

4 PLANNING APPEAL DECISIONS (AN40-2009)

- (a) BALGAY BOWLING CLUB, MELVILLE TERRACE, DUNDEE - PROPOSAL: REPLACEMENT OF 8m FLAGPOLE WITH 14.2m HIGH TELECOM FLAGPOLE-LIKE STRUCTURE SUPPORTING THREE 3G ANTENNAE AND GROUND BASED EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT

Reference is made to Article 1(d) of the Minutes of the Development Quality Committee of 18th August, 2008 wherein the above proposal was refused planning permission because the Council considered that:

- (a) the proposal was likely to adversely impact on the environmental qualities enjoyed by local residents;
- (b) the proposal would fail to preserve or enhance the conservation area;
- (c) the applicants had failed to demonstrate mast share or the viability of other options;
- (d) there was a general presumption against the siting of free standing masts in residential areas or conservation areas.

contrary to Policies 1, 61 and 78 of the Dundee Local Plan Review 2005 and Policies 2 and 11 of the Council's non-statutory policies in relation to telecommunications masts and other apparatus.

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 decision letter was received by the Council on 12th January, 2009. Copies of the Reporter's decision letter have already been circulated to Members by email.

The Reporter **UPHELD** the appeal and granted planning permission.

In reaching his decision the Reporter considered that the extended flagpole design was acceptable in the context of residential amenity and the location of the site in a conservation area. The Reporter was satisfied that the applicants had exhausted all available options leaving the appeal site as the only viable option for the base station. It was considered that the proposal would have no adverse effect on the character or appearance of the West End Suburbs Conservation Area which would be preserved.

The Reporter considered that the proposal was compliant with the provisions of the development plan and there were no material considerations indicating that a contrary view should be taken.