

Report to:	Planning Committee
Date of Meeting:	23 August 2011
Report by:	Executive Director (Enterprise Resources)

Application No	CL/11/0202
Planning Proposal:	Erection of 2.35m vertical pole radio antenna fixed to rear elevation on wall mounted bracket and freestanding telescopic mast and radio antenna (4.7m vertically lowered and 10.9m vertically raised)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Iain Muir
- Location : 6 Dunard Court
Carluke
ML8 5RX

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions – based on conditions attached)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
Policy RES6 – Residential Land Use Area
Policy DM1 – Development Management

◆ Representation(s):

- ▶ 8 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

None

Planning Application Report

1 Application Site

- 1.1 The application site is located at 6 Dunard Court, Carluke. The house is an end of terrace two-storey house in an established and densely developed residential area with associated garden to the front and rear.
- 1.2 The property is bounded on all sides by similar housing, pedestrian footpaths and communal open space.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for the erection of a 2.35m vertical pole antenna fixed to the rear elevation of the house via wall mounted brackets and support pole and a free-standing telescopic radio communications mast with antenna in the rear garden of the application site. Both antennas are for the applicant's own personal use. The proposed freestanding retractable mast is of steel construction in three main sections, namely a ground post, a multiple sectioned mast and an antenna. The construction allows the mast to be raised by means of a winch from its lower height of 4.7m to a maximum of 10.9m. The mast is secured to the ground post which is set into concrete.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Plan shows the application site is situated within the residential area where Policy RES 6 Residential Land Use applies. Policy DM 1: Development Management is also relevant.

3.2 Relevant Government Advice/Policy

- 3.2.1 None relevant

3.3 Planning History

- 3.3.1 CL/00/0342 - Erection of extension to rear of dwellinghouse was approved in August 2000.
- 3.3.2 CL/05/0551 - Erection of 12m Radio Communications Mast with Antenna was refused on this site in December 2005. The application was taken to appeal which was subsequently dismissed in June 2006.
- 3.3.3 CL/06/0449 - Erection of a free-standing 8.2m Radio Communications Mast with Antenna was approved in August 2006. The consent was granted for a 5 year period which expires on the 29 August 2011.

4 Consultation(s)

- 4.1 None required.

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour notification of the application, 8 letters of representation were received. The contents are summarised as follows, together with comments:

(a) The operation of this equipment causes interference with the electrical equipment in the area, with static noise and voices being picked up by computers, televisions, phones, games consoles etc.

Response: Planning case law, including the views of the Reporter who considered the appeal for a mast here in 2006, guides that this is not a material planning consideration. For information, the applicant is required to operate his radio equipment within the limits prescribed in the conditions of his licence from Ofcom. If Ofcom receive complaints about the operation of a mast causing interference they can test the equipment on site to ensure it is operating within the terms of the licence. It is understood most electrical equipment experiencing interference can be fitted with filters to resolve any problems.

(b) The scale of the proposed development is visually intrusive and creates an eyesore in this residential area.

Response: The proposed wall mounted antenna together with its wall brackets and support pole will project approximately 3.3m above the eaves of the house but due to the slim line design of the antenna and its support structure it is considered not to be visually intrusive. The new retractable mast will operate between 4.7m and 10.9m in height depending upon weather and transmitting conditions. The higher height would result in the structure extending above the ridge level of the house. However the applicant has confirmed that it will be lowered to its lowest position when not in use. A condition will be attached to any consent to require this is to be carried out. In view of the slender nature of the mast, it would not be prominent in the lower position. On this basis I consider that both the wall mounted antenna and the freestanding, retractable mast and antenna will not have an adverse affect on the amenity or character of the area.

5.2 These letters have been copied and made available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

6.1 The determining issues in consideration of this application are its compliance with local plan policies and its impact on the amenity of the area and the neighbouring properties.

6.2 Policy RES6: Residential Land Use of the South Lanarkshire Local Plan states that within these areas, the Council will oppose the loss of houses to other uses and will resist any development that will be detrimental to the amenity of those areas. Each application will be judged on its own merits with particular consideration given to the impact on residential amenity. Policy DM1: Development Management states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.

6.3 The wall mounted antenna and its support structure is slim line in its construction and design and will not have a visual impact. The freestanding mast is a slender structure which for the most part will be at a height of 4.7m, occasionally being raised to a maximum height of 10.9m when in use and depending on circumstances. The applicant estimates this will be for between 5 and 6 hours throughout the week and 10 hours at the weekend. The mast has little visual impact in the lower position. While it would be viewed from the wider area at its greater height, this would be limited to a short period each week. The area is characterised by street furniture, such as lighting columns, and residential additions such as TV aerials and satellite

dishes. The proposal is considered compatible in terms of its scale, and impact on amenity when viewed against the surrounding area and adjoining properties.

- 6.4 The majority of the complaints and objections from neighbouring properties in relation to this development centre on the interference to electrical equipment. This issue is not a material planning consideration and therefore is not a valid reason for refusing this application. This view was supported by the Scottish Executive Inquiry Reporters Unit's decision notice on the enforcement notice appeal for a 14m high radio mast in June 2006. The Reporter stated in his findings that the matter of interference does not cause any material adverse impact on residential amenity and falls to be considered under the licence, the regulation of which is the responsibility of Ofcom.
- 6.5 It is considered that the proposed radio mast and antenna complies with local plan policy and is therefore acceptable in this location based on the proposed level of use. It is therefore recommended that temporary planning permission be granted in order to monitor the full impact of the development.

7 Reasons for Decision

- 7.1 The proposal complies with Policies RES6 and DM1 of the South Lanarkshire Local Plan and will not be detrimental to the residential or visual amenity of the area.

Colin McDowall
Executive Director (Enterprise Resources)

9 August 2011

Previous References

- ◆ CL/06/0449
- ◆ CL/05/0551
- ◆ CL/00/0342

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Representations

Representation from : Mr and Mrs T Drainey, 9 Kenmore Way, Carluke ML8 5RZ,
DATED 25/05/2011

Representation from : Mr & Mrs T Drainey, 9 Kenmore Way, Carluke, ML8 5RZ
DATED 25/05/2011

Representation from : Mr Stephen A Rothwell , 10 Dunard Court, Carluke, ML8
5RX, DATED 01/06/2011

Representation from : Katrina Hardie, 9 Dunard Court, Carluke, ML8 5RX, DATED

02/06/2011

Representation from : Mr & Mrs R McClay, 7 Dunard Court, Carluke, ML8 5RX,
DATED 24/05/2011

Representation from : Mrs Jean Smith, 14 Kilmartin Lane, Carluke, ML8 5RT,
DATED 24/05/2011

Representation from : Carol Orr, 8 Dunard Court, Carluke ML8 5RX, DATED
31/05/2011

Representation from : Tracy Reilly, 7 Kenmore Way, Carluke, ML8 5RZ, DATED
20/05/2011

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Steven Boertien, Planning Officer, South Vennel, Lanark ML11 7JT
Ext 3266 (01555 673266) E-mail: planning@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER: CL/11/0202

CONDITIONS

- 1 This decision relates to drawing numbers: DC01, DC02,DC03, DC04, DC05, DC06 and DC07
- 2 That the permission hereby granted is for a temporary period only and shall expire on 23 August 2016
- 3 That the mast and antennas hereby permitted shall be removed, the uses discontinued and the land restored to its former condition as garden ground to the satisfaction of the Council as Planning Authority, on or before 23 August 2016.
- 4 If the use of the land is discontinued within the consent period the mast and antennas shall be removed, the uses discontinued and the land restored to its former condition as garden ground to the satisfaction of the Council as Planning Authority.
- 5 The freestanding telescopic mast and radio antenna shall be reduced to its lower position of 4.7m in height when not in use.

REASONS

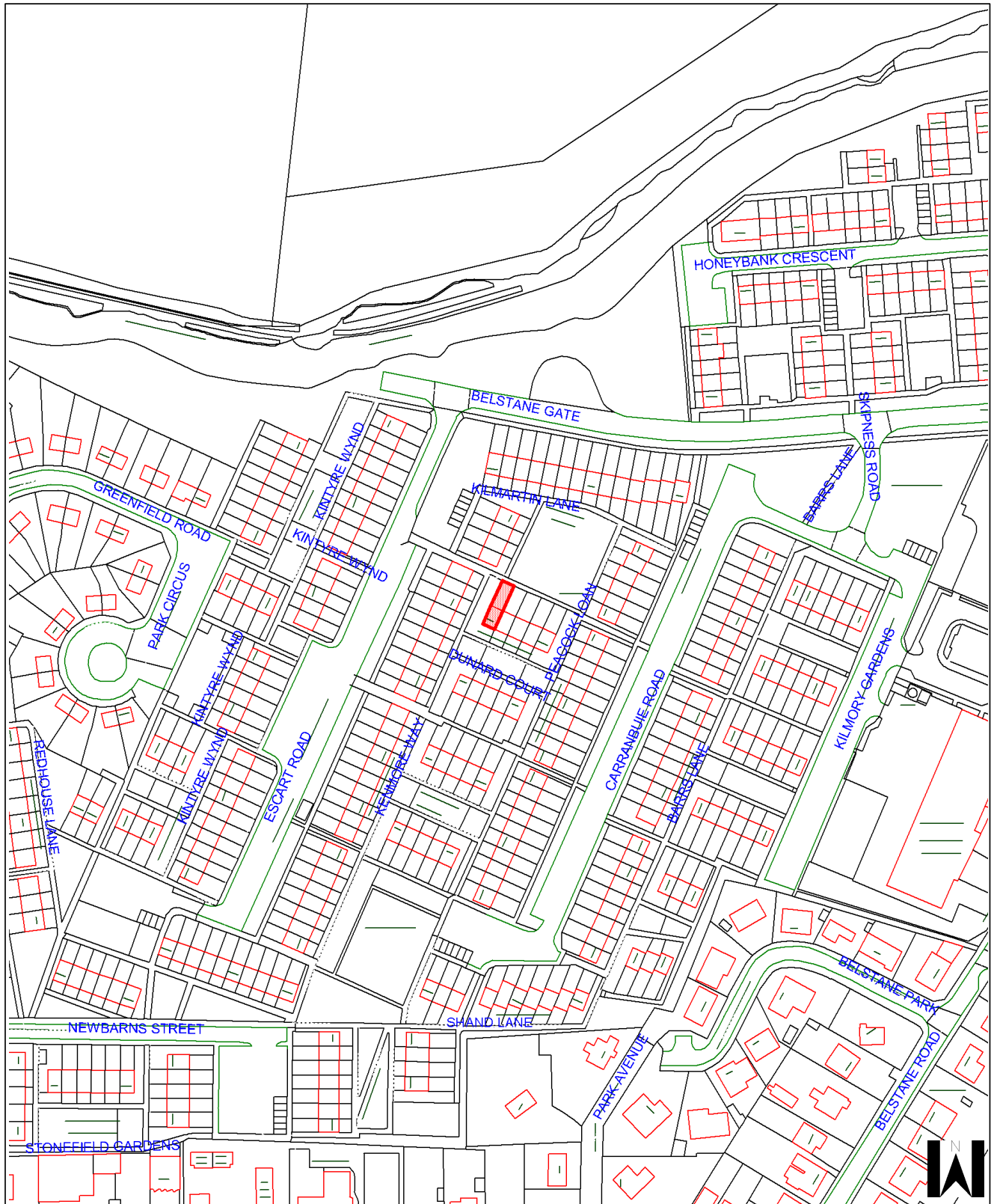
- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 Temporary Consent is hereby granted.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of amenity and in order to retain effective planning control.

CL/11/0202

6 Dunard Court, Carluke ML8 5RX

Planning and Building Standards Services

Scale: 1: 2500



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