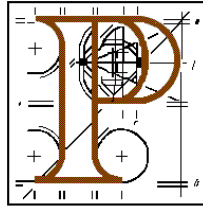


An Bord Pleanála



Inspector's Report

PL06D.245357

Development: Replacement of 10m street light with a 13m streetworks pole incorporating a street light with telecommunications antenna, associated equipment and all associated works at the site comprising part of footpath.

Location: Monkstown Road, (adjacent to Montpelier Parade) Monkstown, Co. Dublin.

Planning Application

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref. No: D15A/0373

Applicant: Vodafone Ireland

Type of Application: Permission

Planning Authority Decision: Refuse permission

Planning Appeal

Appellants: Vodafone Ireland

Type of Appeal: First Party

Observers: (1) Fergal de Freine & Fiona O'Sullivan
(2) Justine & Ian Duffy
(3) James & Alison White
(4) Lorna & Robert Kelly
(5) John Ryan
(6) Alphy & Tana Symth
(7) Peter & Sinead Murray
(8) Joan Quealy & Austin Kenny
(9) Angela O'Reilly
(10) Benedict O'Floinn
(11) Aifric Ní Fhloinn

Date of Site Inspection 24/11/15

Inspector: Siobhan Carroll

1.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The appeal site is located at Monkstown Road, Co. Dublin. It lies immediately to the north of Montpelier Parade. Montpelier Parade is a distinctive Georgian terrace in Monkstown containing three-storey over basement houses.
- 1.0.2 The site is situated directly opposite the junction of Monkstown Road and Eaton Square. There are a mix of semi-detached and detached Victorian and Edwardian dwellings within Eaton Square. Scoil Lorcaín a primary school is located to the north-western side of Eaton Square and is circa 125m from the appeal site. Both Montpelier Parade and Eaton Square form part of the Monkstown Architectural Conservation Area (ACA) and the subject site is situated within the designated ACA.
- 1.0.3 The site comprises a section of the public footpath on the southern side of the road. The footpath has a width of 2.3m and there is a modern lamp column at the proposed location of the telecommunications antenna. The existing street lamp has a height of 10m and it directly adjoins the stone boundary wall. The boundary wall separates the footpath along Monkstown Road with the green space to the north of Montpelier Parade. The green space contains mature deciduous trees which run along the full extent of the stone wall.

1.1 THE PROPOSED DEVELOPMENT

Permission is sought for the replacement of 10m street light with a 13m streetworks pole incorporating a street light with telecommunications antenna, associated equipment and all associated works at the site comprising part of footpath.

1.2 THE PLANNING AUTHORITY'S DECISION

Internal Reports:

Conservation Officer – Refusal recommended

Notified Body:

An Taisce - Refusal recommended

Submissions

The Planning Authority received thirty-two submissions in relation to the proposal. The main issues raised are similar to those set out in the observations to the appeal.

Planning Report

The Planning Authority concluded that the proposed antenna would adversely impact the character of Monkstown Architectural Conservation Area.

Decision

The Planning Authority decided to refuse permission for the following reason.

1. It is considered that the proposed development would contravene objectives for New Development Works within Monkstown Architectural Conservation Area (ACA) and objectives to preserve and protect the architectural heritage of the County and therefore the proposed development would adversely affect an Architectural Conservation Area.

1.3 PLANNING HISTORY

None

2.0 PLANNING POLICY

2.1 Dun Laoghaire - Rathdown County Development Plan 2010 – 2016

The subject site at Monkstown Road, (adjacent to Montpelier Parade), Monkstown, Co. Dublin is located on Map 2 of the Dun Laoghaire Rathdown Development Plan and is identified as being Zoned Objective 'A' zoning objective which aims 'To protect and/or improve residential amenity'

- The site is located within Monkstown Architectural Conservation Area (ACA).

Relevant Sections of the Development Plan

- **Section 16.14 refers to Telecommunications Antennae and Structures**
- **Section 11.3.10 & Policy AR8: Architectural Conservation Areas (ACA)**
It is Council policy to protect the special character of places, areas, groups of structures or townscapes, which have been designated as Architectural Conservation Areas.

2.2 Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (DoE 1996)

The appropriate national guidelines for consideration in relation to the proposed development are Guidelines for Planning Authorities prepared by the Department of the Environment, July 1996:

Telecommunications Antennae and Monopole Support Structures.

- Section 4 of the Guidelines deals with: Development Control and Telecommunications, including Design and Siting, Visual Impact, Health and Safety Aspects and Duration of Permission – Temporary Permission. The Guidelines promotes the sharing of facilities and clustering.

3.0 APPEAL

A first party appeal was submitted by Declan Brassil & Company Ltd to the Board on behalf of the applicants Vodafone Ireland on the 19th of August 2015. The main issues raised concern the following;

- The new antenna is required to provide enhanced 3G and 4G broadband coverage within the Monkstown Area as there are existing ‘blackspots’ in the vicinity of the site with limited or no coverage.
- The reason for refusal is based on the perceived visual impact of the proposed development on the streetscape which is located in a designated ACA.
- It is contended that the degree of visual impact should be appropriately assessed on the basis of the incremental impact associated with the proposed additional 3m height above the existing lighting column.
- The applicants searched for alternative sites in the area to address the ‘blackspot’ issue. Mast sharing or clustering was not a viable option, therefore a new standalone structure is required.
- It is considered that the chosen location where the existing lighting column is located is the most preferable location on Monkstown road due the screening provided by the existing mature trees.
- Therefore due to the mature planting along Montpelier Parade it is considered that the proposed antenna would not appear intrusive in the streetscape. Furthermore the trees would screen the proposed antenna from view from the nearby Protected Structures within Montpelier Parade.
- The applicants submit that the proposed development represents an appropriate form of development within the meaning of policy AR8 of the Development Plan as it would ensure the preservation of the special character of the Monkstown ACA whilst also meeting the requirements of Policy EI23 which seeks to promote and facilitate the provision of an appropriate telecommunications infrastructure including broadband connectivity and other technologies within the County.

- The appellants request that the Board consider the issues set out in the appeal and refuse permission for the proposed development.

3.1 Planning Authority Response

- The variation in the design of light poles in the vicinity of the site is noted, including somewhat more ornate modern examples on the opposite side of the road to the north and also to the south on Montpelier Parade.
- The Board is referred to the previous Planner's Report.

3.2 Observations

The Board received 11 no. observations to the appeal. The issues raised can be summarised as follows;

(1) Fergal de Freine & Fiona O'Sullivan

- Concern is raised regarding the proximity of the proposed antenna to Scoil Lorcain.
- The proposal would narrow the footpath which would negatively impact pedestrians.
- The proposed antenna would be visually intrusive in the streetscape.
- There are already 7 no. base stations in the area, therefore co-location should be considered.

(2) Justine & Ian Duffy

- The proposed development would adversely affect the character of Monkstown Architectural Conservation Area.
- The proposed scheme is contrary to Development Plan policies in relation to conservation.
- The applicants have not provided sufficient detail in relation to the undergrounding proposal.
- No consultation took place between the applicants and Scoil Lorcain.

(3) James & Alison White

- The proposed development would impact upon the observers view from their property towards the sea.
- The observers entirely agree with the decision of the Planning Authority to refuse permission as the proposed mast would adversely impact the

character of the Architectural Conservation Area and the neighbouring Protected Structures within Montpelier Parade.

(4) Lorna & Robert Kelly

- The proposed mast would impact upon the architectural integrity of the area.
- The antenna would adjoin a wall which is listed for protection.
- The mast would be particularly visible when the adjacent trees are bare of their leaves.
- Health concerns have been raised regarding the proximity to Scoil Lorcaín and the green area at Montpelier Parade which is an area where local children play.

(5) John Ryan

- The principle of using a standard street lamp post to be converted into a mobile phone mast within a residential area would set an undesirable precedent.
- The proposed construction of an underground chamber would be intensive and could cause damage to the root systems of the adjacent mature trees.

(6) Alphy & Tana Symth

- The proposed antenna would be 3m higher than the existing lamp post and consequently would adversely impact the visual amenities of the area.
- The impact of the proposed development on the adjacent trees is unclear particularly their root systems.
- There are a total of 7 no. existing telecommunications mast in the area.
- The proposed mast would be located close to residential properties and the adjacent green space which is a play area.

(7) Peter & Sinead Murray

- The proposed scheme would adversely impact the residential character of the area and the visual amenities of the area.
- The proposed underground equipment could negatively impact the foundation of the adjoining wall and the roots of adjacent trees.
- The applicants did not consult with the neighbouring National School, Scoil Lorcaín.

- It is not clear why existing telecommunications structures within a 1km radius of the site cannot be used.
- Health concerns have been raised including where the beams of highest intensity will fall.

(8) Joan Quealy & Austin Kenny

- The proposed scheme would negatively impact upon Monkstown ACA and the Protected Structures within Montpelier Parade.
- A horse chestnut tree adjacent to the site is over 100 years old. The applicants have not provided information regarding the potential impact to the adjacent mature trees.
- The site is adjacent to a pedestrian crossing used by children who attend Scoil Lorcaín which is circa 125m from the site.
- No details have been provided regarding the potential emissions from the mast.

(9) Angela O'Reilly

- The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities states that buildings of architectural merit must be protected. The guidelines also discourage proliferation and favour co-location or siting on existing structures.
- The proposed 13m high antenna and underground equipment would result in a serious and adverse impact upon the Protected Structures within Montpelier Parade and the Monkstown Architectural Conservation Area.
- The proposed undergrounding of the equipment could have a serious impact on the roots of the trees in the green space along Montpelier Parade.
- The location of the equipment underground would require access for maintenance which would inevitably cause disruption to access on the footpath.
- Consultation with the relevant body of Scoil Lorcaín is required. This consultation is required independently of where the beam of greatest intensity falls.
- Concerns is raised regarding the health effects of the proximity of the proposed antenna to residences and the school.
- The applicants have not demonstrated why mast sharing is not a viable option.

(10) Benedict O'Floinn

- Montpelier Parade is the most important Georgian streetscape in this part of South County Dublin and is listed for protection in the Development Plan.
- Montpelier Parade is featured in the publication by Peter Pearson 'Between the Mountains and the Sea'. It is noted in the book that the building of Montpelier Parade was the first major change in the area which took advantage of the views of the sea from the elevated site.
- Montpelier Parade along with its adjacent road and granite pillars, green space fine rubble-built granite wall fronting Monkstown is within the Architectural Conservation Area. The proposed antenna would be taller and bulkier than the modern street lamp it is proposed to replace and therefore it would be a visually incongruous structure in the streetscape.
- Paragraph 16.14 of the Development Plan sets out the issues for consideration for telecommunication structures. The Observer highlights that it is required that the beam of greatest intensity from a base station does not fall on any part of school grounds or buildings without agreement from the school and parents. It is also highlighted that the operator must provide evidence that they have consulted with the relevant body of the school or college.
- The Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities states that operators must demonstrate that a proposed infrastructure is necessary and that the fullest attention must be taken of the location of mast relative to protected structures.
- The applicant has not provided adequate information to establish the requirement for the mast at this location.
- The applicant has failed to consult with Scoil Lorcaín and has also failed to address the issue of where the beam of greatest intensity falls.
- The proposed scheme would seriously impact the visual amenity of the area and the character of the Architectural Conservation Area.
- The applicant has failed to provide details regarding the potential impact to the adjacent wall and trees.
- There is a lack of clarity in relation to the proposed development.
- The observer states that there were deficiencies in the site notice as it did not refer to the fact that the development would involve the attachment of a steel cage to a protected structure i.e. the granite wall running along the front of Montpelier Parade.

(11) Aifric Ní Fhloinn

- The observer has read and supports the submissions made by the local residents.
- In particular the proposed telecommunications antenna will interfere with a historical road Montpelier Parade which is listed for protection under the provisions of the Development Plan.
- The observer is a former pupil of Scoil Lorcaín and was surprised that Vodafone did not carry out consultation with the school given the proximity of the site and the potential risk to children.
- The observer is of the opinion based on their own information that there is no need for the proposed antenna and if there were such a need there are many more suitable places at other locations.

4.0 ASSESSMENT

Having regard to Development Plan policy, National policy and to the grounds of appeal, the main issues for consideration in this case are:

- Development Plan policy
- Co-location requirement for mast
- Health and Safety issues
- Impact upon Monkstown ACA and adjacent Protected Structures
- Appropriate Assessment

4.1 Development Plan policy

4.1.1 The subject site is located at Monkstown Road, Co. Dublin and adjacent to Montpelier Parade is zoned Objective 'A' which aims 'To protect and/or improve residential amenity'. The site also lies within Monkstown Architectural Conservation Area (ACA).

4.1.2 Section 16.14 of the Dun Laoghaire - Rathdown County Development Plan 2010 – 2016 refers to Telecommunications Antennae and Structures and it sets out the necessary matters which should be addressed when making an application. These items are as follows, compliance with Telecommunications Antennae and Support Structures Guidelines, provide a map indicating all existing telecommunications structure within a 1km radius from the site and examine the case for co-location at each location, address the visual impact of the proposed development, provide a statement of compliance from the operators with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and ensure that the beam of greatest intensity from a base station does not fall on any part of school grounds without agreement from the school and parents. I shall address the matter of the beam of greatest intensity in this section of the report and I shall examine the

remaining criteria set out in Section 16.14 in the subsequent sections of the report.

4.1.3 Under Section 16.14 of the Development Plan in relation to the matter of the beam of greatest intensity it is required that where an operator submits an application for planning permission for the installation, alteration or replacement of a mobile phone base station, whether at or near a school or college, the operator must provide evidence that they have consulted with the relevant body of the school or college. The applicants stated that no school falls within the beam of greatest intensity and therefore consultation was not required.

4.1.4 Scoil Lorcaín, National School is located 125m to the east of the proposed site. The applicant did not discuss the application with school prior to the submission of the application. However it remains unclear from the details submitted by the applicant both with the application and appeal where the beam of greatest intensity from the base station would fall.

4.2 Co-location – requirement for mast

4.2.1 Section 4.5 of Guidelines regarding Telecommunications Antennae and Support Structures refers to the sharing of facilities and the clustering of antennae, it is recommended that applicants should be encouraged to share facilities and that they should satisfy the planning authority that they have endeavoured to do so when lodging an application.

4.2.2 The antenna is required to provide 3G and 4G broadband services to Vodafone customers. In their case for the proposed site the applicants stated that there are existing 'blackspots' in the vicinity of the site with limited or no coverage and therefore this particular location is required to improve and provide deep indoor coverage and capacity within the Monkstown area.

4.2.3 In their submissions the applicant indicated the existing and predicted coverage on two maps. The first map indicates two concentrated areas where there are gaps in coverage. In relation to the matter of assessing alternative sites or suitable sites for co-location, the applicant identified three alternative sites at Comhaltas Ceoltoiri Eireann at Belgrave Square, Alma Court Apartments, Alma Road and Monkstown Valley Apartments all of these options were not feasible as the parties involved rejected the proposals.

4.2.4 The applicants stated that other alternative locations in the vicinity were investigated but due to number of Protected Structures, historic buildings and the ACA designation that no suitable alternatives were available. I note that the applicant did not investigate proposals to co-locate on any of the existing telecommunications antenna in the area. Accordingly, the applicants argued that the site is the most suitable one available taken into consideration technical requirements and the planning constraints.

4.3 Health and Safety issues

- 4.3.1 In relation to the issue of health and safety concerns the Board has consistently taken the view that, based on the information available that there is no conclusive evidence of adverse health effects from mobile phone masts. Section 4.6 of the 'Telecommunications Antennae and Support Structures Guidelines' DoEHLG, 1996, provides guidance on the matter and states that as part of the licensing framework operators are required to comply with the relevant international standards in relation to emissions of non-ionising radiation from telecommunications antennae.
- 4.3.2 An ICNIRP certificate was submitted with the application. The International Commission on Non-Ionizing Radiation Protection (ICNIRP) is an independent scientific body, which has produced an international set of guidelines for public exposure to radio frequency waves. Section 7.8 of the Development Management Consultation Guidelines for Planning Authorities' DoEHLG, 2007, states that it is inappropriate to deal with matters which are the subject of other controls. Therefore, I consider that it would not be appropriate to refuse permission relating to health and safety issues.

4.4 Impact on Monkstown ACA and adjacent Protected Structures

- 4.4.1 It is proposed to remove the existing 10m high modern lighting column and replace it with a 13m high monopole telecommunications antenna. It is also proposed to install associated equipment. Originally it was proposed to install the associated equipment on the footpath beside the antenna. In the appeal the applicants are proposing to install the equipment underground adjacent to the antenna. The site is located in a visually sensitive area within Monkstown Architectural Conservation Area and immediately to the east of Montpelier Parade which contains two distinctive Georgian terraces. No's 1, 1a, 2, 3, 4, 5, 6, 7, 8, 33, 35, 37, 39, 41, 43, 45, 47 & 49 Montpelier Parade are all listed in the Record of Protected Structures in Appendix C Schedule 1 of the Dun Laoghaire - Rathdown County Development Plan 2010 – 2016.
- 4.4.2 Architectural Heritage Protection Guidelines for Planning Authorities, DoEHLG, 2004 provides guidance in relation to development affecting the Setting of a Protected Structure or an Architectural Conservation Area. It states in Section 13.8 of the Guidelines that the extent of the potential impact of proposals will depend on the location of the new works, the character and quality of the proposed structure, its designed landscape and its setting, and the character and quality of the ACA. It is stated that proposals should not have an adverse effect on the special interest a protected structure or the character of the ACA.
- 4.4.3 The applicants consider that the proposal would not unduly impact upon the ACA or adjacent protected structures on the basis that it represents an

increase in height of 3m from the existing lighting column. It is also stated that the mature trees along the green space within Montpelier Parade would satisfactorily screen the proposed antenna.

4.4.4 The existing streetscape along this section of Monkstown Road is relatively uncluttered and features the modern lighting columns which are slimmer in nature than the proposed monopole antenna. The trees located on the inside of the boundary wall between the public footpath and Montpelier Parade are all mature deciduous trees and some are up to one hundred years old. The trees therefore would not provide screening when they are not in leaf. The proposed structure would be particularly visible in the streetscape during the winter months. I note that the visual impact drawings submitted with the appeal give a representation of the antenna in the streetscape when the trees are in leaf.

4.4.5 The proposed location of the structure opposite the junction between Monkstown Road and Eaton Square would mean that it would be clearly visible when viewed from Eaton Square towards Monkstown Road with the dwellings within Montpelier Parade as a backdrop. The two terraces along Montpelier Parade which contain protected structures would be situated a minimum of 17m and 22m from the proposed monopole antenna which is in relative close proximity. Having regard to the significant character of the properties and the setting and character of the immediate surroundings the installation of such a structure with a height of 13m immediately to the east of Montpelier Parade would form a visually intrusive feature which would detract from the character and setting of the protected structures within Montpelier Parade and would adversely impact upon the character of Monkstown Architectural Conservation.

4.5 Appropriate Assessment

4.5.1 In relation to the matter of appropriate assessment, I consider that having regard to the nature of the proposed development a telecommunications structure within a suburban area and the nature of the receiving environment, no appropriate assessment issues arise.

5.0 Recommendation

5.0.1 I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be refused for the following reason.

REASONS AND CONSIDERATIONS

1. The proposed development, by reason of its design and height, set within Monkstown Architectural Conservation Area and in close proximity to the Protected Structures within the Georgian Terraces at Montpelier Parade would form a visually intrusive feature which would detract from the character and setting of the protected structures within Montpelier Parade and would adversely impact upon the character of Monkstown Architectural Conservation. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll,
Planning Inspector
7th of December 2015