

FALKIRK COUNCIL

Subject: INSTALLATION OF RADIO ANTENNA AT 3 SUNNYBRAE TERRACE, MADDISTON, FALKIRK FK2 0LP FOR MR STUART MCNEILL P/12/0487/FUL
Meeting: PLANNING COMMITTEE
Date: 30 January 2013
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: Maddiston

Case Officer: Kevin Brown (Planning Officer) Ext. 4701

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the Planning Committee on 28 November 2012 (copy of previous report appended), when it was agreed to continue the application for a site visit. This visit took place on 10 December 2012.
2. Discussions on site focused on the visual impacts of the proposal and concerns over impacts that this apparatus may have on telephone and television signals in the area. A number of residents also raised concerns relating to health and safety issues associated with the proposed structure with specific concerns being raised in reference to potential health impacts and the proximity of the structure and foundation to nearby gas services.
3. Following contributions from neighbouring residents, elected Members requested that contact be made with Ofcom, the Health and Safety Executive (HSE), Building Standards and Falkirk Council Housing in regard to the issues raised. At the time of writing this report, no response has yet been received from HSE or Ofcom. Building Standards have confirmed that no building warrant is required for the proposed antenna or foundation and Housing have confirmed that they have no reason to withhold consent if planning permission is granted.
4. Despite the lack of response from HSE or Ofcom in regard to this proposal Committee are reminded that potential health impacts and issues surrounding the proximity of development to underground services are not material planning considerations. The same is also to be said for unproven matters relating to telephone or television signals.

5. RECOMMENDATION

5.1 It is therefore recommended that Committee grant planning permission subject to the following condition(s):-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**

Reason(s):-

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

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02A.**

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Director of Development Services

Date: 22 January 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan
2. Letter of objection received from Philip Kerr 3 Oronsay Avenue, Maddiston, Falkirk FK2 0LL on 11 September 2012
3. Letter of objection received from Mr & Mrs Rankine 7 Sunnybrae, Terrace, Maddiston Falkirk FK2 0LP on 11 September 2012.
4. Letter of objection received from Sandra Davidson, 1 Oronsay Avenue, Maddiston, Falkirk FK2 0LL on 11 September 2012
5. Letter of objection received from Karen Drennan, 2 Sunnybrae Terrace, Maddiston, Falkirk FK2 0LP on 11 September 2012
6. Letter of objection received from Kathleen Forsyth, 4 Sunnybrae Terrace, Maddiston, Falkirk FK2 0LP on 14 September 2012

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

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Meeting: PLANNING COMMITTEE
Date: 28 November 2012
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: Maddiston

Case Officer: Kevin Brown (Planning Officer) Ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the erection of a 7.6 metre high pole radio antenna in the rear garden ground of a two storey mid terrace council house. The antenna is proposed to be concreted into the ground 5 metres from the rear boundary, 2m from the western boundary and 3 metres from the eastern boundary of the rear garden. The antenna comprises a slim vertical pole with no horizontal components.
- 1.2 The application site is located in a predominantly residential area of Maddiston at 3 Sunnybrae Terrace. The site is surrounded on all sides by neighbouring residential garden ground.
- 1.3 Committee should be aware that this application has emerged following correspondence with the applicant regarding a previous antenna located at the site. The previous antenna has now been removed.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application site is owned by Falkirk Council.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 The nature of this application is such that there are no relevant bodies to consult in this instance.

5. COMMUNITY COUNCIL

- 5.1 The Maddiston Community Council has made no representation.

6. PUBLIC REPRESENTATION

- 6.1 Five letters of objection have been received in relation to this proposal raising the following concerns:

- Visual impact of structure;
- Wires currently dangle from the existing structure on the site;
- Impact on property value;
- Health and Safety hazard.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 There are no relevant policies within the Falkirk Council Structure Plan

Falkirk Council Local Plan

- 7a.2 Policy SC9 - 'Extensions And Alterations To Residential Properties' states:

"Extensions and alterations to residential properties will be permitted where:

- (1) the scale, design and materials are sympathetic to the existing building;*
- (2) the location and scale of the extension or alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties; and*
- (3) it will not result in overdevelopment of the plot, thereby giving rise to adverse impacts on the functioning of garden ground, or the unacceptable loss of off-street parking."*

7a.3 The proposed antenna is a free standing structure and would be lower in height than the existing dwellinghouse and would generally only be visible from the rear of those the houses that are in the immediate vicinity. The structure is also partially visible from the public road to the east of the site. The proposed antenna is slim in nature and would not cast unacceptable shadowing over adjacent garden ground. The structure itself would have a minimal visual impact and would be less visually intrusive than the existing telegraph poles and lighting columns in the area. The siting of the mast would not have a significant adverse effect on the degree of residential amenity enjoyed by neighbouring properties. The structure would not result in an overdevelopment of the plot and would not adversely affect the functioning of garden ground at the property.

7a4 Therefore the proposal accords with the terms of Policy SC9.

7a.5 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed are the letters of representation received during the course of the application.

Assessment of Representations

7b.2 The proposed structure has a minimal visual impact. The structure is slim in nature and lower in height than the surrounding houses.

7b.3 The wires associated with the previous antenna at the site did not require planning permission. Likewise any wires associated with the proposed structure do not require planning permission and cannot be controlled by the planning authority.

7b.4 Property values and the health and safety issues pertaining to the proposal are not material planning considerations.

7c Conclusion

7c.1 The proposal is an acceptable form of development and accords with the terms of the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee grant planning permission subject to the following condition(s):-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.

Reason(s):-

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

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02A.

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Director of Development Services

Date: 20 November 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan
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