

Development Management Sub-Committee Report

Wednesday 25 January 2023

Application for Planning Permission

Telecoms Mast 120 Metres Southwest Of , 17 Frogston Road East, Edinburgh

Proposal: Removal of lattice and headframe, 6x antennas, 3x dishes and all ancillary development; installation of lattice and headframe, 12x antennas, 6x dishes and ancillary development.

Item – Committee Decision

Application Number – 22/00472/FUL

Ward – B16 - Liberton/Gilmerton

Reasons for Referral to Committee

This application has been referred to the Development Management Sub-Committee because more than six objections have been received which raise material considerations. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The proposal complies with the relevant policies set out in the Local Development Plan, the Council's Guidance for Communications Infrastructure, the Edinburgh Design Guidance and the relevant Scottish Planning Policy (SPP). The proposed replacement mast will not have an adverse impact on the character and appearance of the surrounding area, the built and natural heritage of the city or the amenity of neighbouring residents.

SECTION A – Application Background

Site Description

The site is an existing telecommunications compound, situated adjacent to the eastern side of Broomhills Road, and to the south of Frogston Road East. New build residential dwellinghouses are situated to the east and south of the site and a dense tree belt and open farmland are located directly to the west. The site encompasses an existing mast which is 17.7 metres high its highest point.

Description Of The Proposal

The proposal seeks planning permission for the removal of an existing 17.7 metre high lattice mast and antennas and the installation of a replacement mast with a 22.5 metre high lattice tower, incorporating a top section on which antennas and equipment will be arrayed in a triangular configuration. The proposed mast will measure 4.3 metres in width at its widest point. The mast structure, antennas and ancillary infrastructure will be finished in RAL 7035 Grey.

Supporting Information

Telecoms Development Background Information;
ICNIRP Declaration; and
Supplementary Information.

These documents are available on Planning and Building Standards On-line Services.

Relevant Site History

03/01847/FUL

Telecomms Mast Adjacent To Broomhill Farm
Frogston Road East
Edinburgh

Replacement of existing 12.5m high telecommunications mast with a 17.5m high telecommunications mast, additional antennas and equipment cabinets, all located within existing compound adjacent to Broomhills Road

Granted
29 January 2004

05/02900/FUL

Telecomms Mast At Broomhill Farm
Frogston Road East
Edinburgh

Redevelopment of the existing 15m high lattice tower to a new shareable 17.5m high lattice tower incorporating 6 antennas and 4 microwave dishes for N3G and 6 antennas and one dish for T-mobile, including compound extension, radio equipment housing and ancillary development

Granted
28 October 2005

Other Relevant Site History

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport Planning

Edinburgh Airport

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 19 May 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 14

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Resources Policy RS 7
- LDP Design Policies Des 11 and Des 5

The non-statutory Guidance on Communications is a material consideration that is relevant when considering LDP Policy RS 7.

Principle of the Development and Character of the Surrounding Area

Scottish Planning Policy (SPP) relating to development supporting digital connectivity (SPP 292 - 300) highlights that the planning system should support development which helps deliver the Scottish Government's commitment to world-class digital connectivity and recognises the need for networks to evolve and respond to technology improvements and new services. The proposed upgrade has been identified as being necessary for the operator to meet its specific technical and operational requirements and provide 5G connectivity to the local area. The proposal therefore forms part of the national strategy for providing 5G access across the whole of Scotland and carries significant wider national economic and strategic implications.

An existing 17.7 metre high mast with antennas is already located on the site. A second mast is also located nearby to the application site directly to the south. Telecommunications infrastructure has therefore formed part of the character of this location for a considerable period. While the proposed tower is greater in height than the existing tower, it has a similar design and most of the structure will be predominantly screened from wider views by surrounding trees when approached from both the east and west along Frogston Road East. In addition, electricity pylons are located in surrounding fields, forming a relatively intrusive addition within the landscape.

Given these circumstances, the visual impact on the character of the area will be modest and the proposal will not have a detrimental impact on the character and appearance of the surrounding area.

The proposal is in compliance with LDP Policy RS 7

Skyline and Key View

The site is situated within the scope of designated key view S15 - 'Captain's Road - Pentland Hills looking west up the rising line of Captain's Road, from Lasswade Road crossroads towards the Pentland Hills' in the Edinburgh Design Guidance.

When viewed from the key view at Lasswade Road crossroads, the mast will be largely be obscured by mature trees along Frogston Road East. The mast will not impact on direct views to the Pentlands from the crossroads and will not have a detrimental impact on the character or appearance of this key view. While the mast does rise above the building height which generally prevails in the surrounding area, its impact on the skyline will be less than that of the nearby electricity pylons. It will not harm the built or natural heritage of the city.

The proposal is in compliance with LDP Policy Des 11.

Neighbouring Amenity

Overshadowing

The proposed tower will be sited adjacent to a tree belt, consisting of densely planted mature trees, which predominantly reach around 15 metres in height. The sections of the tower which sit in line with or below the tree line will not cause any additional overshadowing beyond that which is already caused by the trees.

The sections of the tower above the tree line may result in additional overshadowing to the neighbouring properties to the east, with any overshadowing predominantly occurring during the later afternoon and evening period during the spring and summer months. However, the tower is predominantly a lattice structure, incorporating gaps between the antennas on the top section. It will not cast a solid shadow in the same manner as a conventional building and will allow some sunlight to pass through onto garden ground. The proposal will not result in an unacceptable degree of adverse overshadowing to neighbouring properties.

Daylight

The proposal will not result in a loss of daylight to the windows of any neighbouring property.

Immediate Outlook

The tower will be set within a densely planted tree belt, consisting of tall mature trees which forms a dominant natural feature in the surrounding area, and which already impacts on the wider outlook of neighbouring residents. In these circumstances, the proposal will not have an adverse impact on the immediate outlook of neighbouring residents.

The proposal complies with LDP Policy Des 5.,

Aerodrome Safeguarding

Edinburgh Airport was consulted on the proposal and raised no issue in respect of aerodrome safeguarding concerns.

Conclusion in relation to the Development Plan

The proposal is compliance with the relevant policies in the Local Development Plan. The proposal will not have a detrimental impact on the character and appearance of the surrounding area, the built or natural heritage of the city, or the amenity of neighbouring residents.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Paragraphs 292-300 of SPP highlights the important role which the planning system has to play in strengthening digital connectivity across Scotland.

The proposal complies with Paragraphs 292 -300 of SPP.

Emerging policy context

The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023 to proceed to adoption. On adoption the Revised Draft NPF 4 (2022) will form part of the Council's Development Plan, but at present it remains a material consideration. As adoption of the Revised Draft NPF 4 (2022) is understood to be imminent, and it is now the settled position of Scottish Ministers and the Scottish Parliament, it requires to be given significant weight. Revised Draft NPF 4 (2022) lists various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

Policy 1 of the Draft NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The application addresses this through:

- The proposal is aligned with and supports the delivery of local or national programs for the roll-out of digital infrastructure in accordance with Policy 24.

The proposed development is considered to broadly comply with the provisions of NPF 4 and there is not considered to be any significant issues of conflict.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

Objection Comments - Material Considerations

- The proposal will have an adverse impact on the character and appearance of the surrounding area. - This has been assessed in section a) of the main report
- The proposal will have an adverse impact on the amenity of neighbouring residents - This has been assessed in section a) of the main report

Objection comments - Non-Material Considerations

- The proposal will have an adverse impact on house prices - The impact of a proposed development on private property values is not a material planning consideration and cannot be taken into account when determining an application in the Scottish Planning System
- Neighbouring homes were not notified about the possibility of this development when purchasing properties.
- The submitted site location plan is out of date as it does not show neighbouring properties to the east - While the newly constructed residential buildings to the east are not shown on the submitted site plan, this does not prejudice the ability of the planning authority to make an assessment of the impact of the proposal on these properties. The planning authority is aware that these properties are in existence.
- Proposed development will have an adverse impact on the health of local residents - Potential health issues relating to telecommunications infrastructure are controlled under separate legislation and are not a material planning consideration. The applicant has submitted a declaration that the proposal will comply with the requirements of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).
- Proposed development is close to a primary school and green space - The proposed development will be located in an existing telecommunications compound and is not sited on open green space.

Support comments - Material Considerations

- Proposal will improve 5G signal and communications signal
- *Non material considerations - neutral comments*

- Drawings are not available to view online - Neighbouring residents were subsequently re-notified of the proposal on 19 May 2022 once the originally submitted drawings had been made public.

Conclusion in relation to identified material considerations

Overall conclusion

The proposal complies with the relevant policies set out in the Local Development Plan, the Council's Guidance for Communications Infrastructure, the Edinburgh Design Guidance and the relevant Scottish Planning Policy (SPP). The proposed replacement mast will not have an adverse impact on the character and appearance of the surrounding area, the built and natural heritage of the city or the amenity of neighbouring residents.

The proposal is acceptable. There are no material considerations which outweigh the conclusion above.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 3 February 2022

Drawing Numbers/Scheme

01 - 04

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: James Allanson, Planning Officer

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Appendix 1

Summary of Consultation Responses

NAME: Transport Planning

COMMENT: No objections.

No objections to the application.

DATE: 18 February 2022

NAME: Edinburgh Airport

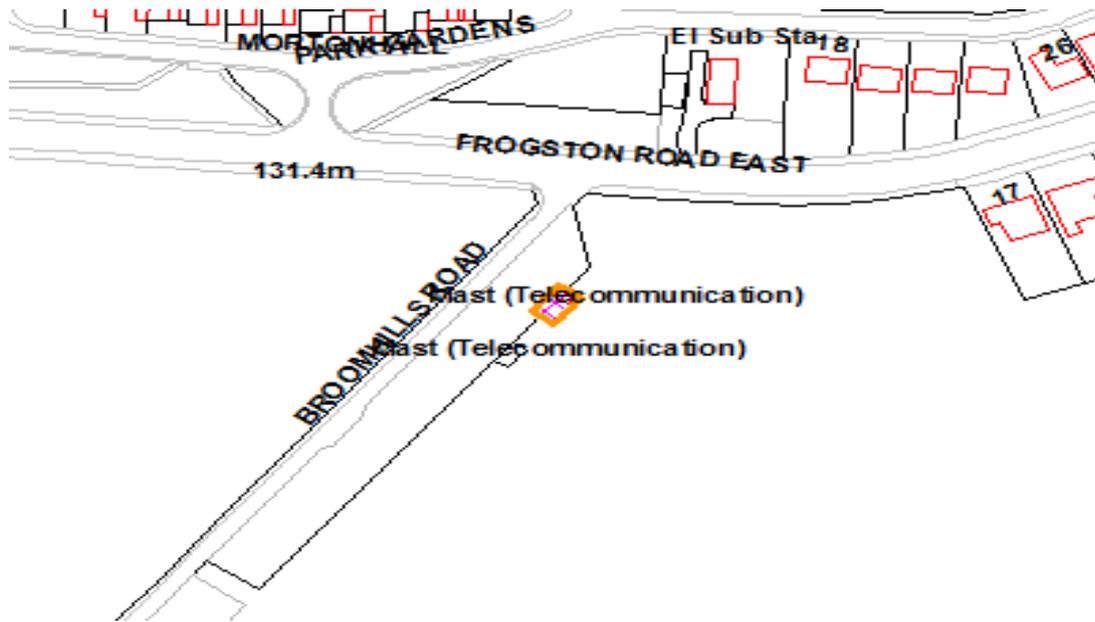
COMMENT: The proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

We therefore have no objection to this proposal.

DATE: 30 May 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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