not being used to secure objectives that are properly achieved under other legislation regulated by the Department of Trade and Industry (DTI) and the Radio communications Agency as well as responsibility also being held by the Health and Safety Executive.
- 31 However in order to alleviate any concerns in relation to health, the applicant has submitted additional supporting information relating to the predicted radio frequency levels. This information estimates that even at the highest possible radio frequency fields, it is calculated that the maximum radio wave intensity will be only 0.044% of the ICNIRP general public radio frequency guidelines. As such, the proposed radio frequency emissions shall fall well below the levels permitted within the ICNIRP guidelines.

LEGAL AGREEMENT REQUIRED

- 32 A legal agreement is not required for this development proposal.

DIRECTION BY SCOTTISH MINISTERS

- 33 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 34 Overall I conclude that the proposed monopole shall not have a significant adverse impact on the visual character of the area and complies with Council policy and government guidelines. I have taken material considerations into account and I find none to justify refusal. On that basis the application is recommended for approval subject to conditions.

A RECOMMENDATIONS

Approve the application subject to the following conditions:

Conditions:-

- 1 The development shall be begun within a period of five years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 The base of the mast and all associated ancillary cabinets shall be painted brown to match the existing street furniture.

- 4 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/or calculated and plotted on an ISO chart.
- 5 Should the mast hereby approved cease to operate or become obsolete, the mast and associated cabinets shall be removed and the site reinstated to match the condition of the surrounding land within 6 months.

Reasons:-

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 In the interests of visual amenity; to ensure that the monopole and associated equipment matches the existing street furniture.
- 4 In order to protect neighbouring residential amenity.
- 5 To protect the amenities of the occupants/owners of nearby adjacent properties in the locality and to avoid the accumulation of clutter.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no material considerations which would justify a departure in this instance.
None

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in

Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
- Readily visible to the public
- Printed on durable material.

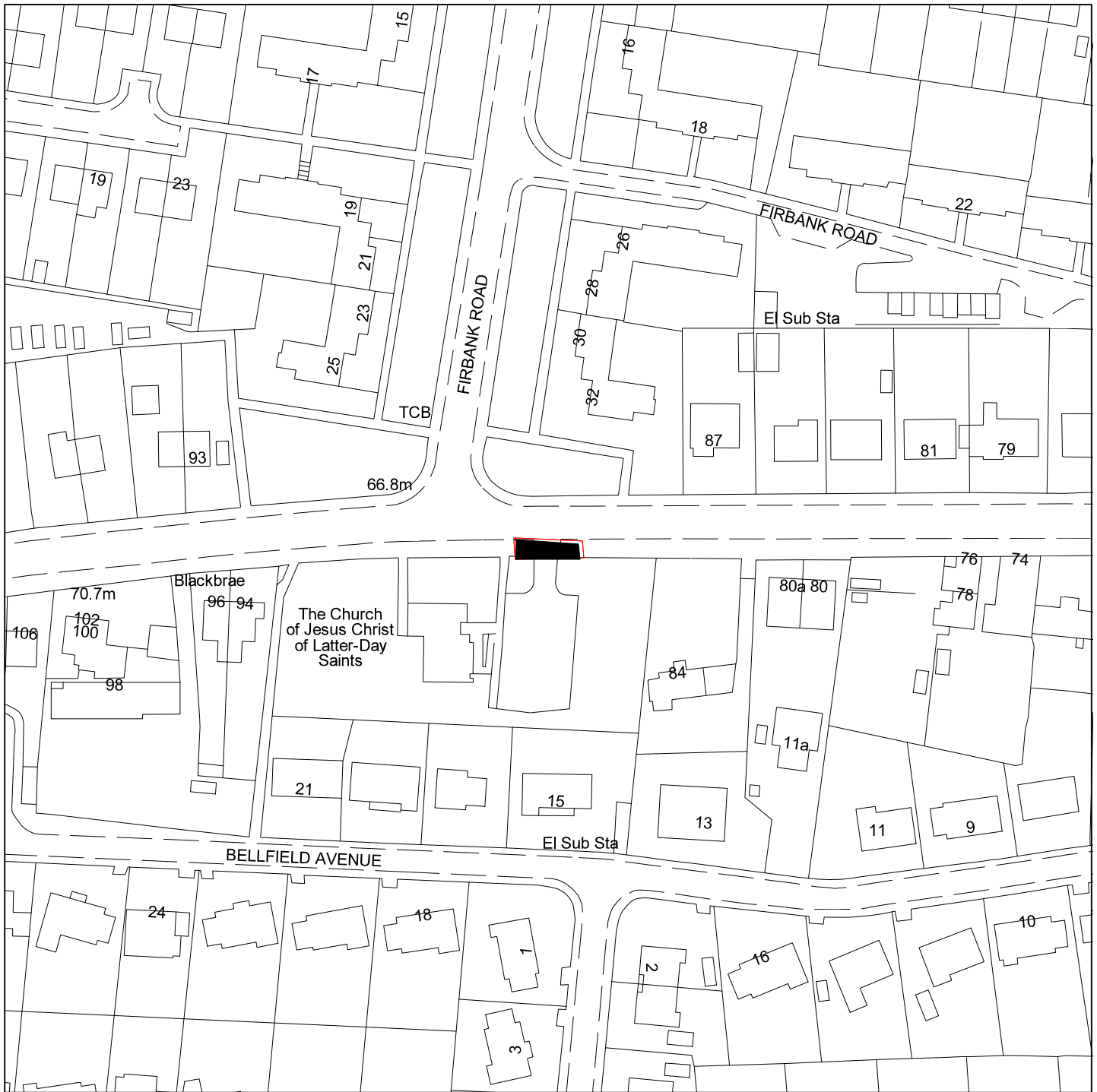
3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Background Papers: Two letters of representation have been received.
Planning Officer: David Niven
Date: 13 January 2010

Nick Brian
Development Quality Manager

09/02081/FLL

Erection of 15m Mast, Burghmuir Road, Perth



Scale : 1:1250

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
Date	13 January 2010
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