

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 30 JUNE 2011**

**11/0093/PP: INSTALLATION OF A 2 METRE HIGH TIMBER SLAT FENCE  
(PAINTED GREEN) AROUND EXISTING TELECOMMUNICATIONS  
COMPOUND ADJACENT TO LOCH VIEW,  
NEW CUMNOCK**

**BY TELEFONICA O2 UK LTD**

**Report by Head of Planning and Economic Development**

**Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=11/0093/PP>**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Planning permission is sought for the Installation of a timber hit and miss fence 2 metres in height around the leased area of ground and comprises 15 metres long by 6 metres wide. The applicant originally submitted plans to enclose a larger area of land with the fencing which would accord with the extent of the ground leased from the Council. Amended plans were however submitted following discussion with this Service to illustrate that the proposed fence would be formed over a smaller area to enclose only the concrete base where the tower and cabinets are positioned.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved.**

**3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report the application is in accordance with the Development Plan noting that the proposal can be considered to accord with Policy ENV9 of the Adopted Local Plan.

3.2 There are no outstanding issues raised by the consultees. Given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. The applicants have submitted amended plans which reduce the

extent of fencing proposed and in terms of visual impact of the fence, this represents a considerable improvement. The fence is not therefore considered to be detrimental to the amenity of the surrounding area.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, it will not require to be referred to Council as there would be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning and Economic Development**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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SOUTHERN LOCAL PLANNING COMMITTEE: 30 JUNE 2011

### 11/0093/PP: INSTALLATION OF A 2 METRE HIGH TIMBER SLAT FENCE (PAINTED GREEN) AROUND EXISTING TELECOMMUNICATIONS COMPOUND ADJACENT TO LOCH VIEW, NEW CUMNOCK

BY TELEFONICA O2 UK LTD

#### Report by Head of Planning and Economic Development

#### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a planning application which is to be considered by the Local Planning Committee under the scheme of delegation as East Ayrshire Council has a land ownership interest.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a telecommunications base mast located west of Loch View, New Cumnock which is located within a grassed area of open space with some trees screening the site. Residential housing is located to the east and north of the site. The site is currently leased from East Ayrshire Council. The leased site extends to 6.6 metres wide by 15 metres long. The existing base station and mast is currently not enclosed by any boundary treatment.

2.2 **Proposed Development:** Planning permission is sought for the installation of a timber hit and miss fence 2 metres in height around the leased area of ground and comprises 15 metres long by 6 metres wide. The applicant originally submitted plans to enclose a larger area of land with the fencing which would accord with the extent of the ground leased from the Council. Amended plans were however submitted following discussion with this Service to illustrate that the proposed fence would be formed over a smaller area to enclose only the concrete base where the tower and cabinets are positioned.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Service has no objections to the proposed development.

3.2 New Cumnock Community Council has not responded at time of writing this report.

#### 4. REPRESENTATIONS

4.1 No letters of representation have been submitted.

#### 5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and Adopted East Ayrshire Local Plan 2010 (EALP).

##### Approved Ayrshire Joint Structure Plan (AJSP)

5.2 There are no relevant policies against which to assess the proposed development within the Ayrshire Joint Structure Plan.

##### Adopted East Ayrshire Local Plan (EALP)

5.3 The Council will, through Policy ENV9, encourage and demand the highest possible standards of design from applicants in the formulation of their development proposals. All developers will be expected to comply fully with the Council's existing design documents relating to, and advising on, the particular type of development proposed. Development which does not meet the required design standards detailed in these documents will require to be justified and may not be supported by the Council.

***The relevant design guidance states that rear and side boundary treatments behind the front building line of a residential property shall generally be no greater than 1.8 metres in height. Walls, hedging and timber board fencing are all acceptable materials, however, materials shall be compatible with the area in which they are located.***

***It is noted that the application is for a 2.0 metre high timber fence and is considered to be acceptable in terms of the design guidance. The amended plans as detailed in section 2 of this report were submitted at the request of this Service following a site visit and in order to reduce the visual impact of the proposed fencing in line with local plan policy. The Roads and Transportation Service have not***

***objected to the height of the fence on roads safety grounds. The application, therefore, is in accordance with Policy ENV9.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The material considerations relevant to the determination of the application are the consultations received and the impact of the development on the amenity of the surrounding area.

### Consultation Responses

6.2 The consultation responses do not raise any issues that suggest the application should be refused.

### Impact on the Amenity of the Area

6.3 The visual impact of the fence being 2 metres in height is not considered to be significant as there are currently examples of timber fencing of 1.8 metres in height to the side and 1.0 metre in height fronting residential properties in the area. However, the length of the fence as originally proposed at 15 metres was considered to impact on the visual amenity of the existing residential area. As detailed previously in this report, at the Planning Service's request, the applicant has submitted amended plans which show a reduction in the size of the fenced off compound around the telecommunications site. In order to reduce the visual impact, the length of the fence will be reduced from 15 metres to 7 metres. The width of the fenced off area remains at 6 metres.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in the determination of this application separate to the planning process as the Council has an ownership interest in the application site, other than through the current lease arrangement with the applicant.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report the application is in accordance with the Development Plan noting that the proposal can be considered to accord with Policy ENV9 of the Adopted Local Plan.

8.2 There are no outstanding issues raised by the consultees. Given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate

otherwise. The applicants have submitted amended plans which reduce the extent of fencing proposed and in terms of visual impact of the fence, this represents a considerable improvement. The fence is not therefore considered to be detrimental to the amenity of the surrounding area.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, it will not require to be referred to Council as there would be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning and Economic Development**

RB/RB  
13 June 2011

FV/HM

### **LIST OF BACKGROUND PAPERS**

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Robert Beaton, Planning Officer on 01563 576770.

***Implementation Officer: Hugh Melvin***

**East Ayrshire Council**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 11/0093/PP**

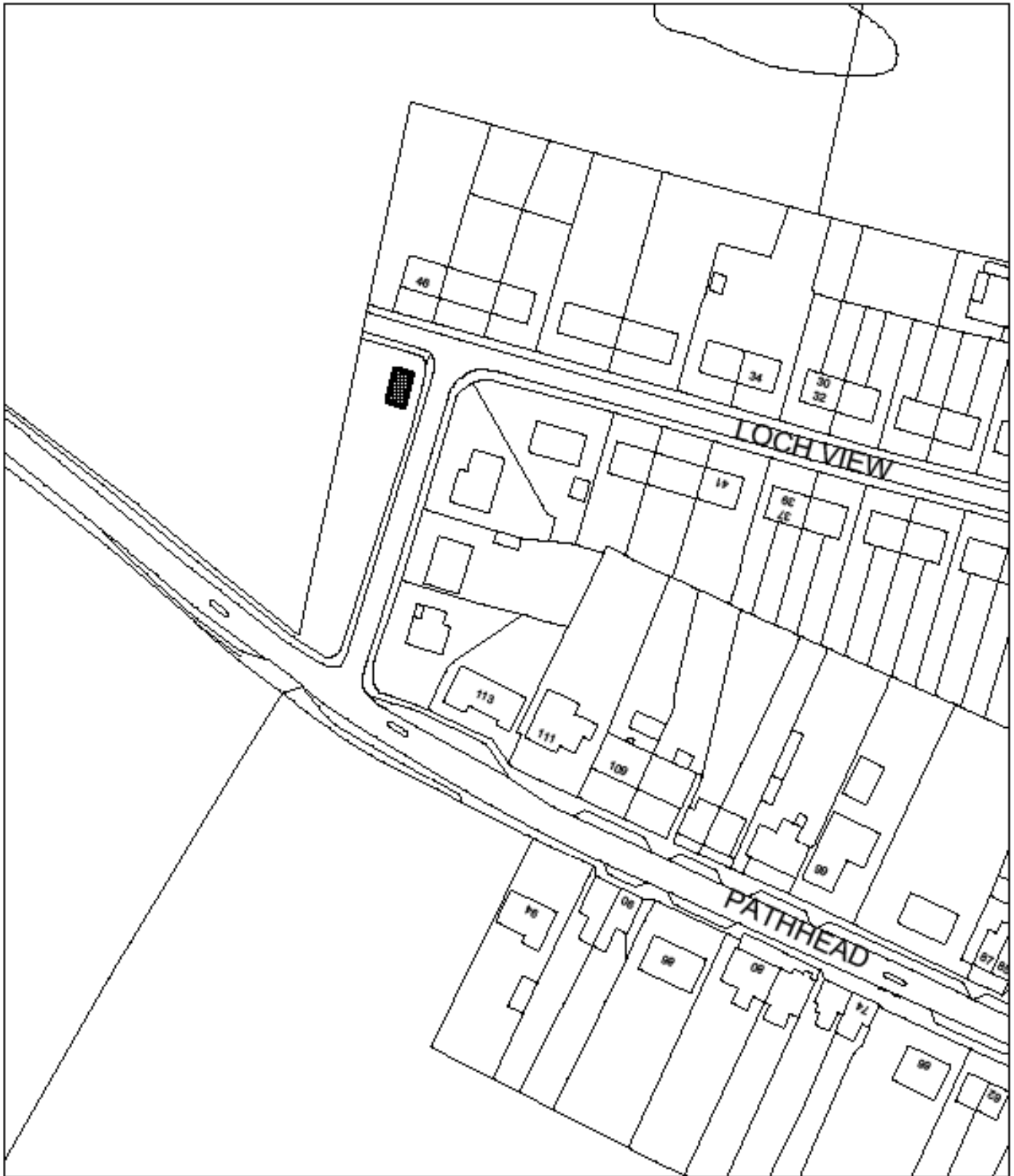
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Location	Existing Telecommunications Site Adjacent To Loch View New Cumnock
Nature of Proposal:	Installation of a 2 metre high timber slat fence (painted green) around existing telecommunications compound
Name and Address of Applicant:	Telefonica O2 UK Ltd C/O Agent
Name and Address of Agent	Mono Consultants Ltd 48 St Vincent St Glasgow G2 5TS

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Officer's Ref: Robert Beaton  
01563 576770

The above Planning Permission Application should be Approved.



<p>Title/Location    <b>Loch View</b> <b>New Cumnock</b> <b>Application No. 11/0093/PP</b></p>	<p><b>East Ayrshire Council</b> Department of Neighbourhood Services Planning &amp; Economic Development Service The Johnnie Walker Bond 15 Strand Street Kilmarnock KA1 1HU Tel: (01563) 576790    Fax: (01563) 554592 E-Mail : <a href="mailto:Planning@east-ayrshire.gov.uk">Planning@east-ayrshire.gov.uk</a> Com Date: 30/06/2011</p>
<p>Key</p>  <p><b>Application Site</b></p>	

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