

3 PLANNING APPEAL DECISION (AN178-2011)

Location: St Francis Amateur Boxing and Sporting Club, Kings Cross Road, Dundee
Proposal: 21 Metre High Telecom Mast

Reference is made to Article I(g) of the minutes of the Development Management Committee of 18th April, 2011, wherein the above proposal was refused planning permission because the Council considered that:-

- (i) the proposed development is contrary to Policy 1 of Dundee City Council's adopted Non-statutory Planning Policies in relation to Telecommunications Masts and Other Apparatus as the applicant has failed to provide sufficient justification in support of the application by investigating all alternative sites and designs in order to minimise the visual impact of the proposals; and
- (ii) the proposed development is contrary to Policy 15 of Dundee City Council's adopted Non-statutory Planning Policies in relation to Telecommunications Masts and Other Apparatus, as although the applicant has provided a mast share solution, it fails to meet the required site location and design controls required elsewhere in these policies.

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 13th October, 2011. Copies of the Reporter's decision letter have already been circulated to members by e-mail.

The Reporter ALLOWED the appeal and granted planning permission subject to a condition that the mast be removed if it becomes obsolete or redundant.

In reaching his decision, the Reporter considered that the determining issues were whether the appellants had fully explored alternative sites as required by the Council's non-statutory policies and whether the proposed mast met the site location and design policies of the Development Plan.

He concluded that the selected site was the most centrally placed to serve the area and that other sites were not as good (whether because of operational requirements, lack of screening or uncertainty about future availability).

Because the proposal involved mast sharing he considered that it complied with Policy 78. He felt that the 21 metre height was acceptable as a similar mast height was approved nearby at the Motor Cycle Riding Centre and that although towering over nearby buildings and trees it would be partially screened by these trees. He concluded that the appeal site was reasonably selected and despite its height it would meet the site location and design requirements set out in the Council's policies and thereby accord with the development plan, national planning guidance and the council's non-statutory policies.